The House met at 10 a.m. Rev. Troy Ehlike, 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 tends 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 EHLIKE

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 Ehlike, 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.

EMBARK IN A NEW DIRECTION

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

Mr. ALTMIERE. 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...
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 plants to 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. service men 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, grooping 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 imploiring 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 labour 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 my 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 throughout 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 Mexico 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 torturous 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.

I urge our 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 who masterminded 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 I want to read that the President is renewing his efforts 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, 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 opinion. 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.

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TAX SIMPLIFICATION FOR SMALL BUSINESSES

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

Mr. SCHRADE. 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.

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 Identity Theft Prevention Act. 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.

HEALTH CARE REFORM

(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. 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 to create a new system that will 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.

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MR. SCHRADE. 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.

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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 health aspect. 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-run health care. The 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 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, we have members of this committee who 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, create energy exploration to fund investments in new cleaner energy technologies 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.

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. The SPEAKER pro tempore (Mr. GUTIERREZ). The gentlemanwoman 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 read and extend their remarks and insert extraneous material into the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentlemanwoman 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 SKEELTON, 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 amendment 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 measures to ensure that these programs succeed. Lastly, the amendment 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.

From the proud 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. In 2008, this means 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 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 do 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 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. MCCLUSKY, 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 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 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, and 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 are considering in the conference agreement, 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. Too many people today are working, 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 we walk our 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 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, I don’t know if I was here, I don’t know if my colleague from New Jersey was here, but we had ragging 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 come in the news and 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 kinds of facts.

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. SKELETON 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 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. SKELETON and Mr. MCHugh stand up, and Mr. SKELETON could propound a unanimous consent request that the conference report be adopted, and it would have been 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 not 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 to amend the bill in such a way that resources will be able to be utilized for something that is the men and women in uniform who need the kind of support we have given them in the past; but at the same time, it is of the utmost importance that we make sure that in so doing 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 upon 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 adjourned to a time certain in the day, 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 minute.

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 the Members be given 5 legislative days within which to prepare 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 Florida?

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 Costello of the full Committee on Transportation and Infrastructure and Chairman 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 collaborative 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 on September 1, 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 on behalf of 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 unannounced visits 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 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 those already constrained 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 provides for 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 their aviation safety requirements. The bill includes $15.6 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. May 21, 2009

CONGRESSIONAL RECORD — HOUSE
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.

After World War II, the city rapidly developed as an aviation center. Notable milestones include the Pan American Airways' move to Miami in 1930, the establishment of Miami International Airport in 1946, and the development of the city as a major gateway to the Americas.

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

In 2008, almost 94 million passenger passengers 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 $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.

The 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 thank 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 and the ranking minority member have worked together to establish a dispute and taken steps to resolve the issue.

Although I support the underlying legislation, Mr. Speaker, very important underlying legislation, I must oppose the amendment 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 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 amendment? 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. Would you 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, Mr. ARCURI. I also would like to refer to my friend, Mr. HASTINGS, and I am proud to have served on the committee with him for a number of years, and I admired the chairmanship 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 amendment made in order. 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. And it's an obstruction 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.

I yield back the balance of my time.

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 show it out to him and thank him and the                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 this 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 in a non-structured rule, to recognize the extraordinary work that they do each day and the importance of the extraordinary work that they do each day.

The yeas and nays were ordered.
PROVIDING FOR AN AMENDMENT 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. RES. — 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, or until the time of adjournment on any day from Thursday, May 21, 2009, through Sunday, May 24, 2009, or until the time of adjournment on any legislative day from Thursday, May 21, 2009, through Sunday, May 24, 2009, shall notify the Members of the House at such place and time as they may designate, it stand adjourned until 2 p.m. on Monday, May 25, 2009, or until the time of adjournment on any legislative day from Thursday, May 21, 2009, through Sunday, May 24, 2009, or until the time of adjournment on any day from Thursday, May 21, 2009, through Sunday, May 24, 2009, of a motion to reconsider was laid on the table.

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."
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 flatly, they never told us that these enhanced interrogation techniques were being used”;

Wanced 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 stated that yes, I’m saying they are misleading, the CIA was misleading the Congress” and further, “they misled us all the time” and “they misrepresented every step of the way”;

Whereas in a memorandum to CIA employees released publicly on May 3, 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 recognize 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 committee, two appointed by the chairman of the committee and two by its ranking minority member;

(3) the Select 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 thirty 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 reads as follows:

H. Res. — Whereas the Honorable Nancy Pelosi, a Representative from California, served from 1987 to 2003 as the first woman and first 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 flatly, they never told us that those 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 misled 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 recognize as soon as possible the aforementioned contradictory statements by Speaker Pelosi and CIA Director Panetta: Now, therefore, be it

Resolved, That—

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

(3) the Select 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 thirty 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 reads as follows:

H. Res. — Whereas the Honorable Nancy Pelosi, a Representative from California, served from 1987 to 2003 as the first woman and first 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;

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 committee, two appointed by the chairman of the committee and two by its ranking minority member;

(3) the Select 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 thirty calendar days after adoption of this resolution.

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

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:

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
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SALAZAR), at 3:22 p.m., announced that this session of the House would be devoted to consideration of H.R. 3980, as ordered on H.Amdt. 1733; therefore, the time remaining on the calendar after consideration of the aforesaid resolution is hereby dispensed with and the Speaker declared that the House would now proceed to the further consideration of the pending question.

The Speaker then took the Chair and announced that H.R. 3980 was ordered to the Committee on the Budget, and was held in suspense.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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—FFA Reauthorization Act of 2009. Had I been present, I would have voted "yea."

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:

\[\text{[Roll No. 285]}\]

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Yeas & Nays \\
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234 & 178 \\
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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 program executive and to the engineering for assessing technological maturity and to unified combat commanders, those leading the fight, for helping to set requirements.

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 effective 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 program performance, rather than having it 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 that Mr. MCHUGH and I had in 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 Missour, 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 measure.

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. ANNVNICH, 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 product that ports the great 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 disspend 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 support this conference report. And we urge all Members to soundly and enthusiastically 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 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 tribute 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. SKELECTON 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. McHuron, whose expertise is matched by his good spiritedness and a sense of inclusive-ness. The way that these two gentle-men 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 yield 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听取ings, 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, expressing 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.

Mr. Speaker, we are 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’s needed.

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 shouldn’t. And if there’s a different, qualified, accountable officials in the Depart-ment of Defense. Independent and account-able to the President, to the Con-gress and to the general public.

When people now, 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 de-cision 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 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 de-cisionmakers 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, other interests at work? This legislation institutionalizes the rule that I think most of our deci-sionmakers in the Department of De-fense have lived by as a matter of per-sonal ethics; but it spreads that prohibitive to the law and says, when you make decisions about pro-ecting 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 pass-ing 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 responsi-bility, 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 tools and the re-source to do the job, 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 proc-ess. We are eager to see this bill be-come 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 stand here and 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 wears the uniform of our nation, United States Marine Corps, my friend, the gentleman from Minnesota (Mr. KLINE).

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

It seems sometimes like only yester-day when I was wearing that uniform 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 offi-cials, Republicans or Democrats, recog-nizing that the system was broken. We were wasting money. Cost overruns were the norm. Yet, even recognizing that there was a problem and voting 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 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 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’ve 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 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, and I 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—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 before 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 bipartisan bill come back to the House for final passage.

In today’s 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. We need to recognize the vigilance of 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 for “fix-up” programs and fighting cost growth in the earliest 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 reforms 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 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 head of my committee 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 the real 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 two individuals do on our 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, Timothy Cianciello, the 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 6 months intensively studying the weapons system and 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 has been touted during the discussion of this panel is mind-boggling, 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 professionals 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 in 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 as that can be, in effect, 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 in order to deliver 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. McGUIRE, 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 didn’t send my best wishes, appreciation and expression of admiration to our Senate colleagues, particularly Senators LEVY 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 for reformative. 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 towards, embody the provisions of the House bill and the Senate bill.

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 lay 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. McGUIRE).

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 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 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.

I do not 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 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 is 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 into our 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.

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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. 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 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 weapons?” Every dollar that we spend on a new weapon 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 of 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 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 without a roll call.

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 answer thereto is H.R. 1767.

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

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 (HI)
- Ackerman (NY)
- Adelphi
- Adler (NJ)
- Akin
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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, 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: $62.2 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 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 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, per the four areas, 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, perhaps for four years, will include the passenger facility charge that was increased in this language, as part of 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 on foreign aircraft, European aircraft, maintenance facilities which are doing work under this agreement, they have that authority. They can inspect U.S. maintenance personnel and 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 enables harmonization of the aviation maintenance standards of our two countries.

That agreement provides, in Article 15, "nothing contained 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, 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 any 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 Record of 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,

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

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 expedient manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill would 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.
Thank you for your attention to this, 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 we have no say. 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


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 the FAA to analyze 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, 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


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 over these provisions 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


Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Ford 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 Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction over these provisions 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,

BENNIE G. THOMPSON
Chairman


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 and recognizes and appreciates 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 security conferences 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 something that they should be treated fairly, and 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. The construction of 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 number 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 number 129.

The National Association of Manufacturers, not John Mica, says retaliation threat from the EU is real and we need to keep our trading partners 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. 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. 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 terrorism 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 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 had an FAA Administrator. 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.

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 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 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 the important work that you have led and the 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 operating accounts. 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 that. This bill is short-term. 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 O’Neill addressed that earlier. I think 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 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 late 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 will provide long-term vision to 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, and stakeholders—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 890 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, enabling the FAA to replace existing airspace and equip, 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 participating in the PFC program were to raise 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 what we saw during the summer of 2007, when the system was caught 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 authorizes the DOT to organize 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 failure to meet the requirements.

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 Infrastructure 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 $2.2 million over four years for runway status light programs; $352 million over four years for runway status light programs; 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 Airway 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 an 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 backlog 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 a number of meetings with 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 2005, and we corrected that through 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 workers to bargain 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 jurisdiction of the Railroad 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, and it restarts the President's freeze and pay raises 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 mean-time, 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 capacity 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 issued an Infrastructure Report Card 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 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 in this bill that I believe are important, 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 session, a lot of changes 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 must name 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 would have 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. 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.

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 many 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 true nature 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.

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 apparently slept in a home when they were scheduled to fly. The Chair. The gentleman from Minnesota has 10% 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.

Mr. OBERSTAR. May I inquire of the Chairman how much time remains on both sides? The CHAIR. Mr. Chairman, I am not aware of any time remaining on this side. Mr. MICA. Mr. Chairman, I yield my time to the gentleman from Florida. Mr. BRADY. Mr. Chairman, I yield to the gentleman from Maryland. Mr. RANVIER.

Mr. RANVIER. Mr. Chairman, I yield to Mr. BRADY.

Mr. BRADY. Mr. Chairman, it is 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.

Mr. OBERSTAR. Mr. Chairman, I recognize the gentleman from Texas for 15 seconds, and then I would like to recognize the gentleman from Kentucky for 1 minute.

Mr. ROY. Mr. Chairman, I yield to the gentleman from Florida.

Mr. BRADY. Mr. Chairman, I yield to Mr. ROY.

Mr. ROY. Mr. Chairman, I yield to the gentleman from Washington.

Mr. BRADY. Mr. Chairman, I yield to Mr. ROY.

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Mr. BRADY. Mr. Chairman, I yield to Mr. ROY.

Mr. ROY. Mr. Chairman, I yield to Mr. BRADY.
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, but the Chamber consistently stated that a robust General Fund contribution is key. Specifically, this contribution meets several vital national interests like national defense, emergency preparedness; postal delivery; medical emergencies; and full implementation of a national air transportation system. According to the Federal Aviation Administration, 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 1,000 U.S.-based Aviation Repair Stations, the European Aviation Safety Agency (EASA)-certified aviation repair stations in 46 states. Section 303 calls for biannual FAA inspections of its certified 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 costs is protecting those 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 24, 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 their 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 any disputes between the NATCA and the FAA. Although the Chamber strongly supports and appreciates the work the air traffic controllers undertake to keep the American air transportation system 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 postponed and terminated, and technician hiring to be slowed or eliminated. Undoing the current contract would be costly—CBO estimates the cost at $1 billion, and the FAA has said that the new contract would cost $9 billion. The Chamber has expressed the concern that undoing the current contract would not serve the best interests of the system, its users, or the taxpayers. Overturning this contract would undermine the integrity of the FAA’s ability to modernize the U.S. air traffic control system. Such efforts would ultimately undermine the FAA’s ability to modernize the U.S. air traffic system.

Maintaining, modernizing and expanding the infrastructure and capacity of the U.S. air transportation system will continue to be a top priority 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.

THE NATIONAL ASSOCIATION OF MANUFACTURERS

Hon. Nancy Pelosi,
The Speaker of the House of Representatives,
Washington, D.C.

DEAR MADAM SPEAKER: The six-month Federal Aviation Administration (FAA) authorization extension recently signed by President Bush allows the FAA 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 and will become more challenging in the next two to five years.


Mr. BRADY.

OBERSTAR, today I rise reluctantly in opposition to the FAA Reauthorization Act of 2009. 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 hundreds of American jobs by making international aircraft repairs in the United States costly and uncompetitive. Preventing job losses and maintaining a manufacturing and skilled labor workforce in the current economic climate must be paramount. Additionally, if the current agreement breaks down to a point where imports from 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 priority of our existing 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 unilaterally provides the opportunities for our competitors to gain an advantage over the United States and jeopardize exports of American aircraft, engines, 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.
Mr. COSTELLO. I yield the gentleman another 30 seconds.

Mr. BRADY of Texas. If U.S. carriers lose these benefits because of a short-sighted 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. MICA. 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 Midcontinent Aviation will lose 1,300-and-something jobs, you’re supposing a lot of things that 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. 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 those 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 my position, 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. She 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 concern about section 303. As the author of an amendment that would have worked to rectify this job-killling portion of the bill, I went before the Rules Committee yesterday and heard from our distinguished chairman, Mr. OBERSTAR, Ranking Member 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, 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 a small company, 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 publicly. 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. They have to have their 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 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 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. The provision in section 114 establishes a pilot program involving four to five pilot projects to be determined by the Secretary of Transportation. I will gradually join the gentlewoman and appeal to this administration and this body stating that.

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 as outlined in Section 114 of the bill.

Mr. OBERSTAR. The gentlewoman will yield.

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

Mr. OBERSTAR. The provision in section 114 establishes a pilot program involving four to five pilot projects to be determined by the Secretary of Transportation. I will gradually join the gentlewoman and appeal to this administration and this body stating that.

The Dallas Area Rapid Transit, DART, has been 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 yield to the gentleman.
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 you 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 rule-making 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 progress 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 1 1/2 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 may set 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 to my staff compile the number of jobs that would be killed if the Transportation and Infrastructure Committee members’ districts. The former speaker from Georgia represents probably one of the busiest airports and activities in the United States, and he has expressed concerns. I don’t believe this job 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 and I want to thank 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 antitrust 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 like a lot of 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, as 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 deal as if there were no relations 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 a labor 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, I think Secretary LaHood has committed to 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 2016.

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 provisions, are not my guessimates. 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 struggling 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
Mr. COSTELLO and I will work with the can and should take action also on been helicopter services, but the FAA on October 4, 2007, we lost three lives nearPagosa Springs. Two of those involved fixed-wing aircraft, and that is why it's so critical to improve the safety stands on all aircraft that provide air ambulance services.

Mr. LUNGHEN 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 helicopter and fixed-wing aircraft.

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 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 650 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 that 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.

Making, 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. There is no 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.

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

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, the contract of which 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 does 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 look at that the provisions of it 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 approved 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—this really 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 actor to a liability and it 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 in 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 economy in general. This is a federal antitrust exemption for 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 has always been a large 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 today. 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 affect one company. Because this provision was included in the FAA reauthorization bill, I would like to work with 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. 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 important 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, over-stretched workers 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 this system operational. 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 will try to prevent 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 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 this Committee today dramatically impacts the American job creation, and will likely exacerbate the federal deficit during an economic downturn. Both effects of the legislation are unacceptable 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 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 will 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 immunity which 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 staggering 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 OBESTER and the Committee on Transportation and Infrastructure as they continue to mine 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 million for the FAA through FY 2012.

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 committee’s 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 (NextGen), enabling FAA to replace existing facilities and equipment, and implementing high-priority safety-related systems.

Includes a fiscaelly 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 in long-term outages, and to end 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 JM OBESTER 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 our most 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 incorporates provisions 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 climate change, 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 this regard, has an important 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. HARMÁN. 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 the past year, 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. CPCs are certified professional controllers and CPC–ITs are certified professional controllers in training, those that transferred from other facilities, and developments are new hires.

Trainees are used in the airport in my district, Lambert St. Louis International Airport, that are essential to modernizing our air traffic controller system.

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 be sure 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 act directs the FAA to establish a process 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 the ongoing 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 passengers and communities.

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 OBS.

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, I would also 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 Congresswoman 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. Additionally, 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 transformative 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 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. 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 Con- gressman 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. BONNIFANT. 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 arrogate 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 this 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 aviation, 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 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 adding 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 action on the 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 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 operators 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 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 an 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 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 those 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 111-125, 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:

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 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. 109. PFC definition.
Sec. 110. PFC consultation.
Sec. 112. Award of architectural and engineering contracts for airport projects.
Sec. 114. Intermodal ground access project pilot program.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION
Sec. 201. Mission statement; sense of Congress.
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. 211. Clarification of authority to enter into reimbursable agreements.
Sec. 212. Definition of air navigation facility.
Sec. 213. Improved management of property rights.
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 aban- doned 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. 312. Commercial unmanned aircraft systems integration plan.
Sec. 313. Special rules for certain unmanned aircraft systems.
Sec. 312. Public unmanned aircraft systems.
Sec. 314. Definitions.
Subtitle C—Safety and Protections
Sec. 315. Aviation safety whistleblower investigation office.
Sec. 316. Modification of customer service initiative.
Sec. 317. Post-employment restrictions for flight standards inspectors.
Sec. 318. Assignment of principal supervisory inspectors.
Sec. 319. Headquarters review of air transportation oversight system database.
Sec. 320. 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. Retail 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 compensation.
(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 fiscal year 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 $28,000,000 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, $80,000,000 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.

### Section 103. FAA Operations

(a) **Duty Personnel.**—Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

1. $8,908,462,000 for fiscal year 2009;
2. $9,531,272,000 for fiscal year 2010;
3. $9,936,259,000 for fiscal year 2011; and
4. $10,560,000 for wake turbulence.

(b) **Authorized Expenditures.**—Section 106(k)(2) is amended—

1. by striking subparagraph (A) and inserting the following:

2. 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 helicopter necessary to support all weather, emergency services.
3. by striking subparagraphs (B), (C), and (D); and
4. by redesignating subparagraphs (E), (F), and (G) as subparagraphs (B), (C), and (D), respectively; and
5. in subparagraphs (B), (C), and (D) as so redesignated by striking "2004 through 2007" and inserting "2009 through 2012".

### Section 194. Research, Engineering, and Development

Section 48102(a) is amended—

1. (in paragraph (11)—
   1. (A) in subparagraph (K) by inserting "and" at the end.
   2. (B) in subparagraph (L) by striking "and" at the end.
   3. (C) as subparagraphs (B), (C), and (D), respectively;

2. (G) as subparagraphs (B), (C), and (D), respectively; and
3. (H) by striking paragraph (13) and inserting the following:

"(13) for fiscal year 2009, $212,929,000, including—

1. (A) $8,457,000 for fire research and safety;
2. (B) $4,050,000 for propulsion and fuel systems;
3. (C) $2,920,000 for advanced materials and structural safety;
4. (D) $4,828,000 for atmospheric hazards and digital system safety;
5. (E) $14,683,000 for aging aircraft;
6. (F) $1,258,000 for aircraft catastrophic failure prevention research;
7. (G) $11,000,000 for flightdeck maintenance, system integration, and human factors;
8. (H) $12,488,000 for aviation safety risk analysis;
9. (I) $15,323,000 for air traffic control, technical operations, and human factors;
10. (J) $8,395,000 for aeromedical research;
11. (K) $22,336,000 for weather program;
12. (L) $6,738,000 for unmanned aircraft systems research;
13. (M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;
14. (N) $10,560,000 for wake turbulence;
15. (O) $3,548,000 for the William J. Hughes Technical Center Laboratory Facility; and
16. (P) $3,804,000 for the William J. Hughes Technical Center Laboratory Facility; and

3. (U) $3,548,000 for NextGen—environmental research—aircraft technologies, fuels, and metrics.

4. (T) $1,836,000 for system planning and resource management.

5. (V) $3,804,000 for the William J. Hughes Technical Center Laboratory Facility; and

6. (W) $20,368,000 for NextGen—environmental research—aircraft technologies, fuels, and metrics.

7. (Y) $8,957,000 for fire research and safety;

8. (Z) $1,201,000 for propulsion and fuel systems;

9. (C) $2,986,000 for advanced materials and structural safety;

10. (D) $4,977,000 for atmospheric hazards and digital system safety;

11. (E) $15,013,000 for NextGen—environmental research—aircraft technologies, fuels, and metrics;

12. (F) $4,921,000 for atmospheric hazards and digital system safety;

13. (G) $14,601,000 for aviation safety risk analysis.

14. (H) $12,497,000 for aviation safety risk analysis;

15. (I) $15,715,000 for air traffic control, technical operations, and human factors;

16. (J) $9,267,000 for aeromedical research;

17. (K) $23,638,000 for weather program;

18. (L) $6,295,000 for unmanned aircraft systems research;

19. (M) $6,236,000 for NextGen—Self separation;

20. (N) $8,000,000 for NextGen—Self separation;

21. (O) $7,567,000 for NextGen—Environment research in the cockpit;

22. (P) $2,181,000 for aircraft catastrophic failure prevention research;

23. (Q) $12,000,000 for flightdeck maintenance, system integration, and human factors; and

24. (R) $12,000,000 for unmanned aircraft systems research.

### House of Representatives

May 21, 2009

**CONGRESSIONAL RECORD—HOUSE**
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 2010, 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 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.—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" each place it appears in each of the following:

(3) " Pars. (1), (3), (4), and (5) of subsection (a) of section 45301; and

(4) "title II of division C of act approved by the Congress on August 10, 1996;".

SEC. 111. PFC AUTHORITY.
(a) PFC DEFINITION.—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) DETERMINATION OF FEE FOR PFC AT NONHUB AIRPORTS.—Section 40117(c) 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 (f) by striking "FEES" and inserting "CHARGES";

(D) in the heading for subsection (g) by striking "FEES" and inserting "CHARGES";

(E) in the heading for subsection (h) by striking "FEES" and inserting "CHARGES";

(F) in the heading for paragraph (1) of subsection (i) by striking "FEES" and inserting "CHARGES";

(G) by striking "fee" each place it appears (other than the second sentence of subsection (i)) and inserting "charge"; and

(H) by striking "fees" each place it appears and inserting "charges".

(2) OTHER REFERENCES.—Subtitle VII is amended by striking "fees" each place it appears and inserting "charges" each place it appears in each of the following sections:

(Sec. 47106(c)(1)).

(Sec. 47110(e)(5)).

(Sec. 47114(f)).

(Sec. 47124(g)(1)).

(E) Section 47524(e).

(G) Section 47526(e).

SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE PROJECTS.
(a) IN GENERAL.—Section 40117(a)(3) is amended by adding at the end the following:

"(H) Project to construct secure bicycle storage facilities: A project to construct secure bicycle storage facilities by passents at the airport and that are in compliance with applicable security standards.”.

(b) REPORT TO CONGRESS.—Not later than one year after 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 bike 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"

(3) by adding at the end the following:

"(6) in the case of a contract or sub- or 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 10;".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to contracts entered into after the date of enactment of this Act, the Secretary may authorize, at no more than the following:

(1) $4.00 or $4.50;

(2) $5.00, $6.00, or $7.00;

(3) $8.00, $9.00, or $10.00; and

(4) $11.00, $12.00, or $13.00.

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) IN GENERAL.—Except as provided by clause (ii), the Secretary shall determine the project used of a project for purposes of subparagraph (A) at the time the project is approved under this section.

(2) PROJECTS TO BE CONSIDERED.—The projects to be considered for purposes of this subsection shall be projects that—

(A) are in the United States or its territories or possessions; and

(B) are projects in which the majority of passengers are connecting passengers and originating and destination passengers;

(3) PROJECTS TO BE APPROVED.—The Secretary shall approve only the following projects:

(A) projects that, in the case of an airport charging a passenger facility charge or an airport other than those facilities described in paragraph (2)(A) to which the majority of passengers are connecting passengers as compared to airports at which the majority of passengers are originating destinations, passengers;

(B) projects that establish new connecting passenger service;

(C) projects that establish new connecting passenger service; and

(D) projects that establish new connecting passenger service.

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 shall submit to Congress a study to evaluate—

(1) the impacts on airports of accommodating additional connecting passengers;

(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 at airports at which the majority of passengers are connecting passengers as compared to airports at which the majority of passengers are originating destination passengers;

(2) whether the costs to an airport of accommodating additional connecting passengers differ from the cost of accommodating additional originating and destination passengers;

(3) for each airport charging a passenger facility charge, the projected 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 enactment of this Act, 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 any recommendations 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.

SEC. 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 forecasting, and emergency services which are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator that are not otherwise funded by the Administrator, to flights that neither take off nor land in the United States. The determination of such costs by the Administrator shall be in consultation with the Administration and the airport management agency.

(2) Adjustment of Fees.—The Administrator shall adjust the overflight fees established under subsection (a)(1) by expeditiously ruling-making 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 fees for 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 average costs for the period during which the services will be provided.

(5) Publication; Comment.—The Administrator shall publish in the Federal Register any schedule under this section, including any adjusted overflight toll 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 43 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) $100 for providing a legal opinion pertaining to aircraft registration or recordation.

"(2) 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 appropriate Act.

"(c) Fees credited as offsetting collections.

"(d) Continuation of Appropriations.

"(e) Administration.

"(f) General Development.

"(g) Fees levied on aircraft not providing air transportation.

"(h) Designation of AIP improvements.

"(i) Airports Development.

"(j) Airports Development.

"(k) Reallocation of revenues.

"(l) General Provisions.

"(m) Reinvestment.

"(n) General Provisions.

"(o) General Provisions.

"(p) General Provisions.

"(q) General Provisions.

"(r) General Provisions.

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“(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 operated as a part of an approved noise compatibility project at such airport.

(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.

(c) 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 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 80 percent for the first 2 fiscal years following such change in hub status.’’

‘‘(i) 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—

(A) is designated by the Secretary as 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) Airport Concessions.—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 terms, conditions, 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 airport owner or operator was notified by 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 inserting “including fuel farms and hangars.”;

SEC. 136. UNIFORM CERTIFICATION TRAINING FOR AIRPORT CONCESSIONS UNDER DISADVANTAGED BUSINESS ENTERPRISE PROGRAMS

(a) In General.—Section 47109(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 (A) is the owner of an airport who—

(i) 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 appropriated such sums as may be necessary to carry out this paragraph.

“(E) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to 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 CONCERNED OWNED AND CONTROLLED BUSINESSES

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. 632)) 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 Act, the Secretary shall issue final regulations governing the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subparagraph (A). 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. The personal net worth cap shall be indexed at 1% of the most recently published estimate of the personal net worth cap at $750,000 in 1989. After the date of enactment of this subchapter, the personal net worth cap account to account for changes, occurring in the preceding 12-month period, in the Consumer Price Index of All Urban Consumers (United States Urban Core) that is specified in section 101(b) of the Federal Water Pollution Control Act (33 U.S.C. 1251(b)), as in effect on April 1, 2009, as finally determined in all items purchased by the Secretary of Labor.’’

SEC. 139. CALCULATION OF STATE APPORTIONMENT FUND

Section 47114(a) is amended—

(1) in paragraph (2) by striking “Except as provided in paragraph (3), the Secretary” and inserting “The Secretary”;

(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 the ceiling of fiscal year 2009, the Secretary shall apportion to each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

(1) $150,000; or

(ii) ½ of the most recently published estimate of the 5-year costs for airport improvement projects at 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); and

(2) by striking subparagraph (B) and inserting the following:

“(B) by inserting ‘except as provided by subparagraph (C),’ before ‘in the case’; and

(3) by adding at the end the following:

“(C) In the case of a charge of more than $1.50 imposed by the sponsor of an airport enterprise, the amount that would be applied to that airport, on a prorated basis, the amount to be apportioned under subparagraph (A) and make any apportioned amount that would otherwise be apportioned under this section.”

SEC. 141. MINIMUM AMOUNT FOR DISCREPANCY FUND

Section 47115(c)(1) is amended by striking “sum of” and all that follows through the period at the end of subparagraph (B) and inserting “sum of $500,000,000.”

SEC. 142. MARSHALL ISLANDS, MICRONESIA, AND PALAU

Section 47115(c) is amended by striking “fiscal years 2004 through 2008, and for the period of fiscal year 2009 ending before April 1, 2009,” and inserting, “fiscal years 2008 through 2012.”

SEC. 143. USE OF APPORTIONED AMOUNTS

Section 47117(c)(1)(A) is amended—

(1) in the first sentence by striking “35 percent” and inserting “30 percent”; and

(2) by striking “and” after “April 1,” and replacing it with a period at the end 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 33 percent requirement is” and inserting “the requirements of the preceding sentence are”; and

SEC. 144. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) Approval. Requirements.—Section 47134 is amended in subsections (b)(1)(A)(i), (b)(1)(B)(i), and (c)(4)(B) by striking “65 percent” each place it appears and inserting “75 percent”.

(b) Prohibition on Receipt of Certain Funds.—Section 47134 is amended by adding at the end the following:

“(n) Prohibition on Receipt of Certain Funds.—An airport receiving an exemption for fiscal years ending after September 30, 2008, under paragraph (1) shall be treated as having received 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 required to provide funding through a grant, contract, or other arrangement to the Secretary of Transportation to cover the difference between 1.5 percent of the total amount apportioned to all airports in Puerto Rico under such section in the analysis for chapter 491, and the amount apportioned to airports in Puerto Rico under such section in such analysis for chapter 491.”

(c) Matching Share.—Section 47137(c) is amended by adding at the end the following:

“(o) Matching Share.—An airport receiving an exemption under this subsection for fiscal years ending after September 30, 2008, is required to provide funding through a grant, contract, or other arrangement to the Secretary of Transportation to cover the difference between 1.5 percent of the total amount apportioned to all airports under subsection (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 Port Authority (as defined in section 47141(f)) an amount equal to the amount apportioned to airports in Puerto Rico under such section in such analysis for chapter 491.”

 SEC. 145. AIRPORT SECURITY PROGRAM.

(a) General Authority.—Section 49101(a)(1), (c)(4), and (d) is amended by striking “the Secretary” and inserting “the Secretary in consultation with the Secretary of Homeland Security, after ‘transportation’”.

(b) Implementation.—Section 49103 is amended by adding at the end the following:

“(a) Technical Changes to National Plan of Integrated Airport Systems.—Section 47103 is amended—

(1) in subsection (a) by striking “such 33 percent requirement is” and inserting “the requirements of the preceding sentence are”;

(2) by striking paragraph (1) by striking “by” and inserting a period; and

(3) by striking paragraph (3); (2) in subsection (b)—

(A) in paragraph (1) by striking the semi-colon and inserting “; and”;

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2), and in paragraph (2) 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 “segregated from” and inserting “discharged or released from active duty 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 law as the last date of Operation Iraqi Freedom, and 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”;

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 4709;

(ii) the costs the expenses of terminal development in a nonrevenue-producing public-use area of a commercial service airport—

(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 Heavy-Passenger-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 nonrevenue-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 .65 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 the Secretary certifies that the project is necessary for the protection of the Government.”

SEC. 152. MISCELLANEOUS AMENDMENTS.

(a) Technical Changes to National Plan of Integrated Airport Systems.—Section 47103 is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking “such 33 percent requirement is” and inserting “the requirements of the preceding sentence are”;

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2), and in paragraph (2) by striking “. Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations.”;

and

(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) (2)” and inserting “sections (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 “section 47119(d)” and inserting “subsection (a)”;
and (b) 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 47133(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 appropriated funds allocated; 
(4) the allocation of appropriations; and;
(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47124 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 46117(a)(3)(B) is amended by striking “section 47110(d)” and inserting “section 47119(a)”; 
(2) section 47119(a)(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 47149 is amended by inserting “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.”

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 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 predictability, 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 work to revitalizing this essential component of the Nation’s transportation infrastructure;
(2) one fundamental requirement for the success of the System is strong leadership and sufficient resources;
(3) the Joint Planning and Development Office of the Federal Aviation Administration and the Executive Office of 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 by 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 system to meet the needs of the NextGen System.
(6) due to the critical importance of the NextGen System to the economic and national security of the United States, partner governments must be provided 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—
(1) 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 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 national qualitative 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—

(1) carrying out the activities of the agency relating to the Next Generation Air Transportation System and aligning their work to meet the needs of the NextGen System.

(2) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and aligning with other Federal agencies involved in activities relating to the System; and

(3) ensuring the successful translation of the system to meet the needs of the NextGen System.”.
“(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) each activity of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under paragraph (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 the 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 legislative authority and staff resources to carry out the agency’s Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subparagraph (B); and

“(E) Not later than 6 months after the date of enactment of this subsection, the head of the agency under the Next Generation Air Transportation System is reflected in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for any research, development, or implementation program;”

“(F) 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;”

“(G) 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;”

“(H) a description of the progress made in carrying out the integrated work plan for the Next Generation Air Transportation System that includes—

“(i) a detailed description of the protec-

tions 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.

“(i) a description of plans for implementa-
tion of advanced operational procedures and ADS-B air-to-air applications; and

“(ii) a detailed description of the protec-
tions 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.

“(ii) any successor document, that provides a detailed description of the milestones for the implementation of new capabilities into the national airspace system;”

“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 and submit to Congress 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;”

“(2) CONTENTS.—The report shall include—

“(A) a description of plans for implementa-
tion of advanced operational procedures and ADS-B air-to-air applications; and

“(B) a description of plans for implementa-
tion of advanced operational procedures and ADS-B air-to-air applications; and

“(C) a detailed description of the protec-
tions 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.

“(D) AUTORIZATION OF APPROPRIATIONS.—Section 708(e) of such Act (117 Stat. 2584) is amended by striking ‘‘2010’’ and inserting ‘‘2012’’.

“(e) CONTINGENCY PLANNING.—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Science and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate the report prepared under paragraph (b), including a copy of the integrated work plan required by section 709(b)(5) and any changes in that plan.”

“(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

“(c) COMMISSION 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 of the House of Representatives and the Committee on Science and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation on the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.”

“(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

“(c) COMMISSION 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 of the House of Representatives and the Committee on Science and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation on the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.”

“(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

“(c) COMMISSION 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 of the House of Representatives and the Committee on Science and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation on the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.”

“(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

“(c) COMMISSION 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 of the House of Representatives and the Committee on Science and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation on the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.”

“(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

“(c) COMMISSION 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 of the House of Representatives and the Committee on Science and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation on the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.”
(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 matters;

(3) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until such time as 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 such time as such services can be transferred to another vendor or to the Government in the event of material non-performance, as determined by the Administrator;

(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 as are necessary to make available to the Government for continued and uninterrupted provision of these services;

(6) An examination of transition planning and selected employees participating in the transition planning described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity;

(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 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 implementation of the process described in subsection (a).

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). An examination of transition planning and selected employees participating in the transition planning described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity;

(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 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 implementation of the process described in subsection (a).

(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 examination 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 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.

(b) A SSESSMENTS.—The Inspector General of the Department of Transportation shall conduct an assessment of the extent to which 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 examination of the modified organizational structure of the JPDO.

(3) An examination of transition planning by the Air Traffic Organization and the JPDO.

(4) An assessment of planning and implementation of the NextGen System against established milestones, schedules, and budgets.

(5) An evaluation of 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 involving the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and any other appropriate committees of Congress, on the results of the review conducted under this subsection.

(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 7102(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity;

(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 Comptroller General shall determine the priority of topics to be examined and the methods and procedures for the Next Generation Air Transportation System (in this section referred to as the NextGen System). An examination of transition planning and selected employees participating in the transition planning described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity;

(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 and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of the process described in subsection (a).
(c) Report.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to 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 agreement with the National Research Council to review the enterprise architecture for the Next Generation Air Transportation System.

(b) Conclusions.—At a minimum, the review to be conducted pursuant to 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 required to achieve the expected benefits from a highly automated air traffic management system; 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.

SEC. 210. NEXTGEN TECHNOLOGY TESTBED.

Of amounts appropriated under section 4101(a) of title 49, United States Code, the Federal Aviation Administration may, as necessary, enter into contracts with private industries to conduct research and development for the Next Generation Air Traffic System. The Administration 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" for "without reimbursement".

SEC. 212. DEFINITION OF AIR NAVIGATION FACILITIES.

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 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 (2))—

(A) by striking "another structure" and inserting "any structure, equipment,"; and

(B) by striking the period at the end and inserting a semicolon; 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, payback, or reimbursement".

Section 40110(a)(3) is amended by inserting ''; and''; 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 amount was expended and shall remain available until expended.

SEC. 214. CLARIFICATION TO ACQUISITION FORMULARY.

Section 40112(c) is amended—

(1) by inserting the semicolon at the end of paragraph (3) and inserting "; and"; 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) by inserting "public and private" before "foreign aviation authorities"; and

(2) by striking paragraph (3) and inserting the following:

"(3) the Administrator may accept payments received under this subsection in arrears.";

and

(2) in paragraph (3) by striking "crediting" 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 shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) Consideration.—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) 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 recommendations submitted to the Chief Operating Officer under subsection (b).

SEC. 217. FLIGHT SERVICE STATIONS.

(a) Establishment of Monitoring System.—Not later than 90 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 service; 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.

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 center 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 REDISEIGN.

(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 initiatives as the Administrator determines appropriate.

appropriated under section 48101(a) of such title, the Administrator may use $5,000,000 for airspace redesign initiatives as the Administrator determines appropriate.

(c) ADDITIONAL AMOUNTS.—Of the amounts appropriated under section 46101(a) of title 49, United States Code, there are authorized to be appropriated to the Administrator for the period of fiscal years 2009 and 2010, and 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.

SEC. 202. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES.

(a) Release of Data.

(b) Conforming Amendment.

SEC. 302. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) General.

(b) Delegation of Authority.

(c) Additional Funds.

(d) Tampering.

(e) Use of Designees.

(f) Security of Supply.

(g) Security of Information.

(h) Seizures.

(i) Security of Aircraft, Engine, Propeller, or Appliance.

(j) Security of Data.

(k) Release of Data.

SEC. 301. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) General.

(b) Delegation of Authority.

(c) Additional Funds.

(d) Tampering.

(e) Use of Designees.

(f) Security of Supply.

(g) Security of Information.

(h) Seizures.

(i) Security of Aircraft, Engine, Propeller, or Appliance.

(j) Security of Data.

(k) Release of Data.
(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 471 (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 to—

"(1) establish and enforce a cabin 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) Recognition of—

"(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) Delay.—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) 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 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 to that term by section 47128.

"(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 471 is amended by adding at the end the following:

‘‘§ 44731. Occupational safety and health standards for flight attendants on board aircraft.’’.

SEC. 308. ATTACHMENT WORK 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 TECHNOLOGIES.

(a) Study.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) Report.—The review shall include, at a minimum, an examination of—

"(1) the adequacy of existing aircraft weather observation stations;

"(2) the potential for automation of existing aircraft weather observation stations;

"(3) the potential for replacing existing aircraft weather observation stations with weather satellites and model-generated weather information; and

"(4) the potential for using aircraft weather observation technologies as an added safety measure for aircraft navigation.

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 in accordance with such part 121 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;

"(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 company—

"(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 requirements of part 121 or part 145, as applicable, and, if applicable, the part 145 certificate holder’s repair station and quality control manuals.

(b) Authority.—The Administrator shall develop a plan to—

"(A) require air carriers to identify and provide to the Administrator a complete list of all noncertificated maintenance providers that perform, before the effective date of the regulations to be established pursuant to this section, any maintenance and repair work that is 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.

(c) Authorization of Appropriations.—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).

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 issue regulations 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.
subparagraphs (A)(i) or from reporting to Congress on any such assessment.

(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 certificate issued under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) INCONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.—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; and

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of operations in the national airspace system as technology matures and the necessary safety analysis and data become available and until standards are completed and technology capabilities 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) DEPARTURE FROM AIRLINE SAFETY.—The term ‘‘detect, sense, and avoid capability’’ means the technical capability to perform separation assurance and collision avoidance 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 unmanned aircraft system that is operated without the possibility of direct human intervention from within or on the aircraft.

Title I—Aviation Safety Whistleblower Investigation Office

Subtitle C—Safety and Protections

SEC. 321. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

Section 106 of title 49, United States Code, is amended by adding at the end the following:

(6) 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.

(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 has 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 action.

(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 of Transportation, 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 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 materials 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 copies of the recommendation and 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 Agency.

"(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 about 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, 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 unacceptably high priority to the satisfaction of regulated entities regarding its inspection and certification operations and other lawful actions of its safety inspectors.

(5) As a result of the emphasis on customer satisfaction, some managers of the Agency have used aggressive 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 clarify that 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 same rights as 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 thereof the following:

(4) 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 communicates with the Agency about the certificate holder on behalf of the certificate holder to the Agency (or any of its officers or employees) in connection with a particular matter, regardless of whether the individual is a 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 monitoring the operations of a single air carrier for a continuous period of more than 5 years.

(b) Transitory 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 continue to monitor 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 if another 5-year period 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 OVERSIGHT OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) Review.—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) 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 Reviews.—

(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 reports on the views of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 336. IMPROVED VOLUNTARY DISCLOSURE PROGRAM 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 thereof.

(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 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 final report is reviewed 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 other methods of discovering violations; and

(B) there is evidence that voluntary disclosure is reducing the number of violations.

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extent than would otherwise occur if there was no program for immunity from enforcement action;

(b) the voluntary disclosure program makes it clear to FAA investigators that the FAA would not have discovered if there were not a program, and if a violation is disclosed voluntarily, FAA investigators look for stronger corrective actions than would have occurred if the regulated entity knew of a violation, but FAA did not;

(c) by adding at the end the following:

"(D) FAAs insistence on strong corrective actions and the rule of law have led 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 the 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) 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 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:

"(i) 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 diverted or 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 this subsection to be submitted beginning not later than 90 days after the date of enactment of this Act.

SEC. 402. FLIGHT OPERATIONS AT REAGAN NA

PORT.—On and after September 1, 2010, an air carrier shall—

(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—

"(4) 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 International 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 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—

"(2) by adding at the end the following:

"(D) 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.

"(2) by adding at the end the following:

"(B) in the second sentence by striking "any" and inserting "amounts from those fees" and inserting "any of such amounts".

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:

"(2) CONFIRMING AMENDMENT.—Section 41742(b) is amended—

"(A) in the first sentence by striking "monies credited and" all that follows before "shall be used and" and inserting "amounts 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 4183(c)(6) is amended—

"(1) by striking "and" at the end of subparagraph (D); and

"(2) by adding at the end the following:

"(F) small community air service.

"(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 chapter 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 competitive 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 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 paid under subchapter II of chapter 417 of title 49, United States Code.

SEC. 406. AIR PASSENGER SERVICE IMPROVE
MENTS.

(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 air

"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.
sec. 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 establish a toll-free telephone number for use by passengers on the Internet Web site of the carrier and on any ticket confirmation and boarding pass issued by the air carrier.

(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.

sec. 42303. Use of insecticides in passenger air transportation

(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 foreign air transportation using aircraft with 30 or more seats 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 in foreign air transportation to that country or to apply an aerosol insecticide in the aircraft cabin used for such a flight when the cabin is occupied with passengers.

(2) refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.

(c) 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 Act of 2001’’.

(d) Use of Excess Funds.—Section 47124(b)(3) is amended—

(1) by striking ‘‘and’’; and

(2) 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’’.

SEC. 408. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 4107(f)(3) is amended by striking ‘‘April 1, 2009’’ and inserting ‘‘September 30, 2012’’.

SEC. 409. CONTRACT TOWER PROGRAM.

(a) Cost-Benefit Requirement.—Section 47107 is amended—

(1) by striking ‘‘(1) The Secretary’’ and inserting the following:

‘‘(1) CONTRACT TOWER PROGRAM.—’’

(2) by adding at the end of paragraph (1) the following:

‘‘(e) 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.’’

(b) Federal Share.—Section 47124(b)(3) is amended—

(1) by striking ‘‘(1) The Secretary’’ and inserting—

‘‘(1) Federal Share.—Section 47107(s)(3) is amended by striking ‘‘$2,000,000’’ and inserting ‘‘$2,000,000’’.’’

(c) Federal Share.—Section 47124(b)(3) is amended—

(1) by striking ‘‘(1) The Secretary’’ and inserting—

‘‘(1) Federal Share.—Section 47124(b)(3) 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:

‘‘(e) Safety Audits.—Section 47124 is amended—

(1) by inserting (after ‘‘(3) the email address, telephone number, and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of consumer complaints by passengers about air travel service problems’’)

‘‘(4) the email address, telephone number, and mailing address of the Federal Aviation Administration’s Consumer Complaints Hotline’’;

(2) by striking paragraph (1) and inserting the following:

‘‘(1) the hotline telephone number established under subsection (a);’’

(3) by striking paragraph (2) and inserting the following:

‘‘(2) the email address, telephone number, and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of consumer complaints by passengers about air travel service problems.’’

(e) Applications for Appropriations.—Section 47124(b)(9)(G) is amended—

(1) by striking ‘‘(1) The Secretary’’

(2) by striking ‘‘(2) the United States’’

(3) by inserting ‘‘(2) the United States’’

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 165 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 preparation for, combat; and

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families 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 or duty stations 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.

SENATE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces an act in reduced airfares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces to travel with heavy bags; and

(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 a final rule, pursuant to which public comments will be sought and a final rule—

(A) the procedures established pursuant to paragraph (2); and

(B) the maximum amount of compensation that could be provided under this subsection, the terms, conditions, and requirements of airfares that would comply with the subsidy cap.

(3) The Secretary shall issue an order restoring eligibility to an otherwise ineligible place because the Secretary determines that—

(a) the unique demands of military service often preclude members of the Armed Forces to travel with heavy bags; and

(b) the procedures established pursuant to paragraph (2); and

(c) the maximum amount of compensation that could be provided under this subsection, the terms, conditions, and requirements of airfares 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:

'(c) Proposals of State and Local Governments to Restore Eligibility.—

'(1) In General.—If the Secretary, after the date of enactment of this subsection, determines that providing such service requires a rate 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 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, the Secretary shall determine 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:

'S 41749. Office of Rural Aviation.

'(a) Establishment.—The Office of Rural Aviation 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) Emergencies.—In determining an adjustment to compensation, 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 subparagraph (C) and inserting in lieu thereof the following—

'(C) the provisions of subparagraph (B) apply to an air carrier for air service provided after the date of enactment of this Act.'

(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 entitled ‘Audit of Air Carrier Flight Delays and Cancellations’.

(b) Assessments.—In conducting the review under subsection (a), the Inspector General shall—

(1) the need for an update on delay and cancellation statistic; and

(2) air carriers’ scheduling practices; and

(c) Subchapter I.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

'S 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. 418. EUROPEAN UNION RULES FOR PASSENGER RIGHTS.

(a) In general.—The Comptroller General of the United States shall conduct a study to evaluate and compare the regulations of the European Union and the United States on cancellation of chronically delayed flights and taxi-in and taxi-out times; and

(b) Specific Study Requirements.—The study shall include an evaluation and comparison of the regulations based on costs to the airlines, 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.

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 433 of title 49, United States Code.

(b) Specific Study Requirements.—The advisory committee 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 initial 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 and every 3 months thereafter, the Secretary shall submit to Congress a report containing—

(1) each recommendation made by the advisory committee during the preceding calendar year;

(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 need 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 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) Agreement.—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 an air carrier exceed the hourly maximum departure and arrival rate established by the Administrator for such operations; and

(2) the operations in excess of the hourly 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 unless such maximum departure and arrival rate.

(b) No Agreement.—If the air carriers participating in a conference with respect to an airport 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 related to—

(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 right 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 Comptroller General shall transmit to Congress when the President submits the budget of the United States to the Congress under section 105 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 described in paragraph (a) if such individual is a member of the flight crew or flight attendants on an aircraft;

"(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) INTERCITY AND INTRASTATE 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) Amendments.—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 carrier licensed by that foreign government until such time as an agreement is reached to prohibit 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) 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 standards;

(iii) a device having voice override capability.

"(3) EXCLUSION.—Such term does not include voice communications using—

(A) a phone installed on an aircraft.

"(4) SAFETY REGULATIONS.—This section shall not prescribe such regulations as are necessary to carry out this section.

"(5) 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.
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the number and quality of jobs for United
connection with an international alliance.

antitrust laws granted by the Secretary in
laws.

for the park’’;
section (b)(7)’’ before ‘‘for the park’’;

(7) Immigration international alliances that is necessary to ensure robust

and whether consumers on major international routes.

for the purposes subject to the Air-
tional merger analysis by the Attorney Gen-
and be subject to advance notification
a confidential review proc-

authority granted under section 43308 of title 49, United States Code.

The term ‘‘immunized international alliance’’ means an international alliance for
which the Secretary has granted an exemp-
t from the antitrust laws.

The term ‘‘international alliance’’ means a coopera-
tive agreement between an air carrier and a
air carrier to provide foreign air
approval by the Secretary under section 43309 of title 49, United States Code.

DEPARTMENT.—The term ‘‘Department’’ means the Department of Transpor-
Secretary.—The term ‘‘Secretary’’ means the Secretary of Transportation.

SUNSET PROVISION.—
(d) Adoption of recommended policy
PG. 42182 is amended—
(b)(7)’’ before ‘‘for the park’’;

(1) in subsection (a)(1)(C) by inserting ‘‘or

(3) by inserting after subsection (c) the fol-

(6) by redesignating subsections (d), (e),

(7) by inserting after subsection (c) the fol-

(b) Adoption of recommended policy
(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 alliances, including
exemptions granted before the date of enactment of this Act, shall cease to
be effective after such last day unless the ex-

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or before the last day of the 3-year period
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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 alliances, including
exemptions granted before the date of enactment of this Act, shall cease to
be effective after such last day unless the ex-
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 data 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 "pro- scribe regulations" and inserting "issue guidance"; and

(2) in the second sentence by striking "reg- ulations," and inserting "guidance".

(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: 

"(C) shall remain available until expended."

(c) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—Section 47128 is amended—

(1) in the first sentence by striking "pre- viously approved."

(2) by striking the period at the end of the subsection.

"(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, or a permit 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; and

"(2) supplement such analysis, as necessary, to meet applicable Federal require- ments.

SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47531 of chapter 475 is amended by adding at the end the following:

"(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or replace existing engines and aircraft technologies that reduce landing and takeoff noise levels.

"(6) Development of certifiable aircraft technology that reduces noise by 31 percent compared to current technology, reducing energy consumption and greenhouse gas emissions.

"(7) Development of certified aircraft 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 entire range of fuel burn.

"(8) To divert the aircraft to an alternative airport, including the costs of 查询文本文档的创建者并获取创建者的信息。
(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 environmental mitigation demonstration projects at public-use airports.

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) MANNER.—Upon implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 4717(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 under section 47533 the following:

(1) for the purposes of section 40117 of such title.

(2) demonstrate 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 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 among applicants for participation in the program, the Secretary shall give priority consideration to applicants proposing to carry out pilot 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.

(c) 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.

(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 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) 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 OPERATING 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 conduct a review 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 noise and emissions; and

(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 safety of the highest, safe and reliable engine performance of aircraft in flight;

(5) consistency of the regulatory responsibilities with other missions of the FAA and the EPA; and

(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 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 continue 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 analysis 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
SEC. 514. GAO STUDY ON COMPLIANCE WITH FAA NOISE ACT.

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.

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The GAO study on compliance with FAA noise compatibility planning study shall be submitted to Congress not later than one year after the date of enactment of this Act.

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unwarranted personnel action but ruled that the Board did not have the authority to provide a remedy for the personnel action under section 596 of such title; and

(b) PROVISIONAL REVIEW.—Not later than 6 months after such date of enactment, the Administrator of the Federal Aviation Administration 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.

SEC. 603. MSPB REMEDIAL AUTHORITY FOR FAA STAFFING.

Section 4022(g)(3) of title 49, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, prior 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 MECHANICAL 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 for 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 Comptroller General shall conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists.

(2) CONTENTS.—The study shall include—

(A) an analysis of the type of training the Federal Aviation Administration has responded to recommendations of the Government Accountability Office referred to in subsection (a); and

(B) 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;

(C) an identification of improvements that is needed to implement such recommendations, improve the Administration's management control of the designee programs, and that Administration shall meet the Administration's performance standards; and

(D) 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. 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 a report on the status of recommendations made by the Government Accountability Office in its October 2004 report, "Aviation Safety: FAA Needs to Strengthen Oversight of Its Designee Programs" (GAO-05-46).

(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); and

(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 improvements that is needed to implement such recommendations, improve the Administration's management control of the designee programs, and that Administration shall 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—

(1) include an analysis of the type of training the Federal Aviation Administration has responded to recommendations of the Government Accountability Office referred to in subsection (a); and

(2) include a recommendation regarding the most cost-effective approach to providing aviation safety inspectors.

(b) AUTHORIZATION OF APPROPRIATIONS.—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 operation 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 Scientists, 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 develop a staffing model for air traffic controllers.

(b) CONTENTS.—The study shall include—

(1) 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 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.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to support the number of air traffic controllers.

(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) 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 in the Federal Aviation Administration transitions to the Next Generation Air Transportation System; and
(a) FACILITY CONDITIONS.—The Administrator shall designate, from among the individuals appointed under paragraph (b), an individual to serve as chairperson of the Task Force.

(b) TASK FORCE.—The Task Force shall be composed of 12 members of whom—

(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 Administrator shall provide the Task Force with professional and administrative staff and other support, without regard to section 5331 of title 5 of the United States Code, to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Chairperson of the Task Force, the Administrator shall provide the Task Force with professional and administrative staff and other support, without regard to section 5331 of title 5 of the United States Code, to assist it in carrying out its duties under this section.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under paragraph (b), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

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 44306(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 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) CON ScoRnY.—The Task Force shall be composed of 12 members of whom—

(A) 4 members shall be appointed by the Administrator; and

(B) 8 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) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, travel to and from the Washington, D.C., area, 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 paragraph (b), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

SEC. 612. FACILITIES—Terrorism

(a) FACILITIES.—The Administrator shall—

(1) facilitate the expansion and preservation of air traffic control facilities of the Administration; and

(2) ensure that the Administration is using the most immediate attention in order of the facilities of the Administration; and

(b) OBTAINING OFFICIAL DATA.—The Task Force shall have the authority to obtain any information from any department or agency of the United States and to receive any official data from such department or agency of the United States in confidence. The study shall analyze the Collegiate Training Initiative program and shall include—

(1) the conditions of all air traffic control facilities across the Nation, including tower centers, terminal radar air control; and

(2) the effect that such an alternative approach would have on the overall quality of training received by graduates of such programs.

(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 to 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 Administrator accordingly.

SEC. 613. TERRORISM

(a) FACILITIES.—The Administrator shall—

(1) 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 that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administrator accordingly.

(b) USE OF INDEPENDENT CLAIMS ADJUSTERS.—

(1) IN GENERAL.—The Federal Aviation Administration shall—

(II) the amount of any claims pending 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; and

(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 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 Administrator 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.

SEC. 701. GENERAL AUTHORITY

(a) EXTENSION OF POLICIES.—Section 44302(c)(1) is amended—

(1) by striking “March 31, 2009” and inserting “September 30, 2010” and

(2) by striking “May 31, 2009” and inserting “December 31, 2019”.

(b) ADVERSE TIMING EFFECT.—Section 44302(b) is amended by adding at the end the following:

“(3) SUCCESSOR PROGRAM.—

“(1) 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.

“(2) TRANSFER OF PREMIUMS.—

“(1) IN GENERAL.—On December 31, 2019, and except as provided in clause (i), 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.

“(2) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be—

“(1) 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.

“(j) TERRIORISM.

“TERRORISM.

“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 “the carrier” and inserting “agent, or a claims adjuster who is independent of the underwriting agent.”
SEC. 705. EXTENSION OF PROGRAM AUTHORITY.
Section 43410 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:
"(a) In general.—Chapter 401 is amended by striking the term 'system of documented criminal justice information contained in the law enforcement databases of the Department of Justice or by a Federal law enforcement, in-"tegration, protective service, immigration, or national security information, and the National Law Enforcement Telecommunications System.'",
SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN THE INTEREST OF NATIONAL SECURITY.
Section 40193(b) is amended by adding at the end the following:
"(a) In general.—(1) The term 'disclosure' means the act of providing access to the systems of records of the Administrator to any Federal law enforcement, intelligence, protective service, immigration, or national security information, and the National Law Enforcement Telecommunications System.

SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASES SYSTEMS.
Section 40130(a) is amended by adding at the end the following:
"(a) In general.—Chapter 401 is amended by striking the term 'system of documented criminal justice information contained in the law enforcement databases of 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 Administrator to protect the safety 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.'"

SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.
Section 47129 is amended by adding at the end the following:
"(a) In general.—(1) The criteria used for including airports in the National Plan of Integrated Airport Systems (in this section referred to as the "plan") are established by the Secretary of Transportation and the Federal Aviation Administration (in this section referred to as the "FAA") a working group to (2) in subsection (d) by striking "the extent that the person is also a common carrier by air'" and inserting "the extent that the person is also a common carrier by air.'"

SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.
Section 47130 is amended by adding at the end the following:
"(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 47130 of title 49, United States Code.

SEC. 807. CONsolidation AND REalignment OF FAA FACILITIES.
Section 103 of this Act is amended by striking "(a) Establishment of working group.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish 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 flight facilities and to help reduce capital, operating, and administrative costs in instances in which cost reductions can be implemented without adversely affecting safety." and inserting "(a) Establishment of working group.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish 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 flight facilities and to help reduce capital, operating, and administrative costs in instances in which cost reductions can be implemented without adversely affecting safety."
(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 the working group completes its work, 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) Content.—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 regarding any matter 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 recommending to 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 required 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 1315 of title 49, United States Code, is amended by adding at the end the following:—

“(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

“(B) offset any benefits an employee may have under any other provision of law, including compensation under chapter 81 of title 5.

“(4) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this section 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 AIR CARRIERS IN INTERSTATE AND INTERNATIONAL CHILD ABDUCTION CASES.

(a) STUDY.—The Comptroller General shall conduct a study to determine how the Federal Aviation Administration (in this section referred to as the “FAA”) could better ensure the collaboration and cooperation of air carriers in cases providing air transportation and relevant Federal agencies to develop and enforce child safety controls 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, if applicable, proceedings;

(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 FAA 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 the Committees referred to in subsection (b) 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 grants agreements relating to the airport executed by the city of Willoughby prior to the city’s approval of the purchase of the Lost Nation Airport under subsection (a).

(b) FEDERAL SHARE.—The Federal share of the grant agreement for the purchase of Lost Nation Airport shall be 90 percent of the cost of Lake County’s purchase of the Lost Nation Airport, but no more than $1,220,000.

(c) TREATMENT OF PROCEEDS FROM SALE.—The Secretary may grant to the city of Willoughby an exemption from the provisions of sections 47107 and 47135 of title 49, United States Code, in order 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”), was 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 airport 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 operation of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to nonaeronautical use.

(c) LIMITATION ON IMPLEMENTATION OF RELOCATION OF AIRCRAFT 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.

(d) 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 airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a nonaeronautical use designated by the Administrator to be used for the development or improvement of such airport.

(e) 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 conduct a human intervention and motivation study program for flight crewmembers involved in air carrier operations in the United States under part 121 of title 49, 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 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 consultation with Secretary of Homeland Security and Secretary of Defense, shall submit
to the Committee on Transportation and Infra-structure 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 out-line specific changes to the Washington, DC, Air Defense Identification Zone that will de-cree operational impacts and improve gen-eral access and access to airports in the Na-tional Capital Region that are currently im-pacted 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 shall acquire any real property or easements that are subsequently described in subsection (a) that is subsequently any outstanding grant obligations owed by provision of law, the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the 1940 Air Terminal Museum on the 80-year aviation heritage and recognizes the importance to the Nation in the vital role of the airport in Houston's and the congestion.

(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 of Anchorage 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 or any Public Facilities of the State of Alaska for the construction or re-construction 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 Na-tion—

(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 that it plays in Houston's and the Nation's transportation infrastructure; and

(3) recognizes the 1940 Air Terminal Mu-seum for its importance to the Nation in the preservation 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 LIMI-TATIONS 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 fol-lowings:

(1) To require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Fed-eral Regulations, and who accepts an addi-tional 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 (following assign-ment to fly under part 135 of such title) to any limit any 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 oper-ations under part 135 of title 14, Code of Fed-eral Regulations, and who accepts a fur-ther 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 (following assign-ment to fly under part 135 of such title) to any limit any applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

SEC. 817. PILOT PROGRAM FOR REDEVELOP-MENT 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 Ad-ministration shall establish a pilot program at up to 10 airports under part 135 of title 15, made available under 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 sec-tion 47102 of such title, to the oper-ator 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 environ-mental permitting for the assembly and re-development of real property purchased with noise mitigation proceeds made available under section 48103 or passenger facility revenues collected for the airport under section 48117 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 Adminis-trator may not make a grant under this sec-tion 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 sub-section (b)(1);

(2) Subject to a requirement that the af-fected local jurisdiction has adopted zoning regulations that permit compatible re-development of the property described in sub-section (b)(1); and

(3) Subject to a requirement that funds made available under section 47117(e)(1)(A) and 47504 of such title are repaid to the Administrator upon the sale of such property.

(d) COOPERATION WITH LOCAL AFFECTED JURISDICTIONS.—An airport operator may use funds granted under this section for a pur-pose described in subsection (b) only in co-operation with an affected local jurisdic-tion.

(e) IN GENERAL.—The United States Gov-ernment share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(f) SPECIAL RULES FOR REPAID FUNDS.—The Administrator may reallocate funds granted under this section for a pur-pose described in subsection (b) only in co-operation with an affected local jurisdic-tion.

(1) IN GENERAL.—The United States Gov-ernment share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(2) DETERMINATION.—In determining the al-lowable project costs of a project carried out under the pilot program for purposes of this sub-section, the Administrator shall deduct from the total costs of the project that port-ion of the total costs of the project that are incurred with respect to real property that is not owned 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 sec-tion 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 allowance to airport operating with respect to an airport under subsection (c)(3)—

(1) Shall be available to the Administrator for funding under section 47117(e) of title 49, United States Code.

(2) In the event of an approved noise compatibility project at the airport that is eligible for funding under section 47117(e) of title 49, United States Code.

(3) In the event of an approved noise compatibility project at any other public air-port; and

(E) Deposit in the Airway and Airpas-Sage Trust Fund established under section 9502 of the Internal Revenue Code of 1966 (26 U.S.C. 9502);

(2) Shall be in addition to amounts author-ized 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 48117 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 sub-section (e)(2).

(h) CENSUS.—The Administrator may not make a grant under the pilot program after September 30, 2012.

(i) REPORT TO CONGRESS.—Not later than two years after the date of enactment of this Act, the Administrator shall report to Congress on the effectiveness of the pilot program on returning real property pur-chased with noise mitigation funds made available under section 47117(e)(1)(A) or 47505 or passenger facility revenues for productive use.

(j) NOISE COMPATIBILITY MEASURES.—Sec-tion 47504(a)(2) is amended—

(1) By striking “and” at the end of subpar-agraph (D);

(2) By striking the period at the end of sub-paragraph (E) and inserting “; and”; and

(3) By adding at the end the following:

(3) Joint comprehensive noise manage-ment planning, including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdic-tions undertaking community redevelop-ment in the area where any land or other property interest acquired by the airport operator under this subsection is located, to encourage compatible development opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelop-ment potential.

SEC. 818. HELICOPTER OPERATIONS OVER LONG ISLAND AND STATEN ISLAND, NEW YORK.

(a) STUDY.—The Administrator of the Fed-eral Aviation Administration shall conduct a study on helicopter operations over Long Is-land and Staten Island, New York.

(b) STUDY.—In conducting the study, the Administrator shall examine, at a min-imum, the following:

(1) The effect of helicopter operations on residential areas, including:

(A) safety issues relating to helicopter op-ertations;off any property interest acquired by the airport operator under this subsection is located, to encourage compatible development opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelop-ment potential.
...noise levels relating to helicopter operations and ways to abate the noise levels; and...

(c) any other issue relating to helicopter operations...

(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 limitations or restrictions for helicopter operations.

(b) EXCEPTIONS.—Any determination under this subsection 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 law enforcement, fire protection, news gathering, military, law enforcement, or providers of emergency services.

(c) 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.

(d) REPORT.—Not later than 6 months 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. 819. CABIN TEMPERATURE STANDARDS STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Administrator 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 light 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 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 onboard 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 46801 is amended—

(1) in subsection (a)(1)(A) by inserting "chapter 451," before "section 47107(b);"

(2) in subsection (a)(1)(B) by striking "or chapter 449" and inserting "chapter 471;" and

(3) in subsection (d)(2)—

(A) by inserting after "(4723)" the following: "chapter 451 (except section 45107);" and

(B) by inserting after "(4909)" the following: "section 45107 or;"

SEC. 821. STUDY AND REPORT ON ALLEVIATING EFFECTS OF FLEET EMERGENCIES.

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, including the effect of reducing flight schedules and staggering flights, developing incentives for airlines to reduce the number of flights offered, and implementing alternative strategies. In addition, the Comptroller General shall compare the efficiency of implementing the strategies in the preceding sentence with re-designed airport and airspace capacity and legal obstacles to implementing such strategies.

SEC. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.

Not later than 1 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 recurrent training for flight attendants and gate attendants regarding serving alcohol, dealing with disruptive passengers, and recognizing intoxicated persons. The training shall include a practical exercise in which a simulated intoxicated person is belligerent.

SEC. 823. STUDY ON FEASIBILITY OF DEVELOPMENT OF PUBLIC INTERNET WEB-BASED SEARCH ENGINE ON WIND TURBINE INSTALLATION OBSTRUCTIONS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet-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 wind 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 radar 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 Environment and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation, Committee on Homeland Security and Governmental Affairs, and Committee on Agriculture, Nutrition, and Forestry, and Committee 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.

(b) 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 (a).

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 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 Authorization Act of 2009".

SEC. 902. DEFINITIONS.

As used in this title, the following definitions 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 Academy 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 agencies shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary projections.

SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

(a) RESEARCH PROGRAM.—The Administrator shall maintain a research program to conduct research grants to universities and nonprofit research foundations for research, and technology development or demonstration to—

(1) improved runway surfaces; and

(2) engineered material restraining systems for runways at general aviation airports and airports with commercial air carrier operations.
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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, the FAA shall develop a research plan and 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 choose to undertake 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 submission 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 the 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”;
(2) in paragraph (4)—

(A) by striking “expiration of the program” and inserting “expiration of the pilot program”; and

(B) by striking “program, including requirements, and authorizing reports” and inserting “program”;

(3) in paragraph (5) by striking “long-term” and inserting “long-term, continuing”;

(4) in paragraph (7) by striking “and” and inserting “, and”;

(5) by striking the following: “and” in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to address the risks and prevent defects, failures, and malfunction of products, parts, and processes, for use in all classes of unmanned aircraft systems and unmanned air vehicles that would endanger other aircraft in the national airspace system.

(b) SYNERGIES, 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; 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. 908. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) IN GENERAL.—The Administrator shall establish a program to utilize colleges and universities, particularly Historically Black Colleges and Universities, Hispanic serving institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in producing research by undergraduate students on subjects of relevance to the FAA. Grants may be awarded under this section for—

(1) research that is 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 180 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 TO BE CONDUCTED.

(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-related 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 CONDUCTED.

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/main tenance 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 such grades of jet fuel as measures authorized under section 106(c)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) EDUCATION BY EDUCATIONAL AND RESEARCH INSTITUTIONS.—In conducting the program, the Secretary shall provide for participation by educational and research institutions having experience in the development and deployment of technology for alternative jet fuels.

(c) COMBINATION OF INSTITUTE AS A CENTRE 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 pertaining 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-practice basic training program for air traffic controllers;

(2) work with the Office of Human Resource Management of the FAA as that office develops and refines a strategic recruitment and marketing program to help the FAA compete for the best qualified employees and incorporate an employee value proposition program reflecting 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 forecasting 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, certified repair stations, and general aviation maintenance organizations;

(5) establish a best practices model in aviation maintenance technician school environments;

(6) establish a workforce retraining program to allow for transition of recently unemployed and highly skilled mechanics into aviation employment facilities;

(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 ON FUEL FOR AIRPORT AND AIRWAY TRUST FUND FINANCING

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE AND AVIATION GASOLINE.—

(1) AVIATION-GRADE KEROSENE.—Subparagraph (A) of section 4081(a)(2)(A)(ii) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking “and” at the end of clause (ii) 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 (1) of section 4081(a)(2)(A) of such Code is amended by striking “19.3 cents” and inserting “21.1 cents”.

(b) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (c)(2)(A)(ii) of such section 4081 of such Code is amended to read as follows:

“(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AIRAVIATION.—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.”.

(c) CONFORMING AMENDMENTS.—

(1) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subparagraph (A)(iv) shall be 4.3 cents per gallon after September 30, 2012.

(2) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed on aviation-grade kerosene not used in aviation (other than kerosene to which this paragraph applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) payment for such kerosene 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—

(1) is registered under section 4101, and

(2) meets the requirements of subparagraph (A), (B), or (D) of section 4101(a)(1).

(d) TIES.—Subparagraph (A)(iv) shall be 4.3 cents per gallon or a rate so imposed.

(e) CONFORMING AMENDMENTS.—

(1) AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(1)(A)(ii) of such Code is amended by striking “specified in section 4041(c) or 4081(a)(2)(A)(ii), as the case may be.” and inserting “aviation-grade kerosene”.

(2) AVIATION-GRADE KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(1) of such Code is amended—

(A) by striking paragraph (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) payment for such kerosene 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—

(1) is registered under section 4101, and

(2) meets the requirements of subparagraph (A), (B), or (D) of section 4101(a)(1).”.

(f) CONFORMING AMENDMENTS.—

(1) 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) the ultimate purchaser of such fuel an amount equal to the amount of tax that would be imposed under section 4081 if no tax under section 4081 had been imposed.

(2) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (a) of section 6427 is amended by striking paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(6) 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) the ultimate purchaser of such fuel an amount equal to the amount of tax that would be imposed under section 4081 if no tax under section 4081 had been imposed.”.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (a) of section 6427 is amended—

(A) by striking paragraph (4)(C) and inserting “paragraph (4)(C)”;

(B) by striking “(i)” in the heading and inserting “(a)”; and

(C) by striking “(iii)” in the heading and inserting “(iii)”.

(4) CONFORMING AMENDMENTS.—

(A) Section 4267(1)(A)(ii) of such Code is amended—

(i) by striking “paragraph (4)(C) or (5)” both places it appears and inserting “paragraph (4)(D) or (6)”; and

(ii) by striking “, (i)(4)(C)(ii), and (i)(5)” and inserting “and (i)(6)”; and

(B) Section 6427(1)(A) of such Code is amended by striking “paragraph (4)(C)” and inserting “paragraph (4)(B)”.

(C) Section 4062(d)(2)(B) of such Code is amended by striking “6427(1)(B)” and inserting “6427(1)(D)”.

(5) AIRPORT AND AIRWAY TRUST FUND.—

(1) EXTENSION OF TRUST FUND AUTHORITY.—
(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, 2010,” 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, 2010.”

(2) TRANSFERS TO TRUST FUND.—Subparagraph (C) of section 9502(b)(1) of such Code is amended to read as follows—

“(C) with respect to aviation gasoline and aviation-grade kerosene, and.”

(3) TRANSFERS ON ACCOUNT OF CERTAIN FUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 of such Code is amended—

(i) by striking “(other than subsection (d)(1)(D)(iv) thereof)” in paragraph (2), and

(ii) by striking “or payments made by reason of paragraph (4) of section 6427(l)” in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Section 9502(b)(1) 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 section 4081(a)(2)(A), or

(iii) Section 9502(a) of such Code is amended by striking “section 9502(b)(c)”.

(4) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF AVIATION-GR ADE KEROSENE NOT USED IN AVIATION.—Section 9502(d) of such Code is amended by adding at the end the following new paragraph:

“(6) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF AVIATION-GR ADE KEROSENE NOT USED IN AVIATION.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund to the Highway Trust Fund amounts to time from 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:

“(7) 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) 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 9502(d) 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) EXPENSIONS.—The amendments made by subsections (b) and (i)(1) shall take effect on the date of the enactment of this Act.

(b) FLOOR STOCKS.

(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 stock 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 (as of such date) 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 after 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 thereafter by 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 subsection.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which was the floor stock tax imposed by paragraph (1) by reason of paragraph (6).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(1) 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 563 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 ENTITIES.—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 any person of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable to the floor stock tax 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 (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) and “(2).”
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) DISCUSSION 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 “(3).”
Page 7, line 24, strike “(3)” 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 “$23,900,000 for fiscal year 2009.”
Page 12, line 6, strike “(B)” and insert “(4)”.
Page 11, line 7, strike “(B)” and insert “(4)”.
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 26, 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:

(c) 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 administration of contracts 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 date 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 26, strike 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 “1631”.

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. 135. AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business enterprise 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 utilize 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, especially those based in Black American, Hispanic American, Asian American, and Native Americans.

(3) Discrimination impacts minority- and women-owned business opportunities in a geographic region of the United States and in every airport-related industry.

(4) Discrimination has impacted many aspects of airport-related businesses, 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 apprenticeships;

(G) professional support organizations and informal networks through which business opportunities are often established.

(5) Congress hereby recognizes the existence of a national, cumulative evidence of discrimination against minority- and women business owners in airport-related industries, including—

(A) statistical and other evidence demonstrating significant disparities in the utilization of minority- and women-owned businesses in federally and locally funded airport related contracts and subcontracts;

(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 and the organizations and individuals who represent minority and women businesses;

(D) individual reports of discrimination by minority and women business owners and the organizations and individuals who represent minority- and women-owned businesses;

(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; and other localities demonstrating that race- and gender-neutral efforts alone are insufficient to remedy discrimination; and

(1) other qualitative and quantitative evidence of discrimination against minority- and women-owned businesses in airport-related industries.

(2) 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 hearings, 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:

(1) 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 disadvantaged business enterprise program.

(2) ANNUAL ADJUSTMENT.—Following the initial adjustment under paragraph (1), the Secretary shall, 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.

(3) EXCLUSION OF RETIREMENT BENEFITS.—

(1) IN GENERAL.—In calculating a business owner’s personal net worth cap held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

(4) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDS.—

(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 40177.

(2) REGULATIONS.—Not later than one year after the date of enactment of this sub-section, the Secretary shall issue a 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. 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 of Transportation” and

(2) by adding at the end the following:

(b) MANDATORY TRAINING PROGRAM.—

(1) in subsection (b) before the date of enactment of this sub-section, the Secretary shall establish a mandatory training program for persons described in subsection (a), the Administrator shall administer 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 or nonprofit organizations approved by the Secretary.

(3) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport sponsor.

(4) AUTHORIZATION OF APPROPRIATIONS.—Out of any money 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 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 “insertion”;

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

Page 56, line 12, strike “and at the end. Page 56, lines 8 and 9, 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 “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 insert “2010.”

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 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 477 (as amended by this Act) is further amended by adding at the end of the following:

§ 44732. Helicopter air ambulance operations

(1) RULEMAKING.—The Administrator shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopter air ambulance services under part 133 of title 14, Code of Federal Regulations.

(2) 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 in high-risk areas, such as communications procedures and appropriate technology use;

(C) establishment of training standards in—

(ii) crew resource management;

(iii) flight risk evaluation;

(iv) preventing controlled flight into terrain;

(v) recovery from inadvertent flight into instrument meteorological conditions;

(vi) operational control of the pilot in command; and

(vii) use of flight simulation training devices and line oriented flight training;

(B) Safety-related technology and equipment, including—

(A) helicopter terrain awareness and warning system;

(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.

(3) 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 133 certificate holder providing helicopter air ambulance services—

(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administrator 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 133 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 133 certificate holder providing helicopter air ambulance services complies with applicable regulations under part 133 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 133 CERTIFICATE HOLDERS DEFINED.—In this section, the term ‘‘part 133 certificate holder’’ means a person holding a certificate issued under part 133 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 133 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
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 hospitals;

(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 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 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 air ambulance services in the States, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(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 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) CERTIFICATE HOLDER DESIGNATION.—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.

SEC. 315. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

(a) ESTABLISHMENT.—There is established in the Federal Aviation Administration in this section a Whistleblower Investigation Office.

(b) HEAD.—There is a Director of the Office, who shall be the Director, who shall be appointed by the Secretary of Transportation.

(c) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

(d) VESTIGATION OFFICE.—

(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration in this section a Whistleblower Investigation Office.

(2) DIRECTOR.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

(3) DIRECTOR.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

(e) PURPOSE.—The Office shall have the duty of investigating complaints.

(f) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

(g) TERM.—The Director shall be appointed for a term of 5 years.

(h) 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.

(i) COMPLAINTS AND INVESTIGATIONS.—

(1) AUTHORITY OF DIRECTOR.—The Director shall—

(A) 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 order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

(B) investigate 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;

(C) make an investigation of the truth of any information received by the Director; and

(D) investigate any violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety.

(e) PROCEDURE.—The Director shall—

(1) 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 order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

(2) investigate 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;
(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Secretary and Administrator in writing for—

(a) directing an investigation by the Office, the Inspector General of the Department of Transportation, or other appropriate investigative body; or

(b) taking corrective actions.

(4) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity or identifying information of an individual who submits to the Office a written complaint or information submitted 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.

(5) 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.

(6) 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, recommended personnel actions, 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.

(7) PROHIBITION ON PROHIBITED PERSONNEL ACTIONS.—The Secretary shall not disclose the identity or identifying information of 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 refuse to disclose the identity of the employee who has made such report or who refuses to disclose the identity of such employee.

(8) 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 year; and

(b) summaries of further investigations, corrective actions recommended, and referrals in response to such complaints; and

(c) summaries of the responses of the Administrator to such recommendations; and

(d) 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—

(2) in nonscheduled intrastate or interstate air transportation; and

(3) in nonscheduled international air transportation.

SEC. 406. SMOKING PROHIBITION.

(1) IN GENERAL.—Section 41706 is amended—

(a) by striking subsection (a) and inserting the following—

"(a) SCHEDULED PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger who has been a required crewmember on the aircraft to carry a musical instrument in the aircraft passenger compartment in a closet, baggage, or cargo stowage compartment approved by the Administrator when no other option is available."

(2) by striking subsection (b)(3)(E) and inserting the following—

"(b) 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—

"(e) MUSICAL INSTRUMENTS.—"
"(b) Regulations.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).

(c) CLINICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

"4125, Musical instruments."

SEC. 505. SOUNDPROOFING OF RESIDENCES.

(a) Soundproofing and Acquisition of Certain Residential Buildings and Properties.—Section 4704(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) 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."

(b) Requirements Applicable to Certain Grants.—Section 4705 (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 the Secretary, or its delegate, enters into a contract 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 comments from the Comptroller General as to the reasonableness and validity of the criteria.

"(3) Priority.—If the Secretary determines that a residence is likely to be awarded under subsection (c)(2)(D) in fiscal years 2010 through 2012, the Secretary shall establish the criteria to soundproof those residences suffering the greatest noise impact under the criteria established under paragraph (1).

Page 196, 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 that supply air to the passenger cabin and flight deck of a pressurized aircraft.

(b) Technology Requirements.—The technology shall, 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 of the Federal Aviation Administration 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, every owner or operator of a large hub airport (as defined in section 49102(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 beginning on August 28, 1990, the Federal Aviation Administration shall transmit to Congress a report regarding the number of complaints received and a summary regarding the nature of such complaints.

(c) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

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. MANDATORY PERSONNEL 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, 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 230, strike lines 19 and 20 and insert the following:

"(b) Definitions.—In this section, the following definitions apply:

"(1) FAA.—The term "FAA" means the Federal Aviation Administration.

"(2) Reregistration, Consolidation.—

"(A) In General.—The terms "reregistration" 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 244, 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, strike "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 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 1602 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 executed by the United States on August 29, 1969, for the conveyance of certain property to the city of St. George, Utah, for airport purposes.

(b) Exception.—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 granting any interest in property that the United States conveyed to the city by deed dated August 29, 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, and 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 $55.5 billion, including $17.5 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 adds oversight of 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 national safety whistletlebror 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 makes clear that the language 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. 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 amendment, 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 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 agrees 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 reason for doing so. 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—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.

The provisions in the amendment having to do with inspection of stations is opposed by the airline industry; the airlines 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 by consensus about the jobs in their districts 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 and the ability to inspect foreign 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 this: Are we in this legislation providing 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 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, it isn’t perfectly adequate, it 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 originator of this 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 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 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 in which I ask that the GAO 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 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 36-second cameo comments 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 we 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 111–111.

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 of 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 of United States air carriers, including regional and commuter airline carriers;

(2) the number of training hours required for pilots to operate in various 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—

(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 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.

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 action is 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 in operating conditions that precipitated 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 and, 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 help all involved with air travel have 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 read out 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, 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 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 adoption of this amendment.

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 CHRISS 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.

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 sure continued service is 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 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.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mr. LEE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. RICHARDSON

Mr. Chairman, I rise to consider amendment No. 3 printed in part C of House Report 111-129.

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 25, 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.
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 gentleman from California (Ms. Richardson).

The amendment was agreed to.

Amended 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 trillion dollar 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 profits of his 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 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 will all have their pocketbooks affected. I refer specifically to the language in this bill regarding the antitrust immunity sunset, which would terminate airline code-sharing 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 Democratic and Republican 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 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 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. The amendment I offer today does not give whistleblowers any new laws. Whistleblower amendments only propose 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 the private, non-work parts of 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 given the runaround. 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.

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 (TPW 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 that in 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 White- man, raised concerns about the Federal Aviation Administration at DFW TRACON. Her concerns were that senior managers and air-traffic controllers intentioned misclassified near-miss events as pilot error when in fact they were due to control tower 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 Subcommittee, initiated an investigation and in April 2008 they concluded that Anne Whiteman’s concerns were well-founded. Their report confirmed that senior officials at the FAA jeopardized the safety of our citizens by misclassifying air traffic events involving federal whistleblowers.
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 it. The need 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 it to the 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 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 Oberstar amendment, the FAA to ensure whistleblower protection for FAA employees, and I commend Dr. Oberstar 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 procedures are resulting 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 re-examine 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).

Mr. BURGESS. 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 to the amendment.

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 relocation of such radars, as necessary, and the deployment of alternate solutions, as necessary.

(b) CONSULTATION.—In conducting the study, the Administrator may consult with the heads of appropriate agencies as necessary.

(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 the 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 reads 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 relocation of such radars, as necessary, and the deployment of alternate solutions, as necessary.

(b) CONSULTATION.—In conducting the study, the Administrator may consult with the heads of appropriate agencies as necessary.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the
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 show that the relocation of FAA radars will further 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. CUÉLLAR. 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. CUÉLLAR).

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 the Journal on page 3128.

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, 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 Government.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Texas (Mr. MCCAUL) and a Member opposed each will control 5 minutes. The Acting CHAIR. Mr. Chairman.

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 exists 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 courtesies, such as the airport named in honor of 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 Congress. I would say 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 an amendment to designate 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, they 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 name an 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 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 that sentiment 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 would 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.

Mr. Murphy of Connecticut. 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 47564 (as amended by this Act) is further amended by adding at the end the following:

"(e) 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 in value 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, 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 of the neighborhood who may be 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 OF LOUISIANA

The Acting Chair. It is now in order to consider amendment No. 8 printed in part C of House Report 111–126.

Mr. Cassidy of Louisiana. 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 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 have on the frequency of delays and cancellations 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 amendment.

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 radiating 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 in response. 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 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 safely 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
because of 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 abroad that ensures that, even in cases of dense unstoppable binding 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 in 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 gentleman 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 111–2.

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 in both designations) and conform the table of contents accordingly):

SEC. 256. 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 concept.

(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 impact air noise has made on our quality of life.

Laterly, 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 Ryne Osterberg, I learned that the FAA has not 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. FRELINGHUYSEN. That’s a little farther south from where I live.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. That’s in the gentleman’s district?

Mr. OBERSTAR. Yes.

Mr. FRELINGHUYSEN. Mr. Chairman, I want to commend him for pursuing so vigorously this issue, and I deplore the fact that I have 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.

Mr. OBERSTAR. Mr. Chairman, as you know, I have long been concerned about aircraft noise over northern New Jersey.

Mr. FRELINGHUYSEN. That’s a little farther down from where I live.

Mr. OBERSTAR. Mr. Chairman, I have an amendment at the desk that I intend to withdraw at the appropriate time.

Mr. FRELINGHUYSEN. I thank the chairman.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. I thank the chairman for yielding.
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. WELCH. I yield.

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 in parentheses) 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 opening 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 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 off 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. 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 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 chair 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 be forced 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 hours 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, entitled “Hazardous Wildlife Attractants on or Near Airports”;

(2) Advisory Circular Number 150/5300-13, entitled “Airport Design”; and

(b) DESIGNATION OF TRANSFER STATION AS HAZARD TO AIR NAVIGATION.—The Administrator of the Federal Aviation Administration, in determining and utilizing, 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 making a mistake. 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 factually important to the safety of the flying public.

I reserve the balance of my time.

Mr. CROWLEY. I yield briefly to Mr. ACKERMAN and also for Mr. COSTELLO, and Mr. PETRI, our ranking 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.

On the larger question of the bill, Mr. Chairman and my colleagues, I also rise in opposition to the bill, somewhat narrowly. 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.

The Acting CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

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.

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 will 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 narrowly. 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.

On the larger question of the bill, Mr. Chairman and my colleagues, I also rise in opposition to the bill, somewhat narrowly. 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.
The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the 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.

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.

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

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 will be 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

Abraham
Abert
Ackerman
Adele
Adler (NY)
Adler (NJ)
Akin
Alexander
Altman
Andrews
Arcuri
Austria
Baca
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berry
Biggerstaff
Billings
Bilirakis
Bingham (NH)
Binkley (AL)
Bipartisan
Boucher
Bonta
Braun (GA)
Bright
Brown (NC)
Brown, Corrine
Brown-Waite
Browner
Bucshone
Bunce
Burton (IN)
Buxton
Buck
Burns (AZ)
Butlerfield
Buyer
Calvert
Camp
Campbell
Cansino
Capito
Capuano
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Children
Christensen
Clarke
Cleaver
Clay
Clyburn
Coble
Coffman (CO)

Cohen

H5978
CONGRESSIONAL RECORD—HOUSE
May 21, 2009

Markley (MA)
Mansfield
Matsui
McCarthy (CA)
McCurdy
McGovern
McHenry
McKee
McKee (NY)
McKee (ND)
McKee (NE)
McKee (WI)
McL愁
McMillon
McMorris
McNary
Meek (FL)
Meeks (NY)
Meehan
Mica
Michaud
Miller (FL)
Miller (MT)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moehn
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norin
Nye
Oberstar
O'Brien
Olmstead
Olver
Olson
Osburn
O'Reilly
Owens
Pallone
Pastore
Payne
Perkins
Perdue

Peter
Peterson
Petr
Perry
Pitman
Pinchare (ME)
Pitts
Pitts (NY)
Poe (TX)
Pols (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quayle
Ranado
Rangel
Rehberg
Reichert
Reyes
Richardson
Rogers
Rogers (NY)
Rogers (TX)
Rogers (AL)
Rogers (KS)
Rohrabacher
Roe
Roe (NY)
Roos
Ross
Roy
Roybal-Allard
Royce
Ruppersger
Ryan (OH)
Ryan (D)
Saban
Sanches
Loreta
Sarbanes
Scalise
Schatz
Schaub
Schafer
Schiff
Schneider
Schlossberg
Schneider
Schneider
Schroeder
Schumer
Scott (CT)
Scott (PA)
Scott (VA)
Sensenbrenner
Session
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Sherrill
Shuler
Shuster
Summers
Syracuse
Tauscher
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MD)
Thompson (PA)
Thorburn
Tiahrt
Tiberi
Tingey
Tom
Toomey
Toothaker
Touhy
Toomey
Toomey
Towns
Townsend
Townsend
Tower
Townsend
Tracy
Trahern
Trevorrow
Tutu
Tuske
Tuske
Turner
Upton
Upton
Van Hollen
Veasey
Velasquez
Vasilik
Villa
Walker
Walden
Walker
Walpole
Wasserman
Schultz
Waters
Watson
Watters
Waxman
Watters
Weber
Weiler
Welch
White
Whitlow
White
Winkel
Wittman
Wolf
Woolsey
Wright
Wright
Wynn
Yarmuth
Young (AK)
Young (FL)
Young (OH)

Announcement by the Acting Chair.
The Acting CHAIR (during the vote).
There are 2 minutes remaining in this vote.

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 on the state of the Union, reported 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 46, he reported the bill back to the House with such 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 the bill.

The SPEAKER pro tempore. The gentleman opposed to the bill?

Mr. CAMPBELL. I am, in its current form.

The Speaker pro tempore. The Speaker will report the motion to recommite.

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 provisional section designations (replacing the numbers currently shown for such designations) and conform the table of contents accordingly:

SEC. 426. PROHIBITION OF FUNDING FOR OTHER-WISE ELIGIBLE PLACE.

(a) FINDINGS.—Congress finds the following:

(1) When the Airline Deregulation Act of 1978 (Public Law 95–560) was enacted, 846 communities in the United States and its territories were listed on air carrier certificate issued under the Federal Aviation Act of 1958 (Public Law 85–726).

(2) In order to address the capital 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.

(3) Most of the small communities eligible for the program do not require subsidized service.

(4) As of April 1, 2009, the Department of Transportation was subsidizing service to 196 communities in the contiguous 48 States, Hawaii, and Puerto Rico in 45 communities in Alaska.

(5) Air service to Johnstown, Pennsylvania, is subsidized by the United States tax payer. 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.

(6) Service to John Murtha Johnstown-Cambria County Airport is subsidized at a rate of $1,394,000 a year through June 30, 2010.

(7) Since 1990, the John Murtha Johnstown-Cambria County Airport has undergone significant improvements, including air improvement program, military, commercial, and infrastructure projects.
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 on place, 12 in 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 a new air traffic control tower, $5 million for a new air traffic control tower, and over $1 million every year for improvements since 2004. 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 from 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; 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. What 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 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 money?

Please support this motion to recommit.

I yield back the balance of my time.

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 money?

Please support this motion to recommit.

I yield back the balance of my time.

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 amounts authorized under paragraphs 1 and 2 of this amendment and 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 air 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—irrevocable, 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 legislation you can cut off 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.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there is less than 2 minutes to vote.

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 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. The question was taken; and the vote (by ayes and noes) was ordered. 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]
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. DRIEAUS. 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 rollover 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 rollover 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 rollover 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 rollover No. 289, a McCaul (CA) Amendment to H.R. 915, I would have voted “aye” on the question.

Had I been present to vote on rollover No. 290, a Motion to Recommit H.R. 915, I would have voted “no” on the question.

Had I been present to vote on rollover No. 291, Final Passage of H.R. 915, I would have voted “aye” on the question.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT 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.

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 join 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 congratulatethe Pen 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.” Twelve 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.

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 who 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-trade 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. Madam Speaker, the Senate has passed legislation that contains a provision called CAP-AND-TRADE, which would impose a 6.25% tax on carbon emissions. This act will raise $22.8 billion in revenues. It will also reduce the personal income of $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.

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 warhead. 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. 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 was inaccurate. 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 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. BOHNER
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 (hereafter referred to as “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) and 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 service 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 addition to 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 will 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. Consistent with the United States nuclear co-operation 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 transfer 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 Atomic Energy Act of 1954 (42 U.S.C. 2153(b)), as amended (50 U.S.C. 435 note).

Sincerely,

JOHN A. BOHNER
Republican Leader
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.


SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. 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 in the world. 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 soil of Asia, the Pacific Islands, the soil of the United States.

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 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 witness to the cost of 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.

ROLL CALL 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.

Weasley 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.

Weasley R. Riggs, a PFC in the U.S. Army, from Beach City, TX. Welely liked four-wheeling and fishing. He was a member of the Houston Olympic weight lifting team.

William B. Meeuwsen, a Sergeant in the U.S. Army, from Kingwood, 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 serving others, he graduated from high school early just so he could enlist into the United States Marine Corps.

Edward Reynolds, Jr., a Staff Sergeant in 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 graduation, Anthony stayed in touch with 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 Fort 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. It was so strong that she hadn’t even graduated from high school when...
Donald E. Valentine III, a Corporal in the U.S. Army, born in Houston, TX. Valentine joined the United States Army because of the $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 explosion and narrowly avoided the injuries to 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 Hays, 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, 2007, 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.

A PEACE PLAN FOR MEMORIAL DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, next 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 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. America will stand at half-staff, will 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 very last 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 forces 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 that is coming because I believe 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, 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 combat terrorism 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 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.’”

“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 days 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.’’

The straightforward formula of 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 best strategies for achieving our goals 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 they believe that American forces need an end point for the war. Many of these service members 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 prove that many of those who are funding 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 strategies 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.

Many of you would be able to do this if you were to go down to markup and change the order on the calendar. I do not believe we have to settle with anything that the administration or other members of this body have written.

I stand on the floor and recognize Mr. FILNER. Madam Speaker, May is recognized for 5 minutes.

Mr. FILNER. Madam Speaker, May is recognized for 5 minutes.

Mr. FILNER. Madam Speaker, it is an honor to join with my San Diegan colleague, Mr. FILNER, in supporting 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 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, orLou 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, it is with great pleasure that I speak on this issue today. I am honored to join with my colleague, Mr. FILNER, in supporting H.R. 678. This is truly one of those regulatory guidelines that doesn’t work and that doesn’t address the issue at hand. Many situations where the regulation is absolutely absurd and inhumane. The fact is that for most people 2 years of waiting may not 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 to my colleagues 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 gentlewoman from San Diego.
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 America’s 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 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, you 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 of our policies 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.

“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 averted, apparently were not even considered for release. For reasons the administration has yet to explicitly 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 that we have to support 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 killed in Iraq. The man who was killed, Specialist Yates, the 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.”

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL 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 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. Warren 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 fell 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 was the friends and families of those in-
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 case-worker 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 stove 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 Kansas (Mr. MORAN) 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 gentleman from Florida (Mr. 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 North Carolina (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 Michigan (Mr. PAULSEN) is recognized for 5 minutes.

(Mr. PAULSEN 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. 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. 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 gentleman from Kansas (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. LA TOURETTE) is recognized for 60 minutes as the designee of the minority leader.

Mr. LA TOURETTE. Madam Speaker, I thank you for the recognition, and I want to thank Leader BORINER 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 upset, 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 bailout that is essentially paid to AIG executives 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 didn’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 humbly 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 this. I thank you for the recognition, and I want to continue to love playing with my kids called Clue made by Hasbro. The reason we call 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 multi-billion-dollar bonuses that are being paid out to these folks.

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—multi-million-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 the words in the House 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 Democrats of the House saved it. 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 three bills 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 the necessity, if that was 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 was put 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 bill was filed at midnight on Thursday.

It was voted on the next day, Friday. And Members who arrived to work that Friday morning 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 that much money?

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 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 members in this conference committee—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. CHRISSIE 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 highlighting is 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, we haven’t been handed 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, it 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. We 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 in this, the American people are entitled to know.

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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. And so the conference committee, as 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, as you know, 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 Circleville, 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 change 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 that they have 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 Ohio and there was a lot of 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 keep 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, 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, that’s great. 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 last year, the company had 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, to Mr. Nardelli was, I 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. Chrysler who were on the telephone couldn’t save all 39,000?

There are 39,000 people who work for that by this agreement, 30,000 jobs at that moment for Michigan, and certainly a moment for 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.

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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 they didn't get their file together 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 say that voting the days before the President's announcement, knowing that it meant that their job was gone.

So we are going to attempt to determine if we 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 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 direct ing 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 bankruptcy and 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 nobody's going to suffer that, clearly that number, by any calculation, 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 know 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 puzzles me too. The first thing that puzzles me is how you sell more cars. That logic is lost on me. 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, they don't want you spending any money on advertising and then begrudgingly said, Okay, you can spend half of that. 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 company 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.

Also, Madam Speaker, I am of the mind that 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 people were just so angry that we should have 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.

The request was made that we should really have a discussion 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 celebrated. 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 it is right that we recognize 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 starts going 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 overlooked that. And they overlooked 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 get on that day. So, 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.

The price 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 healthy and 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 number, 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 the number of 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 and 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 to have 21 suspensions of 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 talked about 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 New York, for 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 41-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 the cast votes in large, not identifying 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 forward against the day 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? And the answer to the riddles, the conditions 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, they support 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.

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 INTER-PARLIAMENTARY 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 people, that 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. 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 in our 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 auto bankruptcy structure they’re closing dealerships. They’re 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 refused that by saying it was the lack of health care in America, and thank goodness for labor unions who are bringing forth 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 with the $120 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 with what is important for this Congress to go forward on.

And today, as you well know, there was a bill 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 need of the everyday man 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 here all week 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, or the individual with insurance, so that just as people are arguing for individuals to keep their own doctors, you could in effect 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 Congresswoman DIANE 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 debate that’s going on right now in our Nation’s Capitol and across America.

Ms. WATSON. Thank you so much for yielding, and Madam Speaker, thank you for presiding this evening.

I want to begin my remarks 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 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 insured individuals 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 39 percent, more than double the percentage of the insured 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 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 try 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.

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 this health care system and as a member of the Progressive Caucus.

And I yield to the gentleman from Washington.

Mr. McDermott. Thank you very much, Mr. 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—we’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 changes in it that requires everybody. 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 doesn’t look right, 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 these other options. One of the things that happened back in the Forties was a bill was passed in Congress. This is a Web site. It’s called feedback progressive congress. 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. 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 progressive congress. 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.

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 be willing—

Mr. McDermott. Sure.

Mr. Ellison. Forgive me for these questions, but at this same Web site,
Mr. ELLISON. Well, if the gentleman has plenty more to go, I'll tell you one of the little tricks that people have to be worrying about. The insurance companies worry about profits for stockholders. The government doesn't worry about profits for stockholders. It worries about giving services to human beings. The reason 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—there was 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 single-payer.

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 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 very mindedness in the union 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.

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 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 experienced personal emergencies in 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 because they really thought 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 into the jobs in which 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 what any insurance will?

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 illnesses, 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’s a 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, it is critical 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 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 more 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 that?

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 that means.

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 one’s ethnicity, regardless of one’s economic status. As long as people don’t have the money to purchase large amounts of health care policy, 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 heard 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 what? So it’s 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? Yes, said Louise.

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 say 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 gentleman 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 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.

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-acknowledged Republican adviser and consultant who has come out from California 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 and political pollster, 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 tells his clients in a new, 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, Zeke Emanuel, 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. 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.

You know, 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 the 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 the 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 2022, 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 2022, 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 example of that.

When we looked at that in 1993, the administrative costs were—we could save $130 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. And 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 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 to 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 the United States, and they have one doctor for every 1,230 people. How does a public option, single-payer impact small businesses?

Mr. ELLISON. It is going to put them out of business 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.

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 is needed to put 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 the question to the gentlelady 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?

Mr. ELLISON. Let me thank the gentlelady for yielding. That will close us out for the night.

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 on 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 good health care plan, and we have to look forward to moving forward on health care reform. We know that the AFL-CIO and the Chamber of Commerce have said we need health care reform.

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.

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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 previously, 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 our 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 speeches, some of 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 policy 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.

That alternative—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 policy for everyone. It 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 some employers will opt to support that 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, I am going to be feartomongering. 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 get 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 that have been paid 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 government. That’s an incentive, and some of the posters that go up again night after night, the blue posters that say, Progressive Caucus, check in here. They say, Don’t worry. There is going to be a drug policy—the price freezes and wage freezes keep 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 when I needed to do that, 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 any 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 and establish an HSA 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, where 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
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 communists, socialists, and progressiveism. 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. A coalition 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.

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 8 months to get the operation. 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 the nationalization of large investment banking companies in the United States today. We have the nationalization of large corporations in America. Even if it comes out of a package 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 corporations 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.
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 only copy that he could. A Collier’s magazine 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, because you leave them, 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. It narrowed the same today, and 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, we never 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 to the right, according to his contemporary voting record in the Senate, of the Progressive Caucus that are alleged to be the left, according to his contemporary voting record in the Senate, of the Progressive Caucus that are alleged to be the left. Mr. Speaker, 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 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 UAW, was handed over the 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 com-
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. So they got an actuarial value and 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, they are remaking this socialized medicine that’s advocated by the two gentlemen and the gentle lady tonight under the umbrella 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? The Speaker of the House will never ride in one of those. They are going to ride in great big, bullet-proof little electric cars. They would be handed over to the union should the President is directing that Chrysler Motors make a nice high-mileage vehicle that suits the 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 trying 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 that happened to see waiting in a crossing a while back. Someone had written on the train caragliotta that downhill fast, it means fire safety. I would have 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 on 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 to preserve the lives of others 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 that the situation will ever be the same. And it 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 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 seeder 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 accuses 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 used against the United States of America. It is this:

This is title 18, chapter 47, sub-chapter 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 representa-tion 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 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, an irreconcilable situation. And 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, Congress, to the intelligence community and the United States Congress. I cannot imagine how anyone from the CIA would be

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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 figure out how to do that. That would be moved 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 would be—either nationalized or 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.

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Mr. Speaker, as we lay out the back-
So, Mr. Speaker, with that in mind, I want to do what I can to arrive at some conclusion as to how we can improve the situation. It is not acceptable for the United States to have the kind of situation where we are briefing the American people on something that they are not told about. As the House, we are going to work on this. We cannot allow this to continue.

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 will confirm that would not 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.

That 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 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 Day 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 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; and

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 detainees 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 interrogation techniques that had been employed" during his interrogation;

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.

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.

Whereas, on May 14, 2009, in an attempt to further clarify what she was told and what she was not told during the September 4, 2002, briefing about 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 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 the Speaker 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," whatever 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; 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 integrity of the CIA, the American people, and to the Members of this revered body 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 Bush administration that they supposed?

I don't understand how this major 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 alrmed by being briefed about waterboarding in September of 2002, but after the information comes out to the press, then let me say, ex post facto alarmed, alarmed after the fact, perhaps because the political pressure comes from the left of the House 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 Bush administration that they supposed?

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1. 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; Members of Congress leveling charges and allegations against intelligence officials;

2. Whereas, the Speaker must either produce evidence providing that she was lied to in order to ensure that the integrity of the CIA, the American people, and to the Members of this revered body 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 Bush administration that they supposed?

3. I don't understand how this major 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 of the House 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 Bush administration that they supposed?

4. I don't understand how this major 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 of the House 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 Bush administration that they supposed?

5. I don't understand how this major 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 of the House 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 Bush administration that they supposed?
Mr. BILIRAY, for 5 minutes, today.
Mr. PAULSEN, for 5 minutes, today.
Mr. MCENTERNY, for 5 minutes, today.

SENEATE 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.

SENEATE 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 achievement of major weapon systems, and for other purposes.

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

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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<td>4/11</td>
<td>Cyprus</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>3,685</td>
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</table>

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.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CATLIN O'NEILL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 6 AND APR. 11, 2009

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
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<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
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<tr>
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<td>Scotland</td>
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<td>(2)</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>1,604</td>
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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.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, AUDREY NICOLEAU, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 13 AND APR. 19, 2009

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
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<th>Per diem</th>
<th>Transportation</th>
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<td>10,254.10</td>
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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.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO STRASBOURG, FRANCE, VilNUIs, LithUANIA, KIEV, UKRAINE, Tbilisi, georgIA, and BRUSSELS, belGIum, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND APR. 9, 2009

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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<td>France</td>
<td>539.00</td>
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<td>7,686.11</td>
<td>7,686.11</td>
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<tr>
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<td>Lithuania</td>
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<td>Hon. Jo Ann Emerson</td>
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<td>Georgia</td>
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<td>Melissa Adamson</td>
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<td>France</td>
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<td>7,147.11</td>
<td>7,686.11</td>
<td>7,686.11</td>
</tr>
</tbody>
</table>

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.
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker’s table and referred as follows:


1932. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Proposed Amendments to the New Source Performance Standards for Hazardous Adverse Air Quality Standards (Transmittal No. 6954), 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 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.

1936. 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. (Cadillac, Michigan) [MB Docket No.: 08-252-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.

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 73.205(b), Table of Allotments, FM Broadcast Stations. (Cable, Illinois) [MB Docket No.: 07-175 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.

1938. 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 73.205(b), Table of Allotments, FM Broadcast Stations. (Khiel, Hawaii) [MB Docket No.: 08-217 RM-11344] 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 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. (Ollticit, and Worthington, 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.

1940. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cassville, 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.

1941. A letter from the Secretary, 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. 801(a)(1)(A); to the Committee on Foreign Affairs.

1942. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’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.

1943. 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. 801(a)(1)(A); 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. 801(a)(1)(A); to the Committee on Foreign Affairs.

1945. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting notice of a 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 4021 of the Committee on Foreign Affairs.

1946. 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. 801(a)(1)(A); to the Committee on Energy and Commerce.
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 Atomic Energy Act of 1954, as amended; to the Committee on Foreign Affairs.


1948. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department’s report on activities regarded as era hemicides, 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 Congestion, and Efficient, Cost-Effective, and Equity-Promoting Budget Estimates for Fiscal Year 2010, including the Performance Budget; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.


REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. 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. PLUMMER: Committee on Rules. House Resolution 474. Resolution providing for consideration of the bill (H. R. 2220) 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. GOERLICH 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. 111-159). Committed 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. BLACKMER, Mr. LAMBORN, and Mr. SAM JOHNSON of Texas (for other purposes); to the Committee on the Judiciary.

H. R. 2537. A bill to amend section 1951 of title 18, United States Code (commonly known as the ‘‘Hobbs Act’’) 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. THORNBERNY: H. R. 2539. A bill to secure unrestricted reliable energy for American consumption and transmission and for other purposes; to the Committee on Natural Resources.

By Mr. LAMBORN (for himself, Mr. HASTINGS of Washington, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mrs. LUMMIS, and Mr. GORDON of New Mexico): 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 for other purposes; to the Committee on Natural Resources.

By Mr. DENT (for himself, Mr. BILBAY, 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 956 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. WELSH, Mr. HODANBROOK, and Mr. SMITH of Washington): H. R. 2543. A bill to amend the Internal Revenue Code of 1986 to reduce 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 Mr. DENT (for himself, Mr. BILBAY, and Mr. GERLACH): 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. GOHMI): H. R. 2545. A bill to provide a civil penalty for certain false statements made to Congress, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BOCCIERI: H. R. 2546. A bill to require that the right of an individual to display the Service flag on residential property not be abridged; to the Committee on Natural Resources.

By Mr. MORAN of Kansas (for himself and Mr. RODRIGUEZ): H. R. 2547. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to prescribe regulations on the management of medical waste; to the Committee on Natural Resources.

By Ms. PINGREE of Maine (for herself, Ms. BORDALLO, Mrs. CAPPS, Mr. DELAHUNT, Mr. FARR, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. KEVIN of Florida, Mr. LANGVIN, Mr. MCGOVERN, Mr. MCDONALD, Mr. MOGAN, Mr. PUTTMANN, 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. MAFPEE, Mr. KANJORSKI, Mr. FRANK of Massachusetts, Mr. CLAVER, 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. DRIEHUS (for himself, Mr. AI GREEN of Texas, Mr. FRANK of Massachusetts, Mr. BACA, Mr. CLAVER, 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, Mr. WATERS, Mr. FRANK of Massachusetts, Mr. CLAVER, 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. GINGRICH of Georgia, Mr. MORAN of Kansas, Ms. BORDALLO, and Mr. LOBBSACK): 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. MINKS of New Mexico, Mr. WILSON of Ohio, Mr. DAVIS of Kentucky, Mr. KIND, Ms. MOORE of Wisconsin, Mrs. MYRICK, Mr. HOLDEN, Mr. JONES, Mr. FOXX, Mr. DONNELLY of Indiana, Mr. POMEROY, Ms. ROS-LEHTINEN, Ms. GINNY BROWN-WAITE of Florida, Mr. BARNETT of South Carolina, Mr. ROSS, Mr. CHILDRICKS, Ms. KOSMAS, Mr. MILLER of North Carolina, Mr. MORAN of Kansas, Mr. McHENRY, Mr. LEE of New York, Mr. MOORE of Kansas, to 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. KEVIN of Florida, Mr. LANGVIN, Mr. MCGOVERN, Mr. MCDONALD, Mr. MOGAN, Mr. PUTTMANN, Mr. THOMPSON of California, and Mr. WITTMAN): H. R. 2554. A bill to reform the National Association of Registered Agents and Brokers.
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and for other purposes; to the Committee on Financial Services.

By Mr. KLEIN of Florida (for himself, Mr. FRANK of Massachusetts, Mr. CHAPMAN, Mr. BOSSERT of Connecticut, Mr. CLYBURN, Mr. CROWLEY, Mrs. TAUSCHER, Mr. HARE, Mr. MEEK of Florida, Mr. WELCH, Ms. CIRILLO of New York, Mr. WATKINS, Mr. DELAHUNT, Mr. KENNEDY, Ms. GINNY BROWN-WATTE of Florida, Mr. ABERCROMBIE, Mr. Posey, Ms. ROS-LeHTINEN, Mr. BUCHANAN, Mr. COTTHAM, Mr. MILANCON, Mr. SCHIFF, Mr. WALZ, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Mr. BRAY of Iowa, Mr. ROYAN of Ohio, Mr. WASSERNER SCHULTZ, Mr. BERMAN, Mr. CRENshaw, Mr. INLIEE, Mr. KAGEN, Mr. MCNerney, Mr. PETITT, Ms. CORinne BROWN of Florida, Ms. HARMAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ACKERMAN, Mr. YARMUTHI, Mr. ROONEY, and Mr. MOORE of Indiana).

H.R. 2555. A bill to ensure the availability and affordability of homeowners’ insurance covering natural hazardous events; to the Committee on Financial Services.

By Mr. BOEHNER (for himself, Mr. ISSA, and Mr. McKINoN): H.R. 2561. 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. BLUMENTAUER, Mr. DeFazio, Mr. SCHRADE, 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 Veterinary 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, Mr. ALVILLOujemy, Mr. NYE, Mr. TEGUE, 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. ROSEN, Mr. ALTMIK, and Mr. HUNTER): H.R. 2561. A bill to amend section 484B of the Higher Education Act of 1965 to forgive certain borrowers and members of the military who draw from an institution of higher education as a result of a service in the uniformed service, 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. BOSSERT of Connecticut): H.R. 2562. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer credit 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. MINSnick, 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 provide for a minimum of 1 week paid annual leave to employees; to the Committee on Education and Labor.

By Mr. ENOCH: H.R. 2565. A bill to conserve fish and aquatic communities in the United States through partnerships that promote fish 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 for drugs; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself, Mr. PLATTS, Ms. MCCLoMM, Mr. LEWIS of Georgia, Mr. GUTHERy, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. BISHOP of New York, Mr. BRAY of Iowa, Mr. TONKO, Mr. WU, Mr. VANDER MEER, Mr. CLAVY, Ms. LEE of California, Mr. HINCHey, Mr. FATTAR, Mr. WAXMANN, Mr. ELLISWORTH, Mr. WIRLCH, Mr. CAPuANO, Mr. FAH, Mr. SIERRA, Mr. BRADY of Pennsylvania, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. MARKEY of Massachusetts, Mrs. MALONEy, Mr. HOLT, Ms. DELAHUNT, Mr. CUMMING, Mr. HOGGINS, Mr. KIND, Mr. KUCINICH, Mr. PRICE of North Carolina, Mr. OBESTaR, Ms. SCHAKOWSKY, Mr. ROYBAL-CASTAÑEDa, Mr. CARSON of Indiana, Mr. LYNNCH, Mr. DRIEMANS, and Mr. FRANK of Massachusetts): H.R. 2567. A bill to suspend the authority for the Western Hemisphere Institute for Social Development (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. CALT, Mr. BROWN of Illinois, Mr. GRIJALVA of Texas, Ms. CORinne BROWN of Florida, Mr. CARDozO, Mr. BORDALLO, Mr. FILNER, and Ms. ROSSLIEHTINEN): 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 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 Texas, Mr. BROWN of Illinois, Mr. 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. FINNER of Maine, Mr. CARSON of Indiana, Mr. HARE, Mr. CLARKE, Mr. SUTTON, Mr. BUTTERFIELD, Mr. JOHNSON of Georgia, Mr. McGovern, Ms. WoOLSEY, Ms. LEE of California, Mr. GEORCE, Ms. MCCollum, Ms. DElauro, Mr. CarnIEllo of Virginia, Mr. MORAN of Virginia, Mr. ELLISON, and Mr. HULT): 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-WATTE of Florida, Mr. FRANK of Massachusetts, Mr. BACHUS, Mr. McMAHon, Mr. NEUeBAUer, Mr. BRAN, Mr. GARY G. MILLER of California, Mr. CROWLEY, Mr. KING of New York, Mr. HINOJOSA, Mrs. CAPTTO, Ms. MALONEy, Mrs. BAChanMANN, Mr. ISRAEL, Mr. Young of Florida, Mr. McKENNY, Mr. PUTNAM, and Mr. CAMPbelL): H.R. 2571. A bill to streamline the regulation of nonadmitted insurance and reinsurance carriers; 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, Mr. DAVIS, and Mr. BAkstrand): 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 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. LINSLEY, Ms. LOwY 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 orthotic devices, communicable disease control, pregnancy-related 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 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. 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 of Mississippi (for Mr. MEKKI 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. RUSH:
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 to establish and 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. FALKOMAVARDA, Mr. ABERCHIMBER, 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 Mr. VELASQUEZ (for himself, Mr. SERRANO, Mr. FALKOMAVARDA, 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. BRAY of Iowa, Mrs. LOEBSACK, Mr. MEKKI of Florida):
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, Mr. SUTHERLAND, and Mr. SULLIVAN):
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 kidnappings 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 Oversight and Government Reform.

By Mr. BROUN of Georgia (for himself, Mr. PETERSON, Mr. WALZ, Mr. CANTEGROR, Mr. BLINT, Mr. BOREN, Mr. CARTER, Mr. CARNEY, Mr. Pritch of Georgia, Mr. MIKULSKI of Maryland, Mr. MCINTOSH of Georgia, Mr. Davis of Tennessee, Mr. BILLIN, Mr. KLINK of Minnesota, Mr. POE of Texas, Mr. BRADY of Texas, Mr. GARRETT of New Jersey, Mr. ISA, Mr. KINAN of Michigan, Mr. ROY of North Carolina, Mr. POSEY, Mrs. LUMMIS, Mr. FORBES, Mr. OLSON, Mr. MCHENY of Georgia, Mr. GOMHERT, Mr. WILSON of South Carolina, Mr. WENZELBERGER, Mr. JOEL of Ohio, Mr. DEAL of Georgia, Mr. WITTMAN, Mr. YOUNG of Alaska, Mr. KINGSTON, Mr. MILLER of Florida, Mr. MARCHESE of New Jersey, Mr. ROSKAM, Mr. LINDNER, Mr. MCCOTTER, Mr. TIBREI, Mr. NUNES, Mr. HUNTER, Mr. SHADEG, 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 floral offering for other purposes; to the Committee on Veterans’ Affairs.

By Mrs. CAPITO (for herself and Mr. COSTA):
H.R. 2587. A bill to prevent foreclosure of home mortgages and increase the availability of affordable and affordable refinancing of mortgages held by Fannie Mae and Freddie Mac; to the Committee on Financial Services.

By Mr. CARDOZA (for himself and Mr. HERSH):
H.R. 2588. 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. KINK):
H.R. 2589. 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, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. GARRETT of New Jersey (for himself, Mr. PASCRELL, Mr. GOMHERT, Mr. BARTLETT, Mr. ANDREWS, Mrs. BROOKSTON of Indiana, Mr. PAYNE, Mr. MARCHANT, Mr. YOUNG of Alaska, Mr. PERLMUTTER, Mr. ISA, Mr. RYAN of Wisconsin, Mr. POSSICHI, Mrs. LATHAM, Mr. FRANKS of Arizona, Mr. KLINK of Minnesota, Mr. COLE, Mr. FLEMING, Mr. CHAFFETZ, Mr. BROUN of Georgia, Mr. THOMPSON of Pennsylvania, Mr. LOHONDO, Mrs. MC MORRIS RODGERS, Mrs. CHRISTENSEN, Mr. COURTNEY, Ms. FALLIN, Mr. WOLF, Mr. SCALISE, Mr. BILIRAY of South Carolina, Mr. SMITH of New Jersey, Mr. LANCE, Ms. BORDALLO, Mr. HODES, Mr. ROONEY, Mr. FREELING-HUYSE, Mr. SOUDEI, and Mr. MANZULLO):
H.R. 2590. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide a pilot 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 Mr. PAYNE):
H.R. 2592. 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. 2593. 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 school education and 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. HARR (for himself, Ms. SHEAPORTER, Mr. LOEBSACK, Mr. COURTNEY, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, and Mr. CUMMING):
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. HEINRICHS (for himself, Mr. SERRAT, Mr. BRADY of Pennsylvania, Mr. RODRIGUEZ, Mr. MASSA, Mr. ALTMIER, Mr. McCOVEN, Mr. SMITH of Nevada, Mr. ALTMIER, Mr. GREEN of Texas, Ms. CONNOLLY of Virginia, Mr. REYES, Mr. HINCHLY, Ms. BORDALLO, Mr. LUJAN, Mr. TRAUP, Ms. KOSMAS, Mr. HARE, Ms. O'KEEFE of Hawaii, Mr. CONAWAY, and Mr. FRANKS of Arizona):

H. R. 2588. 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.

By Mr. HOEKSTRA (for himself, Mr. FILNER, Ms. LEE of California, Mr. STARK, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. MEeks of New York, Mr. WOLNY, Mr. 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 to reduce the principles and practice of non-violence; 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 user fees for entities that would charge fees for the safe and effective development of human vaccines; to the Committee on Energy and Commerce.

By Mr. HODGES (for himself and Mrs. LUMMIS):

H. R. 2604. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of the Rural Health Quality Advisory Commission, and for other purposes; to the Committee on Natural Resources.

By Mr. HODGES (for himself and Mr. ABERMANN):

H. R. 2605. A bill to amend the Internal Revenue Code of 1986 to improve access and choice for entrepreneurs with small businesses with respect to medical care, and to expand access for medical care expenses to the Committee on Education and Labor.

By Mr. JORDAN of Ohio (for himself, Mr. BOREN, Mr. BARTLETT, Mr. ALEXANDER, Mr. BROWN of Georgia, Mr. CANTOR, Mr. CHAFFETZ, Mr. COLE, Mr. CONAWAY, Ms. FALLIN, Mr. FLEMING, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GOMPEL, Mr. HERGER, Mr. JONES, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LAYTTA, Mr. LIEFELD, Mr. MARCHANT, Mr. MCHELY, Mr. McINTYRE, Mr. NEUGEBAUER, Mr. ROGER of Kentucky, Mr. SCALISE, Mr. SMITH of Texas, Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. BOOZMAN, and Mr. PENCE):

H. R. 2609. A bill to do away with the nonitemizers' 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. ABERMANN (for himself, Mr. FRANKS of Arizona, Mr. PELORIO, Mr. PERLROO, and Mr. BROWNING of Arizona):

H. R. 2606. A bill to amend the Internal Revenue Code of 1986 to extend and expand the first-time homebuyer credit; to the Committee on Ways and Means.

By Mr. SAM JOHN of Texas (for himself, Mr. BISHNOR, Mr. McKRON, Mr. SHERMAN, Mr. SESSIONS, Mr. McCAUL, Mr. KLINE of Minnesota, Mr. FRANKS of Arizona, Mr. PAUL, Mr. PLATTS, Mr. LAMBORN, Mr. HELLE, Mr. CASTLE, Ms. 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; to the Committee on Financial Services.

By Mr. HODE of New York (for himself, Mr. ALTMIER, Mr. GREEN of Texas, Mr. LAMBORN, Mr. CANTOR, Mr. CHAFFETZ, Mr. COLE, Mr. CONWAY, Mr. FALLIN, Mr. FLEMING, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GOMPEL, Mr. HERGER, Mr. JONES, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LAYTTA, Mr. LIEFELD, Mr. MARCHANT, Mr. MCHELY, Mr. McINTYRE, Mr. NEUGEBAUER, Mr. ROGER of Kentucky, Mr. SCALISE, Mr. SMITH of Texas, 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. SCHROEDER):

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 establish an offsite, community hospital treatment center for certain hospitals; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. LOWEY, and Mr. ISAKEL):

H. R. 2611. A bill to amend the Homeland Security Act to authorize the Secretary of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. KING of New York (for himself and Mr. BISHNOR):

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. BIGGERT, Mr. BISHNOR, Mr. CASTLE, Mr. MCBURG, Mr. GRIJALVA, Ms. FALLON, Mr. MCCARTHY of California, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. MEeks of New York, Mr. CASTLE, Mr. BROWN of Georgia, Mr. LAPOURETTE, and Mr. WOLF):

H. R. 2613. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the pay levels 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. TRAUP, and Mr. PERLROO):

H. R. 2614. A bill to amend title 38, United States Code, to reauthorize the Veterans' Advisory Committee on Education; to the Committee on Natural Resources.

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 New York (for himself, Mr. FILNER, Ms. LEE of California, Mr. STARK, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. MEeks of New York, Mr. WOLNY, Mr. LOWEY, and Mr. MCDERMOTT):
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 Michigan Chautauqua 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. Aldridge and the crew of the USS Newport News (SSN 750) on the occasion of the 20th anniversary of the New York Times national uses for the former Yugoslav Republic of Macedonia; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following

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. KRATOYIL (for himself, Mr. BRADY of Pennsylvania, Mrs. EMER- SILVA of California, Mr. GUTTENBERG of New Jersey, Mr. HALL of New York, Mr. MCKEEN of Washington, Mr. McMAHON, Mr. PASCRELL, Mr. PRYOR, Mr. ROONEY, Mr. SCHIFF, Ms. SHEA-PORTER, Mrs. TAUSCHER, Mr. THORNBERRY, Mr. JONES, Mr. DELNOLLY of Indiana, Mr. MILL, Mr. CHILDERS, Mr. BOREN, Mr. BORDALLO, Mr. FALLIN, Mr. MCGRoven, Mr. FELNER, Mr. PORTENBERG, Mr. WITTMAN, Mr. McKEON, Mr. BARTLETT, Mr. COFFY of Colorado, Mr. LANCE, Mr. GRIFFITH, Mr. POSEY, Mr. KILDEE, Mr. ADLER of New Jersey, Mr. TAYLOR, Mr. SHULER, Mr. WALZ, Mr. FORK of Texas, Mr. LEE of New York, and Mr. SABANES):
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H. Res. 46: Mr. Calvert.
H. Res. 47: Mr. Teague, Mr. McHugh, and Mr. King of New York.
H. 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. Issley, Mr. Weiner, Mr. Kildee, Mr. Scott of Virginia, Mrs. Kirkpatrick of Arizona, Mr. Maffei, Mr. Schrader, Mr. Lynch, Mr. Welch, Mr. Enske, Mr. Miller of North Carolina, Mr. Costa, Ms. Bean, Mr. Duncan, Mr. Mitchell, Mr. Ellison, Mrs. Davis of California, Ms. Woolsey, Mr. Sarbanes, Mr. Bentsen, Mr. Murphy of New York, Mr. Courtney, Ms. Eshoo, Mr. Stupak, Mr. Gonzalez, Ms. Sutton, Mr. Starkin, Mr. Boucher, Mr. Yarmuth, Ms. Schakowsky, Ms. Kilion, Mr. Gephardt, Mrs. Capito, Mr. Tim Murphy of Pennsylvania, Mr. Polis, Mr. Bucchi, Mr. Adler of New Jersey, Mr. Himes, Mrs. Lummis, Mr. Harman, Mr. Castor of Florida, Mr. Fulbright, Mr. Salazar, Ms. Pingree of Maine, Mr. Mario Díaz-Balart of Florida, Mr. Peters, Mr. Carnahan, Mr. 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. 112: Mr. Radanovich.
H. Con. Res. 127: Mr. Bishop of Georgia, Mr. Butterfield, Mr. Clyburn, Mr. Fatiah, Mr. Gejdalya, Mr. Johnson of Georgia, Ms. Moor 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. Coyle, and Mr. Latta.
H. Res. 111: Mr. Sires, Mr. Hodes, and Mr. Lowenkorn.
H. Res. 156: Mr. Tiahrt.
H. Res. 159: Ms. Sutton, Mr. Kennedy, Mr. Israel, and Mr. Michaud.
H. Res. 160: Mr. Boccieri.
H. Res. 196: Mr. McIntyre and Mr. Lamborn.
H. Res. 200: Mrs. Lowry and Mr. Mario Díaz-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. 247: Mr. Pastor of Arizona, Mr. Stupak, and Mr. Smith of Washington.
H. Res. 278: Mr. Ellison.
H. Res. 314: Mr. Loebach, Mr. Putnam, Ms. Titus, Mr. Tierney, Mr. Matheson, Mr. Klein of Florida, Mr. Hohs, Mr. Arcuri, Mr. Hall of New York, Ms. Hirono, Ms. Shea-Porter, Mr. Tonko, Mr. Donnelly of Indiana, Ms. DeGette, Mr. Bocciere, 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, Mr. Fudge, Mr. Mack, and Mr. Smith of New Jersey.
H. Res. 366: Mr. Foster, Mr. Bilbray, Mr. 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. Luecke, Mr. Issa, Mr. Moran of Kansas, and Mr. Rogers of Alabama.
H. Res. 407: Mr. Doyle, Mr. Gephardt, Mr. Gonzalez, Mr. Honda, Mr. Falkevaskrid, Mr. Filner, Mr. Hastings of Florida, Ms. Corrine Brown of Florida, Mr. Holden, Mr. McGovern, Mr. Sherman, Mr. Bowser, and Mr. Conyers.
H. Res. 409: Mr. Petri, Mr. Schauer, Mr. Stupak, Mrs. Miller of Michigan, Mr. Sinnemahone, Mrs. Conyers, Ms. Kilpatrick of Michigan, Mr. Lipin, Mr. McCotter, Mr. Rogers of Michigan, Mr. Campbell, and Mr. Manzullo.
H. Res. 419: Mr. Conyers and Mr. Castor of Florida.
H. Res. 420: Mr. McCarthy of California Mr. Marchant, Mr. McCaul, Mr. Rogers of Kentucky, Mr. Cole, Mr. Turner, Mr. McCotter, Mr. Dent, Mr. Simpson, Mr. Runyan, Mr. LaTourette, Mr. Shuster, Mr. Sullivan, Mr. Smith of Nebraska, Mr. Caou, Mr. Whitfield, Mr. McClintock, Mr. Ehrlich, Mr. Castle, Mr. Lance, Mr. Aberholtz, Mr. Chaffetz, Mr. McIntyre, Mr. Schuler, Mr. Calvert, Mr. Rohrabacher, Mr. Garrett of New Jersey, Mr. Brady of Pennsylvania, Mr. Boustany, Mr. Drezner, 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. Sanchez of California, Mr. Ellison, Mr. Fatiah, Ms. 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.

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.

We pray that You will refresh them in the midst of their daily duties. 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 broken-hearted 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,

To the Senate:

Under the provisions of rule 1, 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 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...
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 released or transferred 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 specific answers 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 on the other side. 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 proposal.

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 also possible to build a bridge to a cleaner, more efficient energy future all of us want 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 challenge in a way that 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 closure 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 much funding 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 life they have in 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 1,000 of them, 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 purpose of the 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. We must maintain the 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 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 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 Assistant majority leader proceeded to call the roll.

Mr. Chambliss. Madam President, I ask unanimous consent that the 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. Dorgan. Reserving the right to object, this amendment from my friend, Senator Inouye, would preclude the U.S. Attorney General from allowing detainees at Guantanamo to be tried for crimes in the United States.

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 they 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 Moussaou. He was accused of being the 19th or 20th
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 those 347 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 battlefields.

For there to be any correlation between the 240 detainees at Guantanamo who are the meanest, nastiest killers in the world, 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. DURBHN. 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 a mess that has left in its wake a flood of legal challenges that we are forced to deal with on a constant basis. But the bills we have been approved this year would provide the tools we need to move forward.

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.

I yield the floor.

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. 1176, to provide for 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 promote spending by the governments of heavily indebted poor countries from certain budget caps and restraints.

Mc Cain 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 a sense of Congress, 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.

Leach/Kerry amendment No. 1191, to provide the provisions requiring reports to Congress regarding the International Monetary Fund.

Hutchison amendment No. 1189, to protect auto dealers.

Merkley/Whitehouse amendment No. 1186, to express the sense of the Senate on the use by the Department of Defense of funds in the Act for 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.

Benet/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 SENSOR FROM UTAH (Mr. HATCH) would strike the provisions relating to increased funding for the Counterinsurgency and Stability Operations, and a resurgent Al Qaeda.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the pending amendment No. 1189 be added as cosponsors of amendment No. 1186.

Mrs. HUTCHISON. The Senator from Utah (Mr. HATCH) would strike the provisions relating to increased funding for the Counterinsurgency and Stability Operations, and a resurgent Al Qaeda.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Mr. KYL. 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
Alexander
Barrasso
Baucus
Bayh
Begich
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burris
Cantwell
Cardin
Carper
Chambliss
Collins
Coburn
Cooper
DeMint
Dodd
Dorgan
Durbin
Ensign
Feinstein
Gillibrand
Graham
Grassley
Gregg
Hagan
Harkin
Hutchison
Inhofe
Inouye
Johnson
Kaufman
Klobuchar
Kyl
Klepchuk
Leahey
Levin
Leiberman
Lincoln
Lugar
McCaskill
McCain
McConnell
Menendez
Merkley
Mikulski
Mark Kirk
Mark Warner
Mark Udall
Jeanne Shaheen
Carl Levin
Jack Reed
Sheldon Whitehouse
Daniel K. Inouye
Kennedy
Hatch
Rockefeller
Wyden

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 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 Senators BENNETT, BINGMAN, and KERRY be added as cosponsors of amendment No. 1186.

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. 1186.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that amendment No. 1186 be put in the bill that is on the desk.

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 reconstruction efforts in Iraq and Afghanistan, diminished U.S. standing around the globe, a country more dependent on foreign oil, and a resurgent Al-Qaida.

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 reconstruction efforts 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. I want to walk away from this change in policy that I believe was incorrectly 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, 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 in Afghanistan.

In particular, we must do more to sharply reduce the numbers of heart-breaking civilian casualties. As ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, recently 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-Qaeda, 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, 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 that the government 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-Qaeda. We want to decrease the influence of the Taliban and defeat them, if we have to. Hopefully, we can, in fact, work with the Afghans to achieve 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 that we actually had 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 do that, we must reconsider our engagement and strategy that helped us 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 future 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, while 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 do not 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 DNTA LOWERY 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, it includes $30 million for Afghan women-led non-governmental organizations, which is a key component of that bill. The international community cannot stay in Afghanistan indefinitely. We know that. So the funds 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.

The fact 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. 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. It’s part of our 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-Qaeda 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 that it’s part of our good conscience not give this one more chance, which is what this supplemental is doing because it is giving resources to help our soldiers and marines to help ease the extremist threat within its borders. Pakistan, first of all, by paying attention to the al-Qaeda, trying to defeat the Taliban toward something else that is positive. And we can provide that.

Finally, this bill provides funding for 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 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.

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-Qaeda 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.

I think this is the last use of a supplemental appropriation, according to to it, going after al-Qaeda, trying to defeat the Taliban al-Qaeda. 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 using 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’s true. We are going to get 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 what is going to happen in Afghanistan, 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 am voting yes for all those reasons and watching closely.

Mr. President, I ask unanimous consent that for the next hour, this bill be made unanimous consent.

The PRESIDING OFFICER (Mrs. HAGAN.) 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 the bill to be debated 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 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 made the first days of his Presidency that we must keep our Nation safe and secure, and 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 detention facilities consistent with 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 that would hold 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 believed were guilty of heinous crimes should be punished. 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. Guantanamo is a danger to our 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 Senate 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, and that we have 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 moved 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, 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 justice 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 than 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 Savannah area.

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. 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 gavel in the middle of the room, Bill Shipp will do it. He did it to me and to others.

Bill Shipp was a gifted friend, a man for whom I wish the best in his retirement. I think, finally, of those days on the Atlanta Journal 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 5 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 Gravely had 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 Falpout, 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 performance 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 officer 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 at every turn, quietly, 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 said 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. WALNUT). 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. 139

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 make my caveats clear. 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 been an 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 the al Qaeda leaders knew the details of imminent plans for follow-on attacks against the United States. The Central Intelligence Agency believed that torture and 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 the use of primitive weapons, were lawful. As early as September 5, 2002, the Office of Legal Counsel advised the Department of Justice that it had reviewed the use and legality of the CIA’s enhanced interrogation techniques. The Office of Legal Counsel advised that such techniques were not prohibited by the Eighth Amendment to the United States Constitution. The Office of Legal Counsel concluded that the CIA’s enhanced interrogation techniques were lawful. The Office of Legal Counsel further noted that the techniques did not contravene the United States’ international obligations under international law. The Office of Legal Counsel advised the CIA that the enhanced interrogation techniques were consistent with the United States’ obligations under international law.

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 colleagues 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 our courts to follow 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 desirability of both the intelligence community and 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-Qa’ida, 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 they were 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 the President and the Director of National Intelligence said that they had no reason to doubt the judgment of the lawyers at the Office of Legal Counsel. The Members of Congress said, as the President’s Director of National Intelligence said, that the information that was gathered was essential to protect the 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 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 prosecutions might be the appropriate outcome, when they are suggesting that prosecutions under these circumstances occur, then I think our politics 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 hysteria, panics, and mob rule from time to time that occurs, which 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 patriots have been caught up 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.

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 a time when the CIA was struggling to obtain critical information from captured al-Qaeda leaders, and requested permission to use enhanced interrogation methods. The OLC memo made 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-Qaeda organization that was attacking this country. As the OLC memo demonstrated, from 2002 through 2006 when the use of these techniques ended, the leadership of the CIA repeatedly reported 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 testified, 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. We were simply trying to defend those who carried out the interrogations within the orders they were given.

Even in 2009 there are organizations plotting to attack us are our national security. 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 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 debate. 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. I believe that 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 the unprecedented spending. Nearly 50 percent of every dollar spent in Washington is borrowed, leaving the fiscal responsibility for our children and 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 Medicare program, as well as other entitlement programs, such as Medicare and Medicaid. Patients should also, I believe, have a choice of providers who compete for their business. What 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 the same in health care, by encouraging 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 accept them, and those submarket rates for 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 patient, because she didn’t want to 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 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 them, and that’s 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 into the ranks of the uninsured. The small businesses into the ranks of the uninsured. The American worker would lead to higher worker pay in America such that, in fact, patients could then spend on other purposes. They want to be informed about the debate, and they want to then discuss with their other elected representatives what they want—not what is dictated to them from Washington inside the beltway.

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, I think, 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. We have to look at it as a whole, and want so-called 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 the rising cost of health care 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 patients are willing to pay. I think the greatest power is the patient and what will he or she want and how much will he or she want to pay. What gives individuals the power to consult with their own primary care 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 is what we ought to do that in health care by empowering the patient, who would accept those who would accept those who would accept them, and Medicaid, which means it is harder and harder for an individual to find a doctor who will accept them, and those submarket rates for 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 patient, because she didn’t want to 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 their other elected representatives what they want—not what is dictated to them from Washington inside the beltway.

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 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 and participation 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 the Company 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 initiatives in 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 and a time may come when we are ready to 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—no new taxes, no new rules. The companies 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 by adoption of new rules that any family making less than $250,000 a year will see any form of tax increase—but 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 common ideas is how do they provide health care for their employees in small businesses? Is it hard to get affordable health insurance? Some in Washington are proposing taking this to what I would call an “mandate on steroids.” Basically, it doesn’t provide health insurance coverage. 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 inelastic. 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.

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. Again, I think that many proposals out there that seem to be gathering momentum are deeply troubling. As I have said, I believe the
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 in 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 manufacturer to stay in business. We do. The Government is making a huge investment in this group. This 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 ROCHEFELDER 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 six months before they run out. From what I have been told, Chrysler 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. So compromised 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 stocks of 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 owners and employees. 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 franchises. 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 withdraw the recent announcement to terminate franchise agreements with 789 and roughly 1,100, respectively, automobile dealerships across the country. I urge 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.
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; and keep job losses to an absolute minimum. That is how we attend to these important matters. I look forward to receiving prompt responses from you both.

Sincerely,

JOHN D. ROCKEFELLER IV

MRS. HUTCHISON. Senator Rockefelll...
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 reimbursement levels 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 1/2 hours’ travel—visiting with veterans and their families. And I have been to areas in Kansas, very far from Little Rock—3, 4 hours’ travel—visiting with 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 1/2 hours’ travel—visiting with veterans and their families. And I have been to areas in Kansas, very far from Little Rock—3, 4 hours’ travel—visiting with 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.

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 as palatable to those individuals and their families and their 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 represents our State so well over the past few months in the “American Idol” competition and 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 this 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.
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 re-payment 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 that?

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 your appreciation?

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 we are not spending money. 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 country, we have to reserve the remainder of our 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 is, indeed, just political talk. If that money is taken from our country, we have to reserve the remainder of our money to give it to them, and they may or may not pay it back.

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 yield 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 expenditure of 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, 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 be realistic.

The fact is, the Chamber of Commerce—I have a letter here and will 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 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 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, . . .

Mr. President, I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material of the letter was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,

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 IMF from the bill.

The worldwide economy is experiencing its worst downturn in more than half a century. While American companies have been hard hit, 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.

The Chamber of Commerce supports a $500 billion IMF commitment to provide additional resources ($250 billion, more than half of which has already been committed) and to itself be 100 percent financed. Without adequate IMF support, currency crises in especially troubled economies could trigger broader economic and financial problems. The IMF is the appropriate multilateral institution to take preventive action against such crises, its labors help the U.S. and other national governments avoid costly, ad hoc responses after crises have escalated.

In addition, these measures will signal to the world that the United States is prepared to make efforts to help 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,
U.S. Chamber of Commerce.
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 from 23 percent in 2003 to at least 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 25-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 that risk 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 troubles in 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 borrow and increase the IMF’s resources so it can fight this crisis, 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 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 to request the 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 contains 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. Mr. KERRY. How much time remains?

The PRESIDING OFFICER. The Senator from South Carolina has 4 minutes, the Senator from South Carolina 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 looked down.

But in substance, the 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 in 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 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 and CBO agree on that, and so does the
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 been asked, 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 its resources were adequate for 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 not entered into between one bank and its client, 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 take 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 retreat 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, 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.

To bring in a economic disruption, that type of economic Armageddon as it was described by one of my colleagues who actually supports the DeMint amendment, would amount to being catastrophic, to affect us dramatically. So what is 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, 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 the value of their currency, 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 avoiding that 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 of 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 need 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 would sure like to get a 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 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 $106 billion of appropriation authority to the IMF.

It is 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. 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 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 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 the Treasury to have for their 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. DE MINT. Will the Senator yield? Mr. KERRY. I will yield on his time. Mr. DE MINT. 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 operating 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 agreement to help support these countries, 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. Export growth is a 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 historically 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 commitment of money from 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 economy. They are necessarily absent: the Senator from Washington (Ms. 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:

[Roll Call Vote No. 201 Leg.]

YEAS—30

Mr. BARRASSO. Mr. KERRY. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to lay on the table was not lost. The amendment (No. 1138) was rejected. The amendment (No. 1138) was rejected. The amendment (No. 1138) was rejected.
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. SHAHRIAR. 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 CRAPRO, Senator RISCH, Senator BILL NELSON, and Senator GORE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. 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 help 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.

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 Senators FEINGOLD and HARKIN to amendment No. 1189.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 talk about 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.

The money 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. We need to do what we need to do. I am not going to continue to ask money on things that we should not or do not have to do, which are not a priority, and the money we are going to spend is borrowed money.

I 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 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 what we appropriated 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 defunded or wasted. 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, but under the guns of the United Nations. It is not going to go to the peace. It is not going to go to help anybody keep the peace. It is not going to go to help anybody keep the peace. It is not going to go to help anybody keep the peace. It is not going to go to help anybody keep the peace. It is not going to go to help anybody keep the peace.

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—yet there is nothing that requires them to give us an audit of how they are spending it. There is no—yet there is nothing that requires them to give us an audit of how they are spending it. There is no—yet there is nothing that requires them to give us an audit of how they are spending it. There is no—yet there is nothing that requires them to give us an audit of how they are spending it. There is no—yet there is nothing that requires them to give us an audit of how they are spending it.

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.
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. The appropriations 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 and we are putting 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 another 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 that is just the first $600 million a year for 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 assets 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, 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 leaking 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 mortgages and rent 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 United States, but we are now going to give $108 billion to the IMF. Why are we doing that? Why are we doing that? Why are we doing that? Why are we doing that? Why are we doing that? We give it to them no matter where they are. This is called a locality pay differential, and we are going to give a $1.3 billion pay raise to all Foreign Service officers who get stationed in the United States, but we are now going to give a $108 billion loan, just to put groceries on the table for everyone who works for the State Department.

Foreign Service officers make. Yet we happen to make a third of what our troops who are stationed around the world make. Why are we doing that? Why are we giving Foreign Service officers who get stationed in the United States more than the people on the front lines. We have decided that technocrats are more important than our men and women who wear the uniform of the United States. We have decided that, not based on performance, we are giving a differential when, in fact, there is no change in behavior. There is 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.

What are we doing? And why are we doing it? 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 part of 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 an area of the United States who are serving this country around the world and acting as sentinels for America’s freedom around the world.

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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.
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 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 as ‘military 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, $349 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 the Taliban insurgents.

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 take 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 funds, 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. I have asked the State Department, the military 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 emailed 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 proliferation, 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, march 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 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 era 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 legacy 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 generation of sailors who understand and endorse the American dream.

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 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 historically approved 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.”

I am also proud of the fact that 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 provide evidence in the same way that police investigators do. Laws do not apply in a war zone. 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 allowed 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 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 throughout the United States. Attorney General Holder has expressed 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 has 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 congressionally enacted provision 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-Qaeda members or material supporters or those who trained in a terrorist camp, and I think he will.

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 United States detainees into this country. These are individuals who have trained in a terrorist camp, a terrorist group that is connected to al-Qaeda. A month ago, the U.S. Department of Treasury reaffirmed its 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 out 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-Qaeda. I certainly oppose the 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-Qaeda detainees to Guantánamo, 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 most 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 interrogated was revealed that Khalid Shaikh Mohammed was a principal organizer of the September 11 attacks. Zubaydah also described a terrorist attack that al-Qaeda 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 revealed the United States to capture these terrorists, one while he was traveling in the United States. Under enhanced interrogation, Zubaydah also revealed that identity of another September 11 plotter, Ramzi bin al Shibh, who 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 terrorist Zarir 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—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 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-Qaeda member or associate detained by the United States and its allies.

He concluded by noting that al-Qaeda members subjected to interrogation by U.S. forces have painted a picture of al-Qaeda’s structure and financing, communications and logistics. They identified al-Qaeda’s travel routes and safe havens and explained how al-Qaeda’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 al-Qaeda’s internal terror communications. Were it not for the information obtained, our intelligence community believes that al-Qaeda 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 information obtained in the last administration as a result of the enhanced interrogation techniques of al-Qaeda detainees. It allowed us to learn about al-Qaeda 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 conclude interrogations. 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 use 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 did not disagree more. 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, FBI, the 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 for him. 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. He worked 7 days a week. He could have let. He could have let. He could have let. He could have let. He could have let. He could have let.
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.

If all of that 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 the Department of Justice or the intelligence community does not want to reveal 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-Qaeda detainees.

If the President 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 creed. I think he really believes this interrogation doesn’t work. 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 creed. I think he really believes this interrogation doesn’t work. 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.

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 releasing more and more rules that chill the willingness of our investigators and military people to do their job. As we have found from previous spams, harm to our intelligence community can be the result of irrational, reactionary decisions. We would be just as concerned if 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, I believe he has cast a shadow over the fabulous men and women who serve 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 enemies. The President, who is 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 these two components 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 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 want something 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 any way delaying or disrupting the exit out of bankruptcy, which is in everyone’s interest because the taxpaying public 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 he and they were 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.

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 these two components are completely bipartisan because we all have these stories, and we know these dealers are not getting a fair chance.

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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 to do.

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 where we are going to have 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 people 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 meeting that 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. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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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, Madam 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, 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, and I would like very much to have the chairman of the Appropriations Committee— underway in front of the committee a panel of the people from the various agencies, and the representatives from the Consumer Product Safety Commission and the Environmental Protection Agency, and the CPSC. As soon as we get back, we are going to have a hearing with those CEOs and representatives of the dealership group as soon as we get back. That will be the week after next.

Mr. NELSON of Florida. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

Mr. NELSON of Florida. 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. NELSON of Florida. Yes, absolutely, to the distinguished Senator from Illinois.

Mr. DURBIN. Mr. President, 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 that suspect Chinese drywall may be in my home State so I want to get ahead of the curve and join hands with the Senator 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 assistant 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.

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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 prison in far-fung 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 rights abuses are taking place, it takes quite an effort to get their attention.

Through our annual human rights report to 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 for 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 recently 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 political prisoner 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 require health care.

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 Aulaneiyazov, a prominent political dissident who was arrested, apparently on charges that he did not possess valid travel documents, and sentenced to 11 years imprisonment; and Annakurban Amaniklychev and Sapurdydy Shakhzoda, members of the human-rights organization Turkmenistan Helsinki Foundation, who were sentenced to 6- to 7-years in jail for reportedly “gatherling 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 intelligence Agency officials after he tried to republish a BBC report mildly critical of President Yahya Jammeh.

He has been held incommunicado, without charge, 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, also 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 of ECOWAS.

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 Mr. Manneh's behalf in the United Nations 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 accommodation 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 clerks will call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the roll 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 translate into 13,000 lost jobs 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
As I was, in 2002, when fast track—the administration's fast-track negotiations—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 controversial trade 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 were 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 DOGGITTLE wrote the Panama's serious tax evasion issues require a serious and overdue examination. And I ask my colleagues to consider the Panama trade agreement.

The issues about tax evasion are even more serious when the Panama Free Trade Agreement includes rules on corporate inversions. 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 protections 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's 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 benefits drug companies, protecting the oil industry, protecting the insurance 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.

But there is nothing left protecting consumers, protecting food safety, protecting workers, protecting the environment. These are protectionist trade agreements, all protectionism 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, 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 drug companies, insurance companies, drug companies, financial institutions, and the oil industry. We want agreements that work for workers and
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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 to NewCo dealers is designed to assure that products flow quickly and efficiently from every OldCo dealer.

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 from OldCo dealers. As part of this process, we will ensure that the OldCo dealers receive a fair and equitable value for virtually all of their outstanding vehicles 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 transition process.

We share the objective of selling these vehicles as quickly as possible to protect residual values. We are committed to selling 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 use all their energy to make 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 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 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 belief that clarification, but we do not 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 working 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 thing this Senate knows and that is 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...
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 automobile lots. I know what this is about: small businesses across Michigan, all across this country, folks who do sponsor the Little League teams. Senator Hutchison and I were talking about this in the paper, and the support 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 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 “clunkers” or “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.

The PRESIDING OFFICER. Mr. President, I wish to thank 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 effort of Senator Hutchison and all of her leadership. It has been an incredible time to work with her in this incredibly difficult time.

The PRESIDING OFFICER. Mr. President, I wish to thank the Senator from Michigan.

The PRESIDING OFFICER. Mr. President, I wish 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 midst 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 20 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.

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. 1178; Kucinich, No. 1179, as modified; McCain, No. 1180; 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; that the bill, as amended, be read and printed 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 conference, 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.

Mr. REID. The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. 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.

Mr. REID. I renew my unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

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.

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 in the order listed: Lincoln, No. 1181 and Hutchison amendment No. 1180; 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 conference, 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.

Mr. REID. The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. 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. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. I renew my unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

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. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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. 116, 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 cuts or restraints that do not allow the maintenance of or an increase in 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. 117, 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 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 towards 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 summarizing the matters contained in the report.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFEND.—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 Governmental Affairs, and the Judiciary and the Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 118, AS MODIFIED

At the end of title XI, add the following:

SEC. 1110. APPROPRIATIONS FOR AFGHANISTAN AND 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 $25,500,000, with the amount of the increase to be available for assistance for Georgia.

AMENDMENT NO. 117, AS MODIFIED

At the appropriate place, insert the following:

SEC. 65. 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—

(A) that is a photograph that was taken between September 11, 2001 and January 22, 2009 relating to the engagement 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), 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) TIMELY NOTICE OF THE SECRETARY’S CERTIFICATION.—The Secretary shall provide to Congress—

(A) a certification in accordance with paragraph (1) and

(B) any modification of the metrics developed under subsection (a)(2) that shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(4) 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 this 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.

AMENDMENT NO. 1176, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, amendments Nos. 1118 and 1176, as modified, were 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. 65. APPROPRIATIONS FOR AFGHANISTAN AND 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 $25,500,000, with the amount of the increase to be available for assistance for Georgia.

AMENDMENT NO. 1188, AS MODIFIED

Mr. LEAHY. Mr. President, this week, Senator CORNYN insisted on offering an amendment to the emergency supplemental appropriations bill that is not 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 said what and should not be investigated, sanctioned, 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 partisan politics. I am concerned that 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 stipulate that the use of funds for something that funds are not even provided for in the emergency supplemental appropriation. 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 manipu-
lation 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 public.

Senator CONYNS 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 memoraanda came to be generated are true, there may have been crimes committed. 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 we need 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, the earlier 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 on 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. All 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 memoraanda 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 considering these matters would break down into partisan re-

In the words of the Republican congressional official of the United States, has said that he, too, feels that such a pursuit would be better conducted “outside of the typical hearings process.” The 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 non-partisan investigation 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 shoehorn 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 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 appropriation seeks to have 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 a 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.

AMENDMENTS

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 conference 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.

Mr. LEAHY. Mr. Chairman, I was very pleased to see that the committee provided more than $3 billion for smaller, more agile, still highly protective vehicles known as the MRAP-all-terrain-vehicle. The bill is 5 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 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 allotted $5 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 death.

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, slits 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 go anywhere 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 150 MRAP vehicles. The Defense Appropriations 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.

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 in explaining that 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 forces, I am concerned that it does not 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 owned loans from 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. 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 draw down our troops from Iraq. This will help us focus on al-Qaeda and its affiliates elsewhere, which continue to be the main threat to U.S. national security. I was disappointed, however, that the President decided not to set a redeployment deadline for Iraq. This will help us focus on al-Qaeda and its affiliates elsewhere, which continue to be the main threat to U.S. national security. I was disappointed, however, that the President decided not to set a redeployment deadline for Iraq.

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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 now the clock is ticking, and 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:

[You’re absolutely correct that . . . an additional [number] of American troops, and 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 is pursuing a targeted approach to engage in tough negotiations with the Taliban. Admiral Mullen responded that that is the case, and that the Pakistani military 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 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 Pakistanis 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 military and Pakistani forces in Baluchistan has reportedly displaced nearly 1 1/2 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 keep on the way we’ve been going.” 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 alone is sufficient. 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 target militants 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-Qaeda [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 movements of the security services supporting insurgents.

We must continue to ensure al-Qaeda 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 civilians who are harmed 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 responsible, 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 terrorism, 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 nation’s security.”

And, former Navy General Counsel Alberto Mora testified to the Senate Armed Services Committee in June 2008 that:

“...I believe most informed Americans would agree that the decision to close Guantanamo must be made without delay. It is time to remind the world of the United States’ determination to adhere to its highest ideals of treatment of prisoners, and make the right decision for the best of our country.”

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, N.Y.

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, owned by a private party and administered 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.”

For example, the 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 Archivist determined that she could 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 Ms. Tully. Ms. 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.

And 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 current private owner obtained the FDR Library anyway, 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 resolved 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 matter 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 appraisal valuations. 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 consent to have the letter to which I refer printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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 this 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 likely 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 letterlets with handwritten annotations of speech drafts and carbons; hundreds of notes (or “chits”) in FDR’s handwriting; letters from cabinet officials and dignitaries, including a letter from the President 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 people to learn about our president and his extraordinary life and times.

There is an overwhelming public interest in making this collection available to the
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, 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. MUKOSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. PORY, 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. VINOVICH, and Ms. MURKOWSKI conferees on the part of the Senate.

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  Logar
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  Reid
Burr  Isakson  Reid
Burrus  Johnson  Roberts
Cantwell  Klobuchar  Sessions
Cardin  Kaufman  Shelby
Casey  Kerry  Schumer
Chambliss  King  Sessions
Coats  Kyl  Snowe
Conrad  Landrieu  Speier
Corzine  Lugar  Stabenow
Coryn  Leahy  Tester
Crapo  Lugar  Thune
DeMint  Lieberman  Udall (NM)
Dodd  Lincoln  Vitter

NAYS—3

Cogburn  Feingold  Sanders
Coig  Hatch  Shaheen
Carper  Kennedy  Udall (CO)
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.)

Mr. REID. I ask for the yeas and nays.

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.

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 American 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 Darfuri refugees. Ms. Farrow and Pam Omidyar enjoy liberating a world. 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 non-governmental 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 Gratzation—the President’s special envoy to Sudan—but we need 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 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 flown to represent 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 matter 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.


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 greater 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 act 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. In- vestor 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.

The number can be an absolute num- ber. 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 five 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 $11,000 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 and will take 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 here.

Health care reform legislation must create a system where all Americans have the opportunity to access health insurance and affordable care and protect our nation’s 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 must 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.

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 healthier lifestyles and choices. 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 the Government Accountability Office, 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 billion went to fraudulent payments 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 with the 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.
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 our non-farm private sector employment and 64 percent of the new jobs annually. And they create over half of our Nation’s nonfarm private sector economic growth. More than 13.7 million small businesses exist in over 25 years. More than 13.7 million small businesses suffer under the weight of our current business climate. For example, every week, millions of small businesses are forced to close their doors. The unemployment rate stands at 9.5 percent—the highest level in over 22 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 perhaps the deepest and longest recession since the Great Depression, small businesses struggle in accessing capital to purchase equipment and expand their operations. The Administration emphasizes the importance of 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. In fact, some of these have already taken several steps, but these cannot represent the totality of our efforts. These include, among other things, committing to implement the 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 $50,000, to small businesses facing difficulties in making loan payments. These stabilization loans include deferred repayment schedules, as well as loan forgiveness for businesses suffering from 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 businesses that just need a small infusion of capital to stay afloat.

Chair LANDRIEU and I also worked together to increase access to credit for the recovery of small businesses. The Obama Administration has already raised the guarantee rates for SBA-backed loans. The Treasury Department could use funds from TARP 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 creditworthy small businesses. 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.

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 creditworthy small businesses. 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.

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rotary to work on a bipartisan basis to forge a new tax code that is pro-growth with the fewest number of economic distortions and that raises sufficient revenue to finance our Nation’s spending priorities.

I would 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 tax 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 had the 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.

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 community 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: Pathfinder to Peace**

** ROTARY KEYNOTE ADDRESS**

Mr. BAYH. Mr. President, I wish to call the attention of my colleagues to a most thoughtful address delivered to the Rotary Club of Indianapolis 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.

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CONGRESSIONAL RECORD — SENATE

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 member of Congress 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 for President of the United States, 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, the exposure to his staff of my convictions. She now serves on the staff of Senator Evan Bayh as Policy Director.

I served on Capitol Hill during the administrations of Presidents: Eisenhower, Nixon, Ford, and three Democrat—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 policy and politics. It was fascinating experience and I’ve just written to President Obama to urge, respectfully, that he follow the same practice.

Independently, I believe we may know, President Obama will, in two weeks, give the commencement address at the University of Notre Dame, the only Catholic Pro-Democratic Presidential District, I hope, as I plan to be there, to review my suggestion with him then.

Beyond serving as Whip, I found my principal activity in 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; education for handicapped children; the general 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; education for handicapped children; the general laws then enacted to support schools.

Moreover, when I last looked, New York University was 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, you pressed for more study of other countries, cultures and languages, I continued—and continue—to do so wearing other hats.

Chaired, 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 federal support for the arts and cultural activities, and for increased study of other countries, cultures and languages, I 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 an opportunity to expose the imperative of knowing more about other countries and cultures.

I continued that interest through service on the World Conference on Religion for Peace; on the advisory council of Transparency International, the organization that combats corruption in international business transactions; and his trustee of the American Ditchley Foundation, which helps plan discussions of policy issues at Ditchley Park, a conference center outside Oxford, England.

Eighth Senator Richard Lugar

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, 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, 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 4—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 & Helen Fullbright Center for Studies in International Affairs, will focus on “measuring, defining and quantifying ‘peace,’ in order, Mrs. Fulbright added, that countries can understand ‘the elements of peacefulness.’” When I tell 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 achievements in these elements of peace. We can, she said, learn how countries are organized to find peace and we can stimulate the leadership to promote peace.

Today’s 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 individual Rotarians can do to achieve those objectives. Certainly, Rotary should continue to support current programs such as Polio Plus, Rotary Youth Exchange, and seed 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 fellowships 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 them, 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 Archaeology’s summer 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 her own students to Cyprus where she has directed the Yeronisos Island Excavation Field School for nineteen summers.

Rotary’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 Cultural Policy 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 2016, she was honored with a honorary citizenship by Municipality of Peiya, Republic of Cyprus, singing her out as the only American citizen to enjoy this status. Professor Connelly attributes all these successes to her fellowship.

You will not be surprised, in view of what I have already said, that to these recommendations I say amen. Indeed, only a 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 dividends is our support for international exchanges.

**Congressman Lee Hamilton**

Lee Hamilton, as you know, one of the most highly respected Members of Congress and a foreign policy expert who has studied the United States will become an ally.” Lee said that Rotary Clubs were one of the key groups with whom he spoke in India and added, “Indiaans 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 is to strengthen the study of foreign languages, particularly Arabic and other critical languages.

Here I echo the final sentence of the OECD Report on which we 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 John D. Negroponte, former UN ambassador to Iraq and serving 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, Representative Ike Skelton, 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 capacity to be a smart power. 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 that invest in 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 or more to more than 200,000, though this still represents only 1 percent of all American undergraduates enrolled in public, private and community colleges. 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.

An American private sector also has a responsibility to educate the next generation of leaders. The next president should challenge the corporate sector to develop its own talent pipeline and international internships 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 available 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 that has an open and free political climate. It has a booming economy. And it has a legacy of idealism that inspired our nation for a century 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 of the fellowships of Rotary.

**Rotary Clubs, Rotarians: Pathbuilders to Peace**

So I hope that individual Rotarians and Rotary Clubs will, wherever they are, among their educational efforts, both private and public, to encouraging education about other countries and
When they finish, get a grant for education. A year later, the project will be gone, and create a number of new volunteer opportunities. AmeriCorps, our major national service program, by 2017, expects to triple the number of participants in this important volunteer movement.

I must say to you today, I realized that such is the case in many other parts of the world and that we can be pathbuilders to peace.

To conclude, as I reflected on what I might say to you today, I realized that such is the role of the American people 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?

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 the names on the walls 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 while fighting 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 throughout the state, and 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 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 reiterate, in view of the commitment of Rotary “to encourage and foster the ideal of humanitarian service” and to “help build good will and 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.

As I reflect on the past and prepare 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, I want to personally recognize the sacrifices these service men and women and their families are making for our Nation.

In 239 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.
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 it provides its servicemembers, 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 need to ensure that our soldiers receive the mental health screenings that can help them get ahead of debilitating depression and other disorders that result from intense combat scenarios.

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 American youth about America’s involvement, 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 the combat strain on the younger generation. He served those deployed 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 still performing surgery on Iraqi 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 in addition 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 great Nation has men like Colonel Burson, who hold true to the values that reveal the best in us, we will re-
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 former president 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 believe I 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 by 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 was a football center at the University of 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 myocarditis and 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 such medication was able to function normally.

He began classes at the University of Alaska Fairbanks and graduated with a bachelor of science 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 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 necessary.

David is survived by his wife, Luella; sons, David Jr. (Beverly), Ron (Stephanie), Brian; and by his grandchildren, Michael and Carolyn.

Bill would be wheelchair-bound. He underwent 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 him.

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 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 Shonccke, 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—one 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 Shelia 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 liquidate 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 understanding. 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 1981 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 the American people, striving for the common good. He leaves a legacy that will be felt for generations to come.
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, also in the way he treated others with kindness, honesty, humility, 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, honesty, humility, and respect.

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 Seldman, and to salute this great American.

REMEMBERING BRIAN O’NEILL

Mrs. BOXER. Mr. President, it is with a 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 work 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’s love of the outdoors led him to an interest in the history of his own city. Starting in his college years, Brian worked on preserving and restoring historic structures.

Brian’s work in the National Park Service began in 1965, when he was hired by what was then the Bureau of Outdoor Recreation, BOR. As Director of BOR’s Office of Urban Park Development, Brian was a critical part of the team that persuaded President Johnson 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 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 recreation areas 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 every-growing expertise, Brian led GGNRA’s 37 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 invested not just as passively 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 private partners, 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 country 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 perseverance and care for the parks he helped to build. Thanks in great part to Brian, GG NRA provides its visitors with endless opportunities for exploration, education, and getting in touch with life’s deepest purpose and most rewarding stories.

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, the passing of that kind of talent is a loss that will be long felt. Brian’s passion for parks and the need for spending more and more money to create additional parklands is a lesson that we must continue to learn from.

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Brian was married to Mimi 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 Development, Brian was a critical part of the team that persuaded President Johnson 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 the National scenic rivers system during the final days of President Carter’s administration.

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. led 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 Sacramento 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. 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 “Strike him out” following a Phillies’ strikeout became fixtures on Phillies’ broadcasts. Born in Chicago, Harry grew up the son of a minister 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’ opposite 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 beloved figure throughout Philadelphia. Together with Richie Ashburn, the Phillies’ Hall of Fame outfielder, whom Harry worked with from 1971 until Ashburn’s passing in 1997, the pair formed a memorable team built upon chemistry and his vision, Taki also spearheaded the effort to acquire a campus in Sacramento, CA. Returning to the East Bay in 1971, 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.

Chuck’s responsibilities and leadership roles have steadily increased over the last four decades.

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.

Chuck successfully ran for the position of secretary-treasurer at Local 70, a position he has maintained ever since, which represents 55,000 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.
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 CO-OPERATION 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 memo-

randum 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 concerning the non-proliferation 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. The agreement 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 included in a provision included 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 applicable to the Agreement from 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 and technology under 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 from the UAE to the United Kingdom, if consistent with their respective policies, laws, and regulations, for storage or reprocessing subject to specified conditions, including that prior approval of the United States upon entry into force of the Agreement. The Agreed Minute to the Agreement from the UAE to the United States upon entry into force of the Agreement. The Agreed Minute to the Agreement from the UAE to the United States has the potential to serve as a model for other countries in the region that wish to pursue responsible nuclear energy development.

The Agreement may be terminated for any reason by either party upon 90 days written notice. In the event of termination of the Agreement, all nuclear material, equipment (including reactors), and components for nuclear research and nuclear power production will be returned to the United States. The Agreement will continue in force in respect 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 certified 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 Committee on Foreign Relations, as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section...
123rd Congress, 2nd Session

CONGRESSIONAL RECORD — SENATE

May 21, 2009

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.

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. 133. Concurrent resolution supporting the goals and ideals of Malaria Awareness Day; to the Committee on Foreign Relations.

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.

ENROLLED BILL 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. 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 Speaker 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.

The following concurrent resolution, in which it requests the concurrence of the Senate:

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. 133. Concurrent resolution supporting the goals and ideals of Malaria Awareness Day; to the Committee on Foreign Relations.

EC–1711. 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 for the year 2008 relative to the Equal Credit Opportunity Act; to the Committee on Banking, Housing, and Urban Affairs.

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 for the 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 “Revision to License Requirements and License Exception Eligibility for Certain Thermal Imaging Cameras and Foreign Made Military Commodities Incorporating Such Cameras” (RIN0969–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 560) 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 541 and 544) 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 License; to the Committee on Commerce, Science, and Transportation.

EC–1718. A communication from the Chief of the National Media Bureau, Broadcasting Industry, Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Replacement Digital Television Translator Service” (MB Docket No. 08–223) 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 “Self-determination of Deficiency Dividend under §662(d)(1)” (Rev. Proc. 2009–26) 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 §662(d)(1)” (Rev. Proc. 2009–26) 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 “Self-determination of Deficiency Dividend under §662(d)(1)” (Rev. Proc. 2009–26) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Finance.
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, pursuant to law, transmitting, pursuant to a rule entitled “Academic-Award-Type 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-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 Acting Assistant Secretary, Administration for Children and Families, Department of Health and Human Services, 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–1739. A communication from the Director, Office of Personnel Management, Department of Labor, 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–1742. 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 the 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 relative to a proposed sale or export of defense articles and/or defense services to serving in Mexico; to the Committee on Foreign Relations.

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 Performance Year 2008; to the Committee on the Judiciary.

EC–1730. A communication from the Federal Register Liaison Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Reimbursement for Internet Costs” (RIN2090-A008) 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’s 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, Regional Border Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Academic-Award-Type 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 “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–1735. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Disclosure of Ultimate Ownership of Certain Appropriated Fund Payment System Wage Areas” (RIN3206-AL77) received in the Office of the President of the Senate 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 the Dominican Republic, to the Committee on Foreign Relations.

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 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 2009. 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 Development.

By Ms. HAYES, for the Committee on Rules and Administration.

By Mr. BARR, for the Committee on the Judiciary.

The following petitions and memorials were referred or ordered to lie on the table as indicated:

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

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. 545. 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. GRASSI):
S. 1117. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreation initiatives 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 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. BENNET):
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 containing benefit predictions 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. BURGER):
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 reimbursement for stabilization of emergency medical conditions by non-publicly owned or operated institutions for mental diseases; to the Committee on Finance.

By Mr. VITTER (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. GRASSI):
S. 1133. A bill to amend title XVIII of the Social Security Act to provide for the establishment of shared decision making standards and to establish a pilot program for the implementation of shared decision making under the Medicare program; to the Committee on Finance.

By Mr. LEAHY:
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. VANDENHOUTEN, Mr. LEVY, Mr. BROWN, Ms. MIKULSKI, and Mr. LEIBERMAN):
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 to whom referred):
S. 1138. A bill to establish a chronic care improvement demonstration program for Medicaid beneficiaries with severe mental illnesses; to the Committee on Finance.

By 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 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. KULSKI):
S. 1142. A bill to amend the Federal Food, Drug, and Cosmetic Act to include the 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. TESTA, and Mr. CRAPO):
S. 1143. 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 10 of title 17, United States Code, to provide for agreements to 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 on coverage for services related to mental health, substance abuse, and other emergencies; to the Committee on Finance.

By Mr. WYDEN (for himself, Mrs. FEINSTEIN, Mr. COLEMAN, and Mr. WHITEHOUSE):
S. 1150. A bill to improve end-of-life care; to the Committee on Finance.
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. 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. LUTENBERG, 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. COLLINS, Mr. MENENDEZ, Mr. DODD, Mr. KERRY, and Mr. AKAKA):

S. 1153. A bill to amend the Internal Revenue Code to provide a tax credit for small businesses that purchase health insurance for their employees; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Mr. EZZY):

S. 1154. A bill to amend the Public Health Service Act to facilitate emergency medical services personnel training and certification curricula for military veterans; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mr. NYE):

S. 1155. A bill to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the Under Secretary for Health Affairs; to the Committee on Veterans' Affairs.

By Mr. HARKIN (for himself, Mr. BURS, Mr. SANDERS, Mr. KING, 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. HARKIN, and Mr. WHITEHOUSE):

S. 1158. A bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinocerebellar ataxia, 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 RESOLUTIONS AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for Mr. ROGERS) for himself and Ms. SNOWE):

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 Uighur people; to the Committee on Foreign Relations.

By Mr. BROWN (for himself, Mr. KENNEDY, Mr. DODD, Mr. SCHUMER, Mr. BENGAMAN, Mr. DURBIN, Mr. MIKULSKI, Mr. HARKIN, Mrs. BOXER, Mr. REED, Mr. LEVIN, Mr. LEARY, Mr. MENENDEZ, Mr. WHITEHOUSE, Ms. STABENOW, Mr. CASEY, Mrs. GILLIBRAND, Mr. MURPHY, Mr. DURBIN, Mr. JOHNSON, Mr. SCHUMER, Mr. LUTENBERG, Mr. MENENDEZ, Mr. BURRIS, and Mrs. GILLIBRAND):

S. Res. 156. A resolution expressing the sense of the Senate that the 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. KORN, Mr. BROWN, Mr. CASEY, Mr. KERRY, and Mr. MENENDEZ):

S. Res. 157. A resolution recognizing Bread for the World, the 60th 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. BARRASSO:

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. MCCONNELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. MCCAIN, Mr. LIBERMAN, Ms. COLLINS, Mr. LUGAR, Mr. BROWNBACK, Mr. BENNETT, Mr. BOND, and Mr. KERRY:

S. Res. 160. A resolution condemning the actions of the United Nations 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 Telangiectasia (HHT) Awareness 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 and 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. REED (for himself and Mr. CHAMBLISS):

S. Res. 163. A resolution expressing the sense of the Senate with respect to childhood stroke and to designate the first day of May 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 co-sponsor 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 co-sponsor 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. 428. At the request of Mr. JOHNNS, his name was added as a co-sponsor of S. 428, 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. 451. At the request of Mr. DURGAN, the name of the Senator from Washington (Mrs. MURRAY) and the Senator from Maine (Ms. COLLINS) were added as co-sponsors of S. 451, a bill to allow travel between the United States and Cuba.

S. 482. At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a co-sponsor of S. 482, 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 Mr. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a co-sponsor 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. CRAP) was added as a co-sponsor 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. 555. At the request of Mr. NELSON of Florida, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a co-sponsor of S. 555, 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. ROCKETT) 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. MIKULSKY, 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. VONOVICEK) 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. 856
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. 859
At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 859, 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. 893
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. 915
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. 934
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. BENCHAMBER), the Senator from Kentucky (Mr. BURING) 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 (DEMOPOS).

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. BURR) 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. SARAHEEN) 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 Mr. 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. 1006, 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. 1008, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 1090

At the request of Mr. LUTENBERG, 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. 1097

At the request of Mr. TESTER, the name 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. KERRY), the Senator from New Jersey (Mr. LUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. MERKLEY), the Senator from Missouri (Mr. MCCAIN), the Senator from Indiana (Mr. MENENDEZ), and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 1002, a bill to provide benefits to domestic partners of Federal employees.

S. 1103

At the request of Mr. LUTENBERG, 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 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 Drug Abuse 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 communism 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. PRIOR) 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. 1156

At the request of Mr. BROWN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1156 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. ISAKSON, the name of the Senator from Washington (Mrs. MURRAY), the name of the Senator from Oregon (Mr. MERKLEY), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. 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.

AMENDMENT NO. 1189

At the request of Mr. HARKIN, the names of the Senator from Pennsylvania (Mr. BEGICH), the Senator from Ohio (Mr. CASEY), the Senator from North Carolina (Ms. HARRIS), the Senator from Delaware (Ms. LANDRIEU), the Senator from New Hampshire (Ms. SHAHEEN), the Senator from Texas (Ms. WHITE), the Senator from Virginia (Mr. WEBB), the Senator from South Dakota (Mr. THUNE), the Senator from Alaska (Mr. FASching), the Senator from Hawaii (Mr. NAKASONE), the Senator from Arizona (Ms. MCCARTHY), the Senator from West Virginia (Mr. WEBB), the Speaker (Mr. RECONCILIATION), the Senator from Massachusetts (Mr. MARkey), the Senator from Washington (Mr. MURRAY), 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 (Ms. HAYDEN), the Senator from Ohio (Mr. SPEYER), the Senator from Iowa (Ms. SNYDER), the Senator from North Carolina (Ms. LANDRIEU), the Senator from New Hampshire (Ms. SHAHEEN), the Senator from Texas (Mr. DE MINT), the Senator from Virginia (Mr. WEBB), the Senator from South Dakota (Mr. THUNE), the Senator from Alaska (Mr. FASching), the Senator from Hawaii (Mr. NAKASONE), the Senator from Arizona (Ms. MCCARTHY), the Senator from West Virginia (Mr. WEBB), the Speaker (Mr. RECONCILIATION), the Senator from Massachusetts (Mr. MARkey), the Senator from Washington (Mr. MURRAY), and the Senator from South Dakota (Mr. THUNE) 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. 1192

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1192 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 1197

At the request of Mr. KAUFMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 1197 proposed to H.R. 2346, a bill making supplemental appro-
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 the 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 its tributaries 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 in the Connecticut River Valley supported by new technologies such as canals and mills run by hydropower.

I am pleased that the entire Senate delegation 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 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, and 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 Commission.

The purpose of this legislation is to help the communities along the river protect their rich cultural heritage, economic vitality, and the environmental integrity of the river.

The Upper Connecticut River Partnership Act became law in 1997, as directed by the legislatures, the Connecticut River Joint Commissions, with the substantial involvement of 5 bi-State local river committees appointed to the first 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 the river.

I am pleased that the entire Senate delegation from Vermont and New Hampshire has established a commission for the Connecticut River valley of the States of Vermont and New Hampshire, has established a commission for the Connecticut River valley of the States of Vermont and New Hampshire has 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.

(a) FINDINGS.—Congress finds that—

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 unique area 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 local residents in the watershed led to the Presidential designation of the River as 1 of 14 American Heritage Rivers on July 30, 1988;

(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; and

(b) CRITERIA.—The Secretary, in consultation with the Connecticut River Joint Commissions, shall develop criteria for (1) determining the eligibility of applicants for, and reviewing and prioritizing applications for, grants or technical assistance under the program; and (2) determining the eligibility of applicants for, and reviewing and prioritizing applications for, grants or technical assistance under the program.

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 or technical assistance, or both, to the States, 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 (1) determining the eligibility of applicants for, and reviewing and prioritizing applications for, grants or technical assistance under the program; and (2) determining the eligibility of applicants for, and reviewing and prioritizing applications for, grants or technical assistance under the program.

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 school facilities, 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 energy-saving improvements.

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 conventional, oil-heated 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 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 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 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.

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. DEFINITION. In this Act:

(1) ELIGIBLE STATE.—The term "eligible State" means a State that contains National Forest system lands and Management land located west of the 100th meridian.
today with my colleagues from Arkansas, Missouri, and Minnesota 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 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, and 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 and has one of the smallest service areas in the State. Visits need to be spread over a wide territory, and the traveling time 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 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 to care for. 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. 1123. 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. 1123—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.

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 (2 U.S.C. 19717(a)) is amended—
(1) in paragraph (2)—
(A) by striking "and" at the end of subparagraph (A); and
(B) by striking the period at the end of subparagraph (B) and inserting "and"; and
(2) in paragraph (4)—
(A) in subparagraphs (A), (B), and (C) by inserting "or, in the case of an institution of higher education,..." after "as assistance,"; and
(B) in paragraph (5)—
(A) by striking paragraph (5) and inserting: "Such a..."; and
(B) in paragraph (6) by striking "or,..." after "in a course of study", and inserting "as assistance," after "as assistance,"; and
(B) in paragraph (7)—
(A) by striking paragraph (7) and inserting: "Such a..."; and
(B) in paragraph (8) by striking "or,..." after "in a course of study", and inserting "as assistance," after "as assistance,".

By Mr. DURBIN:
S. 1124—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. DURBIN. Mr. President, it has been said that "The mark of a great man is that his enemies 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 to and from Cambodia, Laos, and refugee camps. 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 Air America helicopter rescue missions after being shot down behind enemy lines.

Air America personnel paid a costly burden to run these dangerous missions. Had 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 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. Fortunately, 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. President, 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 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 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 matter considered by the Comptroller General of the United States.

(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).

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 school attendance rates and to revitalize language arts programs, 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 students to that of the top-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 2001, 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 to succeed.

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 22 percent of Chicago Public School students who wanted to go to college took the steps necessary to apply 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 School counselors do great jobs by 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 to college, these coaches 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, teachers 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 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 to 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 makes 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 an 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 average for 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 do so. In 2000, 20 percent of the lowest-income students are projected to attain a bachelor’s degree by 2012, compared to 88 percent of the upper-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 and enroll in a 4-year institution of higher education. The report also reveals that only 1/5 of Chicago students who want to attend a 4-year institution of higher education enroll in a school that is among the top half of schools that offer financial aid on a competitive basis.

(7) The Consortium found that many Chicago public school students do not complete the Free Application for Federal Student Aid. Among those 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 free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(B) are likely to be counted to be under section 112(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 institution of elementary and secondary education in the public sector, including a public charter 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 102(c) 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) An 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 measuring rates at each school;

(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,

(C) a description of the methods to be used to evaluate the outcomes and effectiveness of the program;

(D) a description of the activities, services, and technical assistance 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 ensure that grant funds will be used to supplement, and not supplant, other Federal, State, or local funds available to carry out activities of the type carried out under the grant;

(F) an assurance that grant funds will be used to support, and not supplant, other Federal, State, or local funds available to carry out activities of the type carried out under the grant;

(G) an expansion 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;

(I) 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;

(J) a description of the activities, services, and technical assistance provided by the program, including a plan to provide structure and support for all students in the college search, planning, and application process;

(K) a description of the methods to be used to ensure that grant funds will be used to supplement, and not supplant, other Federal, State, or local funds available to carry out activities of the type carried out under the grant;

(L) an expansion 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;

(M) a plan to make the program sustainable over time, including the use of matching funds from non-Federal sources;

(N) 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;

(O) a description of the activities, services, and technical assistance provided by the program, including a plan to provide structure and support for all students in the college search, planning, and application process;

(P) a description of the methods to be used to ensure that grant funds will be used to supplement, and not supplant, other Federal, State, or local funds available to carry out activities of the type carried out under the grant;

(Q) an expansion 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;

(R) a plan to make the program sustainable over time, including the use of matching funds from non-Federal sources;

(S) an assurance that grant funds will be used to support, and not supplant, other Federal, State, or local funds available to carry out activities of the type carried out under the grant.

SEC. 2107. REQUIRED USE OF FUNDS. — Each program funded under this section shall—

(A) provide professional development to high school teachers and school counselors in postsecondary access and college-going; and

(B) implement a comprehensive college guidance program for all students in a high school served by an eligible local educational agency receiving a grant 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 available 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; and

(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 college, assisted 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; and

(C) ensure that each high school served by the eligible local educational agency developing a school-wide plan of action to strengthen the college-going culture within the high school; and

(D) create and maintain a postsecondary access center in the school that provides information on colleges and universities, career opportunities, and financial aid options and provides a setting in which professionals work with 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.

SEC. 2108. ALLOWABLE USE OF FUNDS. — Each program funded under this section may—

(A) establish school- and 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; and

(D) train student leaders to assist in the creation of a college-going culture in their schools.

SEC. 2109. ESTABLISH PARTNERSHIPS. — Each program funded under this section shall—

(A) 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;

(B) provide long-term postsecondary follow up with graduates of the high schools served under this section, and with community and nonprofit organizations to increase college-going rates at high schools served by the eligible local educational agency; and

(C) assist in the college-going process serving students; and

(D) 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

(E) provide annual best practices conference for all grant recipients.

SEC. 2110. REPORTING REQUIREMENTS. — Each eligible local educational agency receiving a grant under this section shall collect and report annually to the Secretary of Education for the local educational agency and for each high school assisted under this section data that is reasonable and necessary for the purpose of the grant and the Secretary shall make available under 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 conference for all grant recipients.

SEC. 2111. 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 grant recipients 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 conference for all grant recipients.

SEC. 2112. REPORTING REQUIREMENTS. — Each eligible local educational agency receiving a grant under this section shall collect and report annually to the Secretary of Education for the local educational agency and for each high school assisted under this section data that is reasonable and necessary for the purpose of the grant and the Secretary shall make available under 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 conference for all grant recipients.

SEC. 2113. 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 grant recipients 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 conference for all grant recipients.
(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) an Advanced Placement or International Baccalaureate course; or

(B) an Advanced Placement or International Baccalaureate course; and

(10) the number and percentage of students who report 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 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) 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) 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. COX):

S. 1130. 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.

Ms. SNOWE. Mr. President, today, I rise to introduce the Medicare 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 Act and the Medicare and Labor Treatment Act, EM-TALA.

EM-TALA 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—even those patients who 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 their 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 5-year demonstration program capping 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 the quality of 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 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 Call 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 solution 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 longer periods of 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 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 federal government acts. But that is exactly the case with the IAH Act.
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, 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, 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 and 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 incentive agreement 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 provider. 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 Ben Cardin, and my 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 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; The American Association of Home Care Physicians; The American Association of Homes and Services for the Aging; The Housecalls Doctors of Texas; The Maryland-National Capital Home Care Association; The Visiting Needle Associations of America;The University of Michigan, Ann Arbor, MI; 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.

Without objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1311
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 outcomes.
(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 hospital days, and 72 percent of physician visits.
(4) Studies show that hospital utilization and emergency room visits for patients with 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 place 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 their place of residence.
(6) The Independence at Home Act generates savings by providing better, more coordinated care across all treatment settings for 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 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, unnecessary services, hospitalization, and other health care costs.

(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, emergency room visits, decreased symptom self-management, and similar results.
(B) To improve satisfaction of patients and caregivers, as determined through a quantitative pre-test and post-test survey developed by the Secretary that measures patient and caregiver satisfaction of care coordination, education, timeliness of response, and similar care features.
(C) To achieve a minimum of 5 percent cost savings in the care of beneficiaries with this title suffering from multiple high cost chronic diseases.

(2) INITIAL IMPLEMENTATION (PHASE I).
(A) IN GENERAL.—In carrying out this section 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 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 under any agreements under this 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 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 Independence at Home organizations; or

(ii) have qualified experience in the performance of services for Independence at Home physicians, or in cases where such direction is provided by an Independence at Home program, by a registered nurse 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;

(iii) have the capacity to provide services covered by this section to at least 150 eligible beneficiaries; and

(iv) have met, or by the date of the enactment of this Act will have met, the minimum performance standards developed by the Secretary to determine whether an organization may be 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 program 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 (A) shall not occur if the Secretary finds, not later than 60 days after the date of issuance of the Independent at Home organization under subparagraph (B) of this section, that the Secretary shall renew agreements described in paragraph (2) with Independence at Home organization that have met all 3 objectives specified in paragraph (2) of this sections to the extent practicable, or in cases where such direction is provided by an Independence at Home organization, by a registered nurse 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; and

(iv) require applicants to disclose previous affiliations with entities that have uncollected Medicare or Medicaid debt, and authorize the denial of enrollment if the Secretary determines that the affiliations pose undue risk to the program.

(7) REGULATIONS.—At least 6 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 of the initial implementation phase, including the Secretary's determination that the affiliations pose undue risk to the program.

(8) PERIODIC PROGRESS REPORTS.—Semi-annually 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 and performance of Independence at Home programs and change the programs in which they are enrolled.

(9) ANNUAL BEST PRACTICES CONFERENCE.—During the initial implementation phase and to the extent practicable at intervals there-
“(xii) 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 the determination of eligibility of an individual for an Independence at Home program as an eligible beneficiary (as defined in paragraph (3)), a comprehensive medical, physical, occupational, 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) is 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 conclude such individual’s involvement; and

“(B) includes an assessment of—

“(i) activities of daily living and other community participation;

“(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, it is likely that the beneficiary will benefit from an Independence at Home program;

“(ix) whether the conditions in the beneficiary’s 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’ means a team of qualified individuals that provides and coordinates 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) is a contact—

“(i) of ‘(G) is a 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 practice, or a 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) provides all of the services of the Independence at Home plan in a participant’s home or place of residence, or

“(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 provide 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 Academy of Nurse Practitioners;

“(ii) by the American Board of Medical Specialties and determines if an individual for which the Secretary considers necessary;

“(iii) by the American Board of Emergency Medicine, or the American Board of Physical Medicine and Rehabilitation;

“(iv) by the American Academy of Nurse Practitioners;

“(v) by the American Board of Medical Specialties and determines if an individual for which the Secretary considers necessary;

“(vi) by the American Board of Medical Specialties and determines if an individual for which the Secretary considers necessary;

“(vii) by the American Board of Medical Specialties and determines if an individual for which the Secretary considers necessary;

“(viii) by the American Board of Medical Specialties and determines if an individual for which the Secretary considers necessary;

“(ix) by the American Board of Medical Specialties and determines if an individual for which the Secretary considers necessary;

“(x) by the American Board of Medical Specialties and determines if an individual for which the Secretary considers necessary;

“(10) INDEPENDENCE AT HOME PLAN.—The term ‘Independence at Home plan’ means a plan established under subsection (a)(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 program.

“(14) QUALIFYING FUNCTIONAL IMPAIRMENT.—The term ‘qualifying functional impairment’ means inability to perform, without the assistance of another person, two or more activities of daily living.

“(15) QUALIFIED INDIVIDUAL.—The term ‘qualified individual’ means an individual that has been enrolled or is enrolled in the Medicare program, or is an eligible beneficiary.

“(16) 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.
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“(E) Notice that those who enroll in an Independence at Home program will be responsible for copayments for home calls made by Independence at Home physicians, physician assistants, or 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 (t).

“(F) A description of the services that could be provided to the participant, including descriptions of the services that may be provided to the participant under State law.

“(G) A description of the method for participating, or withdrawing from participation, in an Independence at Home program, 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. 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.

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 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 annually, and every other year for the purposes of knowing the Independence at Home plan for the participant remains current and appropriate;

“(E) improve access to 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, with an Independence at Home physician and as permitted under State law, an Independence at Home nurse practitioner, 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’s role is that of medical expert. Each practitioner is responsible for ensuring that the participant’s Independence at Home coordinator has such plan and is familiar with 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 plan 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 this title and shall provide that the Independence at Home organization shall coordinate and make available through referral to a qualified entity the services described in the following clauses (iv) through (vi) 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) Induced 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 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 under this title, 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) 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, or Independence at Home nurse practitioner involved in accordance with subsection (t).

“(A) PROVIDE INDEPENDENCE AT HOME SERVICES TO THE INDEPENDENCE AT HOME COORDINATOR.—An 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;

“(iii) the achievement of mandatory minimum savings described in subsection (e)(6). An Independence at Home program must permit 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.

“(B) TERMINATION AND NON-RENEWAL OF AGREEMENT.—

“(1) IN GENERAL.—An agreement under this section with an Independence at Home organization shall contain such terms and conditions that the Secretary may specify consistent with this section.

“(2) CLINICAL, QUALITY IMPROVEMENT, AND PROFESSIONAL REQUIREMENTS.—An Independence at Home program may not enter into an agreement with such an organization under this section for the operation of an Independence at Home program without—

“(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 resources, reimbursement, or withholding of funding provided under this title, or such other means as the Secretary determines appropriate.

“(3) 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 reserve the best interests 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.
“(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 health 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 the Secretary determines that 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 participating beneficiaries of the date of termination in the 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 beneficiaries of any other Independence at Home organization 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 the product of the average monthly costs for the items and services required to be provided, or made available under subsection (d)(2)(C)(iv) for such participating beneficiaries and the number of participant-months for the year.

“(ii) PRODUCT DESCRIBED.—The product described in this clause for participating beneficiaries, as calculated under subparagraph (B), is that which the Secretary determines the Independence at Home program's costs, services, and performance will control, or adjust for, inflation as well as risk factors including, age, race, gender, disability status, socioeconomic status, and other factors as the Secretary determines, to determine the savings they will be required to achieve during the program year to meet the savings requirement under subparagraph (A).

“(B) 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:

“(i) Independence at Home assessments; and

“(ii) a per-participant, per-month basis for the items and services required to be provided or made available under subsection (d)(2)(C)(iv).

“(C) ENSURING MANDATORY MINIMUM SAVINGS.—The Secretary may require any Independence at Home organization that fails in any year to achieve the mandatory minimum savings described in paragraph (6) to provide appropriate adjustments in payments made to the organization under paragraph (7) during such year.

“(D) 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, and 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) INFLATION FORMULA.—

“(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 savings shall be paid to the Independence at Home 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.

“(E) WAIVER OF COINSURANCE FOR HOUSE CALLS.—A physician, physician assistant, or nurse practitioner furnishing services related to 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 1128(a)(6) are met.

“(F) REPORT.—Not later than three months after the date of the 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—

“(i) whether the Independence at Home programs under this section are meeting the minimum quality and performance standards in (e)(3); and

“(ii) 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

“(G) an evaluation of whether the participating beneficiaries who were in the top ten percent of the highest cost Medicare beneficiaries.

“(b) CONSEQUENTIAL AMENDMENTS.—

“(1) Such Act is amended, in the matter before paragraph (1), by inserting "and section 1807A(f)" after "section 1877."
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 about our focus on 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 several hearings on the impact 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 Enforcement of the Law Enforcement Officers Safety Act Improvement 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 goal of streamlining 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 response 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 bill continues to provide the option to 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 perhaps more importantly, 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 which lie upon the men and women who decide to carry a firearm 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. 1329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, TITLE I. 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) As used in this section, the term 'firearm' includes —

(1) except as provided in this subsection, has the same meaning as in section 921 of this title; and

(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); or

(B) any firearm silencer (as defined in section 921 of this title);

(C) any destructive device (as defined in section 921 of this title)."

(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' includes —

(1) except as provided in this subsection, has the same meaning as in section 921 of this title; and

(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); or

(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"; and

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "retirement, when retired 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 is 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 photo 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 photo 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

(B) in paragraph (2), 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—

(1) 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; and

(2) by striking subsection (e) and inserting the following:

"(e) As used in this section, the term 'firearm' includes —

(1) except as provided in this subsection, has the same meaning as in section 921 of this title; and

(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); or

(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)."

(3) 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 is 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 photo 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 photo 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

(B) in paragraph (2), 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—

(1) 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; and

(2) by striking subsection (e) and inserting the following:

"(e) As used in this section, the term 'firearm' includes —

(1) except as provided in this subsection, has the same meaning as in section 921 of this title; and

(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); or

(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)."
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 to test 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 expand health care 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 has come 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 last year.

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 that helps them trade-offs 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 incorporate 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 added.

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 make the right 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 improving 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,

TITLE I. 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 practitioners 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 due to carotid artery disease; ischemia due to peripheral artery disease; gall stones; and enlarged prostate.

4. The 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 differences in 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 program (assuming full implementation of such patient decision aids in 2010, would save as much as $4,000,000,000.

SEC. 4. ESTABLISHMENT OF INDEPENDENT STANDARDS AND CERTIFY 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 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 criteria 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(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 403((c))) 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.

(C) CERTIFY 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.

(D) QUALITY MEASURE DEVELOPMENT.—

(i) IN GENERAL.—The standards established by the entity under subparagraph (b) shall be adopted by the board of the entity.

(ii) PUBLIC AVAILABILITY.—The entity shall make such standards public to the public.

(C) CERTIFY PATIENT DECISION AIDS.—

(i) IN GENERAL.—The entity shall review patient decision aids and certify whether patient decision aids meet the standards under subparagraph (b) and offer a balanced presentation of treatment options from both the clinical and patient experience perspectives. In conjunction with this certification, the entity shall give priority to the review and certification of patient decision aids for conditions identified in section 5(g).

(ii) 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).

(ii) REQUIREMENTS DESCRIBED.—The following requirements are described in this paragraph:

(A) PRIVATE NONPROFIT.—The entity is a private nonprofit organization governed by a board.

(ii) EXPERIENCE.—The entity shall be able to demonstrate experience with

(i) consumer engagement;

(ii) standard development;

(iii) health literacy;

(iv) health care quality and safety issues;

(v) certification processes;

(vi) measure development; and

(vii) evaluating health care quality.

(D) MEMBERSHIP FEES.—If the entity requires membership fees 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.

(E) TERMINATION.—The expert panel shall make recommendations to the Secretary regarding which patient decision aids should be implemented 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.

(3) APPOINTMENT.—The expert panel shall be composed of 21 members appointed by the Secretary from among leading experts in shared decision making, including—

(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, the Secretary shall submit to the Congress 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 the extent to which the 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.
SEC. 5. ESTABLISHMENT OF SHARED DECISION MAKING 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 assistance to eligible providers to support the implementation, and evaluation, and use of patient decision aids by Medicare beneficiaries who do not have documented experience in using patient decision aids to meet the objectives specified in paragraph (g), together with ongoing financial assistance to Medicare beneficiaries with respect to the implementation and effective use of, and training on, 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 establish and support at least 15 regional centers to provide technical assistance to 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.

(c) 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).

Section 5(g) of the Empowering Medicare Patients First Act is amended—

(1) I N GENERAL .—The Secretary may provide financial assistance for a period of 8 years to each regional center established or supported under this subsection.

(2) COST-SHARING REQUIREMENT.—

(A) In general.—Except as provided in paragraph (1), the Secretary shall not provide 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.

(3) WAIVER OF COST-SHARING REQUIREMENT.—The Secretary may waive the limitation under the preceding sentence, if the Secretary determines that, as a result of national economic conditions, such limitation would be detrimental to the successful implementation and use of patient decision aids approved by the expert panel established under section 1861(aa)(4).

(4) 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 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.

(5) APPLICATION REVIEW.—The Secretary shall review each application for financial assistance based on the objectives specified in paragraph (g), together with ongoing financial assistance to Medicare beneficiaries with respect to the implementation and effective use of, and training on, patient decision aids.

(6) 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), and the Secretary, as appropriate, shall be connected with the center involved, and officials of the Federal Government. Each such evaluation panel shall measure the performance of the center involved against the objectives specified in paragraph (g). The Secretary shall continue to provide financial assistance to a center under this subsection unless the maintenance under this paragraph with respect to the center is overall positive.

(b) Expansion 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 case-by-case basis or as determined by the Secretary.

(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 using such aids (as specified by the Secretary); or

(C) represent high cost areas or high practice variation States, as determined by the Secretary.

(4) 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.

(5) 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), and shall be connected with the center involved, in furnishing such items and services.
(B) DEFINED CLINICAL PROCESSES.—During each phase of the pilot program under this section, the eligible provider shall establish and implement a defined clinical process under which the care 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 permit the beneficiary to discuss the 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 include procedures for making payments under paragraph (1) of a code (or codes) to represent such services; and

(ii) 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 services under paragraphs (1) and (2) of subsection (a).

(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 providers of services and supplies in additional settings (as determined appropriate by the Secretary) for the following conditions: (1) Arthritis of the hip and knee. (2) Chronic back pain. (3) Gastroesophageal reflux disease. (4) Enlarged prostate (benign prostatic hyperplasia, or BPH). (5) Early-stage prostate cancer. (6) Early-stage breast cancer. (7) End-of-life care. (8) Peripheral vascular disease. (9) Gastroesophageal reflux disease. (10) Throat of stroke from carotid artery disease.

(11) Any other condition the Secretary identifies as appropriate.

(b) 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 by providers participating in the pilot program. In making such measurements, the Secretary shall select, from among those quality measures recommended by the expert panel under section 4(b)(2)(C), a composite-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 phase of the pilot program, the 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 phase of the pilot program, the Secretary shall provide confidential, individualized, comparative feedback to each eligible provider participating in the pilot program on the performance of the eligible provider on quality measures selected by the Secretary under this paragraph (1), the aggregate performance of all eligible providers participating in the pilot program, and any improvements in such performance.

(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 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 which the 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 than 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 a description of such program for all Medicare beneficiaries participating in the pilot program.

(II) measure selected under subsection (h)(1);

(III) utilization of medical services for Medicare beneficiaries with 1 or more of the conditions listed in paragraph (g), and the other Medicare beneficiaries as determined appropriate by the Secretary; and

(IV) appropriate utilization of shared decision making by eligible providers under the applicable phase of the pilot program; and

(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 phase of patient decision aids approved by the expert panel under section 4(b) for the medical care of the conditions described in subsection (g);

(ii) on expenditures for such conditions under Medicare for the medical care of such conditions; 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 aids and the format of such aids (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.

(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 used to provide shared decision making settings 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) for the following:

(i) providing financial assistance under subsection (c); and
By Mr. CASEY:

SA 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.

SEC. 5. 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 (l)), and carrying out section 1809(b)(1)(A)(iv) of the Social Security Act, as added by this subtitle, 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. 1395k-7b) for Centers for Medicare & Medicaid Services Program Management Account of $300,000,000 for the period of fiscal years 2010 through 2012.

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 Patients 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 Decisions.—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 aids as specified in 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:

May 21, 2009
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:

(I) 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) TECHNOLOGY.—The term “coal power generation technology” includes—
(A) the capture and storage of carbon dioxide; and
(B) highly efficient power generation (including advanced turbines, fuel cells, hydrogen production, and advanced gasification).

(3) DEMONSTRATION.—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.

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) 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—

(A) research and development programs to evaluate the most promising carbon capture and storage technologies.

(3) COMMERCIAL DEMONSTRATION PROGRAM.—As soon as practicable after the date of enactment of this Act, the Secretary shall carry out a research and development program to evaluate the most promising carbon capture and storage technologies.

(4) 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.

(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.

(6) CONGRESSIONAL REVIEW.—(A) The Secretary shall annually report to Congress on the progress of the research and development programs under subsections (a) and (b) of this section.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(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) $450,000,000 for fiscal year 2013.

SEC. 6. CARBON CAPTURE AND STORAGERS.

(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—

(A) research and development programs to evaluate the most promising carbon capture and storage technologies.

(3) COMMERCIAL DEMONSTRATION PROGRAM.—As soon as practicable after the date of enactment of this Act, the Secretary shall carry out a research and development program to evaluate the most promising carbon capture and storage technologies.

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(A) research and development programs to evaluate the most promising carbon capture and storage technologies.

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(A) for enhanced oil and natural gas recovery; and
(B) to decrease the cost, and increase the performance, of carbon capture and storage technologies.

(6) CONGRESSIONAL REVIEW.—(A) The Secretary shall annually report to Congress on the progress of the research and development programs under subsections (a) and (b) of this section.

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(B) $350,000,000 for fiscal year 2011;
(C) $400,000,000 for fiscal year 2012; and
(D) $450,000,000 for fiscal year 2013.

SEC. 6. CARBON CAPTURE AND STORAGERS.
lease of a single new fuel efficient automobile as follows:

1. **$3,500 Value.**—The voucher may be used to offset the purchase price or lease price of a 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 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 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 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.

**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 registered owner of a single eligible trade-in vehicle.

   C. **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 a new fuel efficient automobile by $3,500 if—

   A. the new fuel efficient automobile is a category 2 truck 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 3 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 shall not limit the value or issuance of a voucher under the Program to any person otherwise eligible to receive such a voucher under subsection (d); 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 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. **Program Requirements.**—

   A. **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, that—

   i. the person who will receive the new fuel efficient automobile 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. the vehicle (including the engine and drive train) will be transferred 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 shall prescribe; 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.**—Nothing in subparagraph (A) may be construed to preclude a person who dismantles or disposes of the vehicle from—

   1. 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);
   
   2. retaining the proceeds from such sale.

   C. **Coordination.**—The Secretary shall coordinate with the Attorney General to en- sure 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 to provide appropriate records 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.

   D. **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 equal to the amount re- served in subsection (b)(1) if the person provides proof satisfactory to the Secretary that—

   1. the person was the registered owner of an eligible trade-in vehicle; or
   
   2. the person leased the vehicle, the lease was a qualifying lease; and
   
   3. the vehicle has been disposed of in accordance with clause (i) and (ii) of paragraph (2)(A).

   E. **Regulations.**—Notwithstanding the re- quirements of section 535 of title 5, United States Code, to promulgate the 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 reimbursement of dealers participating in the Program to be made through electronic transfer of funds for both the amount of the vouchers and any 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 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 in close proximity to the person trading in an eligible trade-in vehicle the best estimate of the scrapage value of such vehicle and to permit the dealer to retain $50 of any amounts paid to the dealer for scrapage 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 dis- posal of eligible trade-in vehicles and provide such information as may be necessary to en- tities engaged in such disposition to ensure that such vehicles are disposed of in accordance with such requirements and procedures, includ- ing—

   A. requirements for the removal and approp- riate disposition of refrigerants, anti- freeze, lead products, mercury switches, and such other toxic or hazardous vehicle compo- nents 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 vehi- cle will be transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and pro- cedures, and in the event of any violation the dispen- sation 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 dis- posal;

   7. consistent with subsection (c)(2), establish requirements and procedures for the dis- posal of eligible trade-in vehicles and provide such information as may be necessary to en- tities 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 pen- alties described in subsection (e).

   F. **Anti-Fraud Provisions.**—

   1. **Violations.**—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.

   G. **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 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), 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 PROGRAMES.—A voucher issued under the Program or a cash rebate issued under subsection (c)(3) shall not be included 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.

(2) FOR PURPOSES OF TAXATION.—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 included as income and shall not be regarded as a resource for purposes of section 61 of title 26 of the Internal Revenue Code of 1986.

(i) DEFINITIONS.—As used in this section—
(1) the term ‘‘passenger, automobile, or 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 18 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 has a combined fuel economy value of at least 18 miles per gallon, except that such term does not include a category 2 truck;
(4) the term ‘‘category 3 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 or less; (5) the term ‘‘fuel efficient automobile’’ means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that is a large van or a large pickup, as determined and defined by the Environmental Protection Agency for the make, model, and model year of such vehicle; or
(6) 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
(7) 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 to the new automobile pursuant to part D of title 40, Code of Federal Regulations; or
(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 1984 through 2007, or posted under the words ‘‘Estimated New MPG’’ and above the word ‘‘Combined’’ for vehicles of model year 1984 through 2007, as determined by the Environmental Protection Agency for the make, model, and year of such vehicle;
(8) the term ‘‘new fuel efficient automobile’’ means an automobile described in paragraph (1), as determined by the Secretary for purposes of the Program; and
(9) the term ‘‘eligible trade-in vehicle’’ means a new automobile to ultimate purchasers.

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 advisory 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 issues have been at the top of the list of 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 classroom learning 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, meaningful 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 on the 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. It is vital that, in 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 seek to understand the needs of teachers by means of high-quality, 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 today to half a dozen colleagues 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 possible the 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 fresh water supplies 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, our 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 AUSTIN, D-Berkeley, Loretta J. CASTORNEZ, D-Petaluma, JEREMY MCMENY, D-Pleasanton, ZOE LOFGREN, D-San Jose and JACKIE SPEIER, D-Concord, 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 and families 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 122(a) of the Water 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 PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Dublin San Ramon Service 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 $7,000,000.

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.

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.

SEC. 1654. IRONHOUSE SANITARY DISTRICT (ISD) ANTIIOCH 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.

SEC. 1655. IRONHOUSE SANITARY DISTRICT (ISD) ANTIIOCH 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 $5,250,000.

PROJECT IMPLEMENTATION.—In carrying out sections 1641 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 Estuary, Bay Area Regional Water Recycling implementing agencies to fund the projects through the Bay Area Clean Water Agencies (BACWA), and shall include in such agreements a provision for the reimbursement of construction costs, including those construction costs incurred prior to the enactment of such Act.

(c) CLERICAL AMENDMENTS.—The table of contents of the Reclamation Projects Authorization and Adjustment Act of 1992 (33 U.S.C. 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. 2. MODIFICATION TO AUTHORIZED PROJECTS.

(a) ANTIIOCH 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 inserting "$2,250,000" and inserting "$3,250,000".

(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 "$3,250,000" and inserting "$4,250,000".

By Mr. WYDEN:

S. 1139. A bill to require the Secretary of the Interior 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. 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 businesses of all kinds that want 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 community 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, parks, and 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 of community that good things can happen if they work together to make their town as good as it 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 and 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 makes 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 facing our rural communities 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 septic tank discharge into 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 U.S. Forest Service history. In 1939, the Wallowa Forest Service Compound is—

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) of this Act, 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 event that the Secretary shall provide that the Wallowa Forest Service Compound 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:

SEC. 1. SHORT TITLE.  
This Act may be cited as the “La Pine Conveyance Act”.

SEC. 2. DEFINITIONS.  
In this Act:

(A) Meanings.—In this Act:

(1) COUNTY.—The term “County” means the County of Deschutes, Oregon.

(B) Map.—The term “map” means the map entitled “La Pine Proposed Land Transfer Proposal” and dated May 1, 2009.

(C) 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 any other provision of law, the land use plans or the purposes 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.

SEC. 4. CONVEYANCE OF LAND TO THE CITY OF WALLOWA, OREGON.  
(a) IN GENERAL.—The land conveyed under subsection (a) shall be used for a rodeo ground, public sewer system, or other public purposes not inconsistent with Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(b) LIMITATIONS.—The land conveyed under subsection (a)—

(1) shall not be used for residential or commercial purposes; and

(2) 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.).

(c) 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.

(d) 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).

(e) REVERSION.—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 revert to the United States.

(f) 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).

By Mr. 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.

Mr. FEINSTEIN. Mr. President, I rise today with Senator BOND to introduce the Trade 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 path 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 mean these countries 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 its 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, there is no doubt of 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 the 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 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 and Developing Economies Act of 2009” or the “TRADE Act of 2009”. 

SEC. 2. FINDINGS. Congress finds the following: 

(a) In the mutual interest of the United States and least-developed countries to promote stable and sustainable economic growth and development. 

(b) Trade and investment are powerful economic tools and can be used to reduce poverty and raise the standard of living in a country. 

(c) A country that is open to trade may increase its economic growth. 

(d) Trade and investment often lead to employment opportunities and often help alleviate poverty. 

(e) Least-developed countries have a particular challenge in meeting the economic requirements and competitiveness of globalization and international competition. 

(f) 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. 

(g) 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. 

(h) 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. 

(i) 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. 

(j) 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 BENEFICIARY TRADE ACT OF 2009 COUNTRY.—The term “former beneficiary TRADE Act of 2009 country” means a country that, after being designated as a beneficiary TRADE Act of 2009 country under Act of 2009, is designated for benefits under this Act 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 (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 (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: 

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PORT.—For purposes of this Act, the President of the United States or any of its departments, or any major consideration (including any report) shall be extended through December 31, 2019, the applicable percentage does not exceed 14 percent. (I) SPECIAL RULE.—(i) If the cost or value of materials produced or manufactured directly into the customs territory of the United States under this subparagraph exceed the aggregate square meter equivalents of all apparel imported into the United States under this Act or for which data are available. (ii) THE COST OR VALUE OF MATERIALS.—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 United States from a beneficiary TRADE Act of 2009 country under this Act shall remain in effect after December 31, 2019.

S. 1114. 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 treat 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 communication of risks and benefits to patients, 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 their health care choices. 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 has already confirmed the importance of patients and physicians having standardized and quantitative information about the product before making health care decisions.
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 drug facts box format, 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. 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:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Informed Health Care Decision Making Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In a recent randomized controlled trial, the Food and Drug Administration has found that replacing the brief summary of drug advertisements with a drug facts box improves 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 likely to choose the superior drug.

(2) In 2007, the Institute of Medicine conducted a workshop that highlighted the importance of the communication 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 seeking to evaluate pharmaceutical benefit-risk; and

(iii) develop and validate improved tools for communicating pharmaceutical benefit-risk information to patients and physicians.

(3) The general agreement of the workshop was that the Food and Drug Administration should pilot test a drug facts box.

(4) 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 FACTS BOX 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 action.—In making the determination under subsection (a), the Secretary shall review all available scientific evidence and consult with drug manufacturers, 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.—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 under such paragraph is objective and up-to-date, and in the form of a review process that considers the totality of published and unpublished data.

SEC. 4. STANDARDS FOR COMPARATIVE CLINICAL EFFECTIVENESS INFORMATION

SEC. 5. DISCLOSURE OF COMPARATIVE CLINICAL EFFECTIVENESS INFORMATION.
D) by striking “and contraindications” and inserting “contraindications, and, if appropriate after taking into consideration the type of device, effectiveness and comparative clinical and professional judgment, to the use of devices”.

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 these jobs 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 healthy 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 diseases.

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 legislative branch of the Government 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 bio-terrorism, acute outbreaks of infectious diseases, or other health threats and emergencies depends upon the existence of adequate numbers of trained health professionals in Federal, State, local, and tribal public health agencies and health centers.

(2) The public health system has an aging staff nearing retirement with no clear pipeline of highly qualified 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 2.19 per 100,000 in 1980 to 1.58 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 now 45 percent in 2009, with nearly 40 percent of the State public health nursing workforce eligible for retirement by 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 skilled public health professionals during the 10-year period ending in 2017. Public health agencies will have difficulty competing for these 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.

(8) A report released in early 2007 indicated that only 47 percent more epidemiologists are needed to adequately prevent and control avian influenza and other emerging diseases.

(9) 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.

(10) 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 Administration reported difficulty with recruiting more educated, skilled public health providers to work in traditionally medically underserved areas such as rural communities. Public health agencies continue to face an unmet need for public health workers who are bilingual and culturally competent.

(11) 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.

(a) Establishment.—The Secretary shall establish the Public Health Workforce Scholarship and Loan Repayment Program (referred to as the “Program”) to assure an adequate supply of public health professionals to eliminate critical workforce shortages in Federal, State, local, and tribal public health agencies and health centers.

(b) Eligibility.—To be eligible to participate in the Program—

(1) (A) be accepted for enrollment, or be enrolled, as a full-time student—

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"(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 an educational 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) be the individual, 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 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 disseminate to health professions schools and other appropriate accredited academic institutions and relevant Federal, State, local, and tribal public health agencies, 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 shall—

(A) be written in a manner calculated to be understood by the average individual applying to participate in the Program; and

(B) be submitted 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 to prepare the individual to serve in the public health workforce;

(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 this Program; or

(ii) 2 years;

(3) an agreement by both parties as to the nature and extent of 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 $2,000 per month for each month of the academic year involved (indexed for increases in the Consumer Price Index);

(4) a provision requiring the individual whose contract is accepted to—

(A) be employed by, or have the right to serve in, a State, local, or tribal public health agency or a health center, as recognized by the Secretary, to commence upon graduation; 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 of public health, laboratory sciences, epidemiology, environmental health, health communications, health education and behavioral sciences, information sciences, or public administration;

(5) (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;

(6) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (c)(1)) to serve for a period of obligated service in the full-time employment of a Federal, State, local, or tribal public health agency or a health center, as recognized by the Secretary;

(7) be a United States citizen;

(8) submit an application to the Secretary to participate in the Program; and

(9) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (c)(1)) to serve for a period of obligated service in the full-time employment of a Federal, State, local, or tribal public health agency or a health center, as recognized by the Secretary;

"(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—

(A) is accepted into, or enrolled in, 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;

(f) ADMINISTRATIVE PROVISIONS.—

"(1) CONTRACTS WITH INSTITUTIONS.— The Secretary may contract with an educational institution in which a participant in the Program is enrolled in an 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 provided for under section 338E for breaches of scholarship contracts under sections 338A,

(h) AUTHORIZATION OF APPROPRIATIONS.— There are appropriated to carry out this section $35,000,000 for each of the fiscal years 2010 through 2015.

(1) DEFINITION OF THE TERM.—For purposes of this subpart, the term ‘health center’ has the meaning given such term in section 332(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) be an eligible student;

(2) 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, and

(3) demonstrate that the individual is entering a year of full-time enrollment at an educational institution in the United States (as determined by the Secretary) leading to a health professions degree or certificate, which may include a degree (graduate, undergraduate, or associate) or certificate of public health, laboratory sciences, epidemiology, environmental health, health communications, health education and behavioral sciences, information sciences, or public administration;

(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.

(2) INFORMATION FOR SCHOOLS.— The Secretary shall disseminate to health professions schools and other appropriate accredited academic institutions and relevant Federal, State, local, and tribal public health agencies, 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 shall—

(A) be written in a manner calculated to be understood by the average individual applying to participate in the Program; and

(B) be submitted 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;

(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.

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(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 subsection (b)(1)(B) 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 of the principal, in

interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate period of obligated service (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 each of the years during which an individual agrees to the period 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 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.

(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 made 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) POST-SERVICE.—With respect to an individual receiving a degree or certificate from a school of medicine, public health, nursing, 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 completed service 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 in time of emergency, shall not be considered against any employment ceiling affecting the Department or any other Federal agency.

(b) 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.

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $150,000,000 for each of the fiscal years 2010 through 2015.

Sec. 785. Training for mid-career public health professionals.

(a) IN GENERAL.—The Director of the Office of Personnel Management, with the concurrence of the Director of the Office of Management and Budget, 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 personnel management development programs within their Federal agencies.

(b) 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. 786. Catalogue of Federal public health workforce employment opportunities.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall ensure that, with the concurrence of the Secretary, there is an online catalogue, or link to an online catalogue, of public health workforce employment opportunities in the Federal Government.

(b) REQUIREMENTS.—(1) The catalogue described in subsection (a) shall include—

(i) existing and projected job openings in the Federal public health workforce; and

(ii) the information for schools provided in subsection (a), or a prominent reference to the catalogue, in—

(A) the application forms provided under section 338E(a)(3); and

(B) 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 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 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 be administered in consultation with the ability of the program to attract and retain primary care providers in 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 implementing independent or supplemental public health workforce development programs within their borders.

Sec. 783. Training for mid-career public health professionals.

(a) IN GENERAL.—For each of the fiscal years 2010 through 2015, $30,000,000 for each of the fiscal years 2010 through 2015.
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 problems of cigarette trafficking continue 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, imposes new 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 used to finance the activities of 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, a multi-billion dollar a year phenomenon, and it is getting worse. In 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF&E) 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 cost. 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 BATF&E’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 utilizing 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 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. 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. mail. And that utilizing 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. 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 they do not impose 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 maintains a signature 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 common sense 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.

The Congress, in recognition of UPS and other common carriers, and the PACT Act, and this bill was carefully negotiated with the common carriers, including UPS, to ensure that they do not impose 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.

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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 maintains a signature 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.
without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) to the extent that 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 respect to 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 2009.

(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 interstate 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 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 complex and expensive cigarette and smokeless tobacco trafficking activities in and profit from their illegal activities;

(5) increase collections of Federal, State, and local taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through the use of the Internet or other electronic devices.

SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (5 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.—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).

‘‘(3) COMMON CARRIER.—The term ‘cigarette’ does not include a cigar (as defined in section 5702 of the Internal Revenue Code of 1986).

‘‘(4) 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.

‘‘(5) 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.

‘‘(6) DELIVERY.—The term ‘delivery’ means—

‘‘(i) the transportation of a commit 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.

‘‘(ii) by striking the first section and inserting the following:

‘‘(A) the consumer submits the offer for the sale by means of a telephone or other method of voice transmission, the mail, or any other means of remote delivery, or the seller is 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.

‘‘(7) INTERSTATE TRAFFIC.—The term ‘interstate traffic’ means commerce between points in the same State but through points in another State, and includes intrastate commerce between a port or place and a port or place in another State, and includes intrastate commerce between points in the same State but through points in another State.

‘‘(8) 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 and the Afognak Indian Tribe and

‘‘(B) includes any other land held by the United States in trust or restricted status for an Indian tribe, the village of Nag旌vak Inupiat, or the village of Shishmaref.

‘‘(9) INDIAN TRIBE.—The term ‘Indian tribe’, ‘tribe’, or ‘tribal’ refers to an Indian tribe as defined in section 107 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(a)), or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

‘‘(10) LOCALITY.—The term ‘locality’—

‘‘(A) in the matter preceding paragraph (1)—

‘‘(i) by striking ‘‘and’’ and inserting ‘‘or’’;

‘‘(ii) by striking ‘‘the’’ and inserting ‘‘the’’; and

‘‘(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

‘‘(ii) by striking ‘‘;’’ 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 the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memorandum information relating to specific customers to be organized by city or town and by zip code;’’;

‘‘(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 memorandum information relating to specific customers to be organized by city or town and by zip code;’’; and

‘‘(D) by adding at the end the following: ‘‘within 3 business days of receipt of such invoice or memorandum, 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: 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 subject to any changes or supplements to the law that may require the person submitting the package to the common carrier or other delivery service to open any package to determine its contents.

"(3) WEIGHT RESTRICTION.—A delivery seller shall not deliver, deliverable to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

"(4) VERIFICATION.—

"(A) IN GENERAL.—A delivery seller who mails or ships tobacco products—

"(i) shall not sell, deliver, or cause to be delivered 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

"(B) the person who signs to accept delivery of the shipping container to provide proof that the signature is that 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;

"(C) 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 to promote the effective enforcement of this Act; and

"(D) 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 searches or supplementation by the delivery seller.

"(c) RECORDS.—

"(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all 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 calendar year that begins after the date of the delivery sale.

"(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (2) may not 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 chief law enforcement officers of the local governments and Indian tribes, and to the Attorney General of the United States to determine 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, the delivery seller complies with the requirement.

"(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 where 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 applicable law requires 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 NONCOMPLYING DELIVERY SELLERS.—

"(1) IN GENERAL.—

"(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Federal, State, and local law enforcement of this Act, the Attorney General 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), 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 of cigarettes or smokeless tobacco 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;

"(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 to be appropriate.

"(2) LIST CONTENTS.—

"(A) IN GENERAL.—Each delivery seller shall include, for each delivery seller on the list described in subparagraph (A)—

"(i) all addresses from which the delivery seller does or has done business, or ships or has shipped cigarettes or smokeless tobacco;

"(ii) the website addresses, primary e-mail address and phone number of the delivery seller; and

"(iii) any other information that the Attorney General of the United States determines to be appropriate.

"(B) LIST CONTENTS.—

"(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Federal, State, and local law enforcement of this Act, the Attorney General 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), 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 of cigarettes or smokeless tobacco 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;

"(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 to be appropriate.

"(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.—

"(A) IN GENERAL.—In 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 any 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; investigate each case described in clause (ii) by contacting the relevant Federal, State, tribal, and local law enforcement agencies; and notify the delivery seller of the 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

"(B) RECORDS.—

"(A) IN GENERAL.—Not later than 90 days after this subsection goes into effect under the Federal, State, and local law enforcement of this Act, 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.

"(B) RECORDS.—

"(A) IN GENERAL.—In revising 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 subsection 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 name 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.—If any delivery seller 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, make, or update that list or portion thereof.

"(ii) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

"(iii) 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 has reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

"(B) IMPLEMENTATION OF UPDATES.—Commenting 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.

"(B) EXEMPTIONS.—

"(A) IN GENERAL.—Subsection (b)(2) and any requirements or restrictions placed directly on common carriers under the subsections described in 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 ineffective, is adminstering 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 California 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 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 State, local, or tribal government and United States to ensure that no deliveries of cigarettes or smokeless tobacco shall be made to consumers or illegitimately obtained or intercepted items 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 conspires to deliver or permits the delivery of a package in the possession of the common carrier or delivery service because the common carrier or delivery service determines that the person ordering or attempting to deliver to believes 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 expenses 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 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 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 such 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 that is inconsistent with this Act; but this Act does not restrict 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 of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, which establishes that the individual is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either a 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 of the package;

"(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid; and

"(iv) requiring that the packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

"(B) STATE LAWS PROHIBITING DELIVERY SALES.—Except as provided in subparagraph (C), nothing in this paragraph shall be construed to nullify, expand, restrict, or otherwise amend or modify—

"(i) section 15601(c)(1) or 4173(b)(4) of title 49, United States Code; and

"(ii) any other restrictions in Federal law regulating common carriers that is applicable under paragraph (1) on or 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 delivery services from making deliveries on behalf of delivery sellers by—

"(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 expenses 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 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 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 such records not otherwise required for such purposes.

"(6) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information to supplement the list described in paragraph (1)(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 submission of information by that State, locality, or tribal land.

"(B) UPDATES.—Any government providing a list or update described in paragraph (1)(A), shall 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).

"(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)(A) 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 other tobacco products to individual consumers or personal residences without proof that the common carrier is not exempt under paragraph (3) of this subsection.

"(8) 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 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.

"(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 not 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 or update described in paragraph (1)(A), shall 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) NOTICE TO DELIVERY SELLERS.—Not later than 14 days before including 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)(A), the Attorney General of the United States shall send a notification to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on the
(9) **LIMITATIONS.**—

(1) In general.—A 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 maintained under paragraph (1) is complete, accurate, or up-to-date; or

(ii) determine whether a person ordering a delivery is in compliance with this Act; or

(iii) verify or inspect, pursuant to this Act, any package being delivered to determine its contents.

(2) **ALTERNATIVE 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, the address of which is listed 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).

(3) **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 1481(a) of title 49, United States Code, or any other provision of law for—

(i) not making any specific delivery, or any delivery on behalf of any person on the list described in paragraph (1)(A); or

(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 to 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.

(4) **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 or independent delivery service.

(5) **PROHIBITION.**—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer is located, and not in the State, local government, or Indian tribe of any other law.

(6) **PENALTIES.**—The Jenkins Act is amended by striking section 3 and inserting the following:

**SEC. 4. ENFORCEMENT.**

(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 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 provide other appropriate injunctive or equitable relief, including money damages, for the violations.

(e) **PERSONS DEALING IN TOBACCO PRODUCTS.**—Any person who holds a permit under section 3272 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 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.

(f) **SOVEREIGN IMMUNITY.**—Nothing in this Act shall be construed to deem any sovereign immunity of a State or local government or Indian tribe against any unconstituted law suit under this Act, or otherwise to modify any sovereign immunity of a State or local government or Indian tribe.

(g) **ALLOCATION OF FUNDS.**—Of the amount available to the Attorney General of the United States under section 3272 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) shall be made available to the Attorney General of the United States for purposes of enforcing this Act and other laws relating to contraband tobacco products.

(h) **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 any other laws relating to contraband tobacco products.

(B) **ALLOCATION OF FUNDS.**—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.

(C) **STANDING.**—A State, the United States 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 the 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.

(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.

(E) **PERSONS DEALING IN TOBACCO PRODUCTS.**—Any person who holds a permit under section 3272 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 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.

(F) **SOVEREIGN IMMUNITY.**—Nothing in this Act shall be construed to deem any sovereign immunity of a State or local government or Indian tribe against any unconstituted law suit under this Act, or otherwise to modify any sovereign immunity of a State or local government or Indian tribe.

(2) **PROVISION OF INFORMATION.**—A State, the United States 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 the 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.

(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 any other laws relating to contraband tobacco products.

(B) **ALLOCATION OF FUNDS.**—Of the amount available to the Attorney General of the United States under section 3272 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) shall be made available to the Attorney General of the United States for purposes of enforcing this Act and any other laws relating to contraband tobacco products.
which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

(iii) CONTENTS.—The final rule issued under (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 other 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 clause (iv) during the 3-year period beginning on the date it makes 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 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 the package containing an 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.

(B) EXCEPTION FOR MAILINGS FOR CONSUMER TESTING BY MANUFACTURERS.—

(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

(ii) PERIODS.—The final rule issued under (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 of the mailing;

'(ii) permit a mailing of cigarettes to an individual located in any State that prohibits the delivery or shipment of cigarettes to individuals in that State, or pursuant to an order of the Internal Revenue Service, the Attorney General of the United States, or the Postal Service, the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, or the Director of the Food and Drug Administration, that the recipient is not a minor.

(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) which are nondelivered or placed in the possession of any individual who has not been notified as a minor.

(ii) CONTENTS.—The final rule issued under (i) shall require—

'(i) any mailing described in subparagraph (A) shall not be delivered or placed in the possession of any individual who has not been notified as a minor.

'(ii) for a mailing described in subparagraph (A) to an individual, that the United States Postal Service shall deliver the package to a recipient address without the recipient being required 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.

'(vii) that no person may initiate more than 10 mailings described in subparagraph (A) during any 30-day period.

(D) 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).''.

(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).

(3) MANNER OF DELIVERY.—

''(A) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716D the following:

``1710E. Tobacco products as nonmailable

''(a) PROHIBITED.—

''(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 reason 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 of money or other consideration;

''(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) PHOTOGRAPIH EXCLUSION.—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 90 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 (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 clause (iv) during the 3-year period beginning on the date it makes 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 All Cigarette Trafficking Act of 2009;
“(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 mail 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—

(a) the receiver or the legally authorized agent of the manufacturer has verified that the recipient is an adult established by the manufacturer; and

(bb) the recipient has not made any payment for the cigarettes;

(cc) the recipient has signed a written statement 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 no more than 12 packs of cigarettes (288 cigarettes) on which all taxes and fees 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 electronic 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 the mailing of otherwise nonmailable tobacco products that may be delivered only to the named recipient after verifying that the recipient is an adult;

“(VII) the United States Postal Service to 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 quality and performance characteristics and competiveness of a cigarette 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 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 ciga-

rettes or tobacco products that are non-

mailable by this subsection that are depo-

sited in the mails shall be subject to seizure

and forfeiture, pursuant to the procedures set forth in chapter 46 of this title. Any to-

bacco products seized and forfeited under this subsection shall be destroyed or re-

funded.

“(d) ADDITIONAL REQUIREMENTS.—In addition to any other fines and penalties under this title for violations of this section, any per-

son violating this section shall be subject to an additional civil penalty in the amount equal to 10 times the retail value of the non-

mailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes, and other amounts however know-

ingly deposited 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, any-

thing that is nonmailable matter under this section shall be fined under this title, im-

prisoned not more than 1 year, or both.

“(f) USE OF PENALTIES.—There is estab-

lished 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 mon-

etary penalties collected by the Federal Gov-

ernment in enforcing this section shall be transferred into the PACT Postal Service Fund and shall be available to the Post-

master General for the purpose of enforcing this subsection.

“(g) COORDINATION OF EFFORTS.—The Post-

master General shall cooperate and coordi-

nate efforts to enforce this section with re-

lated enforcement activities of any other Federal agency or agency of any State, local, or tribal government, whenever appropriate.

“(h) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

“(1) IN GENERAL.—The United States district court 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 FEE PROVISIONS.—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 provi-

sion of this Act or any other Federal law shall be held or construed to prohibit or pre-

empt the Master Settlement Agreement, the Model Statute (as defined in the Master Set-

tlement Agreement), any legislation amending or complementary to the Model Statute enacted prior to July 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation en-

acted after the date of enactment of this Act.

“(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to pro-

hibit an authorized State official from pro-

ceeding in State court or taking other en-

forcement 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 fol-

lowing 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 tele-

phone service, 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;

(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) SHIPPER OR CONSIGNEE.—Any person in the United States, or a non-resident alien, who ships or consigns tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or ships or consigns tobacco products or other tobacco-related products.

(B) MANUFACTURING WAREHOUSES.—Any person who removes cigars or cigarettes for sale or consumption in the United States from a custom-bonded manufacturing warehouse.

(C) UNLAWFUL IMPORTING.—Any person who smuggles or otherwise unlawfully brings tobacco 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 102(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 section 2343(b) to compel inspections authorized by paragraph (1).

‘(3) Whoever denies access to an officer under paragraph (1) 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 112 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country;

(2) any State laws that authorize or otherwise permit 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 and local governments, or the United States, or a State, or tribal governments, or Indian tribes, or to any tribe, tribal members, tribal enterprises, tribal reservations, or other lands held by the United States in trust for or on one or more Indian tribes; or

(5) any State or local government authority to bring enforcement actions against persons located within the State.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect the 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; and

(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 be construed to direct, 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 title 1 of the Jenkins Act, as amended by this Act; and

(2) the term ‘tribal enterprise’ means any business entity, 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 task force in each of New York, New York, the District of Columbia, Detroit, Michigan, Los Angeles, California, Seattle, Washington, and Miami, Florida; and

(2) create a Tobacco Intelligence Center to oversee investigations and monitor and coordinate ongoing investigations and to serve as the national tobacco product 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 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) WAIVER OF PRECEDENTIAL EFFECT OF THIS ACT.

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 other persons or circumstances shall not be affected thereby.

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 other persons or circumstances shall not be affected thereby.

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 life-cycle greenhouse gas emission reduction targets. The law specified that life-cycle greenhouse gas emissions are to include direct emissions and significant indirect emissions from upstream 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 regulatory actions 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 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 medical expenses 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 defect, 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 kind 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 plans are requiring patients to pay significantly more 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 coverage 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 in cash or incur copays 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 care 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 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.”

SECTION 2. AMENDMENTS TO THE EMPLOYER 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.

SECTION 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart A of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg 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 life-time basis.”.

(b) INDIVIDUAL MARKET.—Subpart 2 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-53 et seq.) is amended by adding at the end the following:

SEC. 2754. ELIMINATION OF ANNUAL OR LIFE-TIME AGGREGATE LIMITS.

"The provisions of section 2708 shall 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. KOREH, Mr. DYDEN, 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, KOREH, DYDEN 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. Improving 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 each year. Yet the 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 regarding end-of-life decision-making. 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 and their families find directives 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 perplexing, 65 to 73 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 statistics 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. Hospital stays are being scheduled 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 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 care 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 in promoting informed patients’ 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 to improving advance care planning. A MIPPA provision also does not address the advanced care planning needs of existing Medicare enrollees.

The legislation we are introducing today establishes a number of elements 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...
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 current framework 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.

TITLES 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.

Subtitle B—STATE AND LOCAL INITIATIVES

Sec. 105. Update of Medicare and Social Security handbooks.
Sec. 106. Authorization of appropriations.

SUBTITLE B—ADVANCE CARE PLANNING

Sec. 103. Advance care planning toolkit.
Sec. 102. Advance care planning information clearinghouses.
Sec. 101. Financial assistance for advance care planning.

Sec. 111. Financial assistance for advance care planning.

Subtitle C—PORTABILITY OF ADVANCE DIRECTIVES; HEALTH INFORMATION TECHNOLOGY

Sec. 112. Grants for programs for orders regarding life sustaining treatment and best interests.

Subtitle D—PORTABILITY OF ADVANCE DIRECTIVES; HEALTH INFORMATION TECHNOLOGY

Sec. 113. GAO study and report on establishment of national advanced directive registry.

PART II—PROVIDER EDUCATION

Sec. 121. Public provider advance care planning website.
Sec. 122. Continuing education for physicians and nurses.

Subtitle A—PORTABILITY OF ADVANCE DIRECTIVES; HEALTH INFORMATION TECHNOLOGY

Sec. 131. Portability of advance directives.
Sec. 132. State advance directive registries; designations for use in a national advance directive notation.

Sec. 133. GAO study and report on establishment of national advanced directive registry.

Subtitle B—PORTABILITY OF ADVANCE DIRECTIVES; HEALTH INFORMATION TECHNOLOGY

Sec. 141. Study and report by the Secretary regarding the establishment and implementation of a national uniform policy on advance directives.

TITLES II—COMPASSIONATE CARE

Subtitle A—WORKFORCE DEVELOPMENT AND FUNDING

Sec. 201. National Geriatric and Palliative Care Services Corps.
Sec. 202. Exemption of palliative medicine fellowship training from Medicare graduate medical education caps.
Sec. 203. Medical school curricula.

Subtitle B—COVERAGE UNDER MEDICARE, MEDICAID, AND CHIP

Sec. 211. Medicare, Medicaid, and CHIP coverage.

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.
Sec. 222. Removing hospice inpatient days in skilled nursing facilities for critical access hospitals.
Sec. 223. Hospice payments for dual eligible individuals residing in long-term care facilities.
Sec. 224. Delineation of respective care responsibilities of hospice programs and long-term care facilities.
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.

PART III—MEDICAID

Sec. 228. Medicare Hospice Payment model demonstration projects.
Sec. 229. Medicare End-Of-Life-Care Eligibility Certification standards and processes as required under State law.

PART IV—ADVANCE CARE PLANNING

Sec. 230. HHS Evaluations.

Subtitle C—QUALITY IMPROVEMENT

Sec. 241. Patient satisfaction surveys.
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. 253. Demonstration projects for use of telemedicine services in advance care planning.
Sec. 254. Inspector General investigation of fraud and abuse.
Sec. 255. GAO study and report on provider adherence to advance directives.

SEC. 2. DEFINITIONS.

In this Act:

(A) the term “Advance Care Planning”—the term “Advance care planning” means the process of:

(i) 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;

(ii) engaging family members, health care proxies, and health care providers in an ongoing dialogue about—

(aa) the individual’s wishes for care;

(bb) what the future may hold for people with serious illnesses or injuries;

(cc) how individuals, their health care proxies, and family members want their benefits and preferences to guide care decisions; and

(dd) the steps that individuals and family members can take now to ensure that the resources available to help with, finance, family matters, spiritual questions, and other issues that impact seriously ill or dying patients and their families; and

(B) 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.

(C) the term “CHIP”—means the term “CHIP” means the program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(D) the term “End-of-Life-Care”—the term “end-of-life care” means all aspects of care of a patient who has an expected survival period with a potential for 1 year or less, and includes care that is focused on specific preparations for an impending death.

(E) 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.

(F) the term “Living Will”—the term “living will” means a legal document—

(i) that specifies a 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

(ii) 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.

(G) the term “Medicaid”—the term “Medicaid” means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(H) the term “Medicare”—the term “Medicare” means the program established under title
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; and

(3) how to establish an advance directive;

(b) Establishment.—In carrying out the requirements under subsection (a), the Director, in consultation with the Assistant Secretary for Children and Families, shall develop an online clearinghouse to provide comprehensive information regarding advance care planning.

SEC. 102. ADVANCE CARE PLANNING INFORMATION CLEARINGHOUSES.

(a) Expansion of National Clearinghouse for Long-Term Care Information.—

(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 Director of the Centers for Disease Control and Prevention, shall develop and maintain and make publicly available an online clearinghouse to provide comprehensive information regarding pediatric advance care planning.

(2) Maintenance.—The pediatric advance care planning clearinghouse shall provide advance care planning information specific to children with life-threatening illnesses or injuries and their families.

(c) Content.—The advance care planning toolkit shall include content addressing—

(1) common issues and questions regarding advance care planning, including information on how to establish an advance directive and the types of medical providers, hospice and palliative care professionals, and individuals 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; and

(C) the advance care planning toolkit established under this section;

(5) 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

(6) website links or addresses for State-specific advance care planning resources.

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 establish, through grants, contracts, or interagency agreements, 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; and

(C) be conducted continuously over a period of not less than 5 years.

(3) Evaluation.—The Secretary shall conduct periodic evaluations of the national campaign and report the findings of such evaluations to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate not later than December 31, 2013,

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) health care proxies; and
(ii) after-death directives; and
(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) advance care planning clearinghouses established under section 102; and
(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 funds made available under sections 2012, 2013, and 2014; and
(v) 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 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.

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.—
(i) DEFINITION OF RECIPIENT.—Section 1002(b) of the Legal Services Corporation Act (42 U.S.C. 2996a(b)) is amended by striking “(B)” and inserting “(A)”; and
(ii) in the last sentence, by striking “and” and inserting “or”.

(b) ADVANCE CARE PLANNING.—Section 1006 of the Legal Services Corporation Act (42 U.S.C. 2996c) is amended—
(A) in subsection (a)(1)—
(i) by striking “title, and (B) to make” and inserting the following: “title; and (C) to make”;
(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”;
(B) in subsection (b), by adding at the end the following new clause:
“(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.).”;
(C) in subsection (c)—
(i) in paragraph (2), by striking “(B)” and inserting “(A)”;
(ii) by striking subsection (c) and inserting—
“(A) Appropriations for a purpose described in paragraph (1) or (2); and
(iii) by inserting before paragraph (3) (as designated by clause (ii)) the following: “The amounts 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.”;
(B) in subsection (d), by striking “subsection (a)” and inserting “subsection (a)(1);”;
(C) in subsection (e), by striking “May 21, 2009” and inserting “July 1, 2010.”;
(D) in subsection (f), by striking “July 1, 2009” and inserting “July 1, 2010.”;
(E) in subsection (g), by striking “(3)” and inserting “(2);”;
(2) REQUIREMENTS.—
(A) AWARD 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 that have adopted the Uniform Health-Care Decisions Act (as amended by section 211 of this Act) on or before the date of enactment of this Act.
(ii) One-third of the total amount of funds available under paragraph (3) for a fiscal year shall be allocated among those States that have adopted into law the Uniform Health Care Decisions Act (as amended by section 211 of this Act) or a comparable approach to advance care planning.

(b) ADVANCE CARE PLANNING COMMUNITY TRAINING GRANTS.—
(i) IN GENERAL.—The Secretary shall use amounts made available under paragraph (3) to award grants to State agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)) to award grants to State agencies on aging to—
(ii) for each fiscal year for which the State has been awarded a grant under this subsection, the number of Medicare beneficiaries served and their satisfaction with the services provided.
(iii) For each fiscal year for which the agen-

(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 carry out sections 1008(a) and 1008(b) of the Legal Services Corporation Act of 1966 (42 U.S.C. 2996e) is amended—
(A) in subsection (a), by striking—
(B) in subsection (b), by adding at the end the following new subparagraph:
“(B) in subsection (a), by striking—
(i) in subsection (a), by striking “(B)” and inserting “(A)”;
(ii) by striking subsection (c) and inserting—
“(A) in subsection (a)—
(i) by striking “title, and (B) to make” and inserting the following: “title; and (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”;

“(2)(A) in subparagraph (A)—
(i) by striking “May 21, 2009” and inserting “July 1, 2010.”;
(ii) in clause (ii), by striking the period at the end and inserting “;”; and

“(3) AWARD 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 that have adopted the Uniform Health-Care Decisions Act (as amended by section 211 of this Act) on or before the date of enactment of this Act.
(ii) One-third of the total amount of funds available under paragraph (3) for a fiscal year shall be allocated among those States that have adopted the Uniform Health-Care Decisions Act (as amended by section 211 of this Act) or a comparable approach to advance care planning.

(b) REQUIREMENTS.—
(A) USE OF FUNDS.—Funds awarded to a State agency on aging 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, 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 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 are authorized to be appropriated to the Secretary to the Centers for Medicare & Medicaid Services Program Management Account, $2,000,000 for each of fiscal years 2010 through 2014 to carry out this section for each fiscal years 2009 through 2014.

PART II—PROVIDER EDUCATION

SEC. 121. PUBLIC PROVIDER ADVANCE CARE PLANNING WEBSITE.

(a) DEVELOPMENT.—Not later than January 1, 2011, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, 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—

(1) at least two-thirds are used for establishing or developing 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) 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) AUTHORIZED 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 task force, 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 for 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 regarding life sustaining treatment" means, with respect to an area, a program that supports the active use of orders regarding life sustaining treatment for health care providers, including education and training to—

(a) 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 directives; and

(b) public health providers on advance care planning quality improvement activities.

(4) the term "public health provider" means a—

(A) health care association; a multi-State task force; or 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.

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) 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 providers and State boards of medicine and nursing, a curriculum for continuing education that States may adopt to—

(A) integrate advance directives into electronic health records, including oral directives; and

(B) develop and disseminate advance care planning continuing education requirements and opportunities.

(4) The Secretary may 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.

(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 directives.

(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 information 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 plans with dying patients and their loved ones.

SEC. 131. PORTABILITY OF ADVANCE DIRECTIVES; HEALTH INFORMATION TECHNOLOGY.

(a) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396w(c)) 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) by adding at the end the following new paragraph:

‘‘(G)(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 individual(s) assisting 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. 1396w(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’’;

(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’’;

(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) by adding at the end the following new paragraph:

‘‘(G)(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 individual(s) assisting 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.’’;
STATE LAW AMENDMENT.—In the case of a State that 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. 266g) 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; DRIVE'S LICENSE ADVANCE DIRECTIVE NOTATION.

(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, 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.

(1) ELIGIBLE ENTITIES.—(A) In general.—To be eligible to receive a grant under this section, an entity shall—

(i) be a State department of health; and

(ii) 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.

(b) 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 Secretary regarding the number of grants or contracts received pursuant to such award, including the number of State residents served through the mechanism.

(1) 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 State advance directive registry, for purposes of the following:

(i) advance directives, taking into consideration the effectiveness of the registry to ensure compliance with applicable Federal and State privacy laws.

(ii) coordinate with the State department of health; and

(iii) submit to the Director an annual report describing the number of State residents served through the mechanism.

(2) ANNUAL REPORT.—For each year for which an entity receives an award under this section, such State shall submit to Congress a report on the use of the funds received pursuant to such award, including the number of State residents served through the mechanism.

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, including cases involving the transfer of an individual from 1 health care setting to another.

SEC. 133. GAO STUDY AND REPORT ON ESTABLISHMENT OF NATIONAL ADVANCE DIRECTIVE REGISTRY.

SEC. 130. NATIONAL ADVANCE DIRECTIVE REGISTRY; DRIVER'S LICENSE ADVANCE DIRECTIVE NOTATION.

SEC. 131. 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 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

(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 executed by an individual to a provider or organization shall be given the same effect by that provider or organization as an advance directive validly executed within 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 about an individual’s wishes communicated to the health care provider orally or in writing, or the individual’s actions that provide clear evidence of 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 cognition of these wishes. Other forms of imputed knowledge are not actual knowledge.

(C)(i) The provisions of this paragraph shall prevent any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not pre-empt any State law that provides for greater portability, more deference to a patient’s wishes, or more latitude in determining a patient’s wishes.

(ii) section 3207(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraphs (E) through (J) of subparagraphs (D) through (M), respectively; and

(2) by inserting after subparagraph (D) the following:

"(E) 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 uniform policy on 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, including cases involving the transfer of an individual from 1 health care setting to another.

(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 under the laws of the State in which it was executed;

(D) conditions under which an advance directive is operative;

(E) the requirement 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;
(1) adequate and timely referrals to hospice care programs and services;
(j) the end-of-life care needs of children and their families.

(3) PALLIATIVE CARE.—For purposes of paragraph (2), 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 adding after subsection (i), the following:

‘‘(k) 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) Corps shall be utilized by the Secretary to provide geriatric and palliative care services within health professional shortage areas.

‘‘(2) 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.

‘‘(3) AMENDMENT.—The provisions of 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 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. EXCEPTION OF PALLIATIVE MEDICINE FELLOWSHIP TRAINING FROM MEDICARE GRADUATE MEDICAL EDUCATION PROGRAMS

(a) DIRECT GRADUATE MEDICAL EDUCATION.—Section 1389h(b)(4)(F) of the Social Security Act (42 U.S.C. 1389h(b)(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 purposes for the period beginning 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:

‘‘(2) Clauses (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 on 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 planning;
(4) training in how to discuss end-of-life care with dying patients and their loved ones;
(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 measure 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. 1395l) is amended—

(A) in subsection (e)(2)(A)(i), by striking ‘‘and’’ at the end of subparagraph (DD); and
(2) by adding ‘‘and’’ at the end of subparagraph (EE) and—
(3) by adding at the end the following new subparagraph:

‘‘(FF) advance care planning consultation (as defined in subsection (hh)(1));’’; and
(4) by adding by adding at the end the following new subsection:

‘‘Advance Care Planning Consultation

(hh)(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—

(i) the practitioner is a doctor of medicine or osteopathic medicine who has completed fellowship training in palliative medicine that is approved by the Accreditation Council for Graduate Medical Education;
(ii) the consultation is provided in the field of palliative medicine through an entity that—
(1) is an approved residency program for residents in the field of palliative medicine; and
(2) is an approved fellowship program for fellows in the field of palliative medicine.

SEC. 212. MEDICARE COVERAGE OF PALLIATIVE MEDICINE FELLOWSHIP TRAINING.

(a) IN GENERAL.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

(1) by redesignating subsection (j) as subsection (k); and
(2) by adding at the end the following new subparagraph:

‘‘(hh)(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—

(i) the practitioner is a doctor of medicine or osteopathic medicine who has completed fellowship training in palliative medicine that is approved by the Accreditation Council for Graduate Medical Education; and
(ii) the consultation is provided in the field of palliative medicine through an entity that—
(1) is an approved residency program for residents in the field of palliative medicine; and
(2) is an approved fellowship program for fellows in the field of palliative medicine;

(b) 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.

(c) TRAINING.—Under the guidelines established under subsection (a), minimum training shall include—

(1) training on 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 planning;
(4) training in how to discuss end-of-life care with dying patients and their loved ones;
(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 measure 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. 1395l) is amended—

(A) in subsection (e)(2)(A)(i), by striking ‘‘and’’ at the end of subparagraph (DD); and
(2) by adding ‘‘and’’ at the end of subparagraph (EE) and—
(3) by adding at the end the following new subparagraph:

‘‘(FF) advance care planning consultation (as defined in subsection (hh)(1));’’; and
(4) by adding by adding at the end the following new subsection:

‘‘Advance Care Planning Consultation

(hh)(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—

(i) the practitioner is a doctor of medicine or osteopathic medicine who has completed fellowship training in palliative medicine that is approved by the Accreditation Council for Graduate Medical Education; and
(ii) the consultation is provided in the field of palliative medicine through an entity that—
(1) is an approved residency program for residents in the field of palliative medicine; and
(2) is an approved fellowship program for fellows in the field of palliative medicine.

SEC. 212. MEDICARE COVERAGE OF PALLIATIVE MEDICINE FELLOWSHIP TRAINING.

(a) IN GENERAL.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

(1) by redesignating subsection (j) as subsection (k); and
(2) by adding at the end the following new subparagraph:

‘‘(hh)(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—

(i) the practitioner is a doctor of medicine or osteopathic medicine who has completed fellowship training in palliative medicine that is approved by the Accreditation Council for Graduate Medical Education; and
(ii) the consultation is provided in the field of palliative medicine through an entity that—
(1) is an approved residency program for residents in the field of palliative medicine; and
(2) is an approved fellowship program for fellows in the field of palliative medicine;
an actionable medical order relating to the treatment of that individual that—

(i) is signed and dated by a physician (as defined in subsection (c)(1)) or another health professional (as defined 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 provides an advance care plan 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) in subpart 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 paragraph (A)(i) may vary from an indication for full treatment to an indication to limit some or all specified interventions. Such indicated levels of treatment may include—

(i) the intensity of medical intervention if the patient is pulseless, apneic, or has serious cardiovascular 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–20) is amended by inserting "(2)(FF), after subclause "(2)(EE)"); and

(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; and

(ii) in subparagraph (O) by striking the semicolon at the end and inserting "; and"

and

(B) by adding at the end the following new subparagraph:

"(P) Subject to clause (ii), an explanation of the requirements 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—

(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 covered under such section;"

and

(B) in paragraph (7), by striking "or (K)" and inserting "or (K), or (P)"); and

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to consultations furnished on or after January 1, 2011.

(b) MEDICARE.—

(1) MANDATORY BENEFIT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1395a(a)(10)(A)) is amended in the matter preceding clause (i) by striking "(21) and inserting ",(21) and".

(2) MEDICAL ASSISTANCE.—Section 1905 of such Act (42 U.S.C. 1396a(a)) 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)(1)); 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 plan (21). 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 power 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) 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).

(G) The level of treatment indicated in 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—

(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; and

(A) the results of the evaluation of the recommendations of the Medicare Payment Advisory Commission (March 2009), including the impact that such recommendations if implemented would have on access to care and the quality of care.

(b) MEDICARE AND CHIP.—Section 1902(w)(4) of such Act (42 U.S.C. 1396w(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.

(c) CHIP.—(1) CHILD HEALTH ASSISTANCE.—Section 2110(a) of the Social Security Act (42 U.S.C. 1397cc), is amended—

(A) by redesignating paragraph (28) as paragraph (29); and

(b) by inserting after paragraph (27), the following:

"(3) 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. 1397a(b)) is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by striking "and" 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).

(3) CONFORMING AMENDMENT.—Section 2102(a)(7)(B) of such Act (42 U.S.C. 1397b(b)(7)(B)) is amended by striking "sections" and inserting "paragraphs (5) and (9) of section 2103(c)"); and

(d) DEFINITION OF ADVANCE DIRECTIVE UNDER MEDICARE, MEDICAID, AND CHIP.—(A) MEDICARE.—Section 1905(y) 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) MEDICARE AND CHIP.—Section 1902(w)(4) of such Act (42 U.S.C. 1396w(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.
Secretary shall make appropriate refinements to the recommendations described in subparagraph (A). Such refinements shall take into account—

(i) the impact on populations with longer that average lengths of stay;

(ii) the impact on populations with shorter than average lengths of stay; and

(iii) patterns at 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); and

(ii) 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 1886 of the Social Security Act (42 U.S.C. 1395f(d)), as amended by section 4102(b)(2) of the HITET Act (Public Law 111–5), is amended by adding at the end the following new subsection:

"(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 RESIDENTS RESIDING IN LONG-TERM CARE FACILITIES.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395f) is amended by adding at the end the following new subsection:

"(7) 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 and for hospice care related to the treatment of the individual’s condition (as defined by the Secretary for purposes of title XIX) with respect to individuals resided in such facilities that are furnished hospice care.

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. 1395t(x)) is amended by adding at the end the following new paragraph:

"(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 described by the Secretary for purposes of title XIX) with respect to individuals residing in such facilities who are furnished hospice care.

SEC. 225. ADDITION OF MEDPAC HOSPICE PROGRAM ELIGIBILITY CERTIFICATION AND RECERTIFICATION REQUIREMENTS.

In accordance with the recommendations of the Medicare Payment Advisory Commission contained in the March 2009 report entitled "Report to the Medicare Payment Policy", section 1814(a)(7) of the Social Security Act (42 U.S.C. 1395t(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 190th-day recertiﬁcation and 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)(ii) 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 MEDICAID HOSPICE BENEFICIARIES 18 YEARS OF AGE OR YOUNGER TO RECEIVE CURATIVE CARE.

In general.—Section 1812 of the Social Security Act (42 U.S.C. 1395d) is amended—

(1) in general.—Section 1812 of the Social Security Act (42 U.S.C. 1395d) is amended—

(A) in subsection (a), by inserting (subject to the second sentence of subsection (a)) after "in lieu of certain other benefits"; and

(B) in subsection (d), by adding at the end the following new sentence: "Clause (ii)(D) shall not apply to any 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. 1396a(a)(1)(C)) is amended—

(B) in paragraph (2)(A), by adding at the end the following new sentence: "Clause (II) shall not apply to any individual who is 18 years of age or younger.

(3) Any other models determined appro-
(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 METODOLOGY 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 diagnosis.

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 diagnosis-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, health care.

(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. HIS EVALUATIONS.

(a) EVALUATION OF ACCESS TO HOSPICE AND HOSPITAL-BASED PALLIATIVE CARE.—

(1) 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) 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) EFFORTS TO IMPROVE AWARENESS AND USE OF HOSPICE RESpite CARE UNDER MEDICARE, MEDICAID, AND CHIP.—

(1) EVALUATION.—The Secretary, acting through the Administrator 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—

(A) 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

(B) 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 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 the Health Resources and Services Administration 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 the populations, and the specific services provided.

(4) Not later than—

(A) April 1, 2011, the Secretary shall dissemi

(b) April 1, 2012, initial reporting relating to the measures shall begin.

Subsection C—Accreditation

SEC. 243. ACCREDITATION OF HOSPICE-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 submit to Congress a report 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).

(f) 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 hospital 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 REPORT 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:

(5) 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:

(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:

(7) Not later than 6 months after the program first seeks initial certification under this title or on or after the 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.

(8) (A) 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; and

(B) by redesignating subparagraph (G) as subparagraph (H); and

(2) by inserting after subparagraph (P) the following new subparagraph:

(2)(A) by the Secretary, of the Medicare Program and the Medicaid and the Children’s Health Insurance Program, for such legislation and administrative action and procedures for accreditation of hospital-based palliative care programs.

(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 the populations, and the specific services provided.

(b) Not later than—

(1) April 1, 2011, the Secretary shall dissemi

(2) April 1, 2012, initial reporting relating to the measures shall begin.

SEC. 245. 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 submit to Congress a report 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).

(f) 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 hospital 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 REPORT 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:

(5) 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:

(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,
(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) Did he or she receive effective pain management (if needed).
(G) What was the experience of the main caregiver (including if such caregiver was the respondent) and if so, when.
(H) Was he or she cared for by palliative care specialists, and if so, when.

(2) ADDITIONAL QUESTIONS.—Additional questions to be asked during the Survey shall be given the term by 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 January 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 provider of Medicare services 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 the 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 health care diagnosis and treatment.

(c) QUESTIONS.—In conducting the Survey, the Secretary shall ensure that the data are reported in a manner that allows for analysis of cross-tabulations of the data by patients’ terminal diagnoses, lengths of stay, age, sex, and race.

Subtitle D—Additional Reports, Research, and Demonstration Projects

SEC. 251. 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 extramural research that includes both existing and developing 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 provide a better understanding of current end-of-life care in the United States.

(c) Questions.—

(1) In General.—In conducting the Survey, the Secretary 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.

(C) Did he or she have a durable power of attorney, and if so, when it was completed.

(D) Did he or she discuss his or her wishes with loved ones, and if so, when.

(E) Did he or she discuss his or her wishes with his or her physician, and if so, when.

(F) Did he or she receive effective pain management (if needed).

(G) What was the experience of the main caregiver (including if such caregiver was the respondent) and if so, when.

(H) Was he or she cared for by palliative care specialists, and if so, when.

(2) Additional Questions.—Additional questions to be asked during the Survey shall be given the term by the Centers for Disease Control and Prevention on an ongoing basis with input from relevant research entities.

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 establish an Inspector General of the Department of Health and Human Services to investigate, not later than January 1, 2012, the following with respect to hospice beneficiaries admitted to 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 enrolment 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 Commissioner 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 actions as the Commissioner 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 STAR 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 legislation 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 minima 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.

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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. A survey to promote quality programs, will need 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 widely 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 this 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.

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 flawed environmental policy, 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-wellbeing information at the State level is essential so that Federal and State officials can track child well-being.

(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 Healthcare 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 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. Subsequently, it 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 403 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) GENERAL.—On or 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 the survey sample is comprised 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 SIZE.—Sample sizes used for the collected data shall include a file 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 for its collection 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 are to be included in the collection of data related to the indicators shall be treated as costs of the survey.

“(E) ADVISORY PANEL.—

“(1) 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.—

“(1) 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 non-profit 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 the 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 State and local governments 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. MUKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. INOUYE, Mr. BURTON, Mr. KERRY, Mr. AKAKA, Mrs. BOXER, Mr. FENDALL, 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 to care for a sick family member, 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 doctor’s visits. Employers 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 health officials urged people to stay home from work or school if they felt ill. Strong scientific evidence proves that this is one of the best ways to prevent the spread of disease and protect 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 DELAUR, and I are introducing the Healthy Families Act, which will enable workers to take up to 65 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 also help reduce health care 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 careers.

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 $230 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 business up to $88 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, “Not one of us would 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—EXPRESSION OF 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 continues to charge innocent Uyghurs with political crimes and to impose the death penalty on those Uyghurs and other political dissidents, contrary to international 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 education in their mother tongue to education.

Whereas the 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 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 THE REFORM OF THIS 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. MURKOWSKI, Mr. HARKIN, Mrs. BOXER, Mr. REED, Mr. LEVY, 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. MCCAKILL, 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 plan to create options for American consumers.

Mr. BROWN. Mr. President, in my approaching 2½ years in the Senate, I have held some 160 roundtables across my State—from Bryan, to Saint Clairsville, to Ashtabula, to Cin-cinati—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 provide 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 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 when they need it. To get the medicine they need, or to have the operation they need. That is 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.

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 purchase federally backed 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 on your own in the individual 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 co-sponsors—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 co-sponsors of the 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 them with 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 option 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 underdeveloped parts of the world;
(4) pass the Africa: Seeds of Hope Act of 1973, which redirected United States resources toward improving small 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 barques, barquentines, 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 première 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 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; and

(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.
Congressional Record — Senate  S5877

May 21, 2009

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. LUGAR, for himself, Mr. MCCONNELL, Mrs. FEINDL, Mr. JOHNSON, 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:

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, therefore, be it

Resolved, That the Senate—

(1) condemns and deprecates the show trial of Burmese democracy leader Daw Aung San Suu Kyi;

(2) condemns and deprecates 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) supports 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;

(6) calls upon the State Peace and Development Council to establish, with the full and unfettered participation of the National League for Democracy, ethnic and religious minorities, a genuine roadmap for the peaceful transition to civilian, democratic rule.

SENATE RESOLUTION 161—RECOGNIZING JUNE 2009 AS THE FIRST NATIONAL HEREDITARY HEMORRHAGIC TELANGIECTASIA (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 Telangiectasia (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, 25 percent of those with HHT, regardless of age, die from 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 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 of the presence 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 successful 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 that is dedicated to finding a cure for HHT while saving the lives and improving the well-being of individuals and families affected by HHT through research, medical education, and support;

(3) supports the designation of June 2009 as National Hereditary Hemorrhagic Telangiectasia (HHT) month, to increase awareness and help make a cure possible; and

(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 by increasing 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 NORTH-EAST 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 Harvey Langston, an African-American Representative elected to Congress from the Commonwealth of Virginia, 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 public landl;

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 Washington Black 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 to both African-American and white professionals; and

Whereas the first African-American 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 Langston facility continues to provide important recreational outlets, intramural programs, and educational opportunities for the inner-city youth.

Whereas the Langston Golf Course and related recreational facilities traditionally have provided additional opportunities 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 CHILDOOD STROKE AND DESIGNATING AN APPROPRIATE DATE AS NATIONAL CHILDOOD 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 causes 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 the age of 1; and

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 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, even for children under the age of 1; and

Whereas stroke recurrence 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 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 the $58.7 million funds for enhancements to the Langston Golf Course have historically 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 opportunities to the local residents of Washington, DC, and the young citizens of the nation;

Whereas the report of the Architect of the Capitol Visitor Center was named Emancipation Hall to help address the legacy of the slave laborers who built the Capitol;

Whereas the death rate for children who experience a stroke die as a result; and

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year; and

Whereas an individual can have a stroke before the age of 1; and

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 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, even for children under the age of 1; and

Whereas stroke recurrence 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 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 the $58.7 million funds for enhancements to the Langston Golf Course have historically 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 opportunities to the local residents of Washington, DC, and the young citizens of the nation;

Whereas the report of the Architect of the Capitol Visitor Center was named Emancipation Hall to help address the legacy of the slave laborers who built the Capitol;

Whereas the death rate for children who experience a stroke die as a result; and

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year; and

Whereas an individual can have a stroke before the age of 1; and

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 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, even for children under the age of 1; and

Whereas stroke recurrence 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 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 the $58.7 million funds for enhancements to the Langston Golf Course have historically 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 opportunities to the local residents of Washington, DC, and the young citizens of the nation;

Whereas the report of the Architect of the Capitol Visitor Center was named Emancipation Hall to help address the legacy of the slave laborers who built the Capitol;

Whereas the death rate for children who experience a stroke die as a result; and

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year; and

Whereas an individual can have a stroke before the age of 1; and

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 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, even for children under the age of 1; and

Whereas stroke recurrence 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 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;
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. MCCAIN, 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 1144 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. RISCH, Mr. BROWNBACK, Mr. BROWN, and Mr. CORNYN) 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 1144 submitted by Mr. MCCAIN (for himself, Mr. LIEBERMAN, 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 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. BEGICH, Mr. THUNE, Mr. BURRIS, Mr. CORNYN, and Mr. BENNETT) 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 1156 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 1209. Mr. REID submitted an amendment intended to be proposed to amendment SA 1167 submitted by Mr. BENNETT (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. MERRICK (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, Mrs. MIKULSKI, Mr. COCHRAN, Mr. BOND, and Mr. LUTENBERG) 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 1116 submitted by Mr. LEARY (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. REID) 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 1179 submitted 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. PYOR) 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 1185 submitted by Mr. GRAHAM 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, Mr. BROWNBACK, Mr. BENNETT, and Mr. CORNYN) 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. BEGICH, Mr. THUNE, Mr. BURRIS, 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. 54 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 to amendment SA 1199 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:

S1202. (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 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.

Nothing in this section shall be construed to prohibit the expenditure of funds for nonproliferation and disarmament activities in Pakistan.

(3) In this section, the term ‘appropriate congressional committees’ means—

(1) the Committees on Armed Services, Foreign Affairs, 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, Mr. BROWNBACK, 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;

At the end of the amendment add the following:

This section shall become effective in 3 days.

SA 1204. Mr. REID submitted an amendment intended to be proposed to amendment SA 1144 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 2 days.

SA 1205. Mr. REID submitted an amendment intended to be proposed to amendment SA 1159 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 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. CORNYN, 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:

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 1209. Mr. REID submitted an amendment intended to be proposed to amendment SA 1167 submitted by Mr. BENNET (for himself, Mr. CASEY, and Mr. JOHANNES) 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:

This section shall become effective in 17 days.

SA 1210. Mr. REID submitted an amendment intended to be proposed to amendment SA 1185 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:

This section shall become effective in 17 days.

SA 1211. Mr. REID submitted an amendment intended to be proposed to amendment SA 1188 submitted by Mr. MURRIN (for himself, 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:

This section shall become effective in 10 days.

SA 1212. Mr. REID submitted an amendment intended to be proposed to amendment SA 1189 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:

This section shall become effective in 8 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:

This section shall become effective in 14 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:

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:

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. FRYOR) 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:

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:

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. MURRIN (for himself, 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. CRUZ, 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, education, food aid, or other critical safety net programs in all of the 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 90 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) 224-7371 or Amanda Kelly at (202) 224-6360.

AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON ARMED SERVICES

Mr. KAUFMAN. Mr. President, I seek 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 seek 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 seek 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 seek 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 seek 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 SD–366 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 seek 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 seek 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 THE JUDICIARY

Mr. KAUFMAN. Mr. President, I seek 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,
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


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

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

The following named officer for appointment 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


DEPARTMENT OF STATE

Michael L. Connor, of Maryland, to be Commissioner of Reclamation.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed in executive session to consider nominations Nos. 67, 144, 153, to and including 165, 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 recon sider 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 business.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 9:30 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.

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 10:30 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.

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 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.

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 2:30 p.m. in room 253 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 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 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


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

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

The following named officer for appointment 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

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 the Universal Declaration of Human Rights; and
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; and
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 its forms and reaffirms the equal rights and responsibilities of women and men during marriage and at its dissolution; and
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; and
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
1. 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 that place restrictions on women's freedom of movement unconstitutional and an erosion of growth and development in Afghanistan; and
(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; and
(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 and girls, 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 to be 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 States Government 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 the 1990s";
Whereas the Secretary-General of the North Atlantic Treaty Organization (NATO) has asserted that passage of the law could discourage countries, which rely on contributions from additional troops to help combat terrorism in the region,
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 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 all persons may freely determine their political status as well as their economic, social, and cultural development;

Whereas article 21 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 to revise the Shi’ite Personal Status Law, including any laws or regulations concerning 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 and 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’s and non-governmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national policies and 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. 1385.

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. Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time, and passed.

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 123 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. Without objection, it is so ordered.

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 request passage of this 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. Although 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 invited 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 not yet cleared 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.

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;

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;

Whereas these criminal charges are consistent with other actions by the military regime to harass and persecute Daw Aung San Suu Kyi and her members of the National League for Democracy: Now, therefore, be it

Resolved, That the Senate—

(1) condemns and deplors the show trial of Burma’s democracy leader Daw Aung San Suu Kyi;

(2) condemns and depleors 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 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 in Burma;

(5) calls upon the Secretary 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 bring about 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 unfeathered participation of the National League for Democracy and ethnic minorities, a genuine roadmap for peace and the peaceful transition to a 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 reads as follows:

A resolution (S. Res. 161) recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiectasia (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, Hemorrhagic Telangiectasia (HHT), also referred to as Osler-Weber-Rendu Syndrome, is a long-neglected national health problem that affects approximately 70,000 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;

(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 reads 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 designated as the Langston Golf Course 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 designed for construction by the Department of the Interior in the 1930s as a safe and expanded 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 Capitol City Open golf tournament was held at Langston Golf Course its home for the past 40 years;

Whereas the first African-American 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 Wakohn 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 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 and contributions have been 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 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 Wakohn Women’s Club are 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 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 concurrent 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 relating 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 262 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 a stroke occurs in the top 10 causes of death for children in the United States;

Whereas a stroke is among the top 10 causes of death for children in the United States; and

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 for stroke;

The resolution, with its preamble, reads as follows:

S. Res. 163

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 recurrent stroke;

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 concurrent resolution be placed 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 any 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, 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. REID 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 week period. Joe not being in the period 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 Steelers 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 championship 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. Brownsies 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. 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 re- sume 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 so 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 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. 138 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, VIC, GEORGE M. GRAY, JR., RESIGNED.

DEPARTMENT OF STATE

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CARRIER MEMBER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICK 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 8901:

Joshua D. Rosen

To be major

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL, FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 1230:

Stuart W. Smyth

To be colonel

IN THE NAVY

THE FOLLOWING NAMED OFFICERS, FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 511:

Scott K. Rineer

To be captain

Cynthia S. Sikorski

To be commander

Mary P. Colvin

To be lieutenant commander

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.
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:

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:

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:

MAJ. GEN. TERRY G. ROBLING

IN THE AIR FORCE


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.
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.

Today, thanks to a strong public-private partnership that has served as national and international models, 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.

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, Congressionalwoman 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.

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 Farallones 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 passionate and dedicated advocate for our National Parks. He served as a magnificent steward of our beloved treasure, the Golden Gate National Recreation Area. He was a key advisor to the Department of the Interior on partnership matters.

As Philip 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.

JOE 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 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 history, cannot access credit at a reasonable rate. These new and enhanced entrepreneurship 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
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 promoting the word of God. The Lexington Democratic Club has sought to increase civic participation, promote transparency, open government, and support the merit-based selection of judges. Its leaders reflect the best ideals of the Club and have devoted their voluntary efforts to supporting the Club’s proud mantle of reform.

Among those among honored are Ann Pincus 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 Grimbie, Paul Hellegeres, Russell Hemby, Leonard 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, Ware 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 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.

IN RECOGNITION OF THE HONOREES OF THE LEXINGTON DEMOCRATIC CLUB

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.

HONORING TRUSTEE JOSEPH DEVLIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

IN RECOGNITION OF THE HONOREES OF THIS IMPORTANT MILESTONE

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 Statham 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 working hard 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.


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 devoted himself in service to 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 Council 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 manage 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 is 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 Mr. Malloy. 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 of all apprentices in the construction trades.

IN HONOR OF MIKE CURRAN

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 2009

Ms. 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 the Bay Area; he 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
I have had the pleasure of working with him and his contributions made to our community. It is the legacy that J. Paul Russell left. Mr. Russell will dearly be missed by his family, friends, and community, and his contributions made to 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 legacy that J. Paul Russell 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 E. 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 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. Sergeant 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 rehood, 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 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 home. 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 HERSHEY 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 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 an 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 Jo-anna, 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 that Ellsworth, 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 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 sustained multiple wounds from automatic weapons fire while attempting to reach his comrades 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 agricultural production. 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 ordinance 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, Toxic, and Radioactive Waste disposal, an expertise that it has assisted in EPA environmental cleanup 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 have given 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. 3299: 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 thrust 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 $200 billion. While school construction funding has traditionally been a State and local responsibility, the magnitude of the challenge warrants a federal role—a role that could help Leawood 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 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.

In education infrastructure is not an expendi-
ture; 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 Kumson, 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 leading to 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. When 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 Chinese approval is becoming a prerequisite for Taiwan’s participation in any international organization, and that countries will begin viewing China as Taiwan’s suzerain. If this view becomes 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 could 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 Sprecklesville 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, 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
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 City.

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. Mr. 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 Nuremberg Trials, he worked on the convictions of many war criminals, including Walther von Brauchitsch, 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 Nuremberg Trials, Dr. King served as Chief Counsel for the Marshall Plan. Between 1961 and 1981, he was General Counsel for the United Nations. After his retirement from the Navy in 1946, he served as Chief International Corporate Counsel at TRW, Inc., and 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 as 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 human rights and 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. The NAACP was founded in the United States in 1909.

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 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 many other civil rights laws. 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 gentleman.

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 hosteling. Hostelling International operates and maintains almost 70 hostels throughout the United States, with over 4,000 locations worldwide.
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 their 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.


HONORING MR. HELMUTH J.H. BAERWALD
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BAERWALD. Madam Speaker, I rise today to honor Helmut 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 Fire Department’s Fire Chief 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 Road and Germantown Pike. He was a driving force in establishing a sister city program between East Norriton and Trepтов-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 to 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 Helmut 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 all, demonstrating the importance of respect 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 good will 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 Knot will be recognized with the Emergency Medical Response Award. Firefighters Jason Abbey, DustinLuci, Al Morea, Nick Schulz, Josh Slurges, 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 help 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 distinguished 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 as 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 pristine beauty 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 BAHÁ'Í 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'is 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.

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 48th 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 Colonial 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 Mark O’Halleran and 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, Ellis 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 memory lasting 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 devastated 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 KELLOGG

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.

COMMENORATING 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 BLUMENTAUR
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BLUMENTAUR, 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 DVDs 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 adopters to provide incentives for doctors to provide resources such as DVDs 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.

Shared decision-making is a common-sense program that will improve quality of care, but more importantly, support patients and families during difficult times.

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. CHRYSM 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 seniors ill. Americas, 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 today, 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. The 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 are paying their 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 these savings the first year toward 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 “silent care” 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.

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA

CONGRESSIONAL RECORD — EXTENSIONS OF REMARKS 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 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 has written for 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 Room in 2006. He appeared as a pit reporter in two motion picture films, “Stroker Ace” and “Six Pack.”
Ms. ESCHO. 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 months after the end of World War I, Something Jantraka was born in 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 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 1944 she was sent to bed for several months when doctors feared she had inebriated 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, teaching 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 novicheship 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 something or something was funny. I can still hear it. Throughout my life she was a loving friend, someone I knew 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 told 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. It is with sadness that I rise 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. Mr. Gruhn was always politically active as 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 as president of a variety of groups 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 generation 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 Adalai Stevenson delegate in 1956, he stayed engaged in the progressive ideal he embodied in the North ern California AFL-CIO Political League.

Mr. Gruhn was married to the former Dorothy Coon for over 37 years. Dorothy pre-deceased 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.”
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HONORING ALBIN GRUHN

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 2009

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 beloved labor leader and consumer activist whose calling was the welfare of the working people of California. His 36 years as president of the California 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 as president of the 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 other commissions. Throughout these 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.

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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 devasting. 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 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 rolloc vote 267; “yea” on rolloc vote 268; and “yay” on rolloc 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 participating 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 which 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 Crime Committee staff, Mario Dispensa. 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 Program at the College of Oxford University, and earned his law degree with honors from The George Washington University Law School.


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.

HON. FORTNEY PETE STARK
OF CALIFORNIA

HONORING ALBIN GRUHN
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 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 sumer, 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 Consumer Revision Commission 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 pre-deceased 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. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 2009

Mr. THOMPSON 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.

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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.

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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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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 a 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 Weihaupt, Angela Moncor, 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, LCMD 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.

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 community 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 blacklist 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 an officer in the California 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 had a deep sense of compassion 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 considerable time 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 scholarshop program established by the California Labor Federation.

Mr. Gruhn was always politically active as a member of the Communist Party of which 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 Coots for over 63 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 re-
claims of the mandatory system’s proponents, it is highly unlikely an efficient system of man-
datory electronic health records can be estab-
lished by the Government.

Many health technology experts have warned of the problems that will accompany the system of mandatory electronic medical records for physicians to opt out and provide a safety device to ensure that physicians can avoid the problems that will inevitably ac-
company the government-mandated system.

Madam Speaker, allowing patients and pro-
viders to opt out of the electronic medical records system will in no way harm the prac-
tice of medicine or the development of an effi-
cient system of keeping medical records. In-
stead, 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 alter-
atives to the government system, the opt-
out 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 col-
leagues to stand up for privacy and quality health care by cosponsoring the Protect Pati-
tients’ 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 as-
sess the feasibility of designating coastal lands on the Ka’u Coast of the island of Ha-
waii 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 prelimi-
ary assessment of whether the Ka’u Coast would meet the National Park Service’s demand-

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 prelimi-

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 con-
tains a number of noteworthy geological fea-
tures, 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 spe-
cies, 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 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 na-
tive coastal vegetation in Hawaii.

The archeological resources related to an-
cient Hawaiian settlements within the study area are also very impressive. These include dwelling complexes, heiau (religious shrines), walls, fishing and canoe houses or sheds, bur-
ial sites, petroglyphs, water and salt collection sites, caves, and trails. The Ala Kahakai Na-
tional Historic Trail runs through the study area.

The Ka’u Coast is a truly remarkable area: its combination of natural, archeological, cul-
tural, and recreational resources, as well as its spectacular viewscapes, are an important part of Hawaii’s and our nation’s natural and cul-

tural heritage. I believe a full feasibility study, which was recommended in the reconnais-
sance 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 sup-
porting this bill.

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 legisla-
tion with my colleagues Mr. SMITH, Mr. KEN-
NEDY, Mr. BURTON, and Mr. ACKERMAN that will protect infants and young children from mer-
curry, a known neurotoxin, in vaccines. This legislation builds on the policy recommenda-
tions issued in July 1999 by the Public Health Service, the American Academy of Pediatrics, and the American Academy of Family Physi-

cians. That policy proclaimed "[T]he Public Health Service, the American Academy of Pe-
diatrics, and vaccine manufacturers agree that thimerosal-containing vaccines should be re-
moved as soon as possible." Mercury is well estab-
lished as a neurotoxin and is particularly harmful to the developing central nervous sys-
tem. Given that mercury is 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 expo-
sure in children and reduce this exposure in utero. It is incumbent upon us to ensure the immu-
nizations we provide our children are free from harmful neurotoxins, which is why I proudly introduce this legislation.
Proto, sister, Diana Proto Arino, 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 fledging 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.

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 spending 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 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 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 Brash, 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 wish them many years of continued success.

EDWIN WAY TEALE HISTORICAL MARKER
HON. PETER J. VISCHLOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 2009

Mr. VISCHLOSKY. 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 Furnesville, Indiana, where Edwin Way Teale and his family once lived. Furnesville is 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 Furnesville near Missie Lewry, estate of the late American Naturalist, Edwin Way Teale.

Edwin Way Teale put Furnesville 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 Jennifer, near Missie Lewry, estate of the late Mr. John Lewis. In 1915, his grandparents’ farm burned down. Next, The Maples, in the center of Furnesville, became home to his
grandparents, and many years later, was the home of Teale's wife, Nellie, and their son, David. Eventually, Musette Levy was built on this foundation. Trent D. Pendley, who purchased Teale's home in Fennersville, applied for the State Historical Marker, which was approved in 2004. Notable, the Indiana State Library undergose 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 house.

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 Fennersville 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 Octave as a tremendous source of pride for Northwest Indiana.

COMMENDING GUAM ANIMALS IN NEED (GAIN)

HON. MADELINE 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 hearing of a 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 on 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 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, over 176 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 make the region a 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 many 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 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 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 trails 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 enjoy nature 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 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
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 2009
Ms. DELAUNO. 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 in 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.

MOURNFUL MESSAGES
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 troops transitioning out of military service, 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
- CPL Gregory Dalessio, United States Army—Cherry Hill, NJ
- PFC Vincent Frassetto, United States Marine Corps Reserve—Toms River, NJ
- SGT Bryan Freeman, United States Army Reserve—Lumberton, NJ
- SSG Anthony Goodwin, United States Marine Corps—Westampton, NJ
- SSG Terry Hemingway, United States Army—Willingboro, NJ
- MAJ John Pryor, United States Army Reserve—Moorestown, NJ
- CPL Thomas Saba, United States Marine Corps—Toms River, NJ
- LTPC John Spahr, United States Marine Corps—Cherry Hill, NJ
- SPC Philip Spaksoky, United States Army Reserve—Brown 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. LATOURRETTE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 2009
Mr. LATOURRETTE. 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. LATOURRETTE.

Bill Number: H.R. 915.

Legal Name of Requesting Entity: Lake County, OH

Description of Request: To authorize and provide funding for the City of Willoughby for the purchase of Lost Nation Airport from the Legal Name of Requesting Entity: Lake County, OH for the purchase of Lost Nation airport from the

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 families in crisis. Through the world of 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, Twist Twelve and Twenty, was a number-one best seller 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 Speaker 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 the Boone Outreach, 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 left 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 decency 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 policies that arbitrarily 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 average 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 policies that raise the price of gas, either directly through taxes or indirectly through 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 policies 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-Vanik’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 Kazakhstan, 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 at 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 direct the office of the Director of the 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 to 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 THE CONGRESSIONAL RECORD — Extensions of Remarks
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 decreed in the Declaration of Independence that King George had "combined to subject us to 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.”
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 Representa-tives, 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 the most difficult contest 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 International 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 28th 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 rate 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 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 drawing of 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 Days. 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, Jeffery, 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, barrel 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, who was the assistant director at the 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 not only an enthusiastic supporter of his hometown 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 one of the founders of the Resolution Trust Corporation, which was ultimately responsible for cleaning up the Savings and Loan 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 authority 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 common-sense 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 companies, we also are faced with an unrelated amendment allowing loaded firearms to be carried in parks. These gun provisions have
endure homelessness and lives of poverty can't find jobs, and many veterans are between the ages of 25 to 34 (7.3 percent). It is time to help our youngest veterans find gainful employment. Veterans between the ages of 18 to 34 can't find jobs, and many veterans are in the workforce training programs developed by this bill will help small businesses not only survive the current downturn, but allow them to expand and create new jobs.

In my mind, I am especially 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 seen the value of online job training firsthand 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 decrease 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 continue 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
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
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 Waipahu, 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 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 yokozuna; and Fiamaua 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 the 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 Franklin D. Roosevelt Young Democrat 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 S. 387, the “Children’s Health Insurance Program Reauthorization Act of 2009.”

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
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, 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 report objectively. Mr. Vesely was 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, civil and well-considered discussion.

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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.

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 (NHOP). 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. 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.

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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 Soldier holding the line in Gettysburg, the Sailor defending the fleet in the South Pacific, the Marine landing at Iwo, 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 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.

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I look forward on working with my colleagues in addressing this need and advancing the larger cause of eliminating health disparities.
I am proud to call her my friend. We wish her all the best, and 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 retraining 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 a testament to his commitment to community 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, 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. In 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.
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—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 affinity 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 chum 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 unrelated 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 ORGON
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.

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, 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 delivering 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’s 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 “worse 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 have made a difference.

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. 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, the Japanese commandant turned to the American prisoners of war (POWs) and told us that we were “lower than dogs’ excrement.” The Japanese were taught 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 or who had their tanks for Stanford laiguna 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 forced into “Hell Ships,” packed shoulder to shoulder without food or sanitation and shipped to factories, mines and docks across the Japanese Empire. Survivors were later 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 had 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 have made a difference.

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 surprised to hear him call my American official my story. He heard of my humiliations, saw my scars and learned of my Japanese friends who have helped me overcome my POW traumas.

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 to former POWs; (2) an apology 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 Astro 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 hustle and bustle of the world’s greatest metropolis just a few miles away. Kensington continues to be a community of tranquility. Its welcoming white gates will always symbolize the warm and hospitable nature of 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:** 103.  
**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 Muní 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 CON-...
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 whoppings $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 neighbors, 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 married to the former Dorothy Coon for over 37 years. Dorothy pre-deceased 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

Mrs. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of the resolution, 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 by us. 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 900,000 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 a Day of Remembrance. At the head 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 southeastern 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 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 we sing 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 sobering to see the words like these, even if it is on one’s own, 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 the recognition and the commencement 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 class-room. 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. Madam 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 Henry Cuellar, 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.

Texas’ veterans 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 just the first four months of 2009 more than 40 officers around the country have made the ultimate sacrifice. And as that weren’t bad enough, police officer law enforcement professionals have 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 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, when Police 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 John-son 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, Presi-dent 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 Representa-tives, 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 per-sonnel for their selfless acts of bravery, and that police officers and law enforcement per-sonnel 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 en-forcement personnel.

IN APPRECIATION FOR THE EX-CEPTIONAL 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 grad-uates move on and students move up. In Cali-fornia’s Twelfth Congressional District, this school year ends by bidding farewell to an un-paralleled education professional, Marilyn Mil ler, 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 experi-ence, 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 respon-sibility when she moved to William H. Crocker Middle School, where she stayed until ascend-ing 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 out-standing programs in San Mateo County pub-lic schools. Under Marilyn’s stewardship, Hillsborough schools have also received four National Blue Ribbon Awards and in 1993, re-ceived 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 numer-ous public and private grants for her school system, including funding for science, tech-nology, reading and reforming curriculum.

As Madam Speaker, I know from personal ex-perience 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, in-cluding being a finalist for the National Safety Council’s Principal of the Year; elected Presi-dent of the Association of California School Administrators; State Coordinator of the Cali-fornia Partnership Network Schools; Chair-person of the ACSA Middle School State Con-ference; and awarded College of Notre Dame, Belmont’s Alumnus of the Year; Hinsdale, Illi-nois’ Teacher of the Year; and San Mateo County’s Outstanding Educator.

Marilyn has represented our community and our nation at international conferences, includ-ing presenting to the Stockholm School of Eco-nomics and serving as the United States rep-representative to the New Leaders Conference in Singapore. In addition, she regularly attended the nationally-recognized 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 Bel-mont’s College of Notre Dame.

Marilyn has earned her re-tirement, even if the hole she leaves will be impossible to fill. She recently welcomed a new grandson, Cole, who with granddaugther, 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

SPREECH 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 leg-
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 21 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 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 to subject guidance from the Director of the Office of Management and Budget (OMB) to reasonably adjust applicable costs of data collection, auditing and 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 federal supply 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. 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. HINCHLEY, 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). The 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, women learn about the benefits of maintaining healthy habits, such as smoking and 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 families who supported 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, are adorned 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 veterans 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 the Fisher Foundation has provided funding for short-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 Frank Lautenberg 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 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 danger 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, it is important for all Americans to learn how to 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 about the importance of this issue 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 literally 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 are 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 be 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 like the impact of 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 borrow, 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 default and student loan default rates 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 a result of the relationship between student loan companies and universities, as some lenders offer university 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 future years.

This amendment would promote 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.
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 the balance over the 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.

Enables consumers when the “billing to 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 nearly a 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 that 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 reprimed 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” for 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 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. Entrepreneur 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 to receive 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 and 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.
Thursday, May 21, 2009

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
Page S5570, S5801–04

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.

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.

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.

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.


Pages S5884–85

National Hereditary Hemorrhagic Telangiectasia (HHT) Month: Senate agreed to S. Res. 161, recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiectasia (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.

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”.

Pages S5886

Risch Amendment No. 1143, to appropriate, with an offset, an additional $2,000,000,000 for National Guard and Reserve Equipment.

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.

Lieberman Amendment No. 1156, to increase the authorized end strength for active duty personnel of the Army.

Isakson Amendment No. 1164, to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit.

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.

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.

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.

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.

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:

Reid (for DeMint) Amendment No. 1224, to amend the preamble.
Adjointment 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.

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.

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.

Subsequently, the motion to proceed was withdrawn.

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.

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.

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.

Subsequently, the motion to proceed was withdrawn.

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding any adjournment of the Senate, Senator Reed be authorized to sign duly enrolled bills or joint resolutions.

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.

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.

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.

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.

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.

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.

Messages from the House: Page S5888
Measures Referred: Page S5817
Enrolled Bills Presented: Page S5816
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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

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


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 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 Terrorism and Homeland Security: Senators Cardin (Chair), Kohl, Feinstein, Schumer, Durbin, Wyden, Kaufman, Kyl, Hatch, Sessions, Cornyn, and Coburn.


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


Additional Cosponsors:

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).

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Troy Ehlke, Christ Lutheran Church, Charlotte, North Carolina.

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. 283.

Privileged Resolution—Intent to Offer: Representative Bishop (UT) announced his intent to offer a privileged resolution.

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. 285.


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.

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 2⁄3 yea-and-nay vote of 397 yeas to 11 nays, Roll No. 287.

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.

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.

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.

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.”

Agreed to:

Oberstar manager’s amendment (No. 1 printed in part C of H. Rept. 111–126) that makes sundry changes to the bill;

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;

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;

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;

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;

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;

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;

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;

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;

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

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).

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.

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House.

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.

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.

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.

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).

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.

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).

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.

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. Roudedebush, 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 Naval 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


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


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.