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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 10, 2009.

I hereby appoint the Honorable JESSE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

God Almighty, send forth Your spirit to guide the Members of the House of Representatives today and every day of this 111th Congress. By Your power, manifest the strength of this democracy.

So direct the course of this body that policies and decisions made here may proclaim Your goodness to all the people. Not in words only but with every action freely accepted, may this Nation show the world that it is an agent of reconciliation and peace for all and give You glory, both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

BRINGING AN END TO THE WARS IN IRAQ AND AFGHANISTAN

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

Mr. KUCINICH. Iraq did not have weapons of mass destruction, had no intention or capability of attacking the United States, and had nothing to do with al Qaeda's role in 9/11. Each and every statement made by the previous administration in support of going to war turned out to be false. Yet here we are, a new administration and the same old war and expansion of the war in Afghanistan. We cannot afford these wars spiritually. They are wars of aggression, and they're based on lies. We cannot afford these wars financially. They add trillions to our national debt and destroy our domestic agenda. We cannot afford the human cost of these wars, the loss of lives of our beloved troops and the deaths of innocent civilians in Iraq, Afghanistan and Pakistan.

So why do we do this? Why do we keep funding wars when they're so obviously against truth and justice and when they undermine our military? These are matters of heart and conscience which must be explored. Our ability to bring an end to these wars will be the real test of our power.

THE INEFFECTIVE BIG GOVERNMENT STIMULUS

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

Mr. WILSON of South Carolina. Mr. Speaker, the commissioner of the Bureau of Labor Statistics has admitted there is no way to actually substantiate the number of jobs saved in this economy. Yet the White House continues to rely on this talking point to divert attention away from job losses. They should put this political rhetoric to bed and work with Republicans on proven bipartisan solutions to encourage job creation and economic growth.

House Republicans have long advocated that we keep more money in the economy by not taking it out in the first place. Presidents Kennedy and Reagan understood this. They supported relief for American families and small businesses as the engine of job creation and general prosperity. We should learn a lesson from history.

I am confident our economy will recover, but it will do so because of the hard work and perseverance of Americans. Conversely, filtering billions of borrowed dollars through a bureaucratic maze will be, as we have seen, slow and inefficient.

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

THE NEW WAR IN AFGHANISTAN

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

Ms. TSONGAS. Mr. Speaker, following September 11, our Armed Forces made tremendous strides in Afghanistan, but our resources were diverted to fight the war in Iraq. The circumstances now present in Afghanistan and the region are markedly different than those that characterized

our original entry in 2001. As a result, the President's request for supplemental funding is not a reallocation of resources. It is support for a new and different war and must be assessed as such.

I have repeatedly asked in various venues how the President's new strategy would bring regional stability, the length of time, and troop levels that such a commitment requires and what our exit strategy would be. The best answer I have received thus far was from Admiral Mullen. He said, ''I think it's going to be a while. At what level of combat, what level of troops, that's difficult to predict right now.''

A ''yes'' vote on the supplemental is fundamentally an acceptance of an open-ended military commitment to Afghanistan. That is not something I can support.

WHAT IS THE EXIT STRATEGY FOR GUANTANAMO BAY?

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, Americans want to know and they want to know now—what is the exit strategy for Gitmo? In the dark of the night, the first Gitmo terrorist indicted for killing innocent Americans was moved to New York. The White House approved this despite the fact that 65 percent of Americans do not support closing Guantanamo and sending dangerous and deadly detainees to U.S. prisons.

It's about time this administration started an open and honest dialogue on the future of Gitmo and inform the Congress before ferrying terrorists to America. This sneaky middle-of-the-night move shows that the administration does not want to publicly answer any questions about their exit strategy on Gitmo. Americans want, need and deserve to know exactly where these terrorists will go come next January, and we don't want them here in the United States. We don't need al Qaeda recruiting and training hardened criminals in our prisons.

NOTHING ABOUT COAL IS CLEAN

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

Mr. QUIGLEY. Mr. Speaker, nothing about coal is clean. From extraction, to waste slurry, to stream contamination in Appalachia, nothing—I repeat—nothing about this energy source is clean. In order to extract coal from the ground, mountains are literally blasted apart, killing wildlife and destroying forests, contributing to erosion, flooding and pollution that hits local communities and causes severe health problems. Over 1,200 miles of stream in Appalachia alone have been buried or completely contaminated because of mountaintop mining.

In order to prepare the coal for burning, an overwhelming amount of water is needed to clean the coal. For every ton of coal cleaned, 20 to 40 gallons of water are used to wash the coal, creating a sludgy pollutant known as slurry. Over 90 million gallons of slurry are created every year while harvesting and preparing coal for burning. Keep in mind, we haven't even begun to burn the stuff yet.

Green jobs are the key to economic and environmental progress in regions torn by surface and mountaintop mining and struggling economically due to the destruction of the land. These include jobs in wind, hydroelectric and biofuel power. These jobs will give hard-hit communities a long-term future for their families instead of a short-term paycheck in exchange for the quality of life in the region forever.

BRITISH HOSPITAL PATIENTS DRINK OUT OF FLOWER VASES

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

Mr. POE of Texas. Mr. Speaker, while our President preaches the virtues of government-run health care, the Prime Minister of Great Britain is apologizing to his country for their socialized system. And no wonder—Bella Bailey went to Staffordshire Hospital for minor surgery. But things were so bad, she got scared because of the poorly trained English staff. Her fears proved correct when a nurse dropped Bailey on the floor. Her daughter said, ''Meals were brought to patients who couldn't feed themselves, but the staff wouldn't help. Elderly men wandered the halls in a confused state. Vulnerable patients were left hungry and dirty screaming in pain without help.''

''Some patients were so thirsty, they drank from flower vases. It was like a third-world country. Things were so bad, I fed patients and took them to the lavatory. It was like I was watching my mum die and others too.''

Well, Mrs. Bailey did die in that government-run hospital from injuries sustained while there. Do we really want the government controlling access to health care? Nationalized health care will have the competence of FEMA, the efficiency of the Post Office, and the compassion of the IRS.

And that's just the way it is.

CLEAN ENERGY JOBS EARN ALBUQUERQUE A RANKING IN KEY JOB GROWTH AREAS

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

Mr. HEINRICH. Mr. Speaker, we are at a tipping point in our country's energy policy debate. Today, Americans are realizing the potential jobs that are at stake in our country's energy policy.

In New Mexico's First Congressional District, Schott Solar is on track to employ 1,400 people in Albuquerque; Solar Array Ventures, another 1,000 people; hundreds have already helped build the 100-megawatt High Lonesome Mesa wind energy project; and Sandia National Laboratories continues to partner with multiple clean energy startups.

These clean energy jobs earned Albuquerque a second-place ranking in Kiplinger magazine's 2009 listing of cities leading the country in key job growth areas, the kinds of jobs that are leading America toward economic recovery.

Mr. Speaker, to realize the promise of a clean energy economy, to leave a healthy environment to our children, and to end our dangerous dependency on foreign oil, I urge Congress to take bold, decisive action on America's energy policy.

WORKING ON BEHALF OF ORLEANS AND JEFFERSON PARISHES

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

Mr. CAO. Mr. Speaker, the issues of crime and hurricane recovery are most important for Orleans and Jefferson Parishes. Yesterday I voted for the Witness Security and Protection Grant Program Act, and it passed. Law enforcement officials in my district must have the Federal resources needed to protect our citizens.

On Monday, I requested a government review of unresolved FEMA public assistance projects that will help Louisiana move forward with delayed disaster recovery efforts. Lastly, I was able to acknowledge the diverse culture of New Orleans by cosponsoring a resolution to honor black music.

It has been a productive week.

URGING THE UNITED STATES GOVERNMENT TO MOVE SLOWLY AND CAUTIOUSLY IN ITS RELATIONS WITH CUBA

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

Mr. SIRES. Mr. Speaker, I rise today to speak for those oppressed in Cuba that cannot speak for themselves. As the administration is moving forward with immigration talks, as the Organization of American States is welcoming Cuba, I rise to remind my colleagues in Washington and my friends abroad that when you deal with Cuba, you are not dealing with a benign regime. You are dealing with a dangerous regime. The regime's most recent crackdown has surfaced in the oppression of religion.

In May 2008, Pastor Omar Gude Perez was arrested and charged with human trafficking. When no evidence was found to support the charges, the Cuban regime simply changed the charges. He is now on trial for ''counter-revolutionary conduct.'' A man who has been dedicated to his religion now faces years in prison.

Last week, 30 evangelical, nonpolitical pastors were arrested by Cuban authorities. This is a clear attack on religion by the Castro regime.

On top of these atrocities, we hear that two Castro spies may have been working among us in our government for decades. It is crucial that the United States Government move slowly and cautiously in our relationship with Cuba. In light of this, the administration must not make any further decisions regarding Cuba until a comprehensive damage assessment is completed and Congress is fully briefed.

CHINA AND AMERICA'S DEBT

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

Mr. PITTS. Mr. Speaker, during a speech last week at Beijing University in China, U.S. Treasury Secretary Timothy Geithner was laughed at when he attempted to assure students that the Chinese government could continue to safely invest in American debt. The largest holder of our national debt is now openly laughing at our financial situation. At the same time, Federal Reserve Chairman Ben Bernanke was here on Capitol Hill calling for fiscal restraint. Every dollar spent by the government is taken from the people in taxes or borrowed against future generations.

Our Nation's fiscal responsibility is so lacking that a developing nation snickers at the mention of sound investment in our debt. Traveling the world, begging creditor nations to allow us to continue our spending binge is not the kind of international engagement we need. Our economy will turn around because of the ingenuity of the American people, not because of out-of-control, irresponsible government spending and borrowing.

□ 1015

HEALTH CARE

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

Mr. DEFAZIO. Republicans gave us a Medicare prescription drug benefit complete with a donut hole based on subsidizing the health insurance industry and the prescription drug industry. Now they are at it again. They are absolutely opposed to a public plan option for health insurance, because that would make the health insurance industry compete. Their solution to the 50 million Americans without health insurance and those who are one pink slip away from losing it is tax breaks, so they can go out and buy private insurance.

Well, here is a little secret. Private insurance is exempt from antitrust laws, thanks to the Republicans, so they can and do collude. They won't let you have a preexisting condition. They can discriminate in any way they want. They can price gouge. They can price fix. And the Republicans say that driving people to that system, not giving them a low-cost, public plan option, and making the health insurance industry more cost effective and truly competitive is a better solution.

Now, come on, guys. Do you really care about those 50 million people, or not?

LOWERING STANDARDS OF LIVING THROUGH THE WAXMAN-MARKEY BILL

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

Mr. LUCAS. The Waxman-Markey bill is one of the most monumental bills that this Congress will consider. It has the potential to permanently damage the standard of living for every man, woman, and child for decades to come. Yet Speaker PELOSI and the administration want to force this bill through Congress.

This bill will tax you. It creates a massive national energy tax that will be devastating to those who live and work in rural America. It promises higher energy costs, lost jobs and higher food prices. This bill will affect all of us. If you like being warm in the winter, if you like being cool in the summer, if you own a farm or a small business, if you like to eat, if you like to go anywhere, this bill will affect you.

Agriculture is squarely in the crosshairs of this bill because it is energy intensive. That is why 40 agricultural groups, including the American Farm Bureau, have expressed opposition to it. No large farm group has endorsed it.

A 1,000-page bill of this magnitude deserves thoughtful consideration and debate. Instead, Speaker PELOSI is rushing it through Congress to the detriment of all of us.

HEALTH CARE REFORM

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

Mr. BUTTERFIELD. Mr. Speaker, from the creation of Medicare and Medicaid in 1965 to the reauthorization of SCHIP earlier this year, we have come a long way toward ensuring that every American has access to affordable, quality health care. These programs, Mr. Speaker, ensure that our children and the disabled and the elderly have access to health care. Now it is time to get serious and to help those people in the middle who have been left out.

Family health care costs are increasing. Families cannot afford the rising cost of health premiums, many employer-sponsored plans are providing less coverage and higher deductibles, and there are 45 million Americans with no insurance.

We must seize this opportunity to enact reforms that reduce costs, protect existing plans, preserve our choices in doctors, hospitals and care, and ensure affordable quality health care for all. I support President Obama and the Democratic leadership. We must act now.

WAXMAN-MARKEY BILL IS ALL HAT AND NO CATTLE

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

Mr. NEUGEBAUER. Mr. Speaker, in Texas there is an old saying about the cowboy that was all hat and no cattle; in other words, he was all show and no substance.

At a time of economic hardship, Mr. Speaker, this Waxman-Markey energy bill is all tax and no energy. It is going to cost every American family a $3,100 increase in their energy costs. Farm income is expected to decrease $8 billion in the near term and almost $50 billion in the outyears, a 57 percent decrease in farm income over the next 20 years.

The trouble with this cap-and-tax is it is also going to increase the cost of buildings and construction of farm buildings. In a town hall meeting last week, Mr. Speaker, the people in the 19th Congressional District said, Congressman, please stop this cap-and-tax bill. They know that this is a plan not to produce more energy, but it is a plan to increase taxes, to take more money out American families' pockets.

Mr. Speaker, I stand for the American farmers and families and small businesses all across America. I opposed this cap-and-tax plan. The Waxman-Markey bill is all hat and no cattle.

ENERGY

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

Ms. TITUS. Mr. Speaker, I rise today in support of efforts to spur investment in clean-energy and energy-efficiency technology that will create clean-energy jobs back home in Nevada and across our country.

Investments in clean-energy technologies like solar, wind, geothermal, smart grid and advanced batteries will help the United States regain its competitive edge in a global green economy, reduce our reliance on foreign oil and improve our energy security.

Clean-energy jobs, like manufacturing solar panels and windmills and constructing new energy-efficient buildings, are jobs that can stay right here at home in the United States. But the United States is currently losing the clean-energy jobs and marketplace share to countries like China, Germany and Korea.

A thriving clean-energy economy will ensure that the United States creates a sustainable manufacturing base that will compete with the rest of the world. I look forward to working with

my colleagues on both sides of the aisle to make the investments necessary to help create a booming, clean-energy economy right here in the United States.

SOLDIERS OVERSEAS SHOULD HAVE THEIR VOTES COUNTED

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

Mr. FLEMING. Mr. Speaker, I rise today out of concern with the recent news that one out of every four ballots requested by military personnel and other Americans living overseas may have gone uncounted in the 2008 election. These findings were released in a recent Senate hearing.

The report claims that of 441,000 absentee ballots requested, 98,000 were claimed to be lost. Over 13,000 were rejected because of missing signatures or failure to notarize. Another 11,000 were returned as undeliverable.

I agree with Senator SCHUMER that this system needs an overhaul. While serving our country overseas, our soldiers deserve to have their votes counted and their voices heard. We need to ensure there is sufficient time for ballots to reach them and have them fill them out and return them for inclusion for their vote to count.

The cornerstone of democracy, Mr. Speaker, is the right to vote. Those sacrificing to protect this right should be given every chance to participate in the electoral process.

REMEMBERING THOSE DEVASTATED BY IOWA FLOODS

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

Mr. BRALEY of Iowa. Mr. Speaker, one year ago today, I got in a plane and flew back home to Waterloo, Iowa, to a district and a State underwater. The railroad bridge in downtown Waterloo was torn down by the raging waters of the Cedar River, and my entire State went through the worst natural disaster in our State's history.

It is hard to believe that that much time has passed, but the work continues and the good, resilient people of Iowa continue to build, which is why Secretary Donovan is there today announcing the latest rounds of HUD assistance to help people get back on their feet and rebuild their homes.

I will be wearing next week, in the congressional baseball game, the jersey of the Anamosa Blue Raiders. Last year, this baseball team's entire field was under 10 feet of water, and it is a symbol of what happens when communities all over this country are devastated by natural disasters. That is why the work we do in this body is so important, and I continue to call upon people to keep in mind those who are devastated in a similar way in the years and days ahead.

KEEPING AMERICA COMPETITIVE IN THE GLOBAL ECONOMY

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

Mr. REICHERT. Mr. Speaker, American jobs are being threatened by new proposals to tax the earnings of American employers operating in markets around the world. We cannot forget that we are in a global economy. America cannot just be a participant in this global economy, but they have to lead in this global economy. In the middle of a downturn, it makes no sense to eliminate a tax incentive like deferral that American employers need to compete in a global marketplace and create American jobs at home.

Eliminating tax incentives like deferral would send U.S. jobs overseas and almost make it impossible for us to compete with China, India and Europe. Raising taxes on the earnings of U.S. companies discourages investments at home and increases the cost of employing U.S. workers. One of the largest employers in my districts, Microsoft, said last week that raising these taxes on their foreign earnings would force them to move thousands of employees out of the United States.

Congress must help to protect, promote and create jobs at home by encouraging American employers to invest and engage in new markets.

PROTECTING AMERICAN WORKING WATERFRONTS

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Mr. Speaker, coastal communities across this Nation are in trouble. In Maine and in other coastal States, working waterfronts and the jobs they provide are quickly disappearing.

Working waterfronts include commercial fishing, boatyards and other businesses who need access to the water. Once these businesses close, once the waterfront stops supporting these businesses, history shows us they do not come back.

Recently, I introduced the Keep America's Waterfronts Working Act of 2009. This bill will help communities acquire permanent access to the water and develop programs to protect working waterfronts and the jobs they provide, the backbone of our coastal communities.

A report released this week, the ''State of the U.S. Ocean and Coastal Economies,'' coauthored by Professor Charlie Colgan from the University of Southern Maine, found that coastal counties contributed 42 percent of the national economic output in 2007, and working waterfronts are critical to supporting this economy.

We must protect working waterfronts and the jobs they provide. I would like to thank my colleagues for joining together to protect working waterfronts, and I look forward to working together to move this legislation through Congress.

RECOGNIZING DR. TERRY BRADLEY ON THE OCCASION OF HIS RETIREMENT

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

Mr. NUNES. Mr. Speaker, today I rise to offer my gratitude on behalf of the people of the 21st Congressional District for the lifetime service of Dr. Terry Bradley. He is retiring from his position as superintendent of the Clovis Unified School District.

I have known Terry for many years as his Representative in Congress. His hard work and commitment to the students and faculty of Clovis Unified has always impressed me. Indeed, Terry's legacy is one that should be celebrated. During his tenure, he presided over faculty investments amounting to over $1 billion. These improvements, as well as his commitment to excellence, have made a real difference in the quality of education for the students.

While the parents and students of Clovis will miss him, Terry can leave his position with full confidence that Clovis Unified School District, a school district that has helped lead the valley into the 21st century, will continue to thrive for future generations.

WE MUST REFORM HEALTH CARE

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

Mr. PAYNE. Mr. Speaker, the time has come to take decisive action on health care reform. We simply cannot afford to wait any longer. American families and small businesses have seen the cost of health care coverage steadily rise to the point where many can no longer afford to pay their premiums. We know that our system is broken when we have 46 million Americans, many of them in my home State of New Jersey, who are only one illness or one accident away from being wiped out financially.

As President Obama and the majority in Congress work to take our Nation in a new direction, we are firmly committed to making improvements in our health care system in a way which will reduce costs, preserve a patient's choice of doctors and plans, and ensure quality, affordable health care for all.

It is important that we promote wellness by investing in prevention and educating about healthy life choices. Health care reform is an issue that we can resolve if we work together in good faith for a solution. Just saying ''no,'' as some in Congress have chosen to do, will only worsen the problem.

ADDRESSING GREENHOUSE GAS EMISSIONS

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

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of the Energy and Commerce legislation that addresses greenhouse gas emissions. We have heard a lot of fear-mongering here on the floor of the House of Representatives and a lot of misinformation trying to scare voters and consumers into believing that somehow their taxes are going to go up. That is not true.

As a matter of fact, this is a carefully crafted bill that provides lots of exemptions to energy-intensive industries to trade to vulnerable industries that will really make a difference in people's lives. But, frankly, to stand still is to lose, and that is why so many companies, like Johnson & Johnson, ConocoPhillips, have endorsed this legislation.

Energy-intensive industries have endorsed this legislation because they know that if we are going to move forward and stay competitive as a country and if we are going to protect the interests of our consumers and the environment, we need a new platform. This bill provides that.

I support the legislation, urge my colleagues to do so too, and not to listen to fear-mongering.

PROVIDING FOR CONSIDERATION OF H.R. 1886, PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009, AND PROVIDING FOR CONSIDERATION OF H.R. 2410, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 522 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 522

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1886) to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs; (2) the further amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Ros-Lehtinen of Florida or her designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part C of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. In the engrossment of H.R. 2410, the Clerk shall—

(a) add the text of H.R. 1886, as passed by the House, as new matter at the end of H.R. 2410;

(b) conform the title of H.R. 2410 to reflect the addition to the engrossment of H.R. 1886;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

□ 1030

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my good friend, Mr. DIAZ-BALART.

All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 522.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 522 provides for consideration of H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, and H.R. 2410, the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011. Both bills are debatable for 1 hour each, equally divided and controlled by the Chair and ranking minority member of the Committee on Foreign Affairs.

The rule on H.R. 1886 self-executes as a manager's amendment to resolve jurisdictional concerns in the bill and legislation providing for Afghanistan-Pakistan security and prosperity enhancement. It also makes in order an amendment in the nature of a substitute authored by Ranking Member ROS-LEHTINEN, which is debatable for 30 minutes.

The rule for H.R. 2410 makes in order 27 amendments listed in the Rules Committee report. Each amendment is debatable for 10 minutes, except the manager's amendment, which is debatable for 20 minutes. The rule includes a motion to recommit with or without instructions.

Mr. Speaker, the United States is faced with many challenges on the world stage. It is critical that Congress put forth the necessary funding to help rebuild our diplomatic capabilities abroad and mitigate the damage that was done under the previous administration's leadership.

H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011, is the first foreign relations-related authorization bill to reflect essential democratic priorities since 1993. As such, it provides a new direction forward and vital resources to boost our diplomatic capacity, improve our relations around the world, protect our national security, and make use of America's smart power, rather than rely on the military only solutions of past Congresses and the previous administration.

H.R. 2410 and H.R. 1866, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, together, set forth a progressive foreign affairs agenda that emphasizes diplomatic, economic and social efforts at change, not just the use of military force.

For years the Department of State has been denied critical resources to

fulfill its core diplomatic missions in furthering our global interests and protecting our national security. In neglecting diplomacy, we have missed opportunities to prevent and mitigate conflicts around the world.

Our diplomatic activities are woefully underfunded, undermanned, and underutilized. We must rebuild our diplomatic capacity to meet the needs of our increasingly complex global relations. Diplomatic, economic and social assistance is a much wiser and less expensive investment than war. Rather than relying on either hard power or soft power, we must, instead, emphasize smart power.

Promoting democracy, human rights, the rule of law and the development of civil society is a matter of leadership requiring us to think beyond unilateral military solutions and to, instead, embrace a much more comprehensive approach to our relations with the international community. This rule enables us to consider legislation to do just that.

The first legislation on this rule, the Foreign Relations Act, advances crucial and laudable programs. The Department of State is authorized to hire more than 1,500 Foreign Service officers, ensuring that our overseas posts will be staffed with eager and knowledgeable workers committed to promoting American culture, values, and policies.

Critical multilateral assistance is authorized to fund our obligations to international organizations, including the United Nations and global peacekeeping operations. This effort demonstrates the United States' commitment to working with our friends and allies as a true partner in peace and cooperation.

I'm particularly pleased with the increased funding authorization for the Peace Corps, enabling a dramatic expansion in the number of volunteers and countries served. Peace Corps volunteers exemplify our national commitment to improving the world, devoting their lives to helping the world's poorest people build communities and lift themselves out of poverty. As one of our Nation's most treasured and effective international programs, we must ensure that it attracts top quality volunteers and can reach into the farthest corners of the world.

Improvements in refugee and migration assistance are a critical part of this legislation. The United States has a long history of commitment to humanitarian issues, and this bill authorizes the funds necessary to improve resources and programs to effectively help families reunite and resettle.

I fully support section 235, relating to Iraqi refugees, whom the United States has a special obligation to help. There are more than 4.7 million Iraqis currently displaced within their own country and in neighboring states. Sadly, however, this situation has not improved much. And yet the principal reason, I believe, that this crisis has not received the attention that it should is because Iraqis are not living in refugee camps. Instead, they are a mobile population scattered throughout the region. This fact alone has made this humanitarian crisis virtually invisible to the international community. However, for those Iraqis who remain stranded, jobless, and deprived of essential services, with conditions worsening by the day, this deepening crisis only threatens to further destabilize the entire region. Section 235 of this legislation is an important step towards fulfilling our obligation to assist the Iraqi people recover from years of war and conflict.

If a picture is really worth 1,000 words, then all one must do is look into the face of the Iraqi refugee, as I have, who has had a family member murdered, kidnapped or tortured, and their own life threatened, to know that the United States must respond. I'm, therefore, grateful that my language, introduced in legislation, was included in this bill.

Mr. Speaker, this rule also includes H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enforcement Act. This legislation takes our Pakistan policy in a new direction, affirming the United States' commitment to a sustained partnership with Pakistan.

Since 2001, the United States has provided over $12 billion to Pakistan, without specific goals or objectives. Frankly, the situation has only gotten worse since that time.

By providing over $6 billion in 4 years in democratic, economic and social development assistance, this bill demonstrates our determination to help Pakistan build a stable, democratic and prosperous future.

□ 1045

This funding will provide critical resources for Pakistan to address the fundamental needs of its citizens.

Through the Pakistan Counterinsurgency Capabilities Fund, the United States is also committed to helping Pakistan combat terrorism and the Taliban insurgency. At the same time, mindful of the past history of neglecting oversight, this legislation provides a range of transparency, evaluation, and accountability standards to ensure that our money and efforts are being applied effectively and efficiently.

Mr. Speaker, as I am concerned about the situation of Iraqi refugees, I am also concerned about the situation of Pakistan's refugees. According to news reports, more than 3 million people in Pakistan's northwest region have been uprooted due to ongoing fighting. Like the Iraqi refugee crisis, the Pakistan refugee problem, if not handled properly, could become a ticking timebomb with ramifications far beyond what we can conceive today.

It is imperative that the mistakes of the previous administration with regard to Iraq are not made again. I am pleased that the United States has recently committed $200 million on top of a previous commitment of $110 million, but we must not think that this is the end of our responsibility. The United States must seize this opportunity and implement a comprehensive plan to address this growing humanitarian crisis.

Mr. Speaker, this is a good rule that paves the way to considering essential legislation to put our foreign policy on the right path towards improving our relations around the world. I urge adoption of the rule and passage of the underlying legislation.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, the gentleman from Florida (Mr. HASTINGS), for the time, and I yield myself such time as I may consume.

First I would like to say a word about the session of the General Assembly of the Organization of American States, OAS, held last week. It was an embarrassment. Fidel Castro in Cuba wants the U.S. to apologize to him for having kept the U.S. market and its millions of tourists and billions of dollars in financing from him and for having denied him full diplomatic recognition for decades.

He also wants the international community to kneel before him and apologize, which is what the OAS did last week. Fidel Castro has been recruiting advocates, spies, defenders, cronies, and servants for years. The ideological and psychological fascination and dependency that Hugo Chavez has on Fidel Castro has allowed Castro to utilize Chavez's billions of petro dollars to purchase many important defenders. It is part of the public record that a suitcase of Chavez cash heading to Mrs. Kirchner in Argentina was recently intercepted by authorities before reaching its intended destination.

Castro has purchased advocates and spies through the years via the always-present threat of blackmail after trips to totalitarian Cuba, where the regime tapes visitors in compromising situations, as confirmed by Interior Ministry defector Roberto Hernandez del Llano and Cuban counterintelligence defector Major Roberto Ortega.

Castro also serves as a banker for illicit money possessed by those who seek to avoid detection by the anti-laundering mechanisms set up by the international community. It matters not if the money's source is political corruption or narcotrafficking.

Through his mastery of the semantic of anti-American Marxism-Leninism, he has also conned others into being his spies. No other state sponsor of terrorism—no other state, in fact—has had more spies arrested and convicted in the United States in the last decades as Fidel Castro's dictatorship.

Let us remember Ana Montes, one of the top analysts at the Defense Intelligence Agency who was arrested in 2001 and subsequently convicted of espionage in Federal court and whose treason led to the deaths of many, including U.S. Special Forces Sergeant

Gregory Fronius. And just last week, Walter and Gwendolyn Myers, a long-term State Department official and his wife with access to classified documents, were arrested for spying for their beloved hero, the Cuban tyrant.

Hugo Chavez's absolute dependency on Fidel Castro for every major decision, even for his phrases and gestures in international forums, is unprecedented. While the Soviet Union used to send Castro economic aid and also orders and instructions, Chavez sends Castro billions of dollars and receives orders from him.

What the world witnessed, first at the April Summit of the Americas and then at last week's meeting of the OAS, was a culmination of years of preparation in the purchase and cultivation of advocates and defenders by Fidel Castro. Castro's defenders know full well that chapter II, article 3d of the Charter of the Organization of American States requires the existence of representative democracy in all of the countries of our hemisphere and that the Inter-American Democratic Charter of 2001 carefully spells out the collective steps to be taken when an American republic's democracy is even threatened. They know that Cuba, under Castro, was the only country in our hemisphere where free elections have not been held in over 50 years and where dungeons are full of nonviolent political prisoners who are subjected to hell on Earth each day of their lives. They know that under Castro Cuba is a personal island-estate, a ranch, a personal landholding or homestead, a totalitarian fiefdom owned by one man with a brother who enjoys the title of head of State and carefully carries out his brother's orders.

At the OAS meeting of last week, we witnessed an example of the Obama administration's diplomatic incompetence and its appeasement of the enemies of the United States. The administration went along and agreed to violate the OAS Charter and the OAS Inter-American Democratic Charter in an action that constituted a grotesque and unmerited betrayal of the oppressed people of Cuba.

The Obama administration says that the OAS resolution was a great victory because even though paragraph 1 of the ''resolved'' clause unilaterally lifted the exclusion of the Cuban military dictatorship, in paragraph 2, the dictatorship was allowed to initiate a process of dialogue to reenter the OAS in accordance with the practices, purposes, and principles of the OAS. In other words, in the first sentence, the OAS ripped up and threw in the garbage can the practices, purposes, and principles of the OAS, including its charter and the Inter-American Democratic Charter. And then in the next sentence, it invited the Cuban military dictatorship back in in accordance with the practices, purposes, and principles of the OAS. Some victory. I mention this in the context of the Foreign Relations Authorization Act because the American taxpayer should not be paying for almost 60 percent of the putrid embarrassment which is the OAS.

I recognize that on funding international organizations, the administration will get its way, just like the Bush administration would get its way whenever someone in the OAS would propose ending the exclusion of the Cuban military dictatorship and the administration would simply say, That's a nonstarter. But here is the heart of the issue with regard to U.S.-Cuba policy: The U.S. Congress must continue to condition access by the Cuban regime to the billions of dollars in U.S. tourism and massive investment in trade financing to the liberation of all political prisoners, without exceptions; the legalization of all political parties, without exceptions, labor unions and the press; and the scheduling of multiparty elections. That is critical leverage for a democratic transition to take place in Cuba when Fidel Castro dies, for he is the ultimate source of absolute personal totalitarian power in that enslaved island, like a modern day Caligula or Nero, and that moment is approaching.

We must keep in mind the effect of unilateral concessions such as last week's shameful OAS action on Fidel Castro. How does he react to such unilateral concessions? The repression is more intense than ever; the brutality, more savage than ever. The alliance with Chavez, the Iranian dictatorship, the Syrian regime, Middle Eastern terrorists, and with the North Korean dictatorship is closer than ever. That is what must be kept in mind about unilateral concessions to the Cuban military dictatorship.

Now, specifically with regard to the Foreign Relations Authorization Act, earlier in the year Secretary Clinton testified before the House Foreign Relations Committee that she had challenged the State Department to reform and innovate and save taxpayer dollars. I found the Secretary's statement to be quite appropriate. Unfortunately, the majority has decided to ignore that challenge and instead today has brought forth legislation that authorizes increased spending by 35 percent without increased transparency, accountability, and efficiency.

This legislation will also increase U.S. taxpayer funding authorized for the United Nations by nearly one-third without requiring the United Nations to undertake necessary reforms to improve efficiency and stop blatant corruption.

While failing to place accountability standards in this bill, the majority decided to include provisions in the Pakistan Assistance Act—which is also being brought to the floor with this one rule—that will micromanage U.S. policy toward Pakistan. In a letter to the Armed Services Committee, Secretary of Defense Gates and Chairman of the Joint Chiefs of Staff Mullen wrote that ''the degree of conditionality and limitations on security assistance to Pakistan'' in the legislation ''severely constrains the flexibility necessary for the executive branch and the Department of Defense given the fluid and dynamic environment that exists in Pakistan.''

This rule bringing forth two pieces of legislation limits the number of amendments that the House will be allowed to debate. Out of the 85 amendments submitted to the Rules Committee, the majority decided to make 27 amendments in order. I understand that the majority has a responsibility to move legislation and manage the time on the floor, but if we look at the amendments the majority made in order, they do not fully address the scope and range of issues of concern to House Members. For example, amendments that would prohibit funds from being used by the State Department to encourage U.S. courts to dismiss claims brought against European insurance companies to recover compensation from Holocaust-era insurance policies, or, for example, to re-list the North Korean tyranny as a state sponsor of terrorism were prohibited from being debated.

I don't understand why the majority blocks a debate on such important amendments. I don't know if they're afraid of debate or protecting the Members from tough votes or afraid of the democratic process, or all of the above.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3 minutes to the distinguished gentleman from California, my good friend, the chairman of the Foreign Affairs Committee, Mr. BERMAN.

Mr. BERMAN. I thank the gentleman from Florida for yielding me this time, and I rise in strong support of the rule authorizing the Foreign Relations Act to come to the floor, H. Res. 522. This rule covers both H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011, and H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009.

These are both critical measures. H.R. 2410 provides the resources necessary for the President to realize his vision of making vigorous diplomacy a cornerstone of our strategy to promote U.S. national security.

By wisely investing resources to strengthen our diplomatic capabilities, we can help prevent conflicts before they start and head off the conditions that lead to failed states. This approach is a much more cost-effective one than providing massive amounts of humanitarian aid, funding peacekeeping operations or, in the most extreme circumstances, deploying U.S. troops into harm's way.

I think the Rules Committee has crafted a fair rule in regard to the bill, one that continues our efforts to include a number of amendments from the Republican side.

With respect to H.R. 1886 regarding Pakistan, I do not need to remind my

colleagues of the challenge to U.S. national security posed by the situation in that country.

□ 1100

We cannot allow al Qaeda and any other terrorist group that threatens our national security interests to operate with impunity in the tribal regions or any other part of Pakistan. Nor can we permit the Pakistani State and its nuclear arsenal to be taken over by the Taliban. H.R. 1886 was designed to address these threats by supporting democracy, enhancing U.S. economic assistance, and providing the Pakistani military with the tools they need to fight the terrorists.

I am pleased we could work out a consensus on this important bill with our colleagues on the Committee on Armed Services as reflected in the amendment made in order by the rule. And I'm also pleased that the rule makes in order a Republican substitute. This way we can discuss the best way forward to ensure that we get the results we need in this ongoing effort to combat those who threaten our Armed Forces, our allies, and even our homeland.

I urge all my colleagues to support the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

I rise in opposition to the rule.

Let me just say at the outset, Mr. Speaker, in the 1990s, I served as chairman of the International Operations and Human Rights Subcommittee, at first having served as ranking member to Tom Lantos. Then when the House went Republican, we switched and I became the chairman of that committee. And one of the responsibilities of that committee was to write the Foreign Relations Act, the State Department Reauthorization Act, for the country. And we worked very hard, Mr. Lantos and I, very diligently in crafting a bill that was, A, truly bipartisan and, B, open to virtually every amendment that Members wanted to offer.

I remember bringing a bill to the floor, Mr. Speaker, where every day Members just had to file their amendments in the CONGRESSIONAL RECORD, a preprinting requirement, so in the morning we would wake up and find out what amendments might be offered, and then we would deal and dispatch positively or negatively with those amendments. The process was open, transparent and fair.

Today we have a very much closed rule, except on matters where there is consensus. Sure, there are some Republican amendments. But on areas where there is significant and fundamental disagreement, especially an amendment that I had hoped to offer to authorize the office for Global Women's Issues, I had been precluded that opportunity. And I want to say to my colleagues I didn't do that when I chaired the subcommittee, and I worked very hard in a bipartisan way with my friends, and I do consider you on the other side of the aisle friends, to ensure that we all got to express our voice and vote on things that mattered, that we all had an opportunity to express ourselves.

In Committee, I offered an amendment to establish a Global Office on Women's Issues. It lost in a party-line vote. Every Democrat voted against it; every Republican voted for it. That legislation would have established a new Office for Global Women's Issues led by an ambassador-at-large, designed to coordinate and advise on activities, policies, programs, and funding related to women's empowerment internationally. The amendment would promote activities designed to expand educational opportunities and job training for women, equal pay for equal work, microfinancing and microenterprise programs for women, property inheritance rights for women, an improvement of maternal mortality, expand pregnancy care centers, combat forced abortions and forced sterilization, to enhance our efforts in the area of sex and labor trafficking particularly of women and other forms of violence against women, seeking an end to genital mutilation, stop child marriage, and promote changes in male attitudes and behavior that are detrimental to women. That was all prescribed in the legislation, and obviously other things could be included as well, consistent with core human rights norms that all human life, Mr. Speaker, is sacred and precious and worthy of protection regardless of age, sex, race, color, creed, disability, wantedness, or condition of dependency. My amendment sought to hold harmless unborn children and their mothers from the violence of abortion.

The Smith amendment is abortion neutral and states that the new office shall not engage in activities to author the laws or the policies of foreign countries with regard to how abortion is regulated or permitted. Abortion neutral. I would like it to be a pro-life office that says it time to empower and embrace and enfranchise unborn children.

I say to my colleagues, We live in 2009. We no longer have any doubts about the humanity of an unborn child. Unborn children are just like you and I except they're young, they're immature, and they're dependent. And their human rights are violated with impunity not just in this country but around the world. Sadly, the Obama administration, and I say this with great sadness, Mr. Obama is well on his way to becoming the abortion President. Virtually everything he has done through Executive order and through appointments and through other policies promote the killing of unborn children and the wounding of their mothers.

So I rise in opposition to this rule, Mr. Speaker. Whether this body chose to vote up or down on my amendment, we should have had the opportunity. It saddens me greatly because, again, I have great affection for the chairman, Chairman BERMAN, and for his staff, with whom I have worked very closely on human rights issues. This is a human rights issue.

There could be a consensus about the new office that's being created, that has already been created, and that this gives statutory affirmation to for women's issues. But, unfortunately, we will not have that opportunity.

I will remind my colleagues that Alveda King, Dr. Martin Luther King's niece—

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. SMITH of New Jersey. Dr. Martin Luther King's niece, Alveda King, has had two abortions. She now heads up an organization called the Silent No More Awareness Campaign, and she speaks out and says that this is the new civil rights movement, protecting the unborn child but equally protecting women from abortion. It is violence against women. It is violence against children.

The new Global Office on Women's Issues ought to at least be neutral, I would say affirm the unborn but at least neutral when it comes to respecting unborn human life.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Colorado (Mr. POLIS), my colleague and a good member of the Committee on Rules.

Mr. POLIS. Mr. Speaker, today I rise in support of the rule and H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011. I would like to thank Chairman BERMAN and the House Foreign Affairs Committee for their continued insight, leadership, and their focus on diplomacy in the realm of foreign affairs and for bringing this much-needed reform legislation to the House floor.

Mr. Speaker, during the Bush administration, the Department of Defense acted as our primary foreign liaison, much to the detriment of our relationships worldwide. This bill corrects the damage done over the past 8 years by providing the State Department with much-needed resources that will once again make diplomacy the centerpiece of our outreach effort.

This bill authorizes funding for the State Department and USAID to help prevent, navigate, and peacefully resolve foreign crises. This bill strengthens our own Nation by putting forth the image of America that we want the world to see: a hardworking nation rooted in tolerance and innovation. It reflects our commitment to intellectual diplomacy and allows the United States to lead by example.

For instance, by doubling the amount of volunteers in the Peace

Corps, we can double our response to humanitarian and international development needs. By creating the Senator Paul Simon Study Abroad Foundation, we would allow more students, regardless of their economic background, to experience foreign cultures.

This legislation creates 1,500 foreign service jobs at the State Department with another 700 at USAID over the course of fiscal years 2010 and 2011. It funds language training programs, sorely neglected for years due to underfunding.

As the Representative of the Second District of Colorado, we have a large Tibetan and Tibetan Buddhist community, and I'm particularly appreciative that this bill establishes a Tibet section in the American Embassy in Beijing and a United States consulate in Lhasa, Tibet. These offices will follow political, economic, and social developments inside the country and report on human rights. It also establishes a Tibetan scholarship program that will enhance cultural exchange possibilities for American students and develop increased understanding of the region as a whole.

Another crucial element of modernizing the State Department is fighting the discrimination against the LGBT community worldwide, including in Iraq. This legislation requires the State Department to monitor and track violence, criminalization, and restrictions on fundamental freedoms, basic human rights, consistent with U.S. law. It requires the State Department to demand foreign governments to change or repeal discriminatory laws that criminalize homosexuality as well as requiring reports on related violence and discrimination. This will ensure that our foreign counterparts heed our rejection of intolerance and ensure that all people are granted the dignity they deserve.

Mr. Speaker, I also applaud H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement, or PEACE, Act. It demonstrates America's commitment to foreign diplomacy and codifies the principle that social and economic development is critical to fighting terrorism and promoting peace.

Both bills bring to mind T.H. White's idea that ''might is not right.'' Military intervention is not as strong a diplomatic tool as fostering understanding.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, let me say that Pakistan is at a very critical juncture. We have radical militants. We have radical madrasas that are graduating an ever-increasing number of jihadists out of those schools, and we have a weak government with nuclear weapons.

This Pakistan bill is a good attempt to guide our engagement in Pakistan in a way that gives us the best chance to see that our aid is spent in a constructive and responsible fashion, which hasn't been the case. I commend its author, Chairman BERMAN.

As to the rule, I think it is problematic. The State Department authorization bill, quite simply, spends money we don't have, over a third increase at a time when we're borrowing money from China and elsewhere. Amendments to cut this amount were not made in order. I think that was a mistake.

I am very disappointed, let me add, though, at the addition done by the Rules Committee of a flawed trade provision. Don't get me wrong. Trade can do far, far more than aid for Pakistan's economic development and social stability, which is in our interest. The problem is that this provision is far too restrictive and burdensome as to do any good. In fact, it may be harmful to trade. At a time when Pakistan is perhaps the greatest threat facing us, this is no time for window dressing and business as usual. This preferential trade provision as it came out of Rules Committee is simply unacceptable.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Foreign Affairs Committee, Mr. BERMAN.

Mr. BERMAN. I again thank my friend from Florida for yielding me some additional time.

Mr. Speaker, I would like to use this time to deal with one of the points made by my friend from Florida (Mr. LINCOLN DIAZ-BALART) and then more substantially to the issue raised by the gentleman from New Jersey (Mr. SMITH).

Mr. DIAZ-BALART cited a letter signed by the Chairman of the Joint Chiefs of Staff and the Secretary of Defense that was sent a number of weeks ago, long before a series of changes were made in this bill. At the time that letter was sent, we had a very elaborate resolution of disapproval process for the Presidential determinations. That has been struck. We had a very high waiver standard vital to national security interests. That has been struck. We had a great dispute that was existing over how the Pakistan Counterinsurgency Cooperation Fund should work. Those issues have all been worked out with the House Armed Services Committee. The House Armed Services Committee has worked through all of these issues with us. They are reflected in the Pakistan bill. This is the committee to whom the Secretary's letter was addressed. A number of changes have been made. My friend's comments relate more to the Pentagon's view of this bill before all those changes were made than they do now.

□ 1115

The issues I would really like to focus on are the issues raised by the gentleman from New Jersey. This is a State Department authorization bill.

The first thing was to put together this bill to say we are not going to use this piece of legislation to change the substantive law on the issue that is so controversial for which disagreements are so strong in this House. This is not going to be a vehicle for changing the law on that subject. So, when a number of the groups came with a compelling case—the pro-choice groups—that we should include a provision in this bill that prohibits any President in the future from imposing an executive order, such as the Mexico City policies, I said I would love to. I support that position, but we're not going to use this bill to do it.

The gentleman from New Jersey, in his heart, is not truly driving at the Office of Global Women's Issues. This is an office that, in one form or another, has been around since 1975. Their purpose is to promote education for women and girls around the world and to promote political empowerment, like the right to vote for women and dealing with problems of violence against women. There is no basis for assuming that this office is going to do anything to promote or to lobby for abortion.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. BERMAN. Moreover, in the manager's amendment, which is made in order by this rule that we are now debating, I said let us establish in policy our statement of neutrality on this issue. We include in the manager's amendment a provision which says nothing in this section, and in particular, the duties of the Office of Global Women's Issues, shall be construed as affecting in any way existing statutory prohibitions against abortion. There will be no change whatsoever in existing statutory prohibitions against abortion or in existing statutory prohibitions on the use of funds to engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated or prohibited.

That means the Siljander amendment, the Helms amendment and the Leahy amendment, which construct the current state of the law with respect to U.S. efforts on this issue abroad, remain in effect and unchanged, and there is nothing in the statutory institutionalization of an already existing Office of Global Women's Issues that will change any of that. We reaffirm that by this statute.

What the gentleman from New Jersey wants to do—he didn't quite say it, but he acknowledges it when asked about it—is change the law. That's legitimate. He can have his efforts; but for those of us who say let's not use this as a vehicle one way or the other and for those of us who have rejected efforts that we, personally, support and to which I am very much committed in

the pro-choice community regarding this issue, there is no basis for saying that this bill is defective because it doesn't serve either side's agenda on this particular issue.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank my colleague for yielding.

I had three amendments that were brought before the Rules Committee yesterday, and for the life of me, I can't figure out why the Rules Committee didn't make these amendments in order. Let me just talk to you about these three amendments. Then I'd like for the Rules Committee to comment on them, if they would.

First of all, there is a man named Benon Sevan, who has been indicted in the Oil-for-Food scandal with Saddam Hussein. Saddam Hussein was kicking millions of dollars to this guy in the Oil-for-Food scandal. This guy has been indicted. He is hiding in Cyprus right now, and the U.N., with our money, is going to pay his legal bills, and they're almost $1 million already.

Why should the American taxpayer be paying the legal bills of Mr. Sevan, who was involved in the Oil-for-Food scandal that we all know about? Why should the United States taxpayer be paying his legal fees, especially when he is hiding out in Cyprus?

Well, that was one of the amendments, and I hope you'll explain to me why the American taxpayer should be paying for that.

The second amendment deals with liquidated assets that we give to enterprise organizations around the world. We give hundreds of millions of dollars to organizations around the world to help the economies of various countries. When those enterprise funds and organizations are liquidated, they take that money, and they put it into foundations or into other organizations within those countries. Right now, there is $900 million that is sitting out there of American taxpayer money that is going to foundations in other countries, and we don't believe all of that money should go there, because it is not for its intended purpose. So, if they want to do that, we think we should get at least half of our money back, which would be $450 million.

For the life of me, I can't figure out why the Rules Committee wouldn't want to get at least half of our money back that's not being used for its intended purpose. It makes no sense to me, so I hope they'll explain that to me.

Lastly, Jerusalem in Israel is our best ally in the Middle East. Since the 1967 war, Israel has maintained that united Jerusalem is the indivisible, eternal capital of Israel. On November 14 of 2005, Congress mandated that the embassy be moved to Jerusalem. We mandated that our embassy be moved from Tel Aviv to Jerusalem in 2005, but we did give the President waiver authority under certain circumstances. Every single year, there has been a waiver granted that does not allow our embassy to be moved to Jerusalem.

I think that's wrong. It's time to change that. My amendment would have said that we move our embassy and that we start building the embassy in Jerusalem now just as it was proposed and passed by this Congress in 2005.

So I would like for my Democrat colleagues on the Rules Committee to explain to me why these three amendments were not made in order: one dealing with something we've already done, which was to order our embassy in Israel to be moved to Jerusalem. We've already ordered that.

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

Mr. BURTON of Indiana. I hope you will explain.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from Florida (Mr. KLEIN), my colleague and fellow Floridian.

Mr. KLEIN of Florida. I thank the Congressman.

Mr. Speaker, I rise to support the rule and the underlying legislation, the Foreign Relations Authorization Act of 2009. This bill will allow us to advance our foreign policy and our national security goals, and I believe very strongly in those goals.

I would also like to briefly speak about one provision in the bill that will help to ensure the safety of many Americans. As many of us know, June 1 is the beginning of hurricane season, and there are many ways to be prepared. Hurricane hunter planes, used by the National Oceanic and Atmospheric Administration and by the Air Force, fly into hurricane areas to more accurately predict where a hurricane is going. However, certain countries are not allowing these planes to fly into their airspace. If one country obstructs our hurricane preparedness efforts, it could be the difference between life and death. This legislation puts in place measures so that the State Department can resolve this issue as soon as possible and can help protect our Americans.

I would like to thank the chairman for allowing us to work on this issue and on all of the others with me and with others. I urge my colleagues to support the rule and the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, with regard to the point made by the distinguished chairman as to the strings on the military aid to Pakistan, I hope and expect that that will be engaged in during the debate with the ranking member, who very clearly in the Rules Committee pointed out that the strings are still excessive.

I yield 2 minutes to the distinguished gentleman from New York (Mr. LEE).

Mr. LEE of New York. I thank the gentleman from Florida for yielding.

Mr. Speaker, I rise to oppose the rule and the underlying bill. The legislation we're set to consider today is the latest demonstration of Washington's failure to understand how the middle class lives in these difficult economic times.

Try, for instance, to explain the logic in granting a 23 percent increase to overseas foreign service officers to the workers in my district who are either taking pay cuts or who are losing benefits as their families in my district are doing their best to make ends meet. When Washington spends money, it does not have to fund these salary increases. It is not just the disconnect on spending that is cause for concern.

In the last month alone, gas prices in my district have been up over 41 cents. These are resources coming from individuals who are struggling in my district to make ends meet. Now Democratic leaders are pushing for an ambitious national cap-and-trade tax. This new energy tax will cost between $200 and $300 a month for struggling families. This affects not only families but small businesses, ranchers and farmers. I can't think of a worse way to deal with our pressing energy needs than to have a tax situation.

We need to be looking at an all-of-the-above strategy, be it nuclear power, wind or solar. We need not be looking at trying to tax right now, which will push businesses further away and which will create a loss of jobs in our communities. Whether it's the excessive spending in the measure we are considering today or whether it's this new national energy tax, Washington continues to grow more and more out of touch with middle-class America and with the families of my district.

I urge my colleagues to vote down the rule and to oppose the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, how much time do both of us have?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 6½ minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 7 minutes remaining.

Mr. HASTINGS of Florida. I would inquire of my friend if he has any additional speakers.

Mr. LINCOLN DIAZ-BALART of Florida. Yes.

Mr. HASTINGS of Florida. Then I would reserve at this time and would allow that you go forward.

Mr. LINCOLN DIAZ-BALART of Florida. Thank you.

I yield 2 minutes again to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

I just want to say to my pro-life friends on the Democrat side of the aisle: think consequences.

In late April, Secretary of State Hillary Clinton testified one of our hearings—and this is the question I posed to her—Is the Obama administration

seeking in any way to weaken or to overturn pro-life laws and policies in African nations and in Latin American countries either directly through multilateral organizations, including the United Nations, the African Union or the Organization of American States, or by way of funding NGOs like Planned Parenthood?

Secretary of State Clinton answered that the administration was ''entitled'' to advocate abortion ''anywhere in the world.''

She also went on to redefine the words ''reproductive health,'' which are found in many documents and in many laws around the world, in a way completely contrary to the accepted definition by the previous administration and by many others to now include abortion. So every time you see those words now in a document, to the Clintons and to the Obamas, they mean ''abortion on demand.''

The Office of Global Women's Issues should be all about promoting human rights for women. Promoting violence against children and promoting the wounding of their mothers by advocating abortion is not human rights. It is the contrary. It is the exact opposite.

I hope my colleagues will realize that the amendment that my good friend and colleague, the chairman of the committee, Mr. BERMAN, is offering simply restates current law. It says the new office will follow the law. Did anybody expect that the office would not follow the law? Of course they would. Well, hopefully, they would.

We need to make sure, we need to ensure that this new office, which will be a command and control center, for women's rights and empowerment and not become an office for NARAL, for Planned Parenthood or for others in the promotion of child deaths around the world. Let's hold harmless the precious lives of unborn children. Let's mitigate maternal mortality and all of the other crises affecting women, not the killing of unborn babies.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from New York (Ms. CLARKE), my good friend.

Ms. CLARKE. I thank my colleague, the gentleman from Florida (Mr. HASTINGS).

Mr. Speaker, I rise in strong support of H.R. 2410, the Foreign Relations Authorization Act. This authorization includes provisions that keep our country safe, that advance human rights, and that promote gender equality across the globe.

In the 110th Congress, I introduced H. Res. 1504 in response to a 2007 report by the United Nations' Office on Drugs and Crime and the World Bank, linking drug trafficking to rising crime rates in Caribbean nations.

□ 1130

The measure calls for increased cooperation between the U.S. and Caribbean officials to combat drug trafficking and promote counterterrorism. CARICOM, made up of 15 countries, including Trinidad and Tobago, Haiti and Jamaica, serves as our Nation's third border. Drug traffickers and criminals use these nations as transit points en route to the United States, making us less safe and contributing to a deterioration of the human welfare and social and economic development of those nations. This authorization acknowledges this problem and authorizes the President to incorporate CARICOM into the Merida Initiative. This will provide CARICOM with the technical and logistical support needed to combat drug trafficking and promote counterterrorism.

Also included in this authorization is the enactment of the Shirley A. Chisholm Educational Exchange Program. I was an original cosponsor of the standalone bill, H.R. 416. This program provides scholarships for CARICOM students to study at American colleges and universities and requires that, upon program completion, participants either return to the CARICOM or seek a job that directly benefits CARICOM nations and their people. This exchange program will create a safe and economically vibrant Caribbean Basin and keep us safe here at home.

The authorization also includes language that creates the Office of Women's Global Affairs with the fully empowered ambassador-at-large. According to the Center for Development and Population Activities, gender equality is essential for development, democracy, and global progress.

Thank you for yielding time, and I urge my colleagues to vote in favor of the rule and underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 5 minutes. The gentleman from Florida (Mr. HASTINGS) has 4½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is a privilege to yield 2 minutes to the distinguished gentleman from Georgia (Mr. BROUN).

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

Mr. Speaker, I rise today in opposition to this rule. I am very disappointed that the Rules Committee did not rule my amendment in order. My amendment would have required the State Department to wait for a response from the CIA before issuing a visa to an applicant when a Security Advisory Opinion has been requested.

National security is a primary function of the Federal Government under the Constitution, and after the 9/11 terrorist attacks, our Nation has had to take a closer look at our policies and create a more layered approach to security, including visas. However, as tourism has once again increased, so have the waiting times for some visas.

Earlier this year, the Department of Homeland Security initiated a review of the State Department visa approval process, Mantis applicants in particular. The committee staff was finally briefed last week on changes that had already been implemented. According to details supplied during the briefing, DHS determined that the waiting period for Mantis visas was too long. The primary reason cited was lack of staff.

Instead of simply increasing the staff and resources needed, DHS recommended and implemented several policy changes—a small window for certain intelligence agencies to respond before State could clear the visa. This is insane.

Let me be clear. What we're talking about is allowing some foreigners to enter our country before our intelligence agencies have fully vetted their visa applications. Again, what we're talking about is allowing some foreigners to enter our country before our intelligence agencies have fully vetted their visa applications.

I'm very concerned about these changes, and I urge my colleagues to join me in investigating this issue. It's an important aspect of our national security, and I am disappointed that my amendment was not allowed to receive debate and a vote on the floor today.

Mr. HASTINGS of Florida. Mr. Speaker, I have no additional speakers, and I'm prepared to close.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield the balance of our time to the ranking member, Mr. DREIER.

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

Mr. DREIER. Mr. Speaker, it seems like a long time ago, but I would like to begin by congratulating my friend from Miami for his very thoughtful and very passionate opening statement. It's very important, Mr. Speaker, that we get this bill right because it clearly has an impact on every bilateral, regional and multilateral relationship that we have in the world. And I hope very much that at the end of the day, we will be able to get it right.

I would like to take my time to talk about just one of those very important bilateral relationships that we have, and that is the relationship with what Colin Powell described as the most misunderstood country in the world. I'm talking, Mr. Speaker, about the fourth most populous country in the world, the largest Muslim population in the world, and of course, by virtue of that, the largest Muslim democracy in the world, that being Indonesia.

Now, as we look at the changes that have taken place over the past 11 years in Indonesia, it is absolutely remarkable and extraordinarily impressive. The 32-year reign of Suharto came to an end in 1998, and since that time, we have seen democracy take hold and build.

We all know that democracy is a work in progress. We in America know

that our democracy continues to be a work in progress and Indonesia's is as well. The challenge of ensuring that the military comes under civilian rule is one with which they're still grappling. And if you think about this country, 17,000 different islands and hundreds of languages and ethnicities, and yet they have been able to cobble together what President Yudhoyono described to some of us as the convergence of modernity, Islam, and democracy.

So, Mr. Speaker, we are continuing to this day to work on that relationship through our House Democracy Assistance Commission, where we're working to build the parliament which, again, a little more than a decade ago was a sham organization, and today it is growing and building well. Other institutions, including the very important rule of law in Indonesia, are continuing to build as well.

So there are challenges. We all know that. And I hope very much that we will be able to continue to encourage the kind of reform that is taking place there. So at the end of the day, I have to say on this measure that we're dealing with, as Mr. DIAZ-BALART has pointed out so well, there are some important amendments that some of my colleagues have spoken about that were not made in order. So I'm going to urge my colleagues to join with us in opposition to this rule because Mr. SMITH, the distinguished ranking member of the full committee, Ms. ROS-LEHTINEN, and others, argued that we should have an open amendment process that would allow a free-flowing debate on all of these issues.

Mr. HASTINGS of Florida. Mr. Speaker, this is a good rule that paves the way to improving our relations around the world.

As I listened to the ranking member, my good friend on the Rules Committee, I thought that he was going to support the rule because he's so impressed with the work that was put forward in this bill that covers developing democracies, which he has been such a tremendous champion of over a period of time.

Mr. DREIER. Will the gentleman yield?

Mr. HASTINGS of Florida. I'll yield for 5 seconds.

Mr. DREIER. I think it could be even better if we were to have an open amendment process.

I thank my friend for yielding.

Mr. HASTINGS of Florida. Reclaiming my time, clearly it covers what you like, and I'm delighted. After years of neglect, now is the time to inject the critical resources that will enable the Department of State and other foreign policy agencies to carry out their important work of rebuilding lasting partnerships with our friends and allies.

The underlying bills include important provisions to fulfill our obligations to the United Nations, to peacekeeping efforts, to humanitarian aid and refugee assistance, and to building effective counterterrorism and arms control policy, and yes, to do everything in our power to avoid unwanted pregnancies in the first place. These bills are a great leap forward.

I urge a ''yes'' vote on the previous question and the rule.

Mr. MCGOVERN. Mr. Speaker, I rise today in support of this rule and the underlying bill, H.R. 2410. I especially want to express my appreciation to the Chairman, Members and staff of the House Foreign Affairs Committee, for crafting a bill that will allow the State Department and our embassies around the world to close the diplomacy gap and carry out their missions more effectively.

I especially wish to thank Chairman BERMAN and his staff for working with me to include language in the managers' amendment to develop and implement a comprehensive strategy to address global hunger and food security, issues very close to my heart and also a priority for the Committee.

A wide range of federal departments and agencies have jurisdiction over policies and programs addressing global hunger and food security, often lacking coordination and a coherent vision. A comprehensive strategy will increase the impact of the resources we invest in these programs and ensure that U.S. policies and programs contribute in a more substantial way to reducing global hunger and increasing food security around the world.

Advancing such goals is not just a humanitarian and development priority, it also strengthens our national security. Every child who receives a meal in school, every farmer who can make a decent living from the land, every mother who raises a well-nourished child, every family that has hope for the future creates a more stable country, region and world, less prone to recruitment by those who would sow terror or the exploitation of old hatreds and prejudice.

I salute the Chairman and the Committee for including this provision in the managers' amendment and in the House bill.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

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 SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 522 will be followed by 5-minute votes on motion to suspend the rules on House Resolution 453 and motion to suspend the rules on House Resolution 454.

The vote was taken by electronic device, and there were—yeas 238, nays 183, not voting 12, as follows:

[Roll No. 317]

YEAS—238

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

NAYS—183

Aderholt	Brown (SC)	Culberson
Akin	Brown-Waite, Ginny	Dahlkemper
Alexander	Buchanan	Davis (KY)
Austria	Burgess	Deal (GA)
Bachmann	Burton (IN)	Dent
Bachus	Buyer	Diaz-Balart, L.
Barrett (SC)	Calvert	Diaz-Balart, M.
Bartlett	Camp	Donnelly (IN)
Barton (TX)	Campbell	Dreier
Biggert	Cantor	Driehaus
Bilbray	Cao	Duncan
Bilirakis	Capito	Ehlers
Bishop (UT)	Carter	Ellsworth
Blackburn	Cassidy	Emerson
Blunt	Chaffetz	Fallin
Boehner	Childers	Flake
Bonner	Coble	Fleming
Boozman	Coffman (CO)	Forbes
Boustany	Cole	Fortenberry
Brady (TX)	Conaway	Foxx
Bright	Crenshaw	Franks (AZ)
Broun (GA)		Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bono Mack
Davis (TN)
Ellison
Granger
Kennedy
Lewis (GA)
Loebsack
Mack
Sánchez, Linda T.
Schock
Sullivan
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker Pro Tempore (during the vote). Two minutes remain in this vote.

□ 1203

Messrs. POSEY, ROGERS of Alabama, SCALISE, PETRI, MANZULLO and BARTON of Texas changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ELLISON. Mr. Speaker, on rollcall No. 317, I missed the vote due to traffic congestion. Had I been present, I would have voted "yea."

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a bill of the House of the following title:

H.J. Res. 40. Joint resoltion to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

RECOGNIZING AMERICORPS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 453, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 453.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 359, nays 60, not voting 14, as follows:

[Roll No. 318]

YEAS—359

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

NAYS—60

Aderholt
Akin
Bachmann
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Campbell
Carter
Coble
Coffman (CO)
Conaway
Culberson
Deal (GA)
Dreier
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Hensarling
Herger
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
McClintock
McHenry
Miller, Gary
Myrick
Neugebauer
Olson
Paul
Pence
Pitts
Poe (TX)
Radanovich
Rohrabacher
Rooney
Roskam
Royce
Sensenbrenner
Shadegg
Stearns
Thornberry
Tiahrt
Westmoreland

NOT VOTING—14

Bartlett
Bono Mack
Davis (TN)
Gohmert
Hill
Hoyer
Kennedy
Lewis (GA)
Loebsack
Lucas
Mack
Peterson
Sánchez, Linda T.
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker Pro Tempore (during the vote). Two minutes remain in this vote.

□ 1211

Messrs. COFFMAN of Colorado, ADERHOLT and JOHNSON of Illinois changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 25TH ANNIVERSARY OF NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 454, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 454.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 319]

YEAS—419

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

NOT VOTING—14

Bartlett
Bono Mack
Carnahan
Davis (TN)
DeFazio
Hill
Hoyer
Kennedy
Lewis (GA)
Loebsack
Mack
Rangel
Sánchez, Linda T.
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1218

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2410.

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

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING PROCEEDINGS TODAY

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that, during proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

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

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

The SPEAKER pro tempore. Pursuant to House Resolution 522 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2410.

□ 1220

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

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

The gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. BERMAN. Mr. Chairman, the United States now confronts the most complex array of threats in many decades, if not the entire history, of our Nation.

Afghanistan and Pakistan, Iran, North Korea, terrorism, nuclear proliferation, drug trafficking and climate change all pose major challenges to our national security. And we must confront these threats in the midst of a global financial crisis with enormous ramifications both at home and around the world.

Our brave men and women in uniform are making unbelievable sacrifices to

protect our security interests around the globe. They and their families deserve our deepest respect and gratitude. But we should not expect the military to shoulder the entire burden.

The State Department and our other civilian foreign affairs agencies have a critical role to play in protecting U.S. national security. Diplomacy, development, and defense are the three key pillars of our U.S. national security policy. By wisely investing resources to strengthen our diplomatic capabilities, we can help prevent conflicts before they start and head off conditions that lead to failed states.

For years we have failed to provide the State Department with the resources it desperately needs to pursue its core missions. With the expansion of U.S. diplomatic responsibilities in the 1990s, and the more recent demands of Iraq and Afghanistan, the Foreign Service has been strained to the breaking point. Sixteen percent of all positions are currently unfilled. One in nine positions overseas is vacant.

As Secretary of Defense Robert Gates recently stated: ''It has become clear that America's civilian institutions of diplomacy and development have been chronically undermanned and underfunded for far too long.''

The legislation before us today, Mr. Chairman, takes an important first step in correcting that situation. It supports President Obama's request for funding to hire over 1,000 new staff, including at least 750 Foreign Service officers; 332 of these positions will be used to immediately expand our diplomatic presence in Afghanistan, Pakistan and other strategic areas. A further 213 positions will be dedicated to improving and expanding training in critical needs languages such as Arabic, Chinese, Hindi, and Urdu.

The bill also provides resources requested by the administration for significant numbers of new public diplomacy officers, arms control experts, counterterrorism specialists.

And the bill has important provisions to promote more strategic thinking in the State Department and help the Foreign Service transition from traditional diplomatic framework to a more expeditionary one.

To help ensure the Department can continue to attract the best and brightest and retain these professionals over the long term, H.R. 2410 closes the pay gap that currently results in a 21 percent pay cut when junior Foreign Service officers leave Washington on assignment.

The bill also authorizes funds to pay our full dues and all recognized arrearages to the United Nations.

The legislation supports a significant expansion of the Peace Corps, an increase in international broadcasting activities, a vigorous public diplomacy effort, and a strengthened arms control and nonproliferation bureau at the State Department, which will soon be under the head of our dear colleague, Mrs. TAUSCHER.

In addition, the bill creates a new foundation to significantly increase the number of American students studying abroad, enhances U.S. efforts to help Mexico and other Latin American countries reduce drug violence, and addresses a number of key human rights and democracy issues around the world.

H.R. 2410 also reforms our system of export controls for military technology, improves oversight of U.S. security assistance, and requires a report to Congress on actions taken by the United States to maintain Israel's qualitative military edge.

This legislation is supported by a wide range of organizations, from the United States Chamber of Commerce and the National Association of Manufacturers, on one hand, to Human Rights Watch and Amnesty International on the other. From the Aerospace Industries Association, the Satellite Industry Association, on one hand, to CARE, Oxfam, the Peace Corps Association, Refugees International, and the Genocide Intervention Network on the other, the Save Darfur Council, Church World Service, and the American Council on Education, a coalition of all the major public and private universities in this country all strongly support this legislation.

I urge all my colleagues on both sides of the aisle to support this important legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to take our time in opposition to this bill.

And, Mr. Chairman, some Dear Colleague letters sent out by a few Members earlier this week, Mr. Chairman, in order to express their support for this bill, tended to focus on the few attractive features of the bill, such as the improvements that it would make on the Merida Initiative, our vital effort to assist Mexico and other Central American countries to fight the dangerous drug cartels.

Unfortunately, supporters of this bill have remained silent or ignored its fundamental problems. And the fundamental problems on this bill are that the bill calls for exorbitant spending in the absence of true reform, and that the bill does not take the difficult but necessary step of setting priorities, either with out-of-control spending or with important international issues that are facing our country.

By our best estimate, the bill before us represents an estimated 12 percent increase in planned expenditures above the levels of fiscal year 2009. It creates 20 new government entities, offices, foundations, programs and the like. These new programs, and these new initiatives that are funded in this bill constitute expenditures that go beyond even this 12 percent increase to accounts previously funded in fiscal year 2009.

The bill also represents a 35 percent increase in State Department main salary and operating accounts. We have to ask ourselves, where is the money coming from to support the additional funding?

In the coming fiscal year alone, Mr. Chairman, fiscal year 2010, we are expected to have to pay almost $285 billion, that's billion with a B, in interest costs, just interest, not payment on the debt itself. By fiscal year 2014, our cost for interest on the debt will likely have risen to about $560 billion, again, that's with a B, in that year alone, again, for interest payments alone, not for the debt payments that will have to be made.

Our deficit in the coming fiscal year, 2010, is now projected to total an estimated $1.3 trillion. Yet the funding levels proposed by this bill seem oddly detached from the reality that our families are facing today and that our Nation is facing.

Both in committee markup and at the Rules Committee, I offered amendments that would have capped increases for next year at 3.7 percent, a 2008 annual rate of inflation. This amendment would have saved taxpayer dollars, more than $2.8 billion in authorized funds. That amendment, again, would have saved American taxpayers more than $2.8 billion, with a B, in authorized funds.

□ 1230

Unfortunately, this measured, calibrated approach was rejected twice in favor of the largesse in this spending bill.

In trying to justify the enormous spending increases in this bill, supporters paint a picture of a hollowed-out shell of a State Department suffering from years of neglect. Yet, according to the Congressional Research Service and the State Department's own data, funding for the State Department and related agencies doubled from fiscal year 2000 through 2008. This clearly shows that growing the bureaucracy and throwing money at the Department of State are not the answer.

Supporters of this bill further argue that the major funding increases for the hiring of new staff are necessary, even in the absence of reforms. I note that there was an effort last Congress by colleagues in the other Chamber to ascertain the levels of absenteeism at various U.S. Government agencies. The results for the State Department were impressive—in an ironic way. The Department explained that it did not specifically track absences without official leave. It was the only executive branch agency that could not provide such information. Instead, the State Department only tracks those incidents in which such absenteeism reaches such an egregious level that discipline is required.

As a result, we—and the management of the Department—have little idea if the Department's own personnel are at their posts at the times we would expect them to be. And although we realize the overwhelming majority of State

Department employees are hard-working patriots, they are the ones who should be upset about absenteeism in others. The bill before us today does not address such questions, nor does it build on earlier inquiries such as the ones I have cited. Instead, supporters of this bill focus their arguments on unfilled State Department vacancies. And these arguments, too, Mr. Chairman, do not bare careful scrutiny. Most of the so-called ''vacancies'' are the result of shifting personnel to high-priority posts rather than cuts in funding.

Furthermore, the State Department always shows unfilled positions on their books because those numbers are the result of our overseas posts' self-identified needs rather than being a budget-driven number. It is a way of saying that they would like more employees and more funding. What agency wouldn't? I expect that all Americans would identify very significant unfunded needs in our own homes and our families and our budgets.

Moreover, at a time when we need to cut the deficit, in just one little-noticed instance, this bill bypasses an opportunity to transfer several hundred million dollars to our Treasury to help us pay down our national debt. In fact, an amendment offered by my friend from Indiana (Mr. BURTON) was not made in order by the rule.

Mr. BURTON's amendment would have required that just half of the funds of U.S.-funded enterprise funds abroad be turned over to our U.S. Treasury when they close down their operations. By remaining silent on the disposition of such funds, Mr. Chairman, this bill would instead allow loosely overseen so-called ''legacy institutions'' to take possession of all of those funds. This bill prefers to focus on creating new U.S.-funded foundations and offices that will add hundreds of millions of dollars in new costs to the taxpayers over the coming years.

And when it comes to policy issues, Mr. Chairman, this bill does not set the priorities that we believe would best serve our Nation. Not only does this bill provide close to $2 billion in funding for the United Nations—not including peacekeeping—without requiring any reform, but it also authorizes the payment of all claimed U.N. arrears or back payments. Why should American taxpayers be asked to write a blank check to the U.N.? Why not demand specific returns on our investments? Instead, efforts to leverage our contributions to secure concrete, systematic and comprehensive reforms through the U.N. system were rejected by both the Foreign Affairs Committee and in Rules.

This bill provides an inexplicable authorization to pay a higher rate for U.N. peacekeeping than even the U.N. is charging us. The bill's assessment rate could result in the U.S. paying, in 1 year alone, more than $100 million for U.N. peacekeeping above that which the U.N. requires us to pay.

The bill also fails to take any action to address endemic corruption at the United Nations. In fact, not only does the underlying bill and the manager's amendment remain silent on the U.N.'s misuse of American taxpayer funds for activities that undermine U.S. interests, but an amendment offered by the gentleman from Indiana—again, Mr. BURTON—which sought to prevent U.S. taxpayer dollars from paying for the legal fees of corrupt U.N. officials was rejected at Rules and will not be considered today because, Mr. Chairman, the U.N. has decided to pay the legal fees, possibly almost $900,000, of Benon Sevan, who ran the U.N.'s corrupt and disastrous Oil-for-Food program which was supposed to help innocent Iraqis but instead was exploited by Saddam's regime. U.S. Federal and state prosecutors have charged Sevan with bribery and conspiracy to commit wire fraud. But this bill before us does nothing to protect taxpayer dollars from bankrolling and rewarding corruption at the U.N.

The underlying bill also helps foster the culture of corruption at the United Nations by failing to leverage U.S. contributions to the U.N. Development Program, UNDP, until it accepts the jurisdiction of the U.N. Ethics Office.

The UNDP, to which the U.S. contributes $100 million or more per year, continues to be the poster child for mismanagement, corruption, and waste, from Zimbabwe to Uganda to Burma to North Korea. In fact, the United Nations Development Program had to pull out of North Korea after reports emerged that development aid was being diverted to the North Korean dictatorship. Now, unbelievably, UNDP is returning to North Korea with essentially no meaningful protections to prevent U.S. taxpayer dollars from again benefiting Kim Jong Il and his corrupt cronies. Our Treasury Department has even engaged a collection agency to retrieve over $7 million in U.S. taxpayer dollars mismanaged by UNDP in Afghanistan.

We might never know about UNDP's corruption and mismanagement without the help of brave whistleblowers. Unfortunately, whistleblowers have few protections at the U.N., and the UNDP has reportedly retaliated against a number of them, including the one who exposed their operations in North Korea.

Mr. Chairman, this bill should do more in safeguarding our constituents' hard-earned dollars. Nowhere are U.N. failures which undermine U.S. interests clearer than with respect to the United Nations Relief and Works Agency, UNRWA. UNRWA has a strictly humanitarian mandate to provide aid to Palestinian refugees, but it continues to compromise its mandate and our U.S. taxpayer dollars. It does so by emitting propaganda against Israel in favor of Hamas, doing business with banks targeted by our government for terror financing and money laundering, and by refusing to vet its employees and aid recipients for ties to Palestinian militant groups like Hamas.

UNRWA's Commissioner-General says she doesn't even consider Hamas to be a foreign terrorist organization. And her predecessor admitted that members of Hamas were on UNRWA's payroll, saying, I don't see that as a crime. No one can guarantee that over hundreds of millions of dollars in U.S. funds sent to UNRWA will not end up in the hands of Hamas. Yet, this bill takes a see no evil, hear no evil, speak no evil approach, refusing to demand accountability and transparency for our investments.

Supporters of this bill will claim that it strengthens nonproliferation activities at the Department of State. However, the pertinent section of the bill contains contradictory statements regarding the Department's nonproliferation and arms control infrastructure.

On the one hand, the bill asks the Secretary of State to develop a comprehensive plan to determine what the Department actually needs in terms of personnel, additional authorities and new appropriations in order to carry out its arms control and nonproliferation policies. Yet, before that plan has even been drafted, this bill removes the statutory requirement for the Assistant Secretary for Verification and Arms Control, authorizes $3 million for 25 new positions focused on arms control, and mandates other programs and activities. These provisions actually appear to be laying the foundation to reverse the reforms that were enacted by this House in 1998 under the Foreign Affairs Reform and Restructuring Act.

Further, by removing the requirements for the Assistant Secretary for Verification and Arms Control, it is diminishing its importance, and targets for possible dissolution the bureau at State that was instrumental in the dismantlement of Libya's nuclear, chemical, and biological weapons program. This is also the one bureau that has consistently pressed for greater disclosure by the North Korean regime on the totality of its nuclear activities.

And on the issue of North Korea, Mr. Chairman, this bill and our Congress have remained largely silent on this, one of the most grave foreign policy crises currently confronting our Nation. North Korea's leader is preparing to test yet another long-range missile which could reach Alaska, Hawaii, and the west coast possibly as early as next week. Yet, an amendment I offered in Rules to address the escalating crisis in North Korea's nuclear brinksmanship was rejected.

This amendment would have re-listed North Korea as a state sponsor of terrorism, as suggested by Secretary of State Clinton this past weekend. It called for full implementation of sanctions, including those imposed by the U.N. Security Council resolutions adopted after previous North Korean missile and nuclear tests, but never fully enforced. It contains consequences as called for by the administration's North Korean Special Envoy

after Pyongyang's April 5 missile test. This amendment raised great concern about Pyongyang's defiant, continuing proliferation of weapons of mass destruction to Iran, to Syria, and other rogue regimes. It also pointed to the North Korean regime's horrific record on human rights abuses.

Pyongyang made a provocative and reprehensible decision just a few days ago in a secretive kangaroo court to sentence U.S. citizen journalists Laura Ling and Euna Lee to 12 years of hard labor in the North Korean gulag. This amendment demanded the immediate and unconditional release of our two U.S. citizens before the lifting of any U.S. sanctions or granting of diplomatic recognition.

Much of the language of my amendment had been accepted by the chairman last year and incorporated into the Security Assistance and Arms Export Control Reform Act of 2008. The Foreign Affairs Committee unanimously adopted the agreed-upon North Korea language during a markup held last May. Yet the amendment I offered to address this threat to U.S. national security interests and to our allies in the region was rejected yesterday by the Rules Committee.

In conclusion, Mr. Chairman, at a time when our country faces a range of threats in our own hemisphere, this bill does not set out a comprehensive approach to those threats. The bill also displays a willingness to put our national security interests in the hands of the vaguely defined ''international community.''

Mr. Chairman, because of the fundamental weaknesses and the core problems with this bill that have not been addressed, I will not be able to support this bill. I urge my colleagues to also oppose H.R. 2410 and vote ''no'' on final passage.

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

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 3 minutes to the vice chair of the House Foreign Affairs Committee, the chairman of the Subcommittee on the Middle East and South Asia, Mr. ACKERMAN.

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

Mr. ACKERMAN. I rise in strong support of H.R. 2410, the Foreign Relations Authorizations Act. And I want to commend our chairman, the gentleman from California, for his commitment to this legislation, which I believe is a reflection of the gentleman's enormous dedication to this institution and its role under the Constitution.

For many years, the Foreign Relations Authorization Act has been held hostage to debates about abortion and family planning, to the inability of the other body to get 60 of their Members to agree to anything, and to a general feeling that it just wasn't essential to do. The result has been an insidious decay of the effectiveness of our diplomatic capabilities and our capacity to influence events around the world.

Some might ask, what does this have to do with my constituents? Isn't that why we have a strong military to protect us? Isn't that their role? The simple answer is that our diplomats and our development professionals are not a luxury, nor a fancy affectation of power. These are not aristocrats sipping tea while wearing striped pants and ascots. These are people who are on the front line of our defense. Not the Army, not the Navy, not the Air Force, the Marines, or the Coast Guard; it is the Foreign Service that lives always full time out in the ugly and dangerous parts of the world representing our interests, building alliances, monitoring and reporting on events that may affect our security, and helping to defuse crises and tensions before they sometimes burst into armed conflict or war.

□ 1245

There is a simple reason that both the Secretary of Defense Gates and Admiral Mullen, the Chairman of the Joint Chiefs of Staff, have repeatedly and passionately insisted on the necessity of rebuilding and strengthening the State Department. It will save the lives of the people for whom they are responsible. It will allow the Armed Forces to avoid conflict. It will shorten conflicts by allowing our military to focus on security, not negotiations, not governance nor development.

In this respect, the title of the bill may mislead some. The bill is not about foreign relations; it's really about our national security. Our national security. It's about the safety of this Nation and our ability to protect and advance our interests around the world. Military power is essential. The United States would not be the country that it is if we did not have such an extraordinary military. But our Armed Forces exist chiefly to deter and defend. Whatever the last few years may have suggested, we are not a Nation that believes in starting wars to solve problems nor in the use of force to resolve political conflicts. A strong State Department and revitalized U.S. Agency for International Development are not favors that we do for others. These are institutions that are essential to our national security and our national interests. The bill is, in fact, merely a downpayment on a process of rebuilding that should have begun years ago.

So if you want to bring our troops home from Iraq, then you know that Iraqis have to improve their own internal cooperation and performance in their government. Who is supposed to help them with that? If you want to help Afghanistan and get our troops home from there, then you know that that problem is about poppy farming and police corruption that have to be addressed. Who is supposed to help them with that?

If you want to prevent Iran's nuclear program from setting off a chain reaction of proliferation, then you know that we're going to need a broad international coalition to stop them. Who's supposed to put it together and keep it together?

We can no afford a second-rate diplomatic corps any more than we can tolerate troops who are untrained, ships that are rusting or aircraft that are unmaintained. Our national security is a whole. We can't succeed with our military and fail with our diplomacy and development, and then hope to be safe. It doesn't work.

That's what this bill is about: keeping our nation safe. And it deserves the support of every Member.

Ms. ROS-LEHTINEN. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member on the Subcommittee on the Middle East and South Asia, who had very good amendments to offer yesterday.

Mr. BURTON of Indiana. I want to thank the ranking member on her opening statement.

My goodness, I think you covered just about everything and you did it very well. And I want to compliment your staff for working so hard on that statement.

I'm perplexed on this bill because there is some language in there that I like. For instance, the commitment to Israel, giving them support for their missile defense system, I think that's a positive. But there are so many negatives in this bill that it's going to make it very difficult for those who would like to support it to not be able to. Let me just give you a couple of examples, and the ranking member just mentioned that.

North Korea should be called a terrorist state. They're launching missiles and threatening the security of the entire region as well as giving nuclear technology to other countries. In addition to that, there's money in here, our tax dollars, that are going to defend Mr. Sevan, who is hiding out in Cyprus right now because he's been indicted and the U.N., using our tax dollars, is going to pay for his defense, which is almost $1 million. We shouldn't be using taxpayer dollars for that, and we ought to let the U.N. know it.

In addition to that, the bill is increasing spending by 12 percent to $41 billion over a 2-year period. There's a pay raise in there, and I understand these people work very hard, but we are having difficult times here at home. People in this country are suffering, and they want to give a 23 percent increase in pay to overseas Foreign Service officers. I just don't get that. Maybe a pay raise of some size should be realized, but 23 percent when this country is really suffering economically makes no sense.

It also creates an Office for Global Women's Issues. And it's highly likely that this office will include, in its mission, the advancement of abortion advocacy abroad. And I don't think this body ought to be doing that, especially those who believe so strongly in the right-to-life provisions that we have supported in the past.

The CHAIR. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. I yield an additional 30 seconds to the gentleman.

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

And then, of course, it has a sexual orientation amount of language in it which would require the tracking of discrimination related to sexual orientation for actual or perceived sexual orientation and gender identity violations. And then, finally, it increases the U.N. spending by so much and the contributions we would have to give by 32 percent over the 2009 levels.

This is not a good part of the bill. We would like to support the bill, but unfortunately, there is too much junk in it, Mr. Chairman. I wish we didn't have to say ''no'' to this.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 1 minute to one of the new members of the committee who has been of tremendous assistance on a variety of issues, the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank the illustrious chairman of our committee, who has done so much hard work in moving forward U.S. foreign policy.

Mr. Chairman, I, of course, rise in support of the Foreign Relations Authorization Act.

President Obama has redefined the playbook and raised expectations for America's engagement in the global stage. As we all know too well, the U.S. is involved in two theaters of war in Iraq and Afghanistan. Defeating extremist militants will require the proper diplomatic resources, and as Secretary Gates has stated in both the Bush and Obama administrations, we cannot win these wars by sheer force alone.

To this end, the bill authorizes funding for 1,500 new Foreign Service officers. It strengthens the Peace Corps by making it U.S. policy to double the number of volunteers and by authorizing $400 million in fiscal year 2010 and $450 million in fiscal year 2011. It requires that the President conduct an 18-month strategic review of defense trade controls beginning not later than March 31, 2010, to determine the effectiveness of current export regimes.

According to the Defense Department, the Department of State's mission is critical. On July 15, Secretary of Defense Gates said, ''Truly harnessing the full strength of America requires having civilian institutions of diplomacy and development that are adequately staffed and properly funded.''

The CHAIR. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield to another new Member of the House and of the committee, a great Member, Mr. MCMAHON, for 1 minute.

Mr. MCMAHON. Mr. Chairman, I rise today in strong support of H.R. 2410, and I would like to thank the great gentleman from California, Chairman BERMAN, for working with all the members of this committee, the more senior and the junior as well, and in particular for including provisions that are raised by so many of my constituents back home in Staten Island and Brooklyn, New York.

As we know, effective diplomacy complements defense strategy and requires a combination of several important efforts, and as my colleague the great gentleman from Virginia, GERALD CONNOLLY, was mentioning, Secretary of Defense Gates himself has said, ''Long-term security challenges require our government to operate with unity, agility, and creativity, and will require devoting considerably more resources to nonmilitary instruments of national power.''

Mr. Chairman, the United States must be more serious about its diplomatic commitments, responsibilities, and presence overseas to ensure a more secure future for her own citizens. I hope that all of my colleagues will join with us today in supporting this important legislation and send an important message that will be heard loud and clear around the world.

Ms. ROS-LEHTINEN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am now pleased to yield 1 minute to a good friend from California who has been on the committee and has returned, the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, as a member of the committee, I thank our chairman for all he has done to make sure that this is a Foreign Relations Authorization Act that we can be truly proud of.

I'm pleased that this bill moves our foreign policy away from intimidation and preemption to a policy based on smart security. This bill invests in our dedicated Foreign Service officers, increases funding for international student exchanges, doubles the number of Peace Corps volunteers.

We must send a clear message to the world community that we are rededicating ourselves as a Nation to diplomacy, and H.R. 2410 actually absolutely helps. With it, military might will no longer be our sole representative overseas.

So I urge my colleagues to support smart security, which is supporting education, infrastructure, diplomacy, agriculture, and we can do that by voting in favor of this legislation.

Ms. ROS-LEHTINEN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from North Carolina (Mr. MILLER), the chairman of the Science and Technology Subcommittee on Investigations and Oversight and a member of the Foreign Affairs Committee.

Mr. MILLER of North Carolina. Mr. Chairman, I also rise in support of this legislation, which takes major steps to rebuild the capacity of our civilian foreign affairs agencies. It will strengthen diplomacy and development, two neglected pillars of our national security. Most important, this bill strengthens our capacity to prevent genocide and meet the needs of peacekeeping missions in the Democratic Republic of Congo and elsewhere in the world. This bill will provide funds to refurbish helicopters needed for peacekeeping missions.

More than 5 million people have died in the conflict in the Democratic Republic of Congo, the deadliest conflict since the Second World War, and violence continues in Darfur and Chad. The people of Darfur are still waiting, as are those of the Democratic Republic of Congo and Chad, where shortages of helicopters are crippling the work of U.N. peacekeepers. If we are to regain our moral authority in the world, we must continue to lead the fight against genocide and champion the protection of innocent civilians. This bill will help.

Ms. ROS-LEHTINEN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Illinois (Mr. JACKSON), a member of the Committee on Appropriations.

Mr. JACKSON of Illinois. Mr. Chairman, I rise in strong support of H.R. 2410. I want to thank Chairman BERMAN for including H.R. 2828, a bill that Congressman BLUNT and I cosponsored in the last Congress that passed the House 409–12, in the manager's amendment. H.R. 2828 compensates relatives of U.S. citizens killed in the 1998 embassy bombings in Kenya and Tanzania.

On August 7, 1998, al Qaeda truck bombs exploded simultaneously at the embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya. The embassy bombing in Nairobi killed 12 Americans serving the American people. They were: Sergeant Nathan Aliganga; Consul General Julian Bartley and his son, Jay Bartley; Jean Rose Dalizu; Molly Huckaby Hardy; Staff Sergeant Kenneth Hobson II; Prabhi Kavaler; Arlene Kirk; Dr. Louise Martin; Michelle O'Connor; Master Sergeant Sherry Lynn Olds; and Tom Shah.

H.R. 2828, therefore H.R. 2410, remembers their sacrifice and provides restitution to the loved ones they left behind.

Mr. Chairman, this provision is the very least that a grateful nation can do. I urge an ''aye'' vote on H.R. 2410, and I want to thank Chairman BERMAN, Ranking Member ROS-LEHTINEN, and Mr. BLUNT for their support.

Ms. ROS-LEHTINEN. Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chair, I am pleased to yield 1 minute to my colleague from California (Mr. SCHIFF), a former member of the Foreign Affairs Committee and a member of the Appropriations Committee.

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

Mr. SCHIFF. I thank the gentleman for yielding.

Mr. Chairman, I would like to commend the Foreign Affairs Committee for all their hard work on the Foreign Relations Authorization Act and thank Chairman BERMAN for his support and his staff for working with me to include the Daniel Pearl Act as a part of this legislation. By incorporating the Daniel Pearl Freedom of the Press Act, the committee brings much-needed attention to a critical human rights issue.

This legislation calls upon the Secretary of State to greatly expand its examination of the status of freedom in the press worldwide in the State Department's Annual Country Reports on Human Rights Practices. The Daniel Pearl Act requires the State Department to identify countries in which there were violations of freedom of the press and whether the government of those countries participate in, facilitate, or condone the violations. This report will spotlight those governments which seek to silence media opposition.

The Daniel Pearl Freedom of the Press Act also establishes a grant program aimed at broadening and strengthening media independence internationally. Grant recipients will provide regionally and culturally relevant training to journalists and media organizations to help them meet international standards.

Again, I thank the chairman for his leadership on human rights issues and his support of the Daniel Pearl Freedom of the Press Act.

□ 1300

Ms. ROS-LEHTINEN. Mr. Chairman, I am now pleased to yield 3 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Chairman, I believe that it is critical for us to provide a clear vision for U.S. foreign policy to represent the best of the United States of America. I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their efforts to bring this important measure to the floor today.

Mr. Chairman, a Muslim cleric once whispered to me, Do not forget the goodness of America. America is justice.

While much has changed in the world in recent years, the core ideals that made the United States a generous, principled and prosperous Nation—the commitment to justice for all—remain unchanged. We are now entwined in a more interdependent world, which entails the potential for great good or for great harm. We can innovate to build sustainable capacities to help all persons achieve their full potential, or we can find ourselves in a race against time in seeking to prevent advanced technological capacities, such as nuclear weapons development, from serving tyrannical purposes that aim to destroy and to subjugate free people to coercive ideologies.

While not always popular, I believe that it is essential to engage other nations as a force for good in the world by maintaining a robust and effective diplomatic and assistance framework. This is why I do support some of the more aggressive proposals contained in this measure, such as the augmentation of Foreign Service officers at the Department of State and at the United States Agency for International Development.

We simply cannot respond to monumental changes in the world with an overextended workforce and with diminished capacities to accomplish complex and difficult assignments. However, it does concern me that many people throughout the world hold a dualistic view toward our country. Given the nature of the system of government that we have been very fortunate to inherit, they look to us in hope, and they see the United States as a force for great good. However, on the other hand, they are wary of the imposition of controversial Western-style notions upon them.

For instance, pursuant to Secretary Clinton's recent testimony before the House Foreign Affairs Committee, we are now faced with a policy that equates abortion advocacy with health care advocacy, a policy that is very divisive in our own country and is one that many nations around the world repudiate. It is not consistent with internationally accepted notions of human rights. Such a policy will undermine the very relationships we are seeking to strengthen through this measure.

While I see great value in strengthening our foreign relations overall, I remain deeply concerned that the bill before us today provides a framework for injecting jarring and discordant notes from divisive and unresolved domestic disputes here in our country into U.S. foreign policy. We should be using this process to find our common ground, to develop the tools that actually bind the human family, that lift weary human hearts around the world, that provide justice for all, especially for vulnerable persons, including the elderly, the mother and her unborn child, the father seeking to provide protection for his family, and the tribe and culture seeking recognition, dignity and freedom from tyranny and twisted ideologies.

In good conscience I cannot support this legislation as it stands because it risks subordinating U.S. foreign policy to highly-charged domestic social controversies and imposing controversial Western social paradigms on cultures that should have the freedom to preserve their most cherished traditions for the well being of men and women, families and children.

The approach before us risks politicizing our foreign service at a time when a strong, united, bipartisan approach to the myriad security and diplomatic challenges we face is vital. Our foreign policy should reflect our shared values as a nation, and I stand ready to work with my colleagues on that which unites us. With that said, I regret that I must urge my colleagues to vote no on this measure.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1½ minutes to the very active and distinguished member of the committee, the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Thank you very much to both the chairman and the ranking member of the full committee, Chairman BERMAN and Ranking Member ILEANA ROS-LEHTINEN.

Mr. Chairman, it is too short a time to talk about the catastrophic positive effect that this will have on the American people—on their security and on their position in the world. We have always been a country that recognizes the importance of minding our own business but, frankly, that also understands the importance of being a good friend.

I rise to support H.R. 2410 because this legislation authorizes the hiring of 1,500 additional Foreign Service officers over the next 2 years. If you have visited these embassies, as I have, you know that they are the positive face of America. They work hard. They engage in negotiations. More importantly, they solve problems. We also put forward the necessary resources for the U.N. peacekeeping missions in Darfur, in the Republic of Congo and in Chad.

Because of the section 1127 Sense of Congress, I am delighted that my legislation on ensuring that we continue to push for the comprehensive peace agreement is in this legislation.

Then I am extremely delighted and pleased that section 1104 has placed my statelessness bill into this legislation, which dictates that it is the purpose of this section to increase global stability and security for the United States and for the international community and to decrease trafficking and discrimination by reducing the number of individuals who are de jure or de facto stateless. This will help women and children, those who have been dispossessed and those who have been victims of human tracking. Some of those cases have found themselves into my own community in Texas.

So let me again, Mr. Chairman, say that I rise to support H.R. 2410.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from South Carolina (Mr. INGLIS), a member of our Foreign Affairs Committee.

Mr. INGLIS. I thank the gentlewoman from yielding.

Mr. Chairman, there was an exchange in the Foreign Affairs Committee that was very instructive when it came to abortion and to this bill. Our colleague CHRIS SMITH, the tireless advocate for the unborn, was asking questions of

Secretary Clinton. Secretary Clinton said these words to our friend CHRIS SMITH:

So we have a very fundamental disagreement, she said, and it is my strongly held view that you, CHRIS SMITH, are entitled to advocate, and everyone who agrees with you should be free to do so anywhere in the world, and so are we.

So who is the ''we''? If that ''we'' means the Federal Government, the United States of America through its State Department, in the Secretary of State's speaking ''we,'' then there is a real concern about whether this would then become the policy of the United States to advocate abortion overseas.

So our friend CHRIS SMITH proposed an amendment that was rejected by the Rules Committee that would have clarified this issue by saying that the U.S. will not lobby countries to legalize, fund or promote abortion except in the cases of forcible rape, incest or to save the life of the mother.

That language was rejected by the Rules Committee, which means, in the ''we'' that Secretary Clinton was talking about, it may be that the United States Department of State is going to be doing exactly what she was talking about: advocating the opposite position of what CHRIS SMITH was talking about.

Then the majority has inserted some language that is completely meaningless in this bill that was made in order at the Rules Committee. I hesitate to read it because it really is rather convoluted; but it says that the bill does not affect existing statutory prohibitions on the use of funds to engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated or prohibited.

Well, that sounds sort of interesting, but the problem is it's a complete sham because the law apparently referenced doesn't exist. Therefore, there is no prohibition, so the language is meaningless. We don't have the protection that our friend CHRIS SMITH was urging in the Rules Committee and was giving us an opportunity to vote on here on the floor to make it so that the United States Department of State is not actively advocating the overturning of abortion laws in foreign countries.

It is disturbing that the Rules Committee didn't make that in order but, rather, made a sham amendment in order that does not do anything but, actually, just obfuscates the issue. It was just very disappointing, so I urge my colleagues to oppose this measure.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 1 minute to a great member of the committee, the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Chairman, I rise in strong support of this Foreign Relations Authorization Act. It provides the necessary resources for the State Department to fully carry out its core mission—U.S. diplomacy based on smart power as advanced by President Obama and Secretary of State Clinton—from authorizing funding for the U.N., for peacekeeping operations, for international organizations to establishing a critical study abroad program and doubling the size of the Peace Corps. This bill provides critical support for the State Department in helping to restore our image around the world—all critical tools for U.S. diplomatic power.

One of my particular interests is in looking for ways to increase and to enhance study abroad programs. Having studied overseas myself in undergrad, I am very pleased with the inclusion of the Paul Simon Study Abroad Act. American students who live and study in other countries not only gain invaluable experience, but they serve as some of America's best ambassadors.

I want to thank the chairman for including this provision as well as my amendment, which will ensure that existing study abroad programs have equal access to grant funding so that they can expand their already successful missions. Mr. Chairman, thank you for your work on this bill. It will make a substantial difference in our diplomatic efforts to reengage the world.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Texas (Mr. PAUL), a member of our Foreign Affairs Committee.

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

Mr. PAUL. I thank the gentlewoman for yielding me these 2 minutes.

Mr. Chairman, I rise in opposition to this bill. Some are hopeful that this will be a less militaristic approach to our foreign policy. Quite frankly, I don't see any changes. I wish it were something that would represent a humble foreign policy, but when you put an extra $100 million into the military operations of the United Nations, I hardly think this is a change in direction. Actually, it's $18 billion that is going into more meddling, and we don't have $18 billion.

The President has now asked us here in the Congress to follow the PAYGO rules. Well, that might be a good idea if we had set aside the idea that we would raise taxes, but we're not going to cut any domestic spending for this foreign spending, so the odds of this following the PAYGO rule are essentially nil.

I want to call attention to one provision in this that is rather disturbing to me, and that is the Civilian Stabilization Initiative. This is new. It was not invented by this administration. It was invented by the last administration. This is to set up a permanent standing, nation-building office with an employment of or with the use of nearly 5,000 individuals.

So what is the goal of this new initiative going to be? It will facilitate democratic and political transitions in various countries.

Now, if you want to talk about interfering in the internal affairs of other nations, that is exactly what this is all about. Facilitating democratic and political transitions? Well, of course. We've been doing that for a long time, but we've gotten ourselves into a lot of trouble doing it. We did it in 1953, and we're still suffering the consequences. This initiative is a little more honest. It's up front. We're actually supporting and funding a facility that would be involved in political transitions. The mandate in this is to ''reconstruct'' societies. That sounds wonderful. There are a lot of societies that need reconstruction, but so many of the societies that we have to reconstruct we helped to destroy or to disrupt.

Think of what our troops and our money have done in Afghanistan as well as in Iraq. I think this provision, itself, is enough reason to vote against this authorization.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 2 minutes to the very distinguished chairman of the Foreign Affairs Subcommittee on the Western Hemisphere, my friend, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Well, I thank the chairman, and I especially want to thank him for his great leadership as chairman of our Foreign Affairs Committee.

Mr. Chairman, I certainly support this legislation. This legislation reinvigorates the Foreign Affairs Committee, and it provides a needed shot in the arm to American diplomacy. For too long, we have not given our diplomats the resources they require, and this bill provides a much-needed boost to those serving on the front lines around the world for our country.

Specifically, H.R. 2410 authorizes 1,500 additional Foreign Service officers, and it doubles the size of the Peace Corps.

As chairman of the Subcommittee on the Western Hemisphere, I would also like to thank Chairman BERMAN for including several sections I developed to promote good relations with our partners in the Americas.

First, the bill incorporates the countries of the Caribbean into the Merida Initiative, a U.S.-Mexico-Central America security partnership.

□ 1315

The Caribbean leaders told us they wanted this at the Summit of the Americas, and I'm glad we've included this provision.

Second, the bill directs the State Department to develop a public diplomacy plan to prepare Haiti if Temporary Protected Status is granted to Haitians in the U.S. We need to grant TPS to Haitian nationals in the U.S., and we must be ready to inform Haitians in Haiti that they should not leave if TPS is provided.

Third, the bill establishes a coordinator to track all U.S. Government Merida-related funding. With multiple government agencies involved, Merida is too important to be lost in the bureaucratic shuffle.

Finally, the bill creates an interagency task force on the prevention of small-arms trafficking in the Western Hemisphere.

While recent media attention has focused on the high number of guns—90 percent—recovered from crime scenes in Mexico that are originally from the United States, this is not just a Mexico issue. Jamaican Prime Minister Golding told me that 90 percent of the guns recovered in Jamaica also originate in the U.S., so I'm glad we're doing something about that in this bill.

So again, Mr. Chairman, thank you again for your excellent work on this bill and for including these important sections that I urged, and I look forward to voting for this bill.

Ms. ROS-LEHTINEN. Mr. Chairman, we seek to reserve at this time.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from American Samoa. He's chairman of the Subcommittee on Asia, the Pacific and the Global Environment, my friend, ENI FALEOMAVAEGA.

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

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong support of the bill, H.R. 2410, and thank the gentleman from California, our distinguished chairman of the Committee on Foreign Affairs, for his leadership and for his ability to bring this bill before the floor. Although there are several portions of the bill that my subcommittee had a part in introducing, I am especially appreciative for the inclusion of one of the provisions to rename the South Pacific Scholarship Program in honor of one of our distinguished late Members of this institution, the late Congressman Phil Burton, who was chairman of the Subcommittee on Territories and Insular Affairs. He was a voice for Pacific Island nations and territories.

Beyond American Samoa, the late Congressman Phil Burton, who served as a U.S. Congressman from 1964 to 1983, worked every day of his life to ensure social justice and human dignity for all of the people, and the people of the Pacific are especially grateful for his services. Unbeknown to many of our colleagues, Chairman Burton was also the driving force in recognizing the importance of certain items in the Pacific region which our country declared as a strategic trust immediately after World War II, and this was done before the United Nations.

Formally known as the Trust Territory of the Pacific Islands, Chairman Burton, in consultations with the Department of Defense, the State Department and Interior and several other Federal agencies and key officials of the administration, he played a pivotal role whereby as a result of these consultations resulted in the Congress approving certain compacts of free association for the Republic of the Marshall Islands, the Republic of Palau, the Federated States of Micronesia, and a coveted relationship between the United States and the Commonwealth of the Northern Mariana Islands. I might note also that the President of Palau has consented in helping us in terms of dealing with the Uyghur people that hopefully that this might be resolved and worked out.

The CHAIR. The time of the gentleman has expired.

Mr. BERMAN. I yield the gentleman an additional 15 seconds.

Mr. FALEOMAVAEGA. Congressman BURTON was also instrumental in helping establish the Pacific Island Development Program that is now an integral part of the East-West Center.

Mr. Chair, I rise today to commend the gentleman from California, the Honorable HOWARD BERMAN, Chairman of the Foreign Affairs Committee, for his leadership in offering H.R. 2410, the State Department Authorization bill, and I thank the gentleman for including a number of my provisions in the base text.

I am especially appreciative for the inclusion of my provision to rename the United States-South Pacific Scholarship Program (USSP) in honor of my mentor, the late Congressman Phillip Burton who, as Chairman of the Subcommittee on Territories and Insular Affairs, was a voice for Pacific Island populations, and made it possible for American Samoa's Governor and Lieutenant Governor to be popularly elected rather than appointed by the Secretary of the Interior.

In 1951, President Harry S. Truman issued Executive Order 10264 which transferred administrative responsibility for the islands of American Samoa from the Secretary of the Navy to the U.S. Secretary of the Interior. The Secretary of the Interior, in turn, appointed our Governors.

In 1960, the people of American Samoa adopted a Constitution. The Constitution was revised in 1966 and was approved by the Secretary of the Interior on June 2, 1967. In 1967, the Revised Constitution of American Samoa provided for an elected Legislature, or Fono, consisting of a Senate and a House of Representatives. However, it did not provide our people with the right to elect our own Governor and Lieutenant Governor and, at the time, American Samoa was the only remaining offshore area of the United States which did not have a popularly elected Governor and Lieutenant Governor.

On June 10, 1976, Congressman Phil Burton took notice of American Samoa's situation and introduced a bill to make it possible for our Governor and Lieutenant Governor to be popularly elected rather than appointed by the Secretary of the Interior. As staff counsel the Committee on Interior and Insular Affairs, Congressman Burton instructed me to draft this legislation which the U.S. House of Representatives overwhelmingly passed by a landslide vote of 377 to 1.

Instead of sending his bill to the Senate, Congressman Burton decided to consult further with the Secretary of the Interior, Rogers C.B. Morton, about American Samoa's unique political status as an unincorporated and unorganized territory which was and is unlike the organized territories of Guam and the Virgin Islands. As a result of their consultations, the two agreed that Secretary Morton would issue a Secretarial Order (No. 3009) authorizing the American Samoa Government to pass enabling legislation to provide for an elected Governor and the Lieutenant Governor.

Secretary's Order No. 3009 amended American Samoa's Constitution to specifically provide for an elected rather than an appointed Governor and Lieutenant Governor. Secretary's Order 3009 was also in keeping with the will of the majority of voters in American Samoa who voted in favor of electing their own Governor and Lieutenant Governor in a plebiscite that was held on August 31, 1976.

Furthermore, Congressman Phil Burton introduced legislation on August 2, 1978 to provide that the Territory of American Samoa be represented by a nonvoting Delegate to the U.S. House of Representatives. I also was tasked with drafting this legislation which became Public Law 95–556 and was made effective October 31, 1978.

Beyond American Samoa, the late Congressman Phillip Burton, who served in the U.S. Congress from 1964 to 1983, worked every day of his life to ensure social justice and human dignity for all people, and the people of the Pacific are especially grateful for what he has done for us. Congressman Burton's service as Chairman of the Subcommittee on Territories and Insular Affairs indirectly impacted U.S. foreign policy in the South Pacific region, and it is only fitting that the USSP, which Congress established at my request in 1994, will now be renamed some 15 years later in honor of my mentor, if the Senate also agrees to acknowledge and honor the late Congressman Burtons' service.

I also thank Chairman BERMAN for accepting my request to recognize Kazakhstan's commitment to nonproliferation and for offering to host a nuclear fuel bank.

My office also worked closely the Foreign Affairs Committee to establish a Central Asia Scholarship program for public policy internships, and to establish scholarships for indigenous peoples of Mexico and Central and South America.

I also appreciate the Committee's support of my efforts on behalf of Pacific Island States. Diabetes, a seriously debilitating disease, has reached epidemic proportions in the Pacific Islands States including the Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. While recognizing that simple, relatively low-cost means already exist to reduce the incidence of diabetes significantly through appropriate prevention and treatment programs, these programs have not as yet reached the Pacific Islands so as to effect a major reduction in the incidence of diabetes. In order to contribute to the improvement of health conditions, the authorization I requested will provide assistance for health services designed to prevent and treat diabetes in the Pacific Islands, and also for safe water and sanitation.

I also thank the Committee for including language which I offered regarding West Papua. I continue to believe it is necessary for the Secretary of State to report on the 1969 Act of 'Free' Choice, the current political status of West Papua, and the extent to which the Government of Indonesia has implemented and included the leadership and the people of West Papua in the development and administration of Special Autonomy. I also believe it is necessary for the Administration to report to the appropriate Congressional committees the extent to which the Government of Indonesia

has certified that it has halted human rights abuses in West Papua.

However, in consideration of Indonesia's presidential elections scheduled for July 8, 2009, I asked Chairman BERMAN to pull the West Papua language from the bill so as not to influence the outcome of the elections. I thank Chairman BERMAN for agreeing to my request to remove this language, and I am hopeful that once elections are finalized that Indonesia will renew its commitment to implementing Special Autonomy.

Again, I thank Chairman BERMAN for his leadership and support in moving this legislation forward, and I urge my colleagues to vote in favor of H.R. 2410.

Ms. ROS-LEHTINEN. Mr. Chairman, I continue to reserve our time.

Mr. BERMAN. Mr. Chairman, for purposes of a colloquy, I'm pleased to yield 1 minute to a former member of the committee, a member of the Budget Committee and the Ways and Means Committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I rise, Mr. Chairman, and urge that clean water and sanitation be addressed at the highest level at the State Department and USAID. The lack of safe water and sanitation is an ongoing threat to global security. It remains the world's preventable health problem, accounting for 2 million deaths a year, a child dying every 15 seconds and half the illness in the developing world.

We simply cannot meet our goals to deal with poverty, health and development without addressing this crisis. On Earth day, I introduced the bipartisan Paul Simon Water For the World Act with the goal to provide a hundred billion of the world's poorest with first-time access to safe drinking water and sanitation.

I would like to work with you, Mr. Chairman, to assure that clean water and sanitation are adequately funded and represented at the highest level of our diplomatic and development efforts.

Mr. BERMAN. I want to manifest very clearly my intention to take up a major rewrite of foreign assistance legislation later this year, and we will address the issues raised in the Water For the World Act as part of that effort.

Mr. BLUMENAUER. Thank you, Mr. Chairman, I appreciate your attention to this critical issue and am looking forward to working with you under your leadership.

Ms. ROS-LEHTINEN. I continue to reserve.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to a friend of a very, very long time, a member of the committee as well as the Agriculture Committee, the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I want to thank Chairman BERMAN for the hard work that he and the committee staff have done on reauthorization of this bill. A lot of work has been put into it, and I think all of us, as we look upon the challenges we face around the world, understand that there has to be a utilization of all of the tools in our foreign policy tool box to ensure that we take care of America's interests and that we gain greater support in our interests abroad.

Smart Power is a part of that effort. Smart Power allows us to reenergize our diplomatic work around the globe. Specifically, the reauthorization of this bill allows the State Department to do work that the Department of Defense is doing, more appropriately under the Department of State: international organizations, strengthening the Peace Corps, focusing on drug trafficking and violence along our southern borders. There are so many good things that this does.

Smart Power is often overlooked, but it's a vital tool in this foreign policy toolbox. We've seen the benefits of American Smart Power in Afghanistan and Iraq, and we need to continue to do that good work.

I thank the chairman and his staff for the importance of the reauthorization. I urge all of the Members to vote for this bill.

Ms. ROS-LEHTINEN. I continue to reserve.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to a member of the Foreign Affairs Committee—she was, then she wasn't, and now she is—and my friend from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman from California for yielding and for his extraordinary leadership not only for this bill but on our committee.

I rise today in support of this important bill. It contains a number of important elements that all of my colleagues should support. It increases our diplomatic corps dramatically, allowing the hiring of 1,500 additional Foreign Service officers over the next 2 years; it increases our financing of peacekeeping missions in Darfur and Chad; it doubles the size of the Peace Corps and sets out a plan for better response to humanitarian needs worldwide.

The bill also contains a sense of Congress calling for the release of captive Israeli soldier Gilad Shalit. He has been held hostage for nearly 3 years, and it's time that he be brought home to his family and his loved ones. If there is ever to be a Palestinian state, returning Gilad Shalit would be a true demonstration that the Palestinians are capable of self-governance and humanitarian behavior.

With that, I call on my colleagues to support this bill.

Ms. ROS-LEHTINEN. I continue to reserve.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to a great member of our committee, also a member of the Science and Technology Committee, the gentlelady from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Thank you, Chairman BERMAN, for your leadership, and Ranking Member ROS-LEHTINEN as well.

I want to let you know that it's important that this provision on U.S. export controls that is now going to be entered into the manager's amendment with support is important to the fundamental job that we have as a Member of Congress, which is our U.S. national security. A recent report of the National Academy found that U.S. national security and economic prosperity depends on full engagement in science, technology, and commerce. However, some of the unintended consequences of our current U.S. export control system have contributed to a situation in which the U.S. is now among leaders in science and technology areas but no longer dominates.

As Chair of the Science and Technology Committee Subcommittee on Space and Aeronautics, I'm especially concerned about our leadership in space, especially as more nations seek to increase their space activities. This provision directs the President to take into account the views of the relevant Federal departments and agencies and to provide a report to Congress on the plans of those agencies to streamline U.S. export controls and processes to better serve the United States. We can't afford to undercut our scientific and technological competitiveness.

I urge Members to support the legislation.

Ms. ROS-LEHTINEN. I continue to reserve.

Mr. BERMAN. Mr. Chairman, I am now pleased to yield to another excellent member of the committee, former colleague in the legislature in California, the gentlelady from California (Ms. WATSON), 1 minute.

Ms. WATSON. Thank you, Mr. Chairman.

I rise today in support of H.R. 2410, particularly the section that authorizes a way to enhance our public diplomacy efforts worldwide by ensuring diplomatic and consular mission libraries and resource centers open to the public to show American-made films that promote American culture, principles, and values.

Also, there is another provision in section 214, public diplomacy resource centers, and it amends the State Department's Basic Authorities Act of 1956 to direct the Secretary of State to ensure that diplomatic and consular mission libraries and resource centers are open to the general public to the greatest extent practicable and to schedule public showings of American films that showcase American culture, principles, values, and history.

The CHAIR. The time of the gentlewoman has expired.

Mr. BERMAN. I am pleased to yield an additional 15 seconds.

Ms. WATSON. Also, section 215 has grants for international documentary exchange programs and authorizes the Secretary of State to make grants to U.S. nongovernmental organizations that use independently produced documentary films to promote a better understanding of the United States

abroad and a better understanding of global perspectives of other countries in the United States. I urge your support.

Mr. Chair, I rise today in support of H.R. 2410, the Foreign Relations Authorization Act of 2009, and I commend Chairman BERMAN for his leadership in support of a new direction in our foreign policy. This bill will authorize the State Department from 2010 thru 2011, build capacity to the Department by adding fifteen hundred (1,500) new Foreign Service Officers, and enhance our Public Diplomacy efforts worldwide.

Section 214, Public Diplomacy Resources Center amends the State Department Basic Authorities Act of 1956 to direct the Secretary of State to ensure that diplomatic and consular mission libraries and resource centers are open to the general public to the greatest extent practicable to schedule public showings of American films that showcase American culture, principles, values, and history.

Section 215, Grants for International Documentary Exchange Programs authorizes the Secretary of State to make grants to U.S. nongovernmental organizations that use independently produced documentary films to promote a better understanding of the United States abroad and a better understanding of global perspectives of other countries in the United States.

Section 330, Department of State Employment Composition amends the Foreign Relations Authorization Act of 2003 to direct the Secretary of State to report on efforts to develop a uniform definition of diversity that is congruent with core values and vision of the Department, and to evaluate the diversity plans specifically relating to the Foreign Service and Senior Foreign Service. This section also provides for a GAO Review by the Comptroller General of the United States to assess the employment composition, recruitment, advancement, and retention policies of the State Department for women and minority groups.

As many of my colleagues may know the State Department has some of the worst diversity rates among its Foreign Service Officers. If you look at the top levels of the Foreign Service regarding diversity you will find there is basically none.

Mr. Chair, I urge my colleagues to support H.R. 2410, a bill which will enhance our Public Diplomacy efforts worldwide, diversify our Foreign Service, and give the State Department the tools necessary to meet our foreign policy goals.

Ms. ROS-LEHTINEN. I continue to reserve my time.

Mr. BERMAN. Mr. Chairman, I am now pleased to yield 1 minute to the gentleman from New Jersey (Mr. HOLT) for purposes of a colloquy.

Mr. HOLT. Mr. Chairman, I appreciate the hard work of Chairman BERMAN on this bill, and I would like to enter into a colloquy with the gentleman on the issue of science and diplomacy.

Mr. Chairman, I'm very pleased to support H.R. 2410. It's a strong bill that accomplishes many good things. There is one area that it does not address explicitly, and that is the role that science can play in our diplomatic portfolio.

In his recent speech in Cairo, the President reminded us all that the great ideas that have shaped our world have sprung up from every corner of the planet. Science provides a common language through which individuals from different nations and distinct cultures can communicate, cooperate, and work together toward common goals. Science can advance our diplomatic goals and diplomacy can advance science for the public good.

I'm aware that the chairman is working on legislation related to enhancing science as a tool for diplomacy, and I look forward to working with the chairman on this effort.

I yield to the chairman.

Mr. BERMAN. I thank the gentleman for yielding.

I thank him for his suggestion. I agree completely that science constitutes an untapped and undertapped resource in America's diplomatic toolbox, and I can assure the gentleman that I am committed to enhancing our capacity in this area, collaborating with him on this effort, including further legislation as well as a role in the foreign assistance reform process that we are working on.

Mr. HOLT. I thank the chairman.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Indiana (Mr. PENCE), our Republican Conference Chair and a member of our Committee on Foreign Affairs.

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

□ 1330

Mr. PENCE. Mr. Chair, I rise in opposition to the Foreign Relations Authorization Act.

The American people deserve a foreign relations bill that respects our Nation's budget and our Nation's values. Sadly, H.R. 2410 does neither. At a time when ordinary Americans are struggling to make ends meet, this legislation would add billions of dollars in new funding to our foreign and State Department operations. Expanding taxpayer funding of Peace Corps and the U.N. regular budget by one-third in a single year without any U.N. reform is extraordinarily frustrating to many of us who have been fighting to use the power of the purse here in Washington, D.C., to drive fundamental reform in that body.

But beyond these extraordinary increases—a single-year increase of 35 percent in the State Department's basic salary and operations—this legislation does a disservice to the values of millions of Americans who cherish the sanctity of life and the sanctity of marriage. This legislation creates a new office and ambassador for global women's issues for women's empowerment internationally. Secretary Clinton testified before our committee that it would be the policy of this administration to protect the rights of women, including rights to reproductive health. Democrats on the committee actually rejected an amendment to clarify that it would not be U.S. policy to lobby countries to legalize, fund or promote abortion. I even offered an amendment in the committee to change language that would require State Department training, reporting, and overseas advocacy of foreign laws regarding homosexual activity. I sought to change that, to make it clear that State Department employees ought to promote universally recognized human rights, those upon which Americans agree; and that was rejected in the committee.

This legislation, in embracing abortion rights overseas, in embracing the advocacy of changes in laws regarding homosexuality around the world, advocates a set of values that are at odds with the majority of the American people. We deserve a foreign relations budget that respects our pocketbooks and our values. This does neither, and I urge its rejection.

The CHAIR. The gentlewoman from Florida has 30 seconds remaining, and the gentleman from California has 3 minutes remaining.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to give the remainder of my time and any time that the chairman of the committee has to the wonderful gentleman from California (Mr. ROHRABACHER), who is going to be in a colloquy with our esteemed chairman.

Mr. ROHRABACHER. I would like to thank the chairman and the ranking member very much for this courtesy.

Mr. Chairman, section 826 of our bill has been carefully crafted to protect our national security interests. Subsection (b) of that section provides that the President's authority in paragraph (a) to remove satellites and related components from the United States munitions list may not be exercised with respect to any satellite or related component that may, directly or indirectly, be transferred to, or launched into space by the People's Republic of China.

Do you agree with me that the intent of paragraph (b) is that, with respect to any transfers to or launches by China, no satellite or related component shall be removed from the United States Munitions List?

Mr. BERMAN. Will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. BERMAN. I appreciate it.

The answer is, I certainly do agree. In the case of China, under our legislation, all satellites and related components must remain on the United States munitions list.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. I thank you and the ranking member. This is a vitally important clarification for our aerospace industry. While at the same time opening up better trade and technology with friendly countries, it ensures that we do not send technology to the Chinese.

Mr. BERMAN. Will the gentleman yield further?

Mr. ROHRABACHER. I certainly would. Yes, sir.

Mr. BERMAN. The gentleman's remarks are worth elaborating on. The whole notion of a domestic commercial satellite industry is very much at stake if we can't, in appropriate situations, export and arrange for those kinds of transfers, and I think it is part of what the gentleman pointed out. That is why both the Satellite Industry Association and the Aerospace Industries Association support this legislation.

Mr. ROHRABACHER. Thank you very much. Again, thank you to the ranking member as well.

The CHAIR. The time of the gentlewoman from Florida has expired. The gentleman from California has 1½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I would like to include in the CONGRESSIONAL RECORD an exchange of letters between the Committee on Foreign Affairs and the Committee on Oversight and Government Reform.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, June 9, 2009.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing about H.R. 2410, the ''Foreign Relations Authorization Act for Fiscal Years 2010 and 2011.'' The Committee on Foreign Affairs reported this legislation to the House on June 4, 2009.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 2410 that fall within the Oversight Committee's jurisdiction. These provisions address issues related to the federal civil service and government contractors.

In the interest of expediting consideration of H.R. 2410, the Oversight Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 2410 or a similar Senate bill be considered in conference with the Senate. Moreover, this letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 2410 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor. Again, I appreciate your willingness to consult the Committee on these matters.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 10, 2009.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Oversight and Government Reform. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not in any way serve as a jurisdictional precedent regarding our two committees.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will ensure that our exchange of letters is included in the Congressional Record and I look forward to working with you on this important legislation.

Sincerely,

HOWARD L. BERMAN,
Chairman.

Mr. SIRES. Mr. Chair, today I rise to give my full support for the passage of H.R. 2410, the Foreign Relations Authorization Act. I believe defense, diplomacy and development are the three key components of our national security strategy. This bill will give the Department of State and Peace Corp the tools necessary to ensure that diplomacy plays an integral role in furthering U.S. foreign policy goals.

H.R. 2410 strengthens our diplomatic corps by giving the Department of State the authority to hire over 1,500 new foreign service officers and improve their language capabilities. The bill also seeks to double the number of Peace Corps volunteers in the field. Peace Corps volunteers are vital to U.S. diplomacy as they are often the only American faces in some of the world's most remote places. Finally, this legislation establishes the Senator Paul Simon Study Abroad Foundation to expand the number of U.S. students studying abroad, learning new languages and fostering cultural understanding.

Mr. Chair, H.R. 2410 puts us one step closer to developing a global security strategy that uses diplomacy as a crucial tool to help ensure our safety at home and abroad. I would urge all of my colleagues to support this important legislation.

Ms. LORETTA SANCHEZ of California. Mr. Chair, I rise in support of H.R. 2401, the Foreign Relations Authorization Act. This legislation will enhance our national security by providing adequate resources to the State Department, which has been underfunded for the last 8 years. Diplomacy and international development are key components to any national security agenda.

I was also pleased to see that title nine of the bill, which enhances the Merida Initiative, includes provisions to further combat gun trafficking and drug cartels. However, I was greatly disappointed that the House Homeland Security Committee was not included in the development of this title or the previous Merida Initiative legislation. The Department of Homeland Security plays a significant role in the Merida Initiative by coordinating through its agencies that are assisting Mexico and other foreign governments address issues surrounding smuggling, trafficking and violence at our borders and internationally. Thus I firmly believe this committee should have been allowed to play a role in this legislation.

As Chairwoman of the Homeland Security Subcommittee on Border, Maritime and Global Counter Terrorism, I have held several hearings on issues affecting the Merida initiative. These hearings focused on the ongoing violence along our southern border, drug trafficking, weapon trafficking and cash trafficking. My subcommittee and the full committee on Homeland Security have been at the forefront of addressing the threats posed by drug trafficking organizations and other transnational crime syndicates. Many of the recommendations made during our recent hearings, including southbound border check points for cash and guns going into Mexico, have been implemented along the border.

The hearings also emphasized that many agencies—including the Department of Homeland Security—will need to work together closely to stop these growing transnational crime networks. The Merida Initiative would not be as effective without the constant and tireless work of the brave men and women at the Department of Homeland Security. I hope that in the future more consideration will be given to the role the Department of Homeland Security plays implementing critical security initiatives like the Merida Initiative.

My colleagues on the Committee on Homeland Security look forward to working with our friends on the other relevant committees to continue to develop, implement and improve initiatives such as the Merida Initiative.

I ask my colleagues to support the underlying legislation.

Ms. MATSUI. Mr. Chair, I thank my colleague on the Rules Committee, Mr. HASTINGS, for yielding me time. I commend him for his hard work on foreign relations issues.

Mr. Chair, today this Congress takes action to support our country's interests around the world.

A strong foreign service and a healthy State Department are not luxuries. They are absolute necessities in today's foreign policy climate.

Our country has historically shouldered great responsibilities on the international stage. From combating nuclear proliferation, to spurring international development, to protecting and advancing human rights around the world, the challenges we face as a country are great.

Two of these challenges particularly hit home for me, Mr. Chair.

As most of us know, two American journalists were sentenced to 12 years of hard labor in North Korea this week after an abrupt and questionable trial.

One of these reporters grew up in my hometown of Sacramento. Her family continues to maintain ties to the Sacramento community.

I know that the State Department is doing everything in its power to secure the release of Laura Ling and Euna Lee. I commend and support our government's efforts to bring these brave and courageous two women back home.

With today's bill, Congress is doing its part to ensure that Americans in similar situations around the world know that their country will never abandon them.

Our responsibility as a nation is not only to those fortunate to call themselves ''Americans,'' though. Another issue of urgent importance is the plight of about 5,000 Hmong refugees in Thailand.

These refugees, including many women and children, have fled persecution in their home

country of Laos based on historical grievances dating back to the Vietnam War era. They now live in unspeakably harsh conditions in a refugee camp in the Petchabun province of Thailand, and are under constant threat of being forcibly repatriated back to Laos to face certain persecution.

Our State Department has been working tirelessly to save the Hmong from this near-certain death sentence, and I have supported these efforts in every way that I can. I have written letters to the Thai government and to our own foreign policy leadership, asking them to spare the Hmong from any further suffering.

We have a responsibility to protect innocent people, Mr. Chair, just as we have a responsibility to protect our own in countries like North Korea.

Today's legislation gives our government the tools it needs to carry out this essential mission. It helps us strengthen our role in influencing world affairs so that we can work toward a future where basic human rights and dignity are respected the world over.

For this reason, I strongly support the bill before us today, Mr. Chair. I urge my colleagues to do the same.

Mr. FARR. Mr. Chair, Chairman BERMAN and the entire Foreign Affairs committee are to be commended for bringing an excellent bill to the floor.

These much needed reforms reflect Congress' strong support for strengthening U.S. diplomacy and are consistent with the new vision for global engagement championed by President Obama.

As a former Peace Corps volunteer, I am very pleased that H.R. 2410 authorizes $450 million for Peace Corps.

I'd like to express my appreciation to Chairman BERMAN and Ranking Member ILEANA ROS-LEHTINEN for including Peace Corps in the their bill and for supporting a substantial increase that will help send volunteers to the 20 countries that have already requested Peace Corps volunteers.

Recently, the Chicago Council on Global Affairs called for 300 to 600 new volunteers in Sub-Sahara Africa to work on agriculture as a step toward America reasserting global leadership in the fight against hunger and food insecurity.

The Chicago Council notes that ''The Peace Corps' presence goes a long way toward convincing people that America knows about their circumstances, is committed to partnership to lift them out of poverty and is willing to send hard-working Americans, experienced in agriculture, to live and work with them for an extended period.''

Rwanda's President recently wrote, ''We view the return of the Peace Corps as a significant event in Rwanda's recovery. These young men and women represent what is good about America; I have met former volunteers who have run major aid programs here, invested in our businesses, and I even count them among my friends and close advisors.''

Peace Corps volunteers live and work in the poorest communities in countries around the world. The work that they do day in and day out is the finest expression of American generosity and solidarity that our government has to offer.

I enthusiastically support H.R. 2410 and urge my colleagues to vote for the bill.

Mr. POSEY. Mr. Chair, as every Member of the House knows, our country is confronted with an enormous deficit of almost $2 trillion this year alone, which is in addition to the existing mountain of national debt and a projected debt of $1.3 trillion for next year. At some point, this Congress needs to face the reality that you cannot continue to spend as though the bill will never come due.

The evening news is bleak with continuing housing foreclosures and the highest unemployment rate in decades. The Federal Reserve is exercising emergency lending powers. Foreign investors, including the government of China, are concerned about buying more U.S. government debt. But the majority in this body is living in a different world. The correct response would be for the government to live within its means, just as American families must do. For some reason, the leadership in Washington insists on going full-speed ahead in its binge spending, adding perks for public employees and billions of dollars in foreign aid spending while Americans continue to lose their jobs. Today's Foreign Relations Authorization Act is another case-in-point of Washington out of touch.

While American families are cutting back on their spending, this legislation would grant an arbitrary 35 percent increase in the State Department's basic salary and operations account, and at a time when more Americans are unemployed than at any time in the past 25 years this bill provides a 23 percent pay raise for Foreign Service Officers. In committee, Democrats voted down an amendment to cap the increases in the bill at the annualized rate of inflation. The bill also cuts the budget for the Office of the Inspector General—the one who is to keep a watchful eye on where Americans' tax dollars are spent.

The bill also increases funding for the United Nations (U.N.) by 30 percent over the current year's funding. In the past, any additional U.S. taxpayer funding has been tied to further reforms. This bill actually asks the U.N. for no reforms and provides it $100 million more for the peacekeeping activities than they asked for. I have cosponsored U.N. reform legislation and believe it is critical that we enact these reforms of an entity that has serious waste, fraud and abuse problems. As one of ninety cosponsors of H.R. 557, the United Nations Transparency, Accountability and Reform Act, I believe Congress should withhold funding to the U.N. unless some serious reforms are undertaken. Instead, today's bill rewards them with significant increases in funding. The bill also includes language affirming controversial international agreements for which the United States is not even a party, such as the U.N. Convention on the Law of the Sea. This bill funds the Human Rights Council which includes the following nations as members of the council: Saudi Arabia, Nigeria, China and Cuba. This is ludicrous.

H.R. 2410 contains worrying language that would create a new office with a vague directive of promoting ''women's empowerment internationally.'' While I support ensuring that women are treated equitably, it is important to understand what this provision will lead to. Secretary of State Hillary Clinton testified before the Foreign Affairs Committee stating that she would use the State Department to ''. . . protect the rights of women, including their right to reproductive health care . . . [which] includes access to abortion.'' Thus, money will be spent within this office to promote abortion overseas, a policy which tens of millions of Americans object to.

I urge my colleagues to vote against this legislation and work for the good of those whom we represent by reining in the spending. Congress should authorize and appropriate funding sufficient for conducting a strong foreign policy, rather than increasing government salaries, expanding the size of government foreign aid programs, and rewarding the U.N. with more money than they asked for.

Ms. LEE of California. Mr. Chair, I rise in strong support of H.R. 2410, the Foreign Relations Authorization Act and want to thank our Chairman for his outstanding leadership and work on this major legislation.

In the words of President Obama, ''America is a friend of each nation and every man, woman and child who seeks a future of peace and dignity,'' and this legislation rightfully commits the resources necessary to uphold that promise.

I want to just take a moment to highlight a couple of provisions that we worked to have included in this bill:

First, I want to thank Chairman BERMAN for including the United States-Caribbean Educational Exchange Program from legislation I introduced which previously passed the House in the 110th Congress, the Shirley A. Chisholm United States-Caribbean Educational Exchange Act.

This valuable initiative will promote better understanding of U.S. values and culture by offering scholarships to Caribbean students to pursue studies in the United States.

Second, I am pleased this legislation includes reporting language I offered regarding the enduring and horrible humanitarian crisis in Gaza. Improving the lives of the Palestinian people in Gaza is essential to fostering conditions necessary for stability, economic and social development, and lasting peace.

Finally, on the heels of President Obama's brilliant speech in Cairo, I want to take a moment to underscore the importance of supporting the President, Special Envoy Mitchell and Secretary Clinton as they bring renewed focus and energy toward advancing a two state solution that will bring lasting peace. And that includes supporting Israel's right to exist and the call for an end of the continued Israeli settlements.

Again, I want to thank the gentleman for the time and encourage support for this important bill.

Mr. STEARNS. Mr. Chair, while our constituents are losing jobs and homes, H.R. 2410 would use borrowed money to increase funding by one-third in a single year for State Department operations, for the UN regular budget, and for the Peace Corps.

It would increase the State Department's basic salary and operations account by 35%.

It would add 2,200 new Foreign Service Officers, 20 new government entities, and 48 new reporting requirements.

Without requiring any reform, it would authorize all UN arrearages and volunteers the U.S. pay $100 million more for peacekeeping next year beyond what the UN is currently charging us.

The reported bill also embraces a controversial social agenda, including provisions that could allow abortion promotion.

Attempts at the full committee mark-up to affirm the genuine empowerment and protection of women and girls around the world was soundly rejected.

In addition to problems with what the bill includes, many deserving Republican amendments were excluded from the reported version.

One of those was a funding amendment I have offered which caps any account increases at 3.7 percent over current year levels.

This reasonable 3.7 percent increase is the average rate of inflation for 2008.

By taking this measured, responsible approach, my funding amendment would produce a single-year cost savings of 2.82 billion dollars in 2010, as compared to the Majority's bill.

In short, H.R. 2410 is an irresponsible bill on policy and funding levels.

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

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2410

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 ''Foreign Relations Authorization Act, Fiscal Years 2010 and 2011''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

Except as otherwise provided in this Act, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Diplomatic and Consular Programs'' $7,312,016,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) WORLDWIDE SECURITY PROTECTION.—In addition to the amounts authorized to be appropriated by subparagraph (A), $1,648,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for worldwide security protection.

(C) PUBLIC DIPLOMACY.—Of the amounts authorized to be appropriated under subparagraph (A), $500,278,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for pubic diplomacy.

(D) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of the amounts authorized to be appropriated under subparagraph (A), $20,659,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011 are authorized to be appropriated for the Bureau of Democracy, Human Rights, and Labor.

(2) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'', $160,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For ''Embassy Security, Construction and Maintenance'', $1,815,050,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Educational and Cultural Exchange Programs'', $633,243,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) TIBETAN SCHOLARSHIP PROGRAM.—Of the amounts authorized to be appropriated under subparagraph (A), $750,000 for fiscal year 2010 and $800,000 for fiscal year 2011 are authorized to be appropriated to carry out the Tibetan scholarship program established under section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note).

(C) NGAWANG CHOEPEL EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under subparagraph (A), such sums as may be necessary are authorized to be appropriated for each of fiscal years 2010 and 2011 for the ''Ngawang Choepel Exchange Programs'' (formerly known as ''programs of educational and cultural exchange between the United States and the people of Tibet'') under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note).

(5) CIVILIAN STABILIZATION INITIATIVE.—For ''Civilian Stabilization Initiative'', $323,272,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(6) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $8,175,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(7) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For Protection of Foreign Missions and Officials, $27,159,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) REIMBURSEMENT FOR PAST EXPENSES OWED BY THE UNITED STATES.—In addition to the amounts authorized to be appropriated under subparagraph (A), there are authorized to be appropriated $21,000,000 for fiscal year 2010 and $25,000,000 for fiscal year 2011 for ''Protection of Foreign Missions and Officials'' to be used only to reimburse State and local governments for

necessary expenses incurred since 1998 for the protection of foreign missions and officials and recognized by the United States.

(8) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $10,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(9) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,450,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(10) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $21,174,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(11) OFFICE OF THE INSPECTOR GENERAL.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Office of the Inspector General'', $100,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(B) SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.—Of the amounts authorized to be appropriated under subparagraph (A), $30,000,000 is authorized to be for the Special Inspector General for Iraq Reconstruction.

(C) SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.—Of the amounts authorized to be appropriated under subparagraph (A), $23,000,000 is authorized to be for the Special Inspector General for Afghanistan Reconstruction.

SEC. 102. INTERNATIONAL ORGANIZATIONS.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for ''Contributions to International Organizations'', $1,797,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for ''Contributions for International Peacekeeping Activities'', $2,260,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011, for the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(c) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'', $33,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011; and

(B) for ''Construction'', $43,250,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $2,385,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $7,974,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $43,576,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Migration and Refugee Assistance'' for authorized activities $1,577,500,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(b) REFUGEE RESETTLEMENT IN ISRAEL.—Of the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated $25,000,000 for fiscal years 2010 and such sums as may be necessary for fiscal year 2011 for resettlement of refugees in Israel.

SEC. 105. CENTERS AND FOUNDATIONS.

(a) ASIA FOUNDATION.—There are authorized to be appropriated for ''The Asia Foundation'' for authorized activities, $20,000,000 for fiscal year 2010, and $23,000,000 for fiscal year 2011.

(b) NATIONAL ENDOWMENT FOR DEMOCRACY.—There are authorized to be appropriated for the ''National Endowment for Democracy'' for authorized activities, $100,000,000 for fiscal year 2010, and such sums as may be necessary for fiscal year 2011.

(c) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated for the ''Center for Cultural and Technical Interchange Between East and West'' for authorized activities, such sums as may be necessary for each of fiscal years 2010 and 2011.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. INTERNATIONAL LITIGATION FUND.

Section 38(d)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amended by striking ''by the Department of State from another agency of the United States Government or pursuant to'' and inserting ''by the Department of State as a result of a decision of an international tribunal, from another agency of the United States Government, or pursuant to''.

SEC. 202. ACTUARIAL VALUATIONS.

The Foreign Service Act of 1980 is amended—

(1) in section 818 (22 U.S.C. 4058)—

(A) in the first sentence, by striking ''Secretary of the Treasury'' and inserting ''Secretary of State''; and

(B) by amending the second sentence to read as follows: ''The Secretary of State is authorized to expend from money to the credit of the Fund such sums as may be necessary to administer the provisions of this chapter, including actuarial advice, but only to the extent and in such amounts as are provided in advance in appropriations acts.'';

(2) in section 819 (22 U.S.C. 4059), in the first sentence, by striking ''Secretary of the Treasury'' the second place it appears and inserting ''Secretary of State'';

(3) in section 825(b) (22 U.S.C. 4065(b)), by striking ''Secretary of the Treasury'' and inserting ''Secretary of State''; and

(4) section 859(c) (22 U.S.C. 4071h(c))—

(A) by striking ''Secretary of the Treasury'' and inserting ''Secretary of State''; and

(B) by striking ''and shall advise the Secretary of State of'' and inserting ''that will provide''.

SEC. 203. SPECIAL AGENTS.

(a) IN GENERAL.—Paragraph (1) of section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended to read as follows:

''(1) conduct investigations concerning—

''(A) illegal passport or visa issuance or use;

''(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State; and

''(C) Federal offenses committed within the special maritime and territorial jurisdiction of the United States as defined in paragraph (9) of section 7 of title 18, United States Code, except as that jurisdiction relates to the premises of United States military missions and related residences;''.

(b) RULE OF CONSTRUCTION.—Nothing in paragraph (1) of such section 37(a) (as amended by subsection (a) of this section) shall be construed to limit the investigative authority of any other Federal department or agency.

SEC. 204. REPATRIATION LOANS.

Section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671) is amended by adding at the end the following new subsection:

''(e) Under such regulations as the Secretary of State may prescribe, and in such amounts as are appropriated in advance, the Secretary is authorized to waive in whole or part the recovery of a repatriation loan under subsection (d) if it is shown that such recovery would be against equity and good conscience or against the public interest.''.

Subtitle B—Public Diplomacy at the Department of State

SEC. 211. CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.

Section 60 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2732) is amended—

(1) in subsection (b)(1), by inserting ''in accordance with subsection (e),'' before ''coordinate''; and

(2) by adding at the end the following new subsection:

''(e) CONCENTRATION OF PUBLIC DIPLOMACY RESPONSIBILITIES.—

''(1) IN GENERAL.—The Secretary of State shall, subject to the direction of the President, have primary responsibility for the coordination described in subsection (b)(1), and shall make every effort to establish and present to foreign publics unified United States public diplomacy activities.

''(2) QUARTERLY MEETINGS AND ONGOING CONSULTATIONS AND COORDINATION.—

''(A) IN GENERAL.—The Secretary shall, subject to the direction of the President, establish a working group of the heads of the Federal agencies referred to in subsection (b)(1) and should seek to convene such group not less often than once every three months to carry out the requirement specified in paragraph (1) of this subsection.

''(B) CHAIR AND ROTATING VICE CHAIR.—The Secretary shall serve as the permanent chair of the quarterly meetings required under subparagraph (A). Each head of a Federal agency referred to in subsection (b)(1) shall serve on a rotating basis as the vice chair of each such quarterly meeting.

''(C) INITIAL MEETING.—The initial meeting of the working group established under subparagraph (A) shall be not later than the date that is six months after the date of the enactment of this subsection.

''(D) ONGOING CONSULTATIONS AND COORDINATION.—The Secretary and each head of the Federal agencies referred to in subsection (b)(1) shall designate a representative of each respective agency to consult and coordinate with such other representatives on an ongoing basis beginning not later than 30 days after the initial meeting of the working group under subparagraph (C) to carry out the requirement specified in paragraph (1) of this subsection. The designee of the Secretary shall have primary responsibility for such ongoing consultations and coordination.

''(3) REPORTS REQUIRED.—

''(A) IN GENERAL.—Except as provided in subparagraph (D), each head of a Federal agency referred to in subsection (b)(1) shall annually submit to the President a report on the public diplomacy activities of each such agency in the preceding year.

''(B) INFORMATION SHARING.—The President shall make available to the Secretary the reports submitted pursuant to subparagraph (A).

''(C) INITIAL SUBMISSIONS.—The first annual reports required under subparagraph (A) shall be submitted not later than the date that is one year after the date of the enactment of this subsection.

''(D) LIMITATION.—Subparagraph (A) shall not apply with respect to activities carried out pursuant to section 167 of title 10, United States Code.''.

SEC. 212. ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.

(a) FINDING.—Congress finds that currently a shortage of trained public diplomacy Foreign Service officers at the mid-career level threatens the effectiveness of United States outreach to publics abroad.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Foreign Service should recruit individuals with professional experience relevant to public diplomacy, and provide training and mentoring to cultivate their skills in order to build up the corps of professionals in the public diplomacy cone; and

(2) apart from the public diplomacy cone, training of all Foreign Service officers should include more information on techniques of public diplomacy.

(c) ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.—Section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941) is amended by adding at the end the following new subsection:

''(e) ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.—

''(1) IN GENERAL.—The Secretary of State is authorized to establish in the Foreign Service a Public Diplomacy Reserve Corps consisting of mid- and senior-level former Foreign Service officers and other individuals with experience in the private or public sector relevant to public diplomacy, to serve for a period of six months to two years in postings abroad.

''(2) PROHIBITION ON CERTAIN ACTIVITIES.—While actively serving with the Reserve Corps, individuals may not engage in activities directly or indirectly intended to influence public opinion within the United States in the same manner and to the same extent that employees of the Department of State engaged in public diplomacy are so prohibited.''.

SEC. 213. ENHANCING UNITED STATES PUBLIC DIPLOMACY OUTREACH.

(a) FINDINGS.—Congress finds the following:

(1) The platform strategy for United States public diplomacy programs has changed dramatically with events of the past decade. The United States Government used to operate hundreds of free-standing facilities around the world, known as ''American Centers'' or ''America Houses'', that offered venues for cultural and educational events as well as access to books, magazines, films, and other selected materials about the United States. The consolidation of the United States Information Agency (USIA) into the Department of State accelerated the post-Cold War process of closing these facilities, and the deadly attacks on United States embassies in Tanzania and Kenya prompted the imposition of security requirements under law that included co-locating United States Government employees in hardened embassy compounds.

(2) Information Resource Centers, which offer library services and space for public events, that are now located in embassy compounds allow limited access—and in some cases, none whatsoever—by the public, and half of them operate on a ''by appointment only'' basis. ''American Corner'' facilities, operated by local contacts in university or public libraries in some countries, are no substitute for a designated venue recognized as a resource for information on United States culture and education staffed by a knowledgeable representative of the embassy.

(b) PARTNERSHIP ARRANGEMENTS TO FURTHER PUBLIC DIPLOMACY AND OUTREACH.—Recognizing the security challenges of maintaining free-standing public diplomacy facilities outside of embassy compounds, the Secretary of State shall consider new partnership arrangements with local or regional entities in foreign countries that can operate free-standing American Centers in areas well-trafficked by a cross-section of people in such countries, including in downtown storefronts, health care clinics, and other locations that reach beyond library patrons and university students. Where such partnership arrangements currently exist, the Secretary shall evaluate the efficacy of such partnership arrangements and determine whether such partnership arrangements can provide a model for public diplomacy facilities outside of embassy and consulate compounds elsewhere. Not later than 180 days after the date of the enactment of this Act, the Secretary shall brief the appropriate congressional committees on the evaluation and determinations described in the preceding sentence.

(c) ESTABLISHMENT OF CERTAIN PUBLIC DIPLOMACY FACILITIES.—After taking into account relevant security needs, the Secretary of State shall consider placing United States public diplomacy facilities at locations that maximize the role of such facilities in the educational and cultural life of the cities in which such facilities are located, and help build a growing constituency for such facilities, in accordance with the authority given to the Secretary under section 606(a)(2)(B) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)) to waive certain requirements of that Act with respect to the location of certain United States diplomatic facilities in foreign countries.

SEC. 214. PUBLIC DIPLOMACY RESOURCE CENTERS.

(a) ESTABLISHMENT AND MAINTENANCE OF LIBRARIES.—Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) provide for the establishment of new and the maintenance of existing libraries and resource centers at or in connection with United States diplomatic and consular missions.''.

(b) OPERATION OF LIBRARIES.—

(1) IN GENERAL.—The Secretary of State shall ensure that libraries and resource centers established and maintained in accordance with subparagraph (F) of section 1(b)(3) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)(3) of this section) are open to the general public to the greatest extent practicable, subject to policies and procedures established by the Secretary to ensure the safety and security of United States diplomatic and consular missions and of United States officers, employees, and personnel posted at such missions at which such libraries are located.

(2) SHOWINGS OF UNITED STATES FILMS.—To the extent practicable, the Secretary of State shall ensure that such libraries and resource centers schedule public showings of United States films that showcase United States culture, society, values, and history.

(c) ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—Not later than one year after the date of the enactment of this section, the Advisory Commission on Public Diplomacy (authorized under section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553)) shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing an evaluation of the functions and effectiveness of the libraries and resource centers that are authorized under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized to be appropriated for Diplomatic and Consular Programs pursuant to section 101(1)(A), there is authorized to be appropriated to the Secretary of State such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 215. GRANTS FOR INTERNATIONAL DOCUMENTARY EXCHANGE PROGRAMS.

(a) FINDINGS.—Congress finds the following:

(1) Since September 11, 2001, a distorted perception of the United States has grown abroad, even as many Americans struggle to understand the increasingly complex world beyond the borders of the United States.

(2) This public diplomacy crisis poses an ongoing threat to United States security, diplomatic relations, commerce, and citizen-to-citizen relationships between the United States and other countries.

(3) Independently produced documentary films have proven to be an effective means of communicating United States ideas and values to populations of other countries.

(4) It is in the interest of the United States to provide assistance to United States nongovernmental organizations that produce and distribute independently produced documentary films.

(b) ASSISTANCE.—The Secretary of State is authorized to make grants, on such terms and conditions as the Secretary may determine, to United States nongovernmental organizations that use independently produced documentary films to promote better understanding of the United States abroad and better understanding of global perspectives and other countries in the United States.

(c) ACTIVITIES SUPPORTED.—Grants provided under subsection (b) shall, to the maximum extent practicable, be used to carry out the following activities:

(1) Fund, distribute, and promote documentary films that convey a diversity of views about life in the United States to foreign audiences and bring insightful foreign perspectives to United States audiences.

(2) Support documentaries described in paragraph (1) that are made by independent foreign and domestic producers, selected through a peer review process.

(3) Develop a network of overseas partners to produce, distribute, and broadcast such documentaries.

(d) SPECIAL FACTORS.—In making the grants described in subsection (b), the Secretary shall give preference to nongovernmental organizations that—

(1) provide at least 35 percent of the total project cost in matching funds from non-Federal sources; and

(2) have prior experience supporting independently produced documentary films that have been broadcast on public television in the United States.

(e) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report that contains a detailed description of the implementation of this section for the prior year.

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for Educational and Cultural Exchange Programs pursuant to section 101(4), there is authorized to be appropriated to the Secretary of State $5,000,000 for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 216. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) REAUTHORIZATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2011''.

(b) STUDY AND REPORT.—Section 604(c)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(c)(2)) is amended to read as follows:

''(2)(A) Not less often than once every two years, the Commission shall undertake an in-depth review of United States public diplomacy programs, policies, and activities. Each study shall assess the effectiveness of the various mechanisms of United States public diplomacy in light of several factors, including public and media attitudes around the world toward the United States, United States citizens, and United States foreign policy, and make appropriate recommendations.

''(B) The Commission shall submit to the Secretary and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a comprehensive report of each study required under subparagraph (A). At the discretion of the Commission, any report under this subsection may be submitted in classified form or with a classified appendix.

''(C) Upon request of the Commission, the Secretary, the Chair of the Broadcasting Board of Governors, and the head of any other Federal agency that conducts public diplomacy or strategic communications activities shall provide to the Commission information to assist the Commission in carrying out its responsibilities under this paragraph.''.

(c) ENHANCING THE EXPERTISE OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

(1) QUALIFICATIONS OF MEMBERS.—Section 604(a)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)(2)) is amended by adding at the end the following new sentences: ''At least four members shall have substantial experience in the conduct of public diplomacy or comparable activities in the private sector. No member may be an officer or employee of the United States.''.

(2) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall not apply to individuals who are members of the United States Advisory Commission on Public Diplomacy on the date of the enactment of this Act.

SEC. 217. SPECIAL OLYMPICS.

(a) FINDINGS.—Congress finds the following:

(1) Special Olympics International has been recognized for more than four decades as the world leader in providing life-changing sports training and competition experiences for persons with intellectual disabilities at all levels of severity.

(2) While Special Olympics sports programming is widely respected around the world, less well-known are a number of supporting initiatives targeted to changing attitudes toward people with intellectual disabilities, developing leaders among the intellectual disability population, supporting families of people with these disabilities, improving access to health services, and enhancing government policies and programs for people with intellectual disabilities.

(3) Special Olympics has documented the challenge of ignorance and poor attitudes toward intellectual disability worldwide and its capacity to change discriminatory attitudes to understanding, acceptance, and advocacy for people with intellectual disabilities. It does so through an array of educational and attitude change activities that affect multiple levels of society. These activities have received financial support from the Bureau of Educational and Cultural Affairs (ECA) of the Department of State, among other sources.

(b) ADMINISTRATION OF PROGRAM.—Section 3(b) of the Special Olympics Sport and Empowerment Act of 2004 (Public Law 108–406) is amended, in the matter preceding paragraph (1) by striking ''Secretary of State'' and inserting ''Secretary of State, acting through the Assistant Secretary of State for Educational and Cultural Affairs''.

SEC. 218. EXTENSION OF PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2452c) is amended—

(1) in subsection (g)—

(A) by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''; and

(B) by striking ''April 15, 2006, and April 15, 2008'' and inserting ''June 15, 2010, and June 15, 2011''; and

(2) in subsection (h), by striking ''2007 and 2008'' and inserting ''2010 and 2011''.

SEC. 219. CENTRAL ASIA SCHOLARSHIP PROGRAM FOR PUBLIC POLICY INTERNSHIPS.

(a) PILOT PROGRAM ESTABLISHED.—As part of the educational and cultural exchange programs of the Department of State, the Secretary of State shall establish a pilot program for fiscal years 2010 and 2011 to award scholarships to undergraduate and graduate students from Central Asia for public policy internships in the United States. Subject to the availability of appropriations, for each fiscal year not more than 50 students may participate in the program established under this section.

(b) GENERAL PROVISIONS.—

(1) IN GENERAL.—Except as otherwise provided in this section, the program established pursuant to subsection (a) shall be carried out under applicable provisions of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) and the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.; also referred to as the ''Fulbright-Hays Act'').

(2) SCHOLARSHIP ELIGIBILITY REQUIREMENTS.—In addition to such other requirements as may be established by the Secretary of State, a scholarship recipient under this section—

(A) shall be proficient in the English language;

(B) shall be a student at an undergraduate or graduate school level at an accredited institution of higher education with a record of outstanding academic achievement and demonstrated intellectual abilities;

(C) may not have received an academic scholarship or grant from the United States Government in the three years preceding the award of a scholarship under this section; and

(D) may not be or have been a member of a foreign terrorist organization (as designated by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a))) or involved in organized crime.

(3) INTERNSHIPS.—Internships under this section shall be for periods of not more than six months.

(4) PRIORITY CONSIDERATION.—In the award of internships under this section, the Secretary of State shall give priority consideration to students who are underprivileged or members of ethnic, religious, or cultural minorities.

(5) CENTRAL ASIA DEFINED.—For the purposes of this section, the term ''Central Asia'' means the countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated pursuant to section 101(4), there is authorized to be appropriated $600,000 for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 220. UNITED STATES-SOUTH PACIFIC SCHOLARSHIP PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The United States-South Pacific Scholarship Program (USSP), authorized by Congress and funded by the Bureau of Educational and Cultural Affairs of the Department of State, is a competitive, merit-based scholarship program that ensures that Pacific Islanders have an opportunity to pursue higher education in the United States and to obtain first-hand knowledge of United States institutions.

(2) It is expected that these students will one day assume leadership roles in their countries.

(3) As the Chairman of the Subcommittee on Territories and Insular Affairs, the late Congressman Phillip Burton was a voice for Pacific Island populations.

(4) He was also a voice for workers, the poor, and the elderly.

(5) Congressman Burton was one of the most brilliant and productive legislators in United States politics.

(6) He served in Congress from 1964 to 1983.

(7) He worked every day of his life to ensure social justice and human dignity for all people.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) so that future generations will know his name and remember his service, it is fitting that the leadership and vision of Phillip Burton, especially as the Chairman of the Subcommittee on Territories and Insular Affairs, which indirectly impacted United States foreign policy in the South Pacific region, should be honored; and

(2) the United States-South Pacific Scholarship Program should be renamed the Phillip Burton Scholarship Program for South Pacific Island Students.

(c) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated pursuant to section 101(4), $750,000 is authorized to be appropriated for each of fiscal years 2010 and 2011 to be made available for the United States-South Pacific Scholarship Program.

(2) NAME.—Scholarships awarded under the Program shall be referred to as ''Burton Scholarships'' and recipients of such scholarships shall be referred to as ''Burton Scholars''.

SEC. 221. SCHOLARSHIPS FOR INDIGENOUS PEOPLES OF MEXICO AND CENTRAL AND SOUTH AMERICA.

Of the amounts authorized to be appropriated pursuant to section 101(4), $400,000 for each of fiscal years 2010 and 2011 is authorized to be appropriated for scholarships for secondary and post-secondary education in the United States for students from Mexico and the countries of Central and South America who are from the indigenous peoples of the region.

SEC. 222. UNITED STATES-CARIBBEAN EDUCATIONAL EXCHANGE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) CARICOM COUNTRY.—The term ''CARICOM country''—

(A) means a member country of the Caribbean Community (CARICOM); but

(B) does not include—

(i) a country having observer status in CARICOM; or

(ii) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of State.

(4) UNITED STATES COOPERATING AGENCY.—The term ''United States cooperating agency'' means—

(A) an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including, to the maximum extent practicable, a historically Black college or university that is a part B institution (as such term is defined in section 322(2) of such Act (20 U.S.C. 1061(2))) or a Hispanic-serving institution (as such term is defined in section 502(5) of such Act (20 U.S.C. 1101a(5)));

(B) a higher education association;

(C) a nongovernmental organization incorporated in the United States; or

(D) a consortium consisting of two or more such institutions, associations, or nongovernmental organizations.

(b) PROGRAM AUTHORIZED.—The Secretary of State is authorized to establish an educational exchange program between the United States and CARICOM countries, to be known as the ''Shirley A. Chisholm United States-Caribbean Educational Exchange Program'', under which—

(1) secondary school students from CARICOM countries will—

(A) attend a public or private secondary school in the United States; and

(B) participate in activities designed to promote a greater understanding of the values and culture of the United States; and

(2) undergraduate students, graduate students, post-graduate students, and scholars from CARICOM countries will—

(A) attend a public or private college or university, including a community college, in the United States; and

(B) participate in activities designed to promote a greater understanding of the values and culture of the United States.

(c) ELEMENTS OF PROGRAM.—The program authorized under subsection (b) shall meet the following requirements:

(1) The program will offer scholarships to students and scholars based on merit and need. It is the sense of Congress that scholarships should be offered to students and scholars who evidence merit, achievement, and strong potential for the studies such students and scholars wish to undertake under the program and 60 percent of scholarships offered under the program should be based on financial need.

(2) The program will seek to achieve gender equality in granting scholarships under the program.

(3) Fields of study under the program will support the labor market and development needs of CARICOM countries, assuring a pool of technical experts to address such needs.

(4) The program will limit participation to—

(A) one year of study for secondary school students;

(B) two years of study for undergraduate students; and

(C) 12 months of study for graduate students, post-graduate students, and scholars.

(5) For a period of time equal to the period of time of participation in the program, but not to exceed two years, the program will require participants who are students and scholars described in subsection (a)(2) to—

(A) agree to return to live in a CARICOM country and maintain residence in such country, within six months of completion of academic studies; or

(B) agree to obtain employment that directly benefits the growth, progress, and development of one or more CARICOM countries and the people of such countries.

(6) The Secretary may waive, shorten the duration, or otherwise alter the requirements of paragraph (4) in limited circumstances of hardship, humanitarian needs, for specific educational purposes, or in furtherance of the national interests of the United States.

(d) ROLE OF UNITED STATES COOPERATING AGENCIES.—The Secretary shall consult with United States cooperating agencies in developing the program authorized under subsection (b). The Secretary is authorized to provide grants to United States cooperating agencies in carrying out the program authorized under subsection (b).

(e) MONITORING AND EVALUATION OF PROGRAM.—

(1) IN GENERAL.—The Secretary shall monitor and evaluate the effectiveness and efficiency of the program authorized under subsection (b). In so doing, the Secretary shall, among other things, evaluate the program's positive or negative effects on ''brain drain'' from the participating CARICOM countries and suggest ways in which the program may be improved to promote the basic goal of alleviating brain drain from the participating CARICOM countries.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall review on a regular basis—

(A) financial information relating to the program;

(B) budget plans for the program;

(C) adjustments to plans established for the program;

(D) graduation rates of participants in the program;

(E) the percentage of participants who are students described in subsection (b)(1) who pursue higher education;

(F) the percentage of participants who return to their home country or another CARICOM country;

(G) the types of careers pursued by participants in the program and the extent to which such careers are linked to the political, economic, and social development needs of CARICOM countries; and

(H) the impact of gender, country of origin, financial need of students, and other relevant factors on the data collected under subparagraphs (D) through (G).

(f) REPORTING REQUIREMENTS.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this section, the Secretary of State shall submit to the appropriate congressional committees a report on plans to implement the program authorized under this section.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include—

(A) a plan for selecting participants in the program, including an estimate of the number of secondary school students, undergraduate students, graduate students, post-graduate students, and scholars from each country, by educational level, who will be selected as participants in the program for each fiscal year;

(B) a timeline for selecting United States cooperating agencies that will assist in implementing the program;

(C) a financial plan that—

(i) identifies budget plans for each educational level under the program; and

(ii) identifies plans or systems to ensure that the costs to public school, college, and university education under the program and the costs to private school, college, and university education under the program are reasonably allocated; and

(D) a plan to provide outreach to and linkages with schools, colleges and universities, and nongovernmental organizations in both the United States and CARICOM countries for implementation of the program.

(3) UPDATES OF REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees updates of the report required by paragraph (1) for each fiscal year for which amounts are appropriated pursuant to the authorization of appropriations under subsection (g).

(B) MATTERS TO BE INCLUDED.—Such updates shall include the following:

(i) Information on United States cooperating agencies that are selected to assist in implementing the programs authorized under this section.

(ii) An analysis of the positive and negative impacts the program authorized under this section will have or is having on ''brain drain'' from the participating CARICOM countries.

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated pursuant to section 101(4), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 223. EXCHANGES BETWEEN SRI LANKA AND THE UNITED STATES TO PROMOTE DIALOGUE AMONG MINORITY GROUPS IN SRI LANKA.

(a) PURPOSE.—It is the purpose of this section to provide financial assistance to—

(1) establish an exchange program for Sri Lankan students currently pursuing a high school degree to participate in dialogue and understanding workshops in the United States;

(2) expand Sri Lankan participation in exchange programs of the Department of State; and

(3) promote dialogue between young adults from various ethnic, religious, linguistic, and other minority groups in Sri Lanka.

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary of State shall establish an exchange program to provide scholarships to fund exchanges to enable Sri Lankan high school students from various ethnic, religious, linguistic, and other minority groups to participate in post-conflict resolution, understanding, and dialogue promotion workshops.

(2) DIALOGUE WORKSHOPS.—The exchange program established under paragraph (1) shall include a dialogue workshop located in the United States for participants in such program.

(c) DEFINITION.—For purposes of this section, the term ''scholarship'' means an amount to be used for full or partial support of living expenses in the United States for a participant in the exchange program established under subsection (b), including travel expenses to, from, and within the United States.

SEC. 224. EXCHANGES BETWEEN LIBERIA AND THE UNITED STATES FOR WOMEN LEGISLATORS.

(a) PURPOSE.—It is the purpose of this section to provide financial assistance to—

(1) establish an exchange program for Liberian women legislators and women staff members of the Liberian Congress;

(2) expand Liberian participation in exchange programs of the Department of State; and

(3) promote the advancement of women in the field of politics, with the aim of eventually reducing the rates of domestic abuse, illiteracy, and sexism in Liberia.

(b) PROGRAM.—The Secretary of State shall establish an exchange program in cooperation with the Women's Legislative Caucus in Liberia to provide scholarships to fund exchanges to enable Liberian women legislators and exceptional women Liberian Congressional staffers to encourage more women to participate in, and continue to be active in, politics and the democratic process in Liberia.

(c) SCHOLARSHIP DEFINED.—In this section, the term ''scholarship'' means an amount to be used for full or partial support of living expenses in the United States for a participant in the exchange program established under subsection (b), including travel expenses to, from, and within the United States.

SEC. 225. PUBLIC DIPLOMACY PLAN FOR HAITI.

The Secretary of State shall develop a public diplomacy plan to be implemented in the event that Temporary Protected Status (TPS) is extended to Haitian nationals in the United States to effectively inform Haitians living in Haiti that—

(1) TPS only permits people already in the United States as of a specifically designated date to remain in the United States;

(2) there are extraordinary dangers of travel by sea to the United States in unsafe, overcrowded vessels;

(3) any Haitian interdicted at sea traveling to the United States will be repatriated to Haiti; and

(4) the United States will continue its large assistance program to help the people of Haiti recover from recent hurricanes, restore stability, and promote economic growth.

SEC. 226. TRANSFER OF THE VIETNAM EDUCATION FOUNDATION TO THE DEPARTMENT OF STATE.

(a) PURPOSES.—Section 202 of the Vietnam Education Foundation Act of 2000 (Public Law 106–554) is amended by adding at the end the following new paragraph:

''(3) To support the development of one or more academic institutions in Vietnam by financing the participation of United States institutions of higher education in the governance, management, and academic activities of such academic institutions in Vietnam.''.

(b) ESTABLISHMENT.—Section 204 of such Act is amended to read as follows:

''SEC. 204. ESTABLISHMENT.

''There is established, within the Bureau of Educational and Cultural Affairs of the Department of State, the Vietnam Education Foundation (referred to in this title as the 'Foundation').''.

(c) REPLACEMENT OF BOARD OF DIRECTORS WITH ADVISORY COMMITTEE.—Section 205 of such Act is amended to read as follows:

''SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There may be established a Vietnam Education Foundation Advisory Committee (referred to in this section as the 'Advisory Committee'), which shall provide advice to the Secretary and the Assistant Secretary for Educational and Cultural Affairs regarding the Foundation's activities.

''(2) MEMBERSHIP.—The Advisory Committee shall be composed of seven members, of whom—

''(A) three shall be appointed by the Secretary;

''(B) one shall be appointed by the majority leader of the Senate;

''(C) one shall be appointed by the minority leader of the Senate;

''(D) one shall be appointed by the Speaker of the House of Representatives; and

''(E) one shall be appointed by the minority leader of the House of Representatives.

''(3) APPOINTMENT OF INCUMBENT MEMBERS OF BOARD OF DIRECTORS.—Members appointed to the Advisory Committee under paragraph (2) may include individuals who were members of the Board of Directors of the Foundation on the date immediately preceding the date of the enactment of this section.

''(b) SUPERVISION.—The Foundation shall be subject to the supervision and direction of the Secretary, working through the Assistant Secretary for Educational and Cultural Affairs, and in consultation with the Advisory Committee established under subsection (a).''.

(d) APPOINTMENT OF EXECUTIVE DIRECTOR.—Subsection (a) of section 208 of such Act is amended—

(1) in the first sentence by striking ''shall be appointed'' and inserting ''may be appointed''; and

(2) by striking the last sentence.

(e) SERVICE OF EXECUTIVE DIRECTOR TO ADVISORY COMMITTEE.—Such subsection is further amended, in the second sentence, by striking ''Foundation and shall carry out'' and inserting ''Foundation, serve the Advisory Committee, and carry out''.

(f) FELLOWSHIP PROGRAM.—Section 206(a)(1)(A) of such Act is amended by striking ''technology, and computer sciences'' and inserting ''academic computer science, public policy, and academic and public management''.

(g) CONFORMING AMENDMENTS.—Such Act is amended—

(1) in section 203—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) by inserting after paragraph (2), as redesignated, the following:

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

(2) in section 208—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''BOARD'' and inserting ''SECRETARY''; and

(ii) by striking ''Board'' each place it appears and inserting ''Secretary''; and

(B) in subsection (d), by striking ''Board'' and inserting ''Secretary''; and

(3) in section 209(b), by striking ''Board'' and inserting ''Secretary''.

(h) MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) programs administered by the Vietnam Education Foundation.''.

(i) TRANSFER OF FUNCTIONS.—All functions and assets of the Vietnam Education Foundation are transferred to the Bureau of Educational and Cultural Affairs of the Department of State. The Assistant Secretary for Educational and Cultural Affairs may hire personnel who were employed by the Vietnam Education Foundation on the date before the date of the enactment of this Act, and such other personnel as may be necessary to support the Foundation, in accordance with part III of title 5, United States Code.

(j) SUPPORT FOR INSTITUTIONAL DEVELOPMENT IN VIETNAM.—

(1) GRANTS AUTHORIZED.—The Secretary of State, acting through the Assistant Secretary for Educational and Cultural Affairs, is authorized to award 1 or more grants to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), which shall be used to implement graduate-level academic and public policy management leadership programs in Vietnam. Such programs shall—

(A) support Vietnam's equitable and sustainable socioeconomic development;

(B) feature both teaching and research components;

(C) promote the development of institutional capacity in Vietnam;

(D) operate according to core principles of good governance; and

(E) enjoy autonomy from the Vietnamese government.

(2) APPLICATION.—

(A) IN GENERAL.—Each institution of higher education desiring the grant under this section shall submit an application to the Secretary of State at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(B) COMPETITIVE BASIS.—Each grant authorized under subsection (a) shall be awarded on a competitive basis.

(3) SOURCE OF GRANT FUNDS.—The Secretary of State may use funds made available to the Vietnam Education Foundation under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for the grant awarded under this section.

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this section.

Subtitle C—Consular Services and Related Matters

SEC. 231. PERMANENT AUTHORITY TO ASSESS PASSPORT SURCHARGE.

Section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214; chapter 223, 41 Stat. 750), is amended by—

(1) striking subsection (b)(2); and

(2) redesignating subsection (b)(3) as subsection (b)(2).

SEC. 232. SENSE OF CONGRESS REGARDING ADDITIONAL CONSULAR SERVICES IN MOLDOVA.

It is the sense of Congress that in light of serious problems with human trafficking as well as the exceptionally high volume of applications by citizens of Moldova to the United States Summer Work Travel program, the Secretary of State should make every effort to enhance consular services at the United States embassy in Chisinau, Moldova, including considering assigning an additional consular officer to such post, and providing enhanced anti-trafficking training, especially related to student exchange visas and other vulnerable categories of visa applicants.

SEC. 233. REFORMING REFUGEE PROCESSING.

(a) WORLDWIDE PROCESSING PRIORITY SYSTEM.—

(1) EMBASSY REFERRALS.—The Secretary of State shall expand training of United States embassy and consular personnel to ensure that appropriate United States embassies and consulates are equipped and enabled to refer to the United States refugee admissions program aliens in urgent need of resettlement.

(2) NGO REFERRALS.—The Secretary shall expand training of, and communication with, nongovernmental organizations that provide assistance to displaced and persecuted persons to enable such organizations to refer to the United States refugee admissions program aliens in urgent need of resettlement.

(b) REFORM OF THE REFUGEE CONSULTATION PROCESS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

(1) in subsection (a)(2), by adding at the end the following new sentence: ''In the event that a fiscal year begins without such determination having been made, there is authorized to be admitted in the first quarter of such fiscal year 25 percent of the number of refugees fixed by the President in the previous fiscal year's determination, and any refugees admitted under this sentence shall be counted toward the President's determination when it is made.''; and

(2) in subsection (e), in the matter preceding paragraph (1), by striking ''discussions in person'' and inserting ''discussions in person, to be commenced not later than June 1 of each year,''.

(c) FAMILY REUNIFICATION.—

(1) MULTIPLE FORMS OF RELIEF.—Applicants for admission as refugees shall be permitted to simultaneously pursue admission under any other visa categories for which such applicants may be eligible.

(2) SEPARATED CHILDREN.—In the case of a child under the age of 18 who has been separated from the birth or adoptive parents of such child and who is living under the care of an alien who has been approved for admission to the United States as a refugee, such child shall be, if it is in the best interest of such child to be placed with such alien in the United States, admitted as a refugee provided such child is otherwise admissible as described in section 207(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(3)).

(3) CHILDREN OF REFUGEE SPOUSES.—For the purposes of sections 207(c)(2)(A) and 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A) and 1158(b)(3)), if a refugee or asylee spouse proves that such spouse is the biological or adoptive parent of a child, such child shall be eligible to accompany or follow to join such parent.

(d) ERMA ACCOUNT.—Section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''President'' and inserting ''Secretary of State''; and

(B) in paragraph (2), in the second sentence—

(i) by striking ''to the President''; and

(ii) by striking ''$100,000,000'' and inserting ''$200,000,000''; and

(2) in subsection (d), by striking ''President'' and inserting ''Secretary of State''.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this section, including the amendments made by this section.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to reduce funds or services for other refugee assistance or resettlement.

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this section.

SEC. 234. ENGLISH LANGUAGE AND CULTURAL AWARENESS TRAINING FOR APPROVED REFUGEE APPLICANTS.

(a) IN GENERAL.—The Secretary of State shall establish overseas refugee training programs to provide English as a second language, cultural orientation, and work orientation training for refugees who have been approved for admission to the United States before their departure for the United States.

(b) DESIGN AND IMPLEMENTATION.—In designing and implementing the pilot training programs referred to in subsection (a), the Secretary shall consult with or utilize both—

(1) nongovernmental or international organizations with direct ties to the United States refugee resettlement program; and

(2) nongovernmental or international organizations with appropriate expertise in developing curriculum and teaching English as a second language.

(c) IMPACT ON PROCESSING TIMES.—The Secretary shall ensure that such training programs occur within current processing times and do not unduly delay the departure for the United States of refugees who have been approved for admission to the United States.

(d) TIMELINE FOR IMPLEMENTATION.—

(1) INITIAL IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary shall ensure that such training programs are operating in at least three refugee processing regions.

(2) ADDITIONAL IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Secretary shall notify the appropriate congressional committees that such training programs are operating in five refugee processing regions.

(e) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study on the implementation of this section, including an assessment of the quality of English as a second language curriculum and instruction, the benefits of the orientation and English as a second language training program to refugees, and recommendations on whether such programs should be continued, broadened, or modified, and shall submit to the appropriate congressional committees a report on the findings of such study.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require that a refugee participate in such a training program as a precondition for the admission to the United States of such refugee.

SEC. 235. IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

(a) IN GENERAL.—The President shall develop and implement policies and strategies to address the protection, resettlement, and assistance needs of Iraqi refugees and internally displaced persons (IDPs), foster long-term solutions for stabilizing the lives of such refugees and IDPs, monitor the development and implementation of assistance strategies to countries in the Middle East that are hosting refugees from Iraq, encourage the Government of Iraq to actively engage the problem of displaced persons and refugees and monitor the Government of Iraq's resolution of the problem, and ensure that budget requests to Congress are sufficient to meet an appropriate United States contribution to the needs of Iraqi refugees, IDPs within Iraq, and other refugees in Iraq.

(b) INTERAGENCY PROCESS.—

(1) IN GENERAL.—The President shall establish an interagency working group to carry out the goals of subsection (a) by facilitating interagency coordination to develop and implement policies to address the needs of Iraqi refugees and IDPs.

(2) COMPOSITION.—The interagency working group shall consist of appropriate high-ranking officials from the National Security Council, the Department of State, the Department of Homeland Security, the United States Agency for International Development, and such other agencies as the President may determine.

(3) ROLE OF SECRETARY OF STATE.—The Secretary of State shall serve as principal liaison with the Government of Iraq, its neighboring refugee hosting countries, and the international community to solicit and direct bilateral and multilateral contributions to address the needs of Iraqi refugees, IDPs, and returned refugees as well as with nongovernmental organizations working for and on behalf of displaced Iraqis.

(c) INCREASE IN REFUGEE PROCESSING CAPACITY.—The Secretary of State should, subject to the availability of appropriations for such purpose, seek to substantially increase the resources available to support the processing of such applicants in Iraq.

(d) HUMANITARIAN ASSISTANCE.—The United States should seek to ensure that—

(1) other countries make contributions to the United Nations High Commissioner on Refugees (UNHCR) and to other international organizations assisting Iraqi refugees and IDPs;

(2) the United States continues to make contributions that are sufficient to fund not less than 50 percent of the amount requested by the UNHCR and such other international organizations in each of fiscal years 2010 and 2011; and

(3) the Government of Iraq makes significant contributions to UNHCR and to other international organizations assisting Iraqi refugees and IDPs.

(e) STATEMENT OF POLICY REGARDING ENCOURAGING VOLUNTARY RETURNS.—It shall be the policy of the United States to encourage Iraqi refugees to return to Iraq only when conditions permit safe, sustainable returns on a voluntary basis with the coordination of the UNHCR and the Government of Iraq.

(f) INTERNATIONAL COOPERATION.—The Secretary of State shall work with the international community, including governments hosting the refugees, international organizations, nongovernmental organizations, and donors, to develop a long-term, comprehensive international strategy for assistance and solutions for Iraqi refugees and IDPs, and to provide—

(1) a comprehensive assessment of the needs of Iraqi refugees and IDPs, and the needs of the populations that host such refugees and IDPs;

(2) assistance to international organizations assisting IDPs and vulnerable persons in Iraq and Iraqi refugees in neighboring countries, including through resettlement;

(3) assistance to international organizations and other relevant entities, including such organizations and entities providing psychosocial services and cash assistance, and such organizations and entities facilitating voluntary returns of displaced persons;

(4) technical assistance to the Government of Iraq to establish better systems for meeting the needs of Iraqi IDPs and refugees, and to other government entities, international organizations, or nongovernmental organizations developing legal frameworks and systems to resolve land and housing claim disputes, including restitution;

(5) enhanced residency protections and opportunities for Iraqi refugees to work legally; and

(6) increased transparency on behalf of host governments, international organizations, and nongovernmental organizations that receive assistance for Iraqi refugees and IDPs.

(g) ENHANCED ACCOUNTING.—To better assess the benefits of United States assistance to Iraqi refugees and IDPs, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, as appropriate, shall—

(1) develop performance measures to fully assess and report progress in achieving United States goals and objectives for Iraqi refugees and IDPs; and

(2) track and report funding apportioned, obligated, and expended for Iraqi refugee programs in Jordan, Syria, Lebanon, and the other host countries, to the extent practicable.

(h) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act and annually thereafter through 2011, the President shall transmit to the appropriate congressional committees a report on the implementation of this section. Such report shall include—

(1) information concerning assistance and funding to host countries and international organizations and nongovernmental organizations;

(2) information concerning measures taken by the United States to increase its capabilities to process Iraqi refugees for resettlement, especially from inside Iraq;

(3) an evaluation of the effectiveness of measures implemented by agencies of the Government of Iraq to assist Iraqi refugees, IDPs, and other vulnerable persons and to facilitate the safe and voluntary return of refugees;

(4) an accounting of past expenditures and a report on plans for expenditures by the Government of Iraq on Iraqi refugees and IDPs; and

(5) information gathered in fulfillment of subsection (g).

(i) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated pursuant to section 104, there is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 236. VIDEOCONFERENCE INTERVIEWS.

(a) PILOT PROGRAM.—The Secretary of State may develop and conduct a two-year pilot program for the processing of tourist visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants.

(b) REPORT.—Not later than one year after initiating the pilot program under subsection (a) and again not later than three months after the conclusion of the two-year period referred to in such subsection, the Secretary of State shall submit to the appropriate congressional committees a report on such pilot program. Each such report shall assess the efficacy of using secure remote videoconferencing technology as a method for conducting visa interviews of applicants and include recommendations on whether or not the pilot program should be continued, broadened, or modified.

SEC. 237. TIBET.

(a) TIBET NEGOTIATIONS.—Section 613(a) of the Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: ''and should coordinate with other governments in multilateral efforts toward this goal'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) POLICY COORDINATION.—The President shall direct the National Security Council to ensure that, in accordance with this Act, United States policy on Tibet is coordinated and communicated with all Executive Branch agencies in contact with the Government of China.''.

(b) BILATERAL ASSISTANCE.—Section 616 of the Tibetan Policy Act of 2002 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) UNITED STATE ASSISTANCE.—The President shall provide grants to nongovernmental organizations to support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China, in accordance with the principles specified in subsection (e) and subject to the review and approval of the Special Coordinator for Tibetan Issues under section 621(d).''.

(c) SPECIAL COORDINATOR FOR TIBETAN ISSUES.—Section 621 of the Tibetan Policy Act of 2002 is amended—

(1) in subsection (d)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following new paragraph:

''(6) review and approve all projects carried out pursuant to section 616(d); and''; and

(2) by adding at the end the following new subsection:

''(e) PERSONNEL.—The Secretary shall assign dedicated personnel to the Office of the Special Coordinator for Tibetan Issues sufficient to assist in the management of the responsibilities of this section and section 616(d).''.

(d) DIPLOMATIC REPRESENTATION RELATING TO TIBET.—

(1) UNITED STATES EMBASSY IN BEIJING.—

(A) IN GENERAL.—The Secretary of State is authorized to establish a Tibet Section within the United States Embassy in Beijing, People's Republic of China, for the purposes of following political, economic, and social developments inside Tibet, including Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces, until such time as a United States consulate in Tibet is established. Such Tibet Section shall have the primary responsibility for reporting on human rights issues in Tibet and shall work in close cooperation with the Office of the Special Coordinator for Tibetan Issues. The chief of such Tibet Section should be of senior rank.

(B) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this paragraph.

(2) IN TIBET.—Section 618 of the Tibetan Policy Act of 2002 is amended to read as follows:

''SEC. 618. ESTABLISHMENT OF A UNITED STATES CONSULATE IN LHASA, TIBET.

''The Secretary shall seek to establish a United States consulate in Lhasa, Tibet, to provide services to United States citizens traveling to Tibet and to monitor political, economic, and cultural developments in Tibet, including Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces.''.

(e) RELIGIOUS PERSECUTION IN TIBET.—Section 620(b) of the Tibetan Policy Act of 2002 is amended by adding before the period at the end the following: '', including the reincarnation system of Tibetan Buddhism''.

SEC. 238. PROCESSING OF CERTAIN VISA APPLICATIONS.

(a) POLICY.—It shall be the policy of the Department of State to process immigrant visa applications of immediate relatives of United States citizens and nonimmigrant k-1 visa applications of fiances of United States citizens within 30 days of the receipt of all necessary documents from the applicant and the Department of Homeland Security. In the case of a visa application where the sponsor of such applicant is a relative other than an immediate relative, it should be the policy of the Department of State to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Department of Homeland Security.

(b) REVIEW BY HEAD OF CONSULAR SECTION.—For any visa application described in subsection (a), it shall be the policy of the Department of State to require the head of the consular section (or designee) of any United States diplomatic or consular post to review any such application that exceeds the applicable time period specified in such subsection by more than five days, and, as appropriate, provide for expedited processing of such application.

Subtitle D—Strengthening Arms Control and Nonproliferation Activities at the Department of State

SEC. 241. FINDINGS AND SENSE OF CONGRESS ON THE NEED TO STRENGTHEN UNITED STATES ARMS CONTROL AND NONPROLIFERATION CAPABILITIES.

(a) FINDINGS.—Congress finds the following:

(1) International security relies upon collective security arrangements and alliances, as unilateral actions by one country, no matter how powerful, are insufficient to cope effectively with security threats.

(2) In the same manner, collective arrangements, conventions, and alliances devoted to halting the proliferation of weapons of mass destruction, their means of production and delivery, frequently institutionalized within multilateral treaties and conventions, are critical to effective collective global action.

(3) In order to safeguard and advance United States national security, the Department of State must have the structural and human resources necessary to lead and participate in all international negotiations, conventions, organizations, arrangements, and implementation fora in the field of nonproliferation and arms control.

(4) North Korea and Iran present fundamental challenges to the global nonproliferation regime, challenges that can only be met by active, committed, and long-term multilateral engagement, participation, and leadership by the United States.

(5) Further, the United States has outlined an ambitious agenda in arms control and nonproliferation for the coming years, including—

(A) the conclusion of a strategic arms reduction treaty with Russia that preserves the benefits of the expiring START I treaty and makes further reductions in the total number of nuclear warheads in both countries, consistent with their national security needs;

(B) United States ratification of the Comprehensive Test Ban Treaty (CTBT), considered a foundational treaty by the global nonproliferation community for further advances toward greater stability and the reduction of role of nuclear weapons;

(C) the creation of a Fissile Material Cutoff Treaty (FMCT) to reduce the rate of production and ultimately halt the production of militarily-useful fissile material for nuclear weapons;

(D) the securing of vulnerable nuclear material worldwide that could be stolen and utilized by terrorist groups and rogue countries for nuclear and radiological weapons;

(E) the reinvigoration of the Treaty on the Nonproliferation of Nuclear Weapons (NPT), the cornerstone of the global nuclear nonproliferation regime, especially at the 2010 Review Conference;

(F) the expansion and greater development of the Proliferation Security Initiative (PSI) and the Global Initiative to Combat Nuclear Terrorism into durable international institutions;

(G) the disruption and prevention of nuclear black markets;

(H) the convening of a Global Summit on Nuclear Security;

(I) strengthening the infrastructure and technical and financial resources available to the International Atomic Energy Agency (IAEA) and its international nuclear safeguards system; and

(J) engaging multiple international conventions and negotiations on restriction on conventional arms of various types.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should immediately develop a plan to strengthen the capabilities of the Department of State to lead and participate effectively in all international negotiations and implementation fora in the field of nonproliferation and arms control, especially to increase the human, organizational, and financial resources available to the Undersecretary of State for Arms Control and International Security;

(2) such plan should—

(A) focus especially on the recruitment and professional development of civilian and Foreign Service officers in the areas of arms control and nonproliferation within the Department of State, especially to increase the number of personnel assigned to arms control and nonproliferation and enhance recruitment of technical specialists, as well as provide for the long-term sustainability of personnel and resources; and

(B) identify measures to make service in arms control and nonproliferation offices, bureaus, and in foreign postings an attractive path for further promotion within the Foreign Service; and

(3) the Secretary of State should regularly keep Congress informed as to the measures taken to strengthen the arms control and nonproliferation capabilities of the Department of State, including what additional legal authority or appropriations are required.

SEC. 242. AUTHORIZATION OF ADDITIONAL ARMS CONTROL AND NONPROLIFERATION POSITIONS.

Of the amounts authorized to be appropriated under section 101, $3,000,000 is authorized to be appropriated for an additional 25 positions at the Department of State for arms control and nonproliferation functions over the number of such positions in existence as of the date of the enactment of this Act.

SEC. 243. ADDITIONAL AUTHORITY OF THE SECRETARY OF STATE.

Section 401(d) of the Arms Control and Disarmament Act (Public Law 87–297; 22 U.S.C. 2581) is amended, in the first proviso, by striking ''the President'' and inserting ''the Secretary of State''.

SEC. 244. ADDITIONAL FLEXIBILITY FOR RIGHTSIZING ARMS CONTROL AND NONPROLIFERATION FUNCTIONS.

(a) REPEAL.—Section 1112 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (Public Law 106–113) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 1112.

SEC. 245. ARMS CONTROL AND NONPROLIFERATION ROTATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State (in this section referred to as the ''Secretary''), in consultation with the heads of other Federal departments and agencies that are involved in United States arms control and nonproliferation activities, shall establish the Arms Control and Nonproliferation Rotation Program (in this section referred to as the ''Rotation Program'') for employees of the Department of State (in this section referred to as the ''Department'') and such other Federal departments and agencies. The Rotation Program shall use applicable best practices, including those prescribed by the Chief Human Capital Officers Council. Employees of the Department and any other Federal department or agency participating in the Rotation Program may be detailed among the Department or such department or agency on a non-reimbursable basis.

(2) GOALS.—The Rotation Program shall—

(A) be established in accordance with the human capital strategic plan of the Department;

(B) provide midlevel Foreign Service officers and employees of the Department, and employees of other Federal departments and agencies concerned with arms control and nonproliferation responsibilities the opportunity to broaden their knowledge through exposure to other areas of the Department and such other Federal departments and agencies;

(C) expand the knowledge base of the Department by providing for rotational assignments of employees to such other Federal departments and agencies;

(D) build professional relationships and contacts among the employees in such other Federal departments and agencies;

(E) invigorate the Department's arms control and nonproliferation workforce with professionally rewarding opportunities; and

(F) incorporate human capital strategic plans and activities of the Department, and address critical human capital deficiencies, professional development, recruitment and retention efforts, and succession planning within the Federal workforce of the Department.

(3) RESPONSIBILITIES.—The Secretary shall—

(A) provide oversight of the establishment and implementation of the Rotation Program;

(B) establish a framework that supports the goals of the Rotation Program and promotes cross disciplinary rotational opportunities;

(C) establish eligibility for employees of other Federal departments and agencies concerned with national security responsibilities to participate in the Rotation Program and select participants from such employees who apply;

(D) establish incentives for such employees to participate in the Rotation Program, including promotions and employment preferences;

(E) ensure that the Rotation Program provides professional education and training;

(F) ensure that the Rotation Program develops qualified employees and future leaders with broad based experience throughout the Department; and

(G) provide for greater interaction among employees in such Federal departments and agencies, including the Agency.

(4) ALLOWANCES, PRIVILEGES, AND BENEFITS.—All allowances, privileges, rights, seniority, and other benefits of employees participating in the Rotation Program shall be preserved.

(5) REPORTING.—Not later than one year after the date of the establishment of the Rotation Program, the Secretary shall submit to the appropriate congressional committees a report on the status of the Rotation Program, including a description of the Rotation Program, the number of individuals participating, and how the Rotation Program is used in succession planning and leadership development.

SEC. 246. ARMS CONTROL AND NONPROLIFERATION SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State (in this section referred to as the ''Secretary'') shall establish a scholarship program (to be known as the ''Arms Control and Nonproliferation Scholarship Program'') to award scholarships for the purpose of recruiting and preparing students for civilian careers in the fields of nonproliferation, arms control, and international security to meet the critical needs of the Department of State (in this section referred to as the ''Department'').

(2) SELECTION OF RECIPIENTS.—

(A) MERIT AND AGENCY NEEDS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit and the arms control and nonproliferation needs of the Department.

(B) DEMONSTRATED COMMITMENT.—Individuals selected under this section shall have a demonstrated interest in public service and a commitment to the field of study for which the scholarship is awarded.

(3) CONTRACTUAL AGREEMENTS.—In order to carry out the scholarship program, the Secretary shall enter into contractual agreements with individuals selected under paragraph (2) pursuant to which such individuals agree to serve as full-time employees of the Department, for a period to be determined by the Secretary, not to exceed six years, in arms control and nonproliferation positions needed by the Department and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) ELIGIBILITY.—Except as provided in subjection (f), in order to be eligible to participate in the scholarship program, an individual shall be enrolled or accepted for enrollment as a full-time student at an institution of higher education and be pursuing or intend to pursue undergraduate or graduate education in an academic field or discipline specified in the list made available under subsection (d) and be a United States citizen.

(c) APPLICATION.—An individual seeking a scholarship under this section shall submit to the Secretary an application at such time, in such manner, and containing such information, agreements, or assurances as the Secretary may require.

(d) PROGRAMS AND FIELDS OF STUDY.—The Secretary shall make publicly available a list of academic programs and fields of study for which scholarships under this section may be awarded.

(e) SCHOLARSHIPS.—

(1) IN GENERAL.—The Secretary may award a scholarship under this section for an academic year if the individual applying for the scholarship has submitted to the Secretary, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study specified on the list made available under subsection (d).

(2) LIMITATION ON YEARS.—An individual may not receive a scholarship under this section for more than four academic years, unless the Secretary grants a waiver.

(3) STUDENT RESPONSIBILITIES.—Scholarship recipients shall maintain satisfactory academic progress.

(4) AMOUNT.—The dollar amount of a scholarship awarded under this section for an academic year shall be determined under regulations issued by the Secretary, but shall in no case exceed the cost of tuition, fees, and other authorized expenses as determined by the Secretary.

(5) USE OF SCHOLARSHIPS.—A scholarship awarded under this section may be expended for tuition, fees, and other authorized expenses as established by the Secretary by regulation.

(6) PAYMENT TO INSTITUTION OF HIGHER EDUCATION.—The Secretary may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which such scholarship is awarded

(f) SPECIAL CONSIDERATION FOR CURRENT EMPLOYEES.—Notwithstanding subsection (b), up to five percent of the scholarships awarded under this section may be set aside for individuals who are Federal employees on the date of the enactment of this Act to enhance the education of such employees in areas of critical arms control or nonproliferation needs of the Department, for undergraduate or graduate education under the scholarship on a full-time or part-time basis.

(g) REPAYMENT.—

(1) IN GENERAL.—A scholarship recipient who fails to maintain a high level of academic standing, as defined by the Secretary who is dismissed for disciplinary reasons from the educational institution such recipient is attending, or who voluntarily terminates academic training before graduation from the educational program for which the scholarship was awarded shall be in breach of the contractual agreement under subsection (a)(3) and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within one year after the date of such default of all scholarship funds paid to such recipient and to the institution of higher education on the behalf of such recipient under such agreement. The repayment period may be extended by the Secretary if the Secretary determines such to be necessary, as established by regulation.

(2) LIABILITY.—A scholarship recipient who, for any reason, fails to begin or complete the service obligation under the contractual agreement under subsection (a)(3) after completion of academic training, or fails to comply with the terms and conditions of deferment established by the Secretary under paragraph (1), shall be in breach of such contractual agreement and shall be liable to the United States for an amount equal to—

(A) the total amount of the scholarship received by such recipient under this section; and

(B) the interest on such amounts which would be payable if at the time the scholarship was received such scholarship was a loan bearing interest at the maximum legally prevailing rate.

(h) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section.

(i) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term ''institution of higher education'' has the meaning given such term under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(j) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 101, such sums as may be necessary are authorized to be appropriated to carry out this section.

SEC. 247. SCIENTIFIC ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The President may establish a Scientific Advisory Committee (in this section referred to as the ''Committee'') of not to exceed ten members, not fewer than eight of whom shall be scientists.

(2) APPOINTMENT.—If the Committee is established in accordance with paragraph (1), the members of the Committee shall be appointed by the President, as follows:

(A) One member, who shall be a person of special scientific distinction, shall be appointed by the President, by and with the advice and consent of the Senate, as Chairman of the Committee.

(B) Nine other members shall be appointed by the President.

(3) MEETINGS.—If the Committee is established in accordance with paragraph (1), the Committee shall meet not less often than twice per year.

(b) FUNCTION.—If the Committee is established in accordance with subsection (a)(1), the Committee shall advise the President, the Secretary of State, and the Undersecretary for Arms Control and International Security regarding scientific, technical, and policy matters affecting arms control and nonproliferation.

(c) REIMBURSEMENT OF EXPENSES.—If the Committee is established in accordance with subsection (a)(1), the members of the Committee may receive reimbursement of expenses only in accordance with the provisions applicable to the reimbursement of experts and consultants under section 401(d) of the Arms Control and Disarmament Act (Public Law 87–297; 22 U.S.C. 2581(d)).

(d) SCIENTIST DEFINED.—In this section, the term ''scientist'' means an individual who has a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who has distinguished himself or herself in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Subtitle A—Towards Modernizing the Department of State

SEC. 301. TOWARDS A MORE MODERN AND EXPEDITIONARY FOREIGN SERVICE.

(a) TARGETED EXPANSION OF FOREIGN SERVICE.—The Secretary of State shall expand the Foreign Service to—

(1) fill vacancies, particularly those vacancies overseas that are critical to key United States foreign policy and national security interests, and, in particular, to prevent crises before they emerge;

(2) increase the capacity of the Department of State to assign and deploy Foreign Service officers and other personnel to prevent, mitigate, and respond to international crises and instability in foreign countries that threaten key United States foreign policy and national security interests; and

(3) ensure that before being assigned to assignments requiring new or improved skills, members of the Foreign Service, other than foreign national employees and consular agents (as such terms are defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903)), as appropriate, receive language, security, area, and other training that is necessary to successfully execute their responsibilities and to enable such members to obtain advanced and other education that will increase the capacity of the Foreign Service to complete its mission.

(b) AUTHORIZED INCREASES.—

(1) AT THE DEPARTMENT OF STATE.—The Secretary of State is authorized to hire an additional 750 members of the Foreign Service (above attrition) in fiscal year 2010 over the number of such members employed as of September 30, 2009, and an additional 750 members of the Foreign Service (above attrition) in fiscal year 2011 over the number of such members employed as of September 30, 2010.

(2) AT USAID.—The Administrator of the United States Agency for International Development is authorized to hire an additional 350 members of the Foreign Service (above attrition) in fiscal year 2010 over the number of such members employed as of September 30, 2009, and an additional 350 members of the Foreign Service (above attrition) in fiscal year 2011 over the number of such members employed as of September 30, 2010.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as limiting the authority of the Secretary of State or the Administrator of the United States Agency for International Development to hire personnel.

(c) EXPANSION OF FUNCTIONS OF THE FOREIGN SERVICE.—Section 104 of the Foreign Service Act of 1980 (22 U.S.C. 3904) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) work actively to prevent, mitigate, and respond in a timely manner to international crises and instability in foreign countries that threaten the key United States foreign policy and national security interests;''.

(d) WORLDWIDE AVAILABILITY.—Section 301(b) of the Foreign Service Act of 1980 (22 U.S.C. 3941(b)) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following new paragraph:

''(2)(A) Except as provided in subparagraphs (B) and (C), at the time of entry into the Service, each member of the Service shall be available to be assigned worldwide.

''(B) With respect to the medical eligibility of any applicant for appointment as a Foreign Service officer candidate, the Secretary of State shall determine such availability through appropriate medical examinations. If based on such examinations the Secretary determines that such applicant is ineligible to be assigned worldwide, the Secretary may waive the worldwide availability requirement under subparagraph (A) if the Secretary determines that such waiver is required to fulfill a compelling Service need. The Secretary shall establish an internal administrative review process for medical ineligibility determinations.

''(C) The Secretary may also waive or reduce the worldwide availability requirement under subparagraph (A) if the Secretary determines, in the Secretary's discretion, that such waiver or reduction is warranted.''.

(e) RECRUITING CANDIDATES WHO HAVE EXPERIENCE IN UNSTABLE SITUATIONS.—Section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941), as amended by section 212(c) of this Act, is further amended by adding at the end the following new subsection:

''(f) EXPERIENCE IN UNSTABLE SITUATIONS.—The fact that an applicant for appointment as a Foreign Service officer candidate has the experience of working in situations where public order has been undermined by instability, or where there is no civil authority that can effectively provide public safety, may be considered an affirmative factor in making such appointments.''.

(f) TRAINING.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following new subsections:

''(c) The Secretary of State shall ensure that members of the Service, other than foreign national employees and consular agents, as appropriate, receive training on methods for conflict mitigation and resolution and on the necessary skills to be able to function successfully where public order has been undermined by instability or where there is no civil authority that can effectively provide public safety.

''(d) The Secretary of State shall ensure that members of the Service, other than foreign national employees and consular agents, as appropriate, have opportunities during their careers to obtain advanced education and training in academic and other relevant institutions in the United States and abroad to increase the capacity of the Service to fulfill its mission.''.

SEC. 302. QUADRENNIAL REVIEW OF DIPLOMACY AND DEVELOPMENT.

(a) DEVELOPMENT OF NATIONAL STRATEGY ON DIPLOMACY AND DEVELOPMENT.—

(1) IN GENERAL.—Not later than December 1, 2010, the President shall develop and transmit to the appropriate congressional committees a national strategy on United States diplomacy and development. The strategy shall include the following:

(A) An identification of key objectives and missions for United States foreign policy and foreign assistance policies and programs, including a clear statement on United States objectives for development assistance.

(B) A description of the roles of civilian agencies and mechanisms for implementing such strategy, including interagency coordination.

(C) The requirements for overseas infrastructure necessary to carry out such strategy.

(D) Plans to adapt such agencies and mechanisms to changing circumstances and the role of international institutions in such strategy.

(E) Budget requirements to carry out such strategy.

(F) Other elements of United States foreign policy and foreign assistance policies and programs with a view toward determining and expressing the strategy of the United States and establishing a diplomacy and development program for the next ten years.

(2) RELATIONSHIP TO NATIONAL SECURITY STRATEGY.—The strategy described in paragraph (1) shall be consistent with any National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) that has been issued after the date of the enactment of this Act.

(b) REVIEW REQUIRED.—

(1) IN GENERAL.—Beginning in 2013, the President shall every four years, during a year following a year evenly divisible by four, conduct a comprehensive examination (to be known as a ''Quadrennial Review of Diplomacy and Development'') of the national strategy for United States diplomacy and development described in subsection (a).

(2) KEY ELEMENTS OF REVIEW.—The review described in paragraph (1) shall include the following:

(A) A review of all elements of the strategy described in subsection (a), consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) that has been issued after the date of the enactment of this Act.

(B) A review of the roles and responsibilities of Federal departments and agencies in carrying out the strategy described in subsection (a) and the mechanisms for cooperation between such departments and agencies, including the coordination of such departments and agencies and the relationship between the principal offices of such departments and agencies and offices defining sufficient capacity, resources, overseas infrastructure, budget plan, and other elements of United States diplomacy and development of the United States that would be required to have a high level of confidence that the United States can successfully execute the full range of missions called for in such strategy.

(C) Identifying the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions called for in the strategy described in subsection (a) at a high level of success and any additional resources required to achieve such a level of success.

(D) Making recommendations that are not constrained to comply with the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

(3) INTERAGENCY COORDINATION AND CONSULTATION.—

(A) IN GENERAL.—Each Quadrennial Review of Diplomacy and Development shall take into account the views of the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, the Secretary of the Treasury, the United States Trade Representative, and the head of any other relevant agency.

(B) DELEGATION.—If the President delegates the requirements of this section, the head of the Federal department or agency to whom such delegation is made shall consult with each official specified in subparagraph (A).

(c) CONSULTATION WITH OUTSIDE STAKEHOLDERS.—In developing the strategy required under subsection (a) and conducting the review required under subsection (b), the President shall consult with private businesses, non-governmental organizations involved in diplomacy and development, and experts at academic institutions or institutions involved in the study of foreign policy or development matters.

(d) QRDD AND CONGRESSIONAL COMMITTEES.—

(1) CONSULTATION.—In developing the strategy required under subsection (a) and conducting the review required under subsection (b), the President shall consult with the appropriate congressional committees.

(2) REPORT.—The President shall transmit to the appropriate congressional committees a report on each Quadrennial Review of Diplomacy and Development. The report shall be submitted in the year following the year in which such a Quadrennial Review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31, United States Code. The report shall include the following:

(A) The results of such a Quadrennial Review, including a comprehensive discussion of the national strategy for United States foreign policy and foreign assistance policies and programs, the roles and responsibilities of and strategic

guidance for civilian agencies and mechanisms in implementing such strategy, the requirements for overseas infrastructure necessary to carry out such strategy, plans to adapt such agencies and mechanisms to changing circumstances, and the role of international institutions in such strategy.

(B) The assumed or defined objectives and missions that inform the national strategy for United States foreign policy and foreign assistance policies and programs.

(C) The threats to the assumed or defined objectives and missions of the United States that were examined for the purposes of such a Quadrennial Review.

(D) The assumptions used in such a Quadrennial Review, including assumptions relating to—

(i) the capacity of United States diplomatic and development personnel to respond to such threats;

(ii) the cooperation and capacity of allies, other friendly countries, and international institutions in addressing such threats;

(iii) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies; and

(iv) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies that arise in the diplomatic and development context.

(E) The anticipated roles and missions of the reserve components available to civilian agencies, including capabilities and resources necessary to assure that such reserve components can capably discharge such roles and missions.

(F) The extent to which diplomatic and development personnel need to be shifted to different regions to carry out the national strategy under subsection (a).

(G) Any other matter the Secretary considers appropriate.

(e) INDEPENDENT PANEL ASSESSMENT.—

(1) IN GENERAL.—Not later than six months before the date on which the report on a Quadrennial Review of Diplomacy and Development is to be transmitted under subsection (d), the President shall establish a panel to conduct an assessment of such a Quadrennial Review.

(2) REPORT ON ASSESSMENT.—Not later than three months after the date on which the report on such a Quadrennial Review is transmitted under subsection (d), the panel established under paragraph (1) shall submit to the appropriate congressional committees an assessment of such a Quadrennial Review, including an assessment of the recommendations of such a Quadrennial Review, the stated and implied assumptions incorporated in such a Quadrennial Review, and the vulnerabilities of the strategy underlying such a Quadrennial Review.

(f) EXCLUSION.—Any provision in this section relating to budgets or budget plans shall not be construed to require any information on any program that is funded from accounts within budget function 050 (National Defense).

SEC. 303. ESTABLISHMENT OF THE LESSONS LEARNED CENTER.

(a) ESTABLISHMENT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), is authorized to establish in the Department of State and under the authority of the Undersecretary for Management a Lessons Learned Center (referred to in this section as the ''LLC'') which will serve as a central organization for collection, analysis, archiving, and dissemination of observations, best practices, and lessons learned by, from, and to Foreign Service officers and support personnel in the Department of State and USAID.

(b) PURPOSE.—The purpose of the LLC is to increase, enhance, and sustain the ability of the Department of State and USAID to effectively carry out their missions by devising a system for the collection, analysis, archiving, and dissemination of lessons learned, improving information sharing and learning capacity, and enabling, encouraging, and rewarding critical, innovative analysis.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the status of efforts to establish the LLC. The report shall include recommendations—

(1) concerning the regulation and structure of the LLC, including—

(A) how to encourage service in the LLC;

(B) how to provide for the necessary academic freedom to provide innovative, critical analysis;

(C) how to ensure that the staffing of the LLC is a mix of senior and junior staff of the Foreign Service and civil service in the Department of State and USAID;

(D) the anticipated expenditures associated with the establishment of the LLC under subsection (a); and

(E) physical structure of the LLC; and

(2) for any legislation necessary to establish the LLC.

(d) DEFINITIONS.—In this section:

(1) ACADEMIC FREEDOM.—The term ''academic freedom'' means the capability, capacity, and authorization to produce analysis and evaluation without concern for retaliation or other negative impact on the observer's career.

(2) LESSONS LEARNED.—The term ''lessons learned'' means information resulting from evaluation or observation of negotiations, operations, exercises, training events, or other processes and experiences, particularly any corrective measures or innovative techniques, that produced an improved performance or increased capability.

SEC. 304. LOCALLY EMPLOYED STAFF COMPENSATION.

(a) FINDINGS.—Congress finds the following:

(1) United States diplomatic and consular missions worldwide retain over 51,000 locally employed staff under local compensation plans (LCP's) in about 170 overseas missions.

(2) The locally employed staff is the backbone of diplomatic operations, providing management, programmatic, security, maintenance, custodial, and other services wherever the Department of State has established an overseas post.

(3) Foreign Service and other United States officers who rotate in-and-out of such missions every two to three years are highly dependent on the local employees to bring them up to speed and make sure that the work of any such mission does not falter in transitions during rotations.

(4) As the number of positions at such missions designated for United States officers that are not filled continues to increase, locally employed staff are called upon to assume many of the responsibilities that United States staff have carried in the past.

(5) Based on a survey conducted by the Office of the Inspector General (OIG) Department of State, the United States is failing to provide a competitive compensation package for locally employed staff that is commensurate with their experience, technical skills, and responsibilities.

(6) The Department of State OIG survey data show that the United States Government is providing salary increases that are approximately 60 percent of what is the prevailing practice of the local labor market.

(7) The Department of State OIG has found numerous cases in which such missions are losing staff to other employers. The OIG has also found numerous cases where it is difficult to replace employees who left to take other jobs, particularly in countries with low unemployment rates.

(b) POLICY REVIEW.—The Secretary of State shall direct a policy review to assess the adequacy of locally employed staff compensation. In carrying out such policy review the Secretary shall consider the recommendations of the Office of the Inspector General of the Department of State, including the following:

(1) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should hire an outside contractor with international experience to perform an organizational review of the Compensation Management Division of the Office of Overseas Employment to advise on the organization of the compensation management division and on how many analysts are required to handle the compensation management responsibilities, and to recommend training and certifications the analysts should obtain.

(2) The Office of Management, Policy, Rightsizing and Innovation, in coordination with the Bureau of Human Resources and the Bureau of Resource Management, should ensure that the working group on locally employed staff compensation reviews the connectivity between the activities of the Office of Overseas Employment and the Office of State Programs, Operations and Budget in the Bureau of Resource Management, and makes and distributes written, documented determinations as to the data used by the two offices to make estimates of locally employed staff compensation adjustments, the timing of these activities, and the responsibility each office has for tracking implementation of locally employed staff compensation adjustments.

(3) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should implement a locally employed staff compensation review process whereby the Office of Overseas Employment in the Bureau of Human Resources reviews and adjust each post's salary schedule every five years based on a recent salary survey. During the intervening years, the Department should authorize cost-of-living (or inflation) adjustments based on reliable inflation data.

(4) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should implement a systematic process of providing comprehensive information to diplomatic and consular missions, Department of State offices, and agency headquarters on periodic salary survey reviews, including comprehensible salary survey analysis, explanations of salary survey changes, and if appropriate, copies of the off-the-shelf surveys for the host country. This approach should be documented and made a part of the periodic process.

(5) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, the regional bureaus, and the Bureau of Resource Management, should establish, maintain, and monitor a database that tracks information related to locally employed staff compensation and adjustments, including budgetary resources, salary level ceilings calculated by the Office of Overseas Employment, salary levels requested by post, salary levels implemented, dates for these activities, and calculations of whether the Department is meeting prevailing practice. This database should replace the current practice of communicating salary review information by cable.

(6) The Bureau of Human Resources, in coordination with the Office of Management, Policy, Rightsizing and Innovation, should evaluate the possibility of using different pay setting data establishing different pay scales for blue-collar positions and for professional level positions, and should issue and distribute a written report on the findings and the possibility of implementing the findings.

(7) The Office of Management, Policy, Rightsizing and Innovation should ensure that the working group on locally employed staff compensation considers the possibility of including members from other United States Government agencies that employ locally employed staff. Whether this recommendation is implemented or not, the Office of Management, Policy, Rightsizing and Innovation should document the decision in writing, and distribute the

decision widely in the Department of State and to other agencies that employ locally employed staff.

(8) The Office of Management, Policy, Rightsizing and Innovation should ensure that the working group on locally employed staff compensation considers the possibility of centralizing decision making for locally employed staff salary increases, and, whether such is eventually implemented or not, make a determination as to its value, document the decision in writing, and distribute the decision widely in the Department of State.

(9) The Bureau of Human Resources, in cooperation with Resource Management International Cooperative Administrative Support Services, should establish a senior level interagency locally employed staff board of governors to set overall locally employed staff policy.

(10) The Bureau of Human Resources should send the cable announcing the proposed salary increases for locally employed staff to the attention of both the chief of mission and the management officer.

(11) The Bureau of Human Resources should request a list of position titles and grades from all positions with exception rate ranges and details on the exception rate range adjustments in the 2010 Locally Employed Staff Compensation Questionnaire.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees a report on the implementation of this section, including a review of efforts to implement the recommendations of the Office of the Inspector General of the Department of State specified in subsection (b).

Subtitle B—Foreign Service Pay Equity and Death Gratuity

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''Foreign Service Overseas Pay Equity Act of 2009''.

SEC. 312. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

(a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—

(1) IN GENERAL.—Chapter 4 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3961 and following) is amended by adding at the end the following:

''SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

''(a) IN GENERAL.—A member of the Service who is designated class 1 or below for purposes of section 403 and whose official duty station is neither in the continental United States nor in a non-foreign area shall receive, in accordance with the phase-in schedule set forth in subsection (c), a locality-based comparability payment (stated as a percentage) equal to the locality-based comparability payment (stated as a percentage) that would be provided under section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

''(b) TREATMENT AS BASIC PAY.—The amount of any locality-based comparability payment which is payable to a member of the Service by virtue of this section—

''(1) shall be considered to be part of the basic pay of such member—

''(A) for the same purposes as provided for under section 5304(c)(2)(A) of title 5, United States Code; and

''(B) for purposes of chapter 8; and

''(2) shall be subject to any limitations on pay applicable to locality-based comparability payments under section 5304 of title 5, United States Code.

''(c) PHASE-IN.—The locality-based comparability payment payable to a member of the Service under this section shall—

''(1) beginning on the first day of the first pay period that is 90 days after the date of the enactment of this subsection, be equal to 33.33 percent of the payment which would otherwise apply under subsection (a);

''(2) beginning on the first day of the first pay period in April 2010, be equal to 66.67 percent of the payment which would otherwise apply under subsection (a); and

''(3) beginning on the first day of the first pay period in fiscal year 2011 and each subsequent fiscal year, be equal to the payment determined under subsection (a).

''(d) NON-FOREIGN AREA DEFINED.—For purposes of this section, the term 'non-foreign area' has the same meaning as is given such term in regulations carrying out section 5941 of title 5, United States Code.''.

(2) CONFORMING AMENDMENT.—The table of contents set forth in section 2 of such Act is amended by inserting after the item relating to section 414 the following:

''Sec. 415. Overseas comparability pay adjustment.''.

(b) CONFORMING AMENDMENTS RELATING TO THE FOREIGN SERVICE RETIREMENT SYSTEMS.—

(1) CONTRIBUTIONS TO THE FUND.—Effective as of the first pay period beginning on or after October 1, 2010, section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''7.25 percent'' and inserting ''7 percent''; and

(ii) in the second sentence, by striking ''The contribution by the employing agency'' through ''and shall be made'' and inserting ''An equal amount shall be contributed by the employing agency'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking '', plus an amount equal to .25 percent of basic pay''; and

(ii) in subparagraph (B), by striking '', plus an amount equal to .25 percent of basic pay''; and

(C) in paragraph (3), by striking all that follows ''Code'' and inserting a period.

(2) COMPUTATION OF ANNUITIES.—Section 806(a)(9) of such Act (22 U.S.C. 4046(a)(9)) is amended by striking ''is outside the continental United States shall'' and inserting ''was outside the continental United States during the period beginning on December 29, 2002, and ending on the day before the first day of the first pay period beginning on or after October 1, 2011 (or during any portion thereof), shall, to the extent that such computation is based on the basic salary or basic pay of such member for such period (or portion thereof),''.

(3) ENTITLEMENT TO ANNUITY.—Section 855(a)(3) of such Act (22 U.S.C. 4071d(a)(3)) is amended—

(A) by striking ''section 8414'' and inserting ''section 8415''; and

(B) by striking ''is outside the continental United States shall'' and inserting ''was outside the continental United States during the period beginning on December 29, 2002, and ending on the day before the first day of the first pay period beginning on or after October 1, 2011 (or during any portion thereof), shall, to the extent that such computation is based on the basic salary or basic pay of such member for such period (or portion thereof),''.

(4) DEDUCTIONS AND WITHHOLDINGS FROM PAY.—Section 856(a)(2) of such Act (22 U.S.C. 4071e(a)(2)) is amended to read as follows:

''(2) The applicable percentage under this subsection shall be as follows:

''Percentage	*Time Period*
7.5	*Before January 1, 1999.*
7.75	*January 1, 1999, to December 31, 1999.*
7.9	*January 1, 2000, to December 31, 2000.*
7.55	*January 11, 2003, to the day before the first day of the first pay period beginning on or after October 1, 2011.*
7.5	*Beginning on the first day of the first pay period beginning on or after October 1, 2011.''.*

(c) REPORTING REQUIREMENTS.—Not later than October 1, 2010, the Secretary of State shall submit to the appropriate congressional committees an assessment of all allowances provided to members of the Foreign Service under the Foreign Service Act of 1980 or under title 5, United States Code, and in particular, how such allowances have been or will be affected by the amendments to the Foreign Service Act of 1980 made by this Act.

SEC. 313. DEATH GRATUITY.

The first sentence of section 413(a) of the Foreign Service Act of 1980 (22 U.S.C. 3973(a)) is amended by striking ''at the time of death'' and inserting ''at level II of the Executive Schedule under section 5313 of title 5, United States Code, at the time of death, except that for employees compensated under local compensation plans established under section 408, the amount shall be equal to the greater of 1 year's salary at the time of death or 1 year's salary at the highest step of the highest grade on the local compensation plan from which the employee was being paid at the time of death''.

Subtitle C—Other Organization and Personnel Matters

SEC. 321. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

(a) FELLOWSHIP AUTHORIZED.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding at the end the following new section:

''SEC. 506. TRANSATLANTIC DIPLOMATIC FELLOWSHIP PROGRAM.

''(a) IN GENERAL.—The Secretary is authorized to establish the Transatlantic Diplomatic Fellowship Program. Under the program, the Secretary may assign a member of the Service, for not more than one year, to a position with any designated country or designated entity that permits an employee to be assigned to a position with the Department.

''(b) SALARY AND BENEFITS.—The salary and benefits of a member of the Service shall be paid as described in subsection (b) of section 503 during a period in which such member is participating in the Transatlantic Diplomatic Fellowship Program. The salary and benefits of an employee of a designated country or designated entity participating in such program shall be paid by such country or entity during the period in which such employee is participating in the program.

''(c) DEFINITIONS.—In this section:

''(1) The term 'designated country' means a member country of—

''(A) the North Atlantic Treaty Organization; or

''(B) the European Union.

''(2) The term 'designated entity' means—

''(A) the North Atlantic Treaty Organization; or

''(B) the European Union.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) authorize the appointment as an officer or employee of the United States of—

''(A) an individual whose allegiance is to any country, government, or foreign or international entity other than to the United States; or

''(B) an individual who has not met the requirements of sections 3331, 3332, 3333, and 7311 of title 5, United States Code, and any other provision of law concerning eligibility for appointment as, and continuation of employment as, an officer or employee of the United States; or

''(2) authorize the Secretary to assign a member of the Service to a position with any foreign country whose laws, or foreign or international

entity whose rules, require such member to give allegiance or loyalty to such country or entity while assigned to such position.''

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Foreign Service Act of 1980 is amended—

(1) in section 503 (22 U.S.C. 3983)—

(A) in the section heading, by striking ''AND'' and inserting ''FOREIGN GOVERNMENTS, OR''; and

(B) in subsection (a)(1), by inserting before the semicolon at the end the following: '', or with a foreign government under sections 506 or 507''; and

(2) in section 2, in the table of contents—

(A) by striking the item relating to section 503 and inserting the following new item:

''Sec. 503. Assignments to agencies, international organizations, foreign governments, or other bodies.''; and

(B) by adding after the item relating to section 505 the following new item:

''Sec. 506. Transatlantic diplomatic fellowship program.''.

SEC. 322. SECURITY OFFICERS EXCHANGE PROGRAM.

(a) IN GENERAL.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding after section 506 (as added by section 321(a) of this Act) the following new section:

''SEC. 507. SECURITY OFFICERS EXCHANGE PROGRAM.

''(a) IN GENERAL.—The Secretary is authorized to establish the Security Officers Exchange Program. Under the program, the Secretary may assign a member of the Service, for not more than a total of three years, to a position with any country or international organization designated by the Secretary pursuant to subsection (c) that permits an employee to be assigned to a position with the Department.

''(b) SALARY AND BENEFITS.—The salary and benefits of the members of the Service shall be paid as described in subsection (b) of section 503 during a period in which such officer is participating in the Security Officers Exchange Program. The salary and benefits of an employee of a designated country or international organization participating in such program shall be paid by such country or international organization during the period in which such employee is participating in the program.

''(c) DESIGNATION.—The Secretary may designate a country or international organization to participate in this program if the Secretary determines that such participation is in the national security interests of the United States.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) authorize the appointment as an officer or employee of the United States of—

''(A) an individual whose allegiance is to any country, government, or foreign or international entity other than to the United States; or

''(B) an individual who has not met the requirements of sections 3331, 3332, 3333, and 7311 of title 5, United States Code, and any other provision of law concerning eligibility for appointment as, and continuation of employment as, an officer or employee of the United States; or

''(2) authorize the Secretary to assign a member of the Service to a position with any foreign country whose laws, or foreign or international entity whose rules, require such member to give allegiance or loyalty to such country or entity while assigned to such position.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2 of the Foreign Service Act of 1980 is amended, in the table of contents, by adding after the item relating to section 506 (as added by section 321(b)(2)(B) of this Act) the following new item:

''Sec. 507. Security officers exchange program.''.

SEC. 323. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

''(c)(1) In order to promote the efficiency of the Service, the Secretary may suspend a member of the Foreign Service without pay when the member's security clearance is suspended or when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

''(2) Any member of the Foreign Service for whom a suspension is proposed shall be entitled to—

''(A) written notice stating the specific reasons for the proposed suspension;

''(B) a reasonable time to respond orally and in writing to the proposed suspension;

''(C) representation by an attorney or other representative; and

''(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

''(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of this title.

''(4) In the case of a grievance filed under paragraph (3)—

''(A) the review by the Foreign Service Grievance Board shall be limited to a determination of whether the provisions of paragraphs (1) and (2) have been fulfilled; and

''(B) the Foreign Service Grievance Board may not exercise the authority provided under section 1106(8).

''(5) In this subsection:

''(A) The term 'reasonable time' means—

''(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

''(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

''(B) The term 'suspend' or 'suspension' means the placing of a member of the Foreign Service in a temporary status without duties and pay.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Such section, as amended by subsection (a) of this section, is further amended, in the section heading, by inserting ''; SUSPENSION'' before the period at the end.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 2 of such Act is amended to read as follows:

''Sec. 610. Separation for cause; suspension.''.

SEC. 324. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is hereby repealed.

SEC. 325. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

Section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949) is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsection (b) or (c)'';

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by inserting ''(A),'' after ''if''; and

(ii) by inserting before the semicolon at the end the following: '', or (B), the career candidate is serving in the uniformed services, as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 et seq.), and the limited appointment expires in the course of such service'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding after paragraph (5) the following new paragraph:

''(6) in exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment (A), for a period of time not to exceed 12 months (provided such period of time does not permit additional review by the boards under section 306), or (B), for the minimum time needed to settle a grievance, claim, or complaint not otherwise provided for in this section.''; and

(3) by adding at the end the following new subsection:

''(c) Non-career Foreign Service employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment provided there is a one year break in service between each appointment. The Secretary may in cases of special need waive the requirement for a one year break in service.''.

SEC. 326. COMPENSATORY TIME OFF FOR TRAVEL.

Section 5550b of title 5, United States Code, is amended by adding at the end the following new subsection:

''(c) The maximum amount of compensatory time off earned under this section may not exceed 104 hours during any leave year (as defined by regulations established by the Office of Personnel Management).''.

SEC. 327. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(a) in paragraph (1)(B), by striking ''to facilitate the'' and all that follows through ''Afghanistan,'';

(b) by striking paragraph (2); and

(c) by redesignating paragraph (3) as paragraph (2).

SEC. 328. PERSONAL SERVICES CONTRACTORS.

(a) IN GENERAL.—In addition to other authorities that may be available, the Secretary of State may establish a pilot program (in this section referred to as the ''program'') for the purpose of hiring United States citizens or aliens as personal services contractors, for service in the United States, or for service both in the United States and abroad, to respond to new or emerging needs or to augment current services.

(b) CONDITIONS.—The Secretary is authorized to use the authority of subsection (a), subject to the following conditions:

(1) The Secretary determines that existing personnel resources are insufficient.

(2) The contract length, including options, may not exceed two years, unless the Secretary makes a finding that exceptional circumstances justify an extension of up to one additional year.

(3) Not more than a total of 200 United States citizens or aliens are employed at any one time as personal services contractors under this section.

(4) This authority may only be used to obtain specialized skills or experience or to respond to urgent needs.

(c) STATUS OF PERSONAL SERVICE CONTRACTORS.—

(1) IN GENERAL.—An individual hired as a personal service contractor pursuant to this section shall not, by virtue of such hiring, be considered to be an employee of the United States Government for purposes of any law administered by the Office of Personnel Management.

(2) APPLICABLE LAWS.—An individual hired as a personal service contractor pursuant to this section shall be covered, in the same manner as a similarly-situated employee, by—

(A) the Ethics in Government Act of 1978;

(B) section 27 of the Office of Federal Procurement Policy Act; and

(C) chapter 73 of title 5, sections 201, 203, 205, 207, 208, and 209 of title 18, and section 1346 and chapter 171 of title 28, United States Code.

(3) EXCEPTION.—This subsection shall not affect the determination as to whether an individual hired as a personal service contractor

pursuant to this section is an employee of the United States Government for purposes of any Federal law not specified in paragraphs (1) and (2).

(d) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under the program authorized by this section shall terminate on September 30, 2011. A contract entered into prior to the termination date under this subsection may remain in effect until expiration.

SEC. 329. PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

(a) RESOURCES TO PROTECT INTELLECTUAL PROPERTY RIGHTS.—The Secretary of State shall ensure that the protection in foreign countries of the intellectual property rights of United States persons in other countries is a significant component of United States foreign policy in general and in relations with individual countries. The Secretary of State, in consultation with the Director General of the United States and Foreign Commercial Service and other agencies as appropriate, shall ensure that adequate resources are available at diplomatic missions in any country that is identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)) to ensure—

(1) support for enforcement action against violations of the intellectual property rights of United States persons in such country; and

(2) cooperation with the host government to reform its applicable laws, regulations, practices, and agencies to enable that government to fulfill its international and bilateral obligations with respect to intellectual property rights.

(b) NEW APPOINTMENTS.—The Secretary of State, in consultation with the Director General of the United States and Foreign Commercial Service, shall appoint 10 intellectual property attachés to serve in United States embassies or other diplomatic missions. The 10 appointments shall be in addition to personnel serving, on the date of the enactment of this Act, in the capacity of intellectual property attachés from any department or agency of the United States at United States embassies or other diplomatic missions.

(c) PRIORITY ASSIGNMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), in designating the embassies or other missions to which attachés are assigned under subsection (b), the Secretary of State shall give priority to those countries where the activities of an attaché may be carried out with the greatest potential benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries.

(2) ASSIGNMENTS TO PRIORITY COUNTRIES.—In carrying out paragraph (1), the Secretary of State shall consider assigning intellectual property attachés—

(A) to the countries that have been identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)); and

(B) to the country where the Organization for Economic Cooperation and Development has its headquarters.

(d) DUTIES AND RESPONSIBILITIES OF INTELLECTUAL PROPERTY ATTACHÉS.—The intellectual property attachés appointed under subsection (b), as well as others serving as intellectual property attachés of any other department or agency of the United States, shall have the following responsibilities:

(1) To promote cooperation with foreign governments in the enforcement of intellectual property laws generally, and in the enforcement of laws against counterfeiting and piracy in particular.

(2) To assist United States persons holding intellectual property rights, and the licensees of such United States persons, in their efforts to combat counterfeiting and piracy of their products or works within the host country, including counterfeit or pirated goods exported from or transshipped through that country.

(3) To chair an intellectual property protection task force consisting of representatives from all other relevant sections or bureaus of the embassy or other mission.

(4) To coordinate with representatives of the embassies or missions of other countries in information sharing, private or public communications with the government of the host country, and other forms of cooperation for the purpose of improving enforcement against counterfeiting and piracy.

(5) As appropriate and in accordance with applicable laws and the diplomatic status of the attachés, to engage in public education efforts against counterfeiting and piracy in the host country.

(6) To coordinate training and technical assistance programs of the United States Government within the host country that are aimed at improving the enforcement of laws against counterfeiting and piracy.

(7) To identify and promote other means to more effectively combat counterfeiting and piracy activities under the jurisdiction of the host country.

(e) TRAINING.—The Secretary of State shall ensure that each attached appointed under subsection (b) is fully trained for the responsibilities of the position before assuming duties at the United States embassy or other mission in question.

(f) COORDINATION.—The activities of intellectual property attachés under this section shall be carried out in coordination with the United States Intellectual Property Enforcement Coordinator appointed under section 301 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (15 U.S.C. 8111).

(g) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary of State shall submit to the Congress, not later than December 31 of each year, a report on the appointment, designation for assignment, and activities of all intellectual property attachés of any Federal department or agency who are serving at United States embassies or other diplomatic missions.

(2) CONTENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the progress, or lack thereof, in the preceding year regarding the resolution of general and specific intellectual property disputes in each country identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)), including any changes by the host government in applicable laws and regulations and their enforcement.

(B) An assessment of the obstacles preventing the host government of each country described in subparagraph (A) from implementing adequate measures to fulfill its international and bilateral obligations with respect to intellectual property rights.

(C) An assessment of the adequacy of the resources of the Department of State employed to carry out subparagraphs (A) and (B) and, if necessary, an assessment of the need for additional resources for such purposes.

(h) DEFINITIONS.—In this section:

(1) COUNTERFEITING; COUNTERFEIT GOODS.—

(A) COUNTERFEITING.—The term ''counterfeiting'' means activities related to production of or trafficking in goods, including packaging, that bear a spurious mark or designation that is identical to or substantially indistinguishable from a mark or designation protected under trademark laws or related legislation.

(B) COUNTERFEIT GOODS.—The term ''counterfeit goods'' means those goods described in subparagraph (A).

(2) INTELLECTUAL PROPERTY RIGHTS.—The term ''intellectual property rights'' means the rights of holders of copyrights, patents, trademarks, other forms of intellectual property, and trade secrets.

(3) PIRACY; PIRATED GOODS.—

(A) PIRACY.—The term ''piracy'' means activities related to production of or trafficking in unauthorized copies or phonorecords of works protected under copyright law or related legislation.

(B) PIRATED GOODS.—The term ''pirated goods'' means those copies or phonorecords described in subparagraph (A).

(4) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any United States resident or national,

(B) any corporation, partnership, other business entity, or other organization, that is organized under the laws of the United States, and

(C) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any corporation, partnership, business entity, or organization described in subparagraph (B), that is controlled in fact by such corporation, partnership, business entity, or organization,

except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in subparagraph (A), (B), or (C).

(i) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated for each fiscal year such sums as may be necessary for the training and support of the intellectual property attachés appointed under subsection (b) and of other personnel serving as intellectual property attache's of any other department or agency of the United States.

SEC. 330. DEPARTMENT OF STATE EMPLOYMENT COMPOSITION.

(a) STATEMENT OF POLICY.—In order for the Department of State to accurately represent all people in the United States, the Department must accurately reflect the diversity of the United States.

(b) REPORT ON MINORITY RECRUITMENT.—Section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''On'' and inserting ''(a) REPORT ON MINORITY GROUPS AND WOMEN.—On'';

(B) by striking ''April 1, 2003, and April 1, 2004,'' and inserting ''April 1, 2010, and April 1, 2011,'';

(2) in paragraphs (1) and (2), by striking ''minority groups'' each place it appears and inserting ''minority groups and women''; and

(3) by adding at the end the following new subsection:

''(b) DEVELOPMENT OF METRICS TO EVALUATE EMPLOYMENT COMPOSITION.—The report required by subsection (a) shall also include a description of the following:

''(1) The ability of current recruitment, advancement, and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers throughout the Department, including in the Cooperative Education Program (also known as the 'Student Career Experience Program').

''(2) Efforts to develop a uniform definition, to be used throughout the Department, of diversity that is congruent with the core values and vision of the Department for the future workforce.

''(3) The existence of additional metrics and milestones for evaluating the diversity plans of the Department, including the Foreign Service and Senior Foreign Service, and for facilitating future evaluation and oversight.''.

(c) PUBLIC AVAILABILITY.—Each report required under section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (b) of this section, shall be made available to the public on the website of the Department of State not later than 15 days after the submission to Congress of each such report.

(d) GAO REVIEW.—The Comptroller General of the United States, in consultation with the appropriate congressional committees, shall conduct a review of the employment composition,

recruitment, advancement, and retention policies of the Department of State for women and minority groups, including the information in the reports required under section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (b) of this section.

(e) ACQUISITION.—Section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (b) of this section, is further amended by adding at the end the following new subsection:

''(c) For the immediately preceding 12-month period for which the information referred to in subsection (a) is available—

''(1) the numbers and percentages of small, minority-owned, or disadvantaged businesses that provide goods and services to the Department as a result of contracts with the Department during such period;

''(2) the total number of such contracts;

''(3) the total dollar value of such contracts; and

''(4) and the percentage value represented by such contract proportionate to the total value of all contracts held by the Department.''.

(f) USE OF FUNDS.—The provisions of section 325 of the Foreign Relations Authorization Act, Fiscal Year 2003 shall apply to funds authorized to be appropriated under section 101 of this Act.

SEC. 331. CONTRACTING.

None of the funds authorized to be appropriated by this Act, for projects initiated after the date of the enactment of this Act, may be used by the Department of State to enter into any Federal contract unless such contract is entered into in accordance with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to such Act and regulation.

SEC. 332. LEGISLATIVE LIAISON OFFICE OF THE DEPARTMENT OF STATE.

(a) REPORT ON IMPROVING EFFECTIVENESS OF DEPARTMENT OF STATE LEGISLATIVE LIAISON OFFICE.—Not later than six months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on House Administration of the House of Representatives and the Committee on Foreign Relations and the Committee on Rules and Administration of the Senate a report on the mission and effectiveness of the existing Department of State legislative liaison office.

(b) REPORT CONSIDERATIONS.—The report required by subsection (a) shall consider—

(1) whether the legislative liaison office has sufficient resources necessary to communicate to Members of Congress, committees, and their staffs the goals and missions of the Department of State;

(2) whether current space within the office buildings of the House of Representatives as well as requested space within the office buildings of the Senate is sufficient to meet the mission of the legislative liaison office;

(3) whether current representational allowances are sufficient to allow the legislative liaison office to meet its mission; and

(4) the feasibility of increasing personnel numbers in the legislative liaison office, including senior Foreign Service Officers.

SEC. 333. DISCRIMINATION RELATED TO SEXUAL ORIENTATION.

(a) TRACKING VIOLENCE OR CRIMINALIZATION RELATED TO SEXUAL ORIENTATION.—The Assistant Secretary for Democracy, Human Rights and Labor shall designate a Bureau-based officer or officers who shall be responsible for tracking violence, criminalization, and restrictions on the enjoyment of fundamental freedoms, consistent with United States law, in foreign countries based on actual or perceived sexual orientation and gender identity.

(b) INTERNATIONAL EFFORTS TO REVISE LAWS CRIMINALIZING HOMOSEXUALITY.—In keeping with the Administration's endorsement of efforts by the United Nations to decriminalize homosexuality in member states, the Secretary of State shall work though appropriate United States Government employees at United States diplomatic and consular missions to encourage the governments of other countries to reform or repeal laws of such countries criminalizing homosexuality or consensual homosexual conduct, or restricting the enjoyment of fundamental freedoms, consistent with United States law, by homosexual individuals or organizations.

(c) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d))—

(A) in paragraph (10), by striking ''and'' at the end;

(B) in paragraph (11)—

(i) in subparagraph (B), by striking ''and'' at the end; and

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(12) wherever applicable, violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual in foreign countries that is based on actual or perceived sexual orientation and gender identity.''; and

(2) in section 502B(b) (22 U.S.C. 2304(b)), by inserting after the eighth sentence the following new sentence: ''Wherever applicable, violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual in foreign countries that is based on actual or perceived sexual orientation and gender identity.''.

(d) TRAINING FOR FOREIGN SERVICE OFFICERS.—Section 708(a) of the Foreign Service Act of 1980 (22 16 U.S.C. 4028(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting ''the Secretary for Democracy, Human Rights and Labor,'' before ''the Ambassador at Large'';

(2) in paragraph (2), by striking ''and'' at the end;

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

(4) by adding at the end the following new paragraph:

''(4) instruction, in courses covering human rights reporting and advocacy work, on identifying violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual that is based on actual or perceived sexual orientation and gender identity.''.

SEC. 334. OFFICE FOR GLOBAL WOMEN'S ISSUES.

(a) ESTABLISHMENT.—There is established an Office for Global Women's Issues (in this section referred to as the ''Office'') in the Office of the Secretary of State in the Department of State. The Office shall be headed by the Ambassador-at-Large (in this section referred to as the ''Ambassador''), who shall be appointed by the President, by and with the advice and consent of the Senate. The Ambassador shall report directly to the Secretary of State.

(b) PURPOSE.—The Office shall coordinate efforts of the United States Government regarding gender integration and women's empowerment in United States foreign policy.

(c) DUTIES.—

(1) IN GENERAL.—The Ambassador shall—

(A) coordinate and advise on activities, policies, programs, and funding relating to gender integration and women's empowerment internationally for all bureaus and offices of the Department of State and in the international programs of other United States Government departments and agencies;

(B) design, support, and as appropriate, implement, limited projects regarding women's empowerment internationally;

(C) actively promote and advance the full integration of gender analysis into the programs, structures, processes, and capacities of all bureaus and offices of the Department of State and in the international programs of other United States Government departments and agencies; and

(D) direct, as appropriate, United States Government resources to respond to needs for gender integration and women's empowerment in United States Government foreign policies and international programs.

(2) COORDINATING ROLE.—The Ambassador shall coordinate with the United States Agency for International Development and the Millennium Challenge Corporation on all policies, programs, and funding of such agencies relating to gender integration and women's empowerment.

(3) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador is authorized to represent the United States in matters relevant to the status of women internationally.

(d) REPORTING.—The heads of all bureaus and offices of the Department of State, as appropriate, shall evaluate and monitor all women's empowerment programs administered by such bureaus and offices and annually submit to the Ambassador a report on such programs and on policies and practices to integrate gender.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out activities under this section.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Subtitle A—International Leadership

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''United States International Leadership Act of 2009''.

SEC. 402. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.

(a) PROMOTIONS.—

(1) IN GENERAL.—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003) is amended, in the second sentence, by inserting before the period at the end the following: '', and should consider whether the member of the Service has served in a position whose primary responsibility is to formulate policy toward, or represent the United States at, an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to members of the Foreign Service beginning on January 1, 2015.

(b) ESTABLISHMENT OF A MULTILATERAL DIPLOMACY CONE IN THE FOREIGN SERVICE.—

(1) FINDINGS.—Congress finds the following:

(A) The Department of State maintains a number of United States missions both within the United States and abroad that are dedicated to representing the United States to international organizations and multilateral institutions, including missions in New York, Brussels, Geneva, Rome, Montreal, Nairobi, Vienna, and Paris.

(B) In offices at the Harry S. Truman Building, the Department maintains a significant number of positions in bureaus that are either dedicated, or whose primary responsibility is, to represent the United States to such organizations and institutions or at multilateral negotiations.

(C) Given the large number of positions in the United States and abroad that are dedicated to multilateral diplomacy, the Department of State may be well served in developing persons with specialized skills necessary to become experts in this unique form of diplomacy.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary

of State shall submit to the appropriate congressional committees a report—

(A) evaluating whether a new cone should be established for the Foreign Service that concentrates on members of the Service who serve at international organizations and multilateral institutions or are primarily responsible for participation in broad-based multilateral negotiations of international instruments; and

(B) that provides alternative mechanisms for achieving the objective of developing a core group of United States diplomats and other Government employees who have expertise and broad experience in conducting multilateral diplomacy.

SEC. 403. IMPLEMENTATION AND ESTABLISHMENT OF OFFICE ON MULTILATERAL NEGOTIATIONS.

(a) ESTABLISHMENT OF OFFICE.—The Secretary of State is authorized to establish, within the Bureau of International Organization Affairs, an Office on Multilateral Negotiations, to be headed by a Special Representative for Multilateral Negotiations (in this section referred to as the ''Special Representative'').

(b) APPOINTMENT.—If the office referred to in subsection (a) is established, the Special Representative shall be appointed by the President by and with the advice and consent of the Senate and shall have the rank of Ambassador-at-Large. At the discretion of the President another official at the Department may serve as the Special Representative. The President may direct that the Special Representative report to the Assistant Secretary for International Organization Affairs.

(c) STAFFING.—The Special Representative shall have a staff of Foreign Service and civil service officers skilled in multilateral diplomacy.

(d) DUTIES.—The Special Representative shall have the following responsibilities:

(1) IN GENERAL.—The primary responsibility of the Special Representative shall be to assist in the organization of, and preparation for, United States participation in multilateral negotiations, including the advocacy efforts undertaken by the Department of State and other United States agencies.

(2) ADVISORY ROLE.—The Special Representative shall advise the President and the Secretary of State, as appropriate, regarding advocacy at international organizations and multilateral institutions and negotiations and, in coordination with the Assistant Secretary for International Organization Affairs, shall make recommendations regarding—

(A) effective strategies and tactics to achieve United States policy objectives at multilateral negotiations;

(B) the need for and timing of high level intervention by the President, the Secretary of State, the Deputy Secretary of State, and other United States officials to secure support from key foreign government officials for the United States position at such organizations, institutions, and negotiations;

(C) the composition of United States delegations to multilateral negotiations; and

(D) liaison with Congress, international organizations, nongovernmental organizations, and the private sector on matters affecting multilateral negotiations.

(3) LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.—The Special Representative, in coordination with the Assistant Secretary of International Organization Affairs, shall direct the efforts of the United States Government to reform the criteria for leadership and membership of international organizations.

(4) PARTICIPATION IN MULTILATERAL NEGOTIATIONS.—The Special Representative, or members of the Special Representative's staff, may, as required by the President or the Secretary of State, serve on a United States delegation to any multilateral negotiation.

SEC. 404. SYNCHRONIZATION OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan on the implementation of section 404 of the Foreign Relations Authorization Act of 2003 (Public Law 107–228; relating to a resumption by the United States of the payment of its full contributions to certain international organizations at the beginning of each calendar year).

SEC. 405. UNITED STATES ARREARAGES TO THE UNITED NATIONS.

In addition to amounts otherwise available for the payment of Assessed Contributions to International Organizations and Contributions for International Peacekeeping Activities, there is authorized to be appropriated such sums as may be necessary to pay all United States arrearages in payments to the United Nations recognized by the United States.

Subtitle B—General Provisions

SEC. 411. ORGANIZATION OF AMERICAN STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) multilateral diplomacy in the context of the Americas has suffered considerably in the past decade, to the direct detriment of the national interest of the United States in the region;

(2) given the recent proliferation of multilateral groupings in the Americas region in which the United States in not a member, it is imperative to focus on and promote United States diplomatic efforts in the Organization of American States (OAS), where the United States is a founding member and whose central tenets include democratic values considered vital for this region;

(3) it is critical for the United States to immediately re-establish its unique leadership voice in this region and specifically in the OAS setting; and

(4) an effective way to help achieve this short term objective is to establish a fund to promote multilateral interests of the United States in the region.

(b) MULTILATERAL FUND.—

(1) IN GENERAL.—There is hereby established in the Department of State a Fund to Promote Multilateralism in the Americas (referred to in this section as the ''Fund'').

(2) ACTIVITIES SUPPORTED.—The Fund shall support activities that promote the multilateral interests of the United States in the Americas region, including—

(A) United States diplomatic activities within and related to the OAS;

(B) voluntary contributions to entities and organs of the OAS to carry out programs and activities that support the interests of the United States;

(C) outreach and cultural activities;

(D) conferences; and

(E) general advocacy for United States interests.

(c) ADMINISTRATION.—The Fund shall be administered by the United States Mission to the Organization of American States, as directed by the United States Permanent Representative to the OAS, for use on matters that arise in the context of the OAS.

(d) AUTHORIZATION.—Of the amounts authorized to be appropriated for the Administration of Foreign Affairs pursuant to section 101, there is authorized to be appropriated $2,000,000 for each of fiscal years 2010 and 2011 only to carry out this section.

SEC. 412. PEACEKEEPING OPERATIONS CONTRIBUTIONS.

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) (22 U.S.C. 287e note) is amended at the end by adding the following new clause:

''(vi) For assessments made during calendar years 2009, 2010, and 2011, 27.1 percent.''.

SEC. 413. PACIFIC ISLANDS FORUM.

It is the sense of Congress that the Secretary of State should work with the Pacific Islands Forum to find appropriate affiliations for representatives of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 414. REVIEW OF ACTIVITIES OF INTERNATIONAL COMMISSIONS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and two years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of each of the commissions specified in paragraphs (1), (2), and (3) of section 103.

(b) REPORT ELEMENTS.—The reports required under subsection (a) shall include information concerning the following:

(1) Amounts obligated and expended during the two previous fiscal years by each of such commissions.

(2) A description of the projects carried out during such years by each of such commissions and a description of the management and implementation of such projects, including the use of private contractors.

(3) Projects anticipated during the next two fiscal years related to the activities of each of such commissions because of obligations that the United States has entered into based on any treaty between the United States and another country.

(c) SUBMISSION OF THE REPORTS.—The reports may be combined with the annual budget justification submitted by the President in accordance with section 1105(a) of title 31, United States Code.

SEC. 415. ENHANCING NUCLEAR SAFEGUARDS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'' or ''NPT'') and the safeguards system of the International Atomic Energy Agency (IAEA) are indispensable to international peace and security.

(2) Congress has long supported efforts aimed at effective and efficient assurances of nuclear fuel supply, the strengthening of IAEA safeguards, and assistance to the developing world for nuclear and non-nuclear energy sources, as embodied in the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 et seq.).

(3) According to some experts, global energy demand will grow by 50 percent in the next 20 years, predominantly in the developing world.

(4) The Government Accountability Office (GAO) stated in testimony before Congress in September 2006 that ''while IAEA is increasingly relying on the analytical skills of its staff to detect countries'' undeclared nuclear activities, the agency is facing a looming human capital crisis.

(5) The Director General of the IAEA told the Board of Governors of the IAEA in March 2009 that the ''deteriorating conditions in our laboratories, for example, threaten both our ability to deliver our programmed, as well as our independent analytical capability''.

(6) Considerable investment is needed for the IAEA's Safeguards Analytical Laboratory (SAL), to meet future IAEA requirements as its workload is growing, the laboratory's infrastructure is aging, and IAEA requirements have become more demanding, and while initial plans have been made for laboratory enhancement and are currently pending budgetary approval (sometime in 2009), the simple fact is that, as more countries implement IAEA safeguards, many more nuclear samples come to SAL for analysis.

(7) The existing funding, planning, and execution of IAEA safeguards is not sufficient to meet the predicted growth in the future of civilian nuclear power, and therefore any growth in

civilian nuclear power must be evaluated against the challenges it poses to verification of the assurances of peace and security provided by the IAEA safeguards system.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for the refurbishment or possible replacement of the IAEA's Safeguards Analytical Laboratory.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the refurbishment or possible replacement of the IAEA's Safeguards Analytical Laboratory pursuant to subsection (b).

SEC. 416. IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 and 2011 to implement the following recommendations of the Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism regarding the International Atomic Energy Agency (IAEA) and nuclear safeguards reform:

(1) The United States should work with the IAEA Director General to consider establishing a safeguards user fee, whereby countries with inspected facilities would be assessed a fee to help defer the costs of IAEA inspections.

(2) The United States should work with the IAEA Director General and other interested parties to routinely (at least every two years) assess whether the IAEA can meet its own inspection goals, whether those goals afford timely warning of an ability to account for a bomb's worth of nuclear material, as required by United States law, and what corrective actions, if any, might help the IAEA to achieve its inspection goals. This assessment should also clarify those instances in which achieving the goals is not possible.

(3) The United States should work with the IAEA Director General to provide for the acquisition and implementation of near-real-time surveillance equipment at a number of sites where nuclear fuel rods are located and where such equipment must be installed so that the IAEA can establish the inspection continuity of the fresh and spent fuel rods and to install wide-area surveillance needed to monitor activities under the Additional Protocol.

(4) The United States should work with the IAEA Director General to promote much-needed transparency at suspect sites, to help deter transfers of nuclear fuel and nuclear weapons technology, and to encourage IAEA member states to maintain a registry of all foreign visitors at safeguarded sites. This registry should be made available to other IAEA members upon request.

(5) The United States should work with the IAEA Director General to establish a complete country-by-country inventory of nuclear materials that could be used to make nuclear bombs. The information should be shared, as appropriate, with individual IAEA member states and the public to ensure that it can be used effectively in developing the plan for IAEA safeguards. The IAEA should update the database regularly.

(6) The United States should work with the IAEA Director General to require that the transfer of all items on the Nuclear Suppliers Group dual-use and trigger lists be reported to the IAEA or relevant authority and assist in developing a system to process and analyze the information gathered, making unreported transfers illegal and subject to seizure.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress toward the implementation of this section.

SEC. 417. ASIA-PACIFIC ECONOMIC COOPERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that——

(1) the United States' continued engagement in Asia must be a cornerstone of United States foreign policy in the 21st Century;

(2) the President must elevate the role of the United States in the Asia-Pacific Economic Cooperation forum (APEC) by ensuring that United States Government officials of the appropriate rank attend APEC activities; and

(3) increased participation by United States small businesses, particularly manufacturers, will add substantial benefit to APEC discussions and help strengthen the influence of the United States within APEC.

(b) SMALL BUSINESS DEFINED.—In this section, the term ''small business'' shall have the meaning given the term ''small business concern'' in section 410(9) of the Small Business Investment Act of 1958 (15 U.S.C. 694a(9)).

(c) UNITED STATES PARTICIPATION AT APEC.—

(1) DESIGNATION OF APEC COORDINATORS.—The President shall designate in appropriate departments and agencies an existing official of appropriate senior rank to serve as each such department's or agency's ''APEC Coordinator''.

(2) DUTIES OF APEC COORDINATORS.—

(A) IN GENERAL.—The APEC Coordinators of the appropriate departments and agencies designated in accordance with paragraph (1) shall, in consultation with the United States Ambassador to APEC, set department- and agency-wide guidelines for each such department's or agency's participation at APEC.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of State, with input from each APEC Coordinator, shall submit to the appropriate congressional committees a report on efforts to enhance each department's and agency's participation at APEC.

(d) ENHANCING SMALL BUSINESS PARTICIPATION AT APEC.—

(1) DESIGNATION OF SMALL BUSINESS LIAISON.—The Secretary of State shall designate an existing officer within the Bureau of East Asian and Pacific Affairs to serve as a ''Small Business Liaison''. Such designee shall be of the appropriate senior rank.

(2) DEPARTMENT OF STATE WEBSITE.—The Secretary of State shall post on the website of the Department of State a dedicated page for United States small businesses to facilitate direct communication between the United States Government and the business community concerning APEC.

(3) COORDINATION.—The Secretary of State shall coordinate with existing private sector partners and relevant business associations to promote participation by small businesses at APEC. The Secretary shall ensure that notices about meetings and briefings provided by United States APEC officials on APEC-related issues are posted on the website of the Department of State (in accordance with paragraph (2)) not later than 15 days before the dates of such meetings and briefings.

(e) REPORT ON HOSTING OF APEC 2011 IN THE UNITED STATES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing the mechanisms that are in place or are being considered for hosting the 2011 meeting of APEC in the United States, including an analysis of the estimated or projected costs associated with such meetings.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING.

The following amounts are authorized to be appropriated to carry out United States international broadcasting activities under the United States Information and Educational Exchange Act of 1948, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

(1) For ''International Broadcasting Operations'', $732,187,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

(2) For ''Broadcasting Capital Improvements'', $13,263,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

SEC. 502. PERSONAL SERVICES CONTRACTING PROGRAM.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 2003, (Public Law 107–228; 22 U.S.C. 6206 note), is amended—

(1) in the section heading, by striking ''**PILOT**'';

(2) in subsection (a)—

(A) by striking ''pilot''; and

(B) adding at the end the following new sentence: ''An individual hired as a personal service contractor pursuant to this section shall not, by virtue of such hiring, be considered to be an employee of the United States Government for purposes of any law administered by the Office of Personnel Management.'';

(3) in subsection (b)—

(A) in paragraph (4), by striking ''60'' and inserting ''200''; and

(B) by adding at the end the following new paragraph:

''(5) The annual salary rate for personal services contractors may not exceed the rate for level IV of the Executive Schedule.''; and

(4) in subsection (c), by striking ''2009'' and inserting ''2011''.

SEC. 503. RADIO FREE EUROPE/RADIO LIBERTY PAY PARITY.

Section 308(h)(1)(C) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)(1)(C)) is amended—

(1) by inserting ''and one employee abroad'' after ''D.C.'';

(2) by striking ''III'' and inserting ''II''; and

(3) by striking ''5314'' and inserting ''5313''.

SEC. 504. EMPLOYMENT FOR INTERNATIONAL BROADCASTING.

Section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is amended by inserting after ''suitably qualified United States citizens'' the following: ''(for purposes of this paragraph, the term 'suitably qualified United States citizens' means those United States citizen applicants who are equally or better qualified than non-United States citizen applicants)''.

SEC. 505. DOMESTIC RELEASE OF THE VOICE OF AMERICA FILM ENTITLED "A FATEFUL HARVEST".

(a) IN GENERAL.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) and section 501(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461(b)), the Director of the International Broadcasting Bureau shall provide a master copy of the film entitled ''A Fateful Harvest'' to the Archivist of the United States for domestic release in accordance with subsection (b).

(b) DOMESTIC RELEASE.—Upon evidence that necessary United States rights and licenses have been secured by the person seeking domestic release of the film referred to in subsection (a), the Archivist shall—

(1) deposit the film in the National Archives of the United States; and

(2) make copies of the film available for purchase and public viewing within the United States.

SEC. 506. ESTABLISHING PERMANENT AUTHORITY FOR RADIO FREE ASIA.

Section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

(1) in subsection (c)(2), by striking ''. and shall further specify that funds to carry out the activities of Radio Free Asia may not be available after September 30, 2010'';

(2) by striking subsection (f); and

(3) by redesignating subsections (g) and (h) as subsection (f) and (g), respectively.

TITLE VI—PEACE CORPS

SEC. 601. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) On October 14, 1960, then Senator John F. Kennedy addressed students on the steps of the University of Michigan Union to enlist their effort to make the world a better place by serving their country abroad.

(2) On March 1, 1961, then President John F. Kennedy signed an Executive Order establishing a Peace Corps that was ''designed to permit our people to exercise more fully their responsibilities in the great common cause of world development''.

(3) Since its establishment, the Peace Corps has been guided by its mission to promote world peace and friendship and has sought to fulfill the following three goals:

(A) To help the people of interested countries in meeting their needs for trained men and women.

(B) To promote a better understanding of Americans on the part of the peoples served.

(C) To help promote a better understanding of other peoples on the part of Americans.

(4) Over the last 48 years, nearly 200,000 Peace Corps volunteers have served in 139 countries.

(5) The Peace Corps is the world's premier international service organization dedicated to promoting sustainable grassroots development by working with host communities in the areas of agriculture, business development, education, the environment, health and HIV/AIDS, and youth.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote peace, friendship, cross-cultural awareness, and mutual understanding between the United States and other countries. The Peace Corps has an impressive record of engendering good will through the service that American volunteers provide.

(7) Recognizing the Peace Corps' unique and effective role in promoting volunteer service by American citizens, President Obama and Vice President Biden announced their intent to double the size of Peace Corps in an expeditious and effective manner.

(8) Over 13,000 Americans applied in 2008 to volunteer their service to serve the world's poorest communities in the Peace Corps, a 16 percent increase over the nearly 11,000 applications received in 2007.

(9) Under current funding levels, the Peace Corps is able to provide new placements for only one-third of the American applicants seeking the opportunity to serve their country and the world. At the end of fiscal year 2008, there were nearly 8,000 Peace Corps volunteers serving in 76 countries around the world.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) double the number of Peace Corps volunteers and strengthen and improve the Peace Corps and its programs;

(2) improve the coordination of Peace Corps programs with development programs of other Federal departments and agencies, without diminishing the independence of the Peace Corps; and

(3) promote all types of volunteerism by Americans in the developing world.

SEC. 602. AMENDMENTS TO THE PEACE CORPS ACT.

(a) PEACE CORPS RESPONSE PROGRAM.—The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 5 the following new section:

''SEC. 5A. PEACE CORPS RESPONSE PROGRAM.

''The Director of the Peace Corps is authorized to establish a special program that assigns returned Peace Corps volunteers or other volunteers to provide short-term development or other relief assistance or to otherwise be assigned or made available to any entity referred to in subsection (a)(1) of section 10. The term of such service shall be less than the term of service of a volunteer under section 5. Except to the extent determined necessary and appropriate by the Director, the program established under this section may not cause a diminution in the number or quality of projects or volunteers assigned to longer term assignments under section 5.''.

(b) COORDINATION OF PEACE CORPS PROGRAMS.—Paragraph (2) of section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)) is amended to read as follows:

''(2) The Director of the Peace Corps shall, as appropriate and to the maximum extent practicable without diminishing any program or operational independence, work with the heads of Federal departments and agencies to identify synergies and avoid duplication of efforts with Peace Corps programs in the field and at headquarters.''.

(c) READJUSTMENT ALLOWANCE.—Subsection (c) of section 5 of the Peace Corps Act (22 U.S.C. 2504(c)) is amended, in the first sentence, by striking ''$125'' and inserting ''$225''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking ''$270,000,000'' and all that follows through the period at the end and inserting the following: ''$450,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.''.

SEC. 603. REPORT.

(a) PEACE CORPS RESPONSE PROGRAM REPORT.—Not later than one year after the date of the enactment of this Act, the Director of the Peace Corps shall submit to the appropriate congressional committees a report on the Peace Corps Response Program or any similar program developed under in accordance with section 5A of the Peace Corps Act (as added by section 602(a) of this Act), including information on the following:

(1) The achievements and challenges of the Peace Corps Response Program or any similar program since its inception as the Peace Corps Crisis Corps in 1996.

(2) The goals, objectives, program areas, and growth projections for the Peace Corps Response Program or any similar program from fiscal year 2010 through fiscal year 2011.

(3) The process and standards for selecting partner organizations and projects for the Peace Corps Response Program or any similar program.

(4) The standards and requirements used to select volunteers for service under the Peace Corps Response Program or any similar program.

(5) The measures used to evaluate projects of the Peace Corps Response Program or any similar program and the effectiveness of volunteers assigned to such Program or similar program at achieving identified objectives.

(b) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Director of the Peace Corps shall submit to the appropriate congressional committees a report on progress made in carrying out this title, including efforts to strengthen coordination between the Peace Corps and other Federal departments and agencies carrying out development assistance programs (as required under paragraph (2) of section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c)), as amended by section 602(b) of this Act).

TITLE VII—SENATOR PAUL SIMON STUDY ABROAD FOUNDATION ACT OF 2009

SEC. 701. SHORT TITLE.

This Act may be cited as the ''Senator Paul Simon Study Abroad Foundation Act of 2009''.

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) According to former President George W. Bush, ''America's leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.''.

(2) According to former President William J. Clinton, ''Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.''.

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division h of Public Law 108–199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, ''[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning'' and, for that reason, ''is simply essential to the [N]ation's security.''.

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

(7) In today's world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with significant knowledge and awareness of the world.

(8) Study abroad has proven to be a very effective means of imparting international and foreign language competency to students.

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(11) Far more study abroad must take place in developing countries. Ninety-five percent of the world's population growth over the next 50 years will occur outside of Europe, yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France.

(12) The Final Report of the National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission Report) recommended that the United States increase support for ''scholarship, exchange, and library programs''. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was ''unfulfilled,'' and stated that ''[t]he U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.''. In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of ''D'' for its implementation of this recommendation.

(13) Investing in a national study abroad program would help turn a grade of ''D'' into an ''A'' by equipping United States students to communicate United States values and way of

life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

(15) To complement such worthwhile Federal programs and initiatives as the Benjamin A. Gilman International Scholarship Program, the National Security Education Program, and the National Security Language Initiative, a broad-based undergraduate study abroad program is needed that will make many more study abroad opportunities accessible to all undergraduate students, regardless of their field of study, ethnicity, socio-economic status, or gender.

(16) To restore America's standing in the world, President Barack Obama has said that he will call on our nation's greatest resource, our people, to reach out to and engage with other nations.

SEC. 703. PURPOSES.

The purposes of this title are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

SEC. 704. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term ''Board'' means the Board of Directors of the Foundation established pursuant to section 705(d).

(3) CHIEF EXECUTIVE OFFICER.—The term ''Chief Executive Officer'' means the chief executive officer of the Foundation appointed pursuant to section 705(c).

(4) FOUNDATION.—The term ''Foundation'' means the Senator Paul Simon Study Abroad Foundation established by section 705(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NATIONAL OF THE UNITED STATES.—The term ''national of the United States'' means a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(7) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term ''nontraditional study abroad destination'' means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(8) STUDY ABROAD.—The term ''study abroad'' means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

(9) UNITED STATES.—The term ''United States'' means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) UNITED STATES STUDENT.—The term ''United States student'' means a national of the United States who is enrolled at an institution of higher education located within the United States.

SEC. 705. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the ''Senator Paul Simon Study Abroad Foundation'' that shall be responsible for carrying out this title. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this title;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United States students, including minority students, students of limited financial means, and nontraditional students;

(4) solicit funds from the private sector to supplement funds made available under this title; and

(5) minimize administrative costs and maximize the availability of funds for grants under this title.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.''.

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this title and may prescribe, amend, and repeal by-laws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a non-voting, ex-officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of three years and may be reappointed for one additional three-year term.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i) for more than 90 days in any calendar year.

SEC. 706. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) United States students for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium, in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within ten years of the date of the enactment of this Act—

(1) not less than 1,000,000 undergraduate United States students will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)).

(d) STRUCTURE OF GRANTS.—

(1) PROMOTING REFORM.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(2) GRANTS TO INDIVIDUALS AND INSTITUTIONS.—It is the sense of Congress that—

(A) the Foundation should award not more than 25 percent of the funds awarded as grants to individuals described in subparagraph (A) of subsection (a)(2) and not less than 75 percent of such funds to institutions described in subparagraphs (B) and (C) of such subsection; and

(B) the Foundation should ensure that not less than 85 percent of the amount awarded to such institutions is used to award scholarships to students.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

(f) QUALITY AND SAFETY IN STUDY ABROAD.—In administering the program established under subsection (a), the Foundation shall require that institutions receiving grants demonstrate that—

(1) the study abroad programs for which students receive grant funds are for academic credit; and

(2) the programs have established health and safety guidelines and procedures.

SEC. 707. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than December 15, 2010, and each December 15 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this title during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 708(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the bases upon which grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to sections 706(a)(2)(B) and 706(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to sections 706(a)(2)(B) and 706(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, the estimated number of study abroad opportunities provided to United States students by each grant, the amount of the grant used by each institution for administrative expenses, and information on cost-sharing by each institution receiving a grant;

(4) a description of the bases upon which the Foundation made grants directly to United States students pursuant to section 706(a)(2)(A);

(5) the number and total dollar amount of grants made directly to United States students by the Foundation pursuant to section 706(a)(2)(A); and

(6) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 708. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this title.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

''(S) the Senator Paul Simon Study Abroad Foundation.''.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 711(a) for a fiscal year, up to $2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 709. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of

basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term ''agency'' means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 710. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—

(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 603;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 605(b);

(3) whether grant-making by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 606;

(4) the extent to which the Foundation is using best practices in the implementation of this Act and the administration of the program described in section 606; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) REPORT REQUIRED.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.

SEC. 711. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this title $40,000,000 for fiscal year 2010 and $80,000,000 for fiscal year 2011.

(2) AMOUNTS IN ADDITION TO OTHER AVAILABLE AMOUNTS.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

TITLE VIII—EXPORT CONTROL REFORM AND SECURITY ASSISTANCE

Subtitle A—Defense Trade Controls Performance Improvement Act of 2009

SEC. 801. SHORT TITLE.

This subtitle may be cited as the ''Defense Trade Controls Performance Improvement Act of 2009''.

SEC. 802. FINDINGS.

Congress finds the following:

(1) In a time of international terrorist threats and a dynamic global economic and security environment, United States policy with regard to export controls is in urgent need of a comprehensive review in order to ensure such controls are protecting the national security and foreign policy interests of the United States.

(2) In January 2007, the Government Accountability Office designated the effective identification and protection of critical technologies as a government-wide, high-risk area, warranting a strategic reexamination of existing programs, including programs relating to arms export controls.

(3) Federal Government agencies must review licenses for export of munitions in a thorough and timely manner to ensure that the United States is able to assist United States allies and to prevent nuclear and conventional weapons from getting into the hands of enemies of the United States.

(4) Both staffing and funding that relate to the Department of State's arms export control responsibilities have not kept pace with the increased workload relating to such responsibilities, especially during the current decade.

(5) Outsourcing and off-shoring of defense production and the policy of many United States trading partners to require offsets for major sales of defense and aerospace articles present a potential threat to United States national security and economic well-being and serve to weaken the defense industrial base.

(6) Export control policies can have a negative impact on United States employment, nonproliferation goals, and the health of the defense industrial base, particularly when facilitating the overseas transfer of technology or production and other forms of outsourcing, such as offsets (direct and indirect), co-production, subcontracts, overseas investment and joint ventures in defense and commercial industries. Federal Government agencies must develop new and effective procedures for ensuring that export control systems address these problems and the threat they pose to national security.

(7) In the report to Congress required by the Conference Report (Report 109–272) accompanying the bill, H.R. 2862 (the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006; Public Law 109–108), the Department of State concluded that—

(A) defense trade licensing has become much more complex in recent years as a consequence of the increasing globalization of the defense industry;

(B) the most important challenge to the Department of State's licensing process has been the sheer growth in volume of applicants for licenses and agreements, without the corresponding increase in licensing officers; and

(C) the increase in licensing volume without a corresponding increase in trained and experienced personnel has resulted in delays and increased processing times.

(8) In 2006, the Department of State processed over three times as many licensing applications as the Department of Commerce with about a fifth of the staff of the Department of Commerce.

(9) On July 27, 2007, in testimony delivered to the Subcommittee on Terrorism, Nonproliferation and Trade of the Committee on Foreign Affairs of the House of Representatives to examine the effectiveness of the United States export control regime, the Government Accountability Office found that—

(A) the United States Government needs to conduct assessments to determine its overall effectiveness in the area of arms export control; and

(B) the processing times of the Department of State doubled over the period from 2002 to 2006.

(10)(A) Allowing a continuation of the status quo in resources for defense trade licensing could ultimately harm the United States defense industrial base. The 2007 Institute for Defense Analysis report entitled ''Export Controls and the U.S. Defense Industrial Base'' found that the large backlog and long processing times by the Department of State for applications for licenses to export defense items led to an impairment of United States firms in some sectors to conduct global business relative to foreign competitors.

(B) Additionally, the report found that United States commercial firms have been reluctant to engage in research and development activities for the Department of Defense because this raises the future prospects that the products based on this research and development, even if intrinsically commercial, will be saddled by Department of State munitions controls due to the link to that research.

(11) According to the Department of State's fiscal year 2008 budget justification to Congress, commercial exports licensed or approved under the Arms Export Control Act exceeded $30,000,000,000, with nearly eighty percent of these items exported to United States NATO allies and other major non-NATO allies.

(12) A Government Accountability Office report of October 9, 2001 (GAO–02–120), documented ambiguous export control jurisdiction affecting 25 percent of the items that the United States Government agreed to control as part of its commitments to the Missile Technology Control Regime. The United States Government has not clearly determined which department has jurisdiction over these items, which increases the risk that these items will fall into the wrong hands. During both the 108th, 109th, and 110th Congresses, the House of Representatives passed legislation mandating that the Administration clarify this issue.

(13) During 2007 and 2008, the management and staff of the Directorate of Defense Trade Controls of the Department of State have, through extraordinary effort and dedication, eliminated the large backlog of open applications and have reduced average processing times for license applications; however, the Directorate remains understaffed and long delays remain for complicated cases.

SEC. 803. STRATEGIC REVIEW AND ASSESSMENT OF THE UNITED STATES EXPORT CONTROLS SYSTEM.

(a) REVIEW AND ASSESSMENT.—

(1) IN GENERAL.—Not later than March 31, 2010, the President shall conduct a comprehensive and systematic review and assessment of the United States arms export controls system in the context of the national security interests and strategic foreign policy objectives of the United States.

(2) ELEMENTS.—The review and assessment required under paragraph (1) shall—

(A) determine the overall effectiveness of the United States arms export controls system in order to, where appropriate, strengthen controls, improve efficiency, and reduce unnecessary redundancies across Federal Government agencies, through administrative actions, including regulations, and to formulate legislative proposals for new authorities that are needed;

(B) develop processes to ensure better coordination of arms export control activities of the Department of State with activities of other departments and agencies of the United States that are responsible for enforcing United States arms export control laws;

(C) ensure that weapons-related nuclear technology, other technology related to weapons of mass destruction, and all items on the Missile Technology Control Regime Annex are subject to stringent control by the United States Government;

(D) determine the overall effect of arms export controls on counterterrorism, law enforcement, and infrastructure protection missions of the Department of Homeland Security;

(E) determine the effects of export controls policies and the practices of the export control agencies on the United States defense industrial base and United States employment in the industries affected by export controls;

(F) contain a detailed summary of known attempts by unauthorized end-users (such as international arms traffickers, foreign intelligence agencies, and foreign terrorist organizations) to acquire items on the United States Munitions List and related technical data, including—

(i) data on—

(I) commodities sought, such as M–4 rifles, night vision devices, F–14 spare parts;

(II) parties involved, such as the intended end-users, brokers, consignees, and shippers;

(III) attempted acquisition of technology and technical data critical to manufacture items on the United States Munitions List;

(IV) destination countries and transit countries;

(V) modes of transport;

(VI) trafficking methods, such as use of false documentation and front companies registered under flags of convenience;

(VII) whether the attempted illicit transfer was successful; and

(VIII) any administrative or criminal enforcement actions taken by the United States and any other government in relation to the attempted illicit transfer;

(ii) a thorough evaluation of the Blue Lantern Program, including the adequacy of current staffing and funding levels;

(iii) a detailed analysis of licensing exemptions and their successful exploitation by unauthorized end-users; and

(iv) an examination of the extent to which the increased tendency toward outsourcing and offshoring of defense production harm United States national security and weaken the defense industrial base, including direct and indirect impact on employment, and formulate policies to address these trends as well as the policy of some United States trading partners to require offsets for major sales of defense articles; and

(G) assess the extent to which export control policies and practices under the Arms Export Control Act promote the protection of basic human rights.

(b) CONGRESSIONAL BRIEFINGS.—The President shall provide periodic briefings to the appropriate congressional committees on the progress of the review and assessment conducted under subsection (a). The requirement to provide congressional briefings under this subsection shall terminate on the date on which the President transmits to the appropriate congressional committees the report required under subsection (c).

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that contains the results of the review and assessment conducted under subsection (a). The report required by this subsection shall contain a certification that the requirement of subsection (a)(2)(C) has been met, or if the requirement has not been met, the reasons therefor. The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 804. PERFORMANCE GOALS FOR PROCESSING OF APPLICATIONS FOR LICENSES TO EXPORT ITEMS ON UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State, acting through the head of the Directorate of Defense Trade Controls of the Department of State, shall establish and maintain the following goals:

(1) The processing time for review of each application for a license to export items on the United States Munitions List (other than a Manufacturing License Agreement) shall be not more than 60 days from the date of receipt of the application.

(2) The processing time for review of each application for a commodity jurisdiction determination shall be not more than 60 days from the date of receipt of the application.

(3) The total number of applications described in paragraph (1) that are unprocessed shall be not more than 7 percent of the total number of such applications submitted in the preceding calendar year.

(b) ADDITIONAL REVIEW.—(1) If an application described in paragraph (1) or (2) of subsection (a) is not processed within the time period described in the respective paragraph of such subsection, then the Managing Director of the Directorate of Defense Trade Controls or the Deputy Assistant Secretary for Defense Trade and Regional Security of the Department of State, as appropriate, shall review the status of the application to determine if further action is required to process the application.

(2) If an application described in paragraph (1) or (2) of subsection (a) is not processed within 90 days from the date of receipt of the application, then the Assistant Secretary for Political-Military Affairs of the Department of State shall—

(A) review the status of the application to determine if further action is required to process the application; and

(B) submit to the appropriate congressional committees a notification of the review conducted under subparagraph (A), including a description of the application, the reason for delay in processing the application, and a proposal for further action to process the application.

(3) For each calendar year, the Managing Director of the Directorate of Defense Trade Controls shall review not less than 2 percent of the total number of applications described in paragraphs (1) and (2) of subsection (a) to ensure that the processing of such applications, including decisions to approve, deny, or return without action, is consistent with both policy and regulatory requirements of the Department of State.

(c) STATEMENTS OF POLICY.—

(1) UNITED STATES ALLIES.—Congress states that—

(A) it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36 (b) or (c) of the Arms Export Control Act (22 U.S.C. 2776 (b) or (c)) to United States allies in direct support of combat operations or peacekeeping or humanitarian operations with United States Armed Forces is not more than 7 days from the date of receipt of the application; and

(B) it shall be the goal, as appropriate, of the Directorate of Defense Trade Controls to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36 (b) or (c) of the Arms Export Control Act to government security agencies of United States NATO allies, Australia, New Zealand, Japan, South Korea, Israel, and, as appropriate, other major non-NATO allies for any purpose other than the purpose described in paragraph (1) is not more than 30 days from the date of receipt of the application.

(2) PRIORITY FOR APPLICATIONS FOR EXPORT OF U.S.-ORIGIN EQUIPMENT.—In meeting the goals established by this section, it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to prioritize the processing of applications for licenses and agreements necessary for the export of United States-origin equipment over applications for Manufacturing License Agreements.

(d) REPORT.—Not later than December 31, 2011, and December 31, 2012, the Secretary of State shall submit to the appropriate congressional committees a report that contains a detailed description of—

(1)(A) the average processing time for and number of applications described in subsection (a)(1) to—

(i) United States NATO allies, Australia, New Zealand, Japan, South Korea, and Israel;

(ii) other major non-NATO allies; and

(iii) all other countries; and

(B) to the extent practicable, the average processing time for and number of applications described in subsection (b)(1) by item category;

(2) the average processing time for and number of applications described in subsection (a)(2);

(3) the average processing time for and number of applications for agreements described in part 124 of title 22, Code of Federal Regulations (relating to the International Traffic in Arms Regulations (other than Manufacturing License Agreements));

(4) the average processing times for applications for Manufacturing License Agreements;

(5) any management decisions of the Directorate of Defense Trade Controls of the Department of State that have been made in response to data contained in paragraphs (1) through (3); and

(6) any advances in technology that will allow the time-frames described in subsection (a)(1) to be substantially reduced.

(e) CONGRESSIONAL BRIEFINGS.—If, at the end of any month beginning after the date of the enactment of this Act, the total number of applications described in subsection (a)(1) that are unprocessed is more than 7 percent of the total number of such applications submitted in the preceding calendar year, then the Secretary of State, acting through the Under Secretary for Arms Control and International Security, the Assistant Secretary for Political-Military Affairs, or the Deputy Assistant Secretary for Defense Trade and Regional Security of the Department of State, as appropriate, shall brief the appropriate congressional committees on such matters and the corrective measures that the Directorate of Defense Trade Controls will take to comply with the requirements of subsection (a).

(f) TRANSPARENCY OF COMMODITY JURISDICTION DETERMINATIONS.—

(1) DECLARATION OF POLICY.—Congress declares that the complete confidentiality surrounding several hundred commodity jurisdiction determinations made each year by the Department of State pursuant to the International Traffic in Arms Regulations is not necessary to protect legitimate proprietary interests of persons or their prices and customers, is not in the best security and foreign policy interests of the United States, is inconsistent with the need to ensure a level playing field for United States exporters, and detracts from United States efforts to promote greater transparency and responsibility by other countries in their export control systems.

(2) PUBLICATION ON INTERNET WEBSITE.—The Secretary of State shall—

(A) upon making a commodity jurisdiction determination referred to in paragraph (1) publish on the Internet website of the Department of State not later than 30 days after the date of the determination—

(i) the name of the manufacturer of the item;

(ii) a brief general description of the item;

(iii) the model or part number of the item; and

(iv) the United States Munitions List designation under which the item has been designated, except that—

(I) the name of the person or business organization that sought the commodity jurisdiction determination shall not be published if the person or business organization is not the manufacturer of the item; and

(II) the names of the customers, the price of the item, and any proprietary information relating to the item indicated by the person or business organization that sought the commodity jurisdiction determination shall not be published; and

(B) maintain on the Internet website of the Department of State an archive, that is accessible to the general public and other departments and agencies of the United States, of the information published under subparagraph (A).

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the President or Congress from undertaking a thorough review of the national security and foreign policy implications of a proposed export of items on the United States Munitions List.

SEC. 805. REQUIREMENT TO ENSURE ADEQUATE STAFF AND RESOURCES FOR THE DIRECTORATE OF DEFENSE TRADE CONTROLS OF THE DEPARTMENT OF STATE.

(a) REQUIREMENT.—The Secretary of State shall ensure that the Directorate of Defense Trade Controls of the Department of State has the necessary staff and resources to carry out this subtitle and the amendments made by this subtitle.

(b) MINIMUM NUMBER OF LICENSING OFFICERS.—For fiscal year 2011 and each subsequent fiscal year, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has at least 1 licensing officer for every 1,250 applications for licenses and other authorizations to export items on the United States Munitions List by not later than the third quarter of such fiscal year, based on the number of licenses and other authorizations expected to be received during such fiscal year. The Secretary shall ensure that in meeting the requirement of this subsection, the performance of other functions of the Directorate of Defense Trade Controls is maintained and adequate staff is provided for those functions.

(c) MINIMUM NUMBER OF STAFF FOR COMMODITY JURISDICTION DETERMINATIONS.—For each of the fiscal years 2010 through 2012, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has, to the extent practicable, not less than three individuals assigned to review applications for commodity jurisdiction determinations.

(d) ENFORCEMENT RESOURCES.—In accordance with section 127.4 of title 22, Code of Federal Regulations, U.S. Immigration and Customs Enforcement is authorized to investigate violations of the International Traffic in Arms Regulations on behalf of the Directorate of Defense Trade Controls of the Department of State. The Secretary of State shall ensure that the Directorate of Defense Trade Controls has adequate staffing for enforcement of the International Traffic in Arms Regulations.

SEC. 806. AUDIT BY INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.

(a) AUDIT.—Not later than the end of each of the fiscal years 2011 and 2012, the Inspector General of the Department of State shall conduct an independent audit to determine the extent to which the Department of State is meeting the requirements of sections 804 and 805.

(b) REPORT.—The Inspector General shall submit to the appropriate congressional committees a report that contains the result of each audit conducted under subsection (a).

SEC. 807. INCREASED FLEXIBILITY FOR USE OF DEFENSE TRADE CONTROLS REGISTRATION FEES.

(a) IN GENERAL.—Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) in the first sentence—

(A) by striking ''For'' and inserting ''(a) IN GENERAL.—For''; and

(B) by striking ''Office'' and inserting ''Directorate'';

(2) by amending the second sentence to read as follows:

''(b) AVAILABILITY OF FEES.—Fees credited to the account referred to in subsection (a) shall be available only for payment of expenses incurred for—

''(1) management,

''(2) licensing (in order to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009 (relating to adequate staff and resources of the Directorate of Defense Trade Controls)),

''(3) compliance,

''(4) policy activities, and

''(5) facilities,

of defense trade controls functions.''; and

(3) by adding at the end the following:

''(c) ALLOCATION OF FEES.—In allocating fees for payment of expenses described in subsection (b), the Secretary of State shall accord the highest priority to payment of expenses incurred for personnel and equipment of the Directorate of Defense Trade Controls, including payment of expenses incurred to meet the requirements of section 805 of the Defense Trade Controls Performance Improvement Act of 2009.''.

(b) CONFORMING AMENDMENT.—Section 38(b) of the Arms Export Control Act (22 U.S.C. 2778(b)) is amended by striking paragraph (3).

SEC. 808. REVIEW OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND UNITED STATES MUNITIONS LIST.

(a) IN GENERAL.—The Secretary of State, in coordination with the heads of other relevant departments and agencies of the United States Government, shall review, with the assistance of United States manufacturers and other interested parties described in section 811(2) of this Act, the International Traffic in Arms Regulations and the United States Munitions List to determine those technologies and goods that warrant different or additional controls.

(b) CONDUCT OF REVIEW.—In carrying out the review required under subsection (a), the Secretary of State shall review not less than 20 percent of the technologies and goods on the International Traffic in Arms Regulations and the United States Munitions List in each calendar year so that for the 5-year period beginning with calendar year 2010, and for each subsequent 5-year period, the International Traffic in Arms Regulations and the United States Munitions List will be reviewed in their entirety.

(c) REPORT.—The Secretary of State shall submit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate an annual report on the results of the review carried out under this section.

SEC. 809. SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

''(k) SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—

''(1) AUTHORIZATION.—(A) The President may provide for special licensing authorization for exports of United States-manufactured spare and replacement parts or components listed in an application for such special licensing authorization in connection with defense items previously exported to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea. A special licensing authorization issued pursuant to this clause shall be effective for a period not to exceed 5 years.

''(B) An authorization may be issued under subparagraph (A) only if the applicable government of the country described in subparagraph (A), acting through the applicant for the authorization, certifies that—

''(i) the export of spare and replacement parts or components supports a defense item previously lawfully exported;

''(ii) the spare and replacement parts or components will be transferred to a defense agency of a country described in subparagraph (A) that is a previously approved end-user of the defense items and not to a distributor or a foreign consignee of such defense items;

''(iii) the spare and replacement parts or components will not to be used to materially enhance, optimize, or otherwise modify or upgrade the capability of the defense items;

''(iv) the spare and replacement parts or components relate to a defense item that is owned, operated, and in the inventory of the armed forces a country described in subparagraph (A);

''(v) the export of spare and replacement parts or components will be effected using the freight forwarder designated by the purchasing country's diplomatic mission as responsible for handling transfers under chapter 2 of this Act as required under regulations; and

''(vi) the spare and replacement parts or components to be exported under the special licensing authorization are specifically identified in the application.

''(C) An authorization may not be issued under subparagraph (A) for purposes of establishing offshore procurement arrangements or producing defense articles offshore.

''(D)(i) For purposes of this subsection, the term 'United States-manufactured spare and replacement parts or components' means spare and replacement parts or components—

''(I) with respect to which—

''(aa) United States-origin content costs constitute at least 85 percent of the total content costs;

''(bb) United States manufacturing costs constitute at least 85 percent of the total manufacturing costs; and

''(cc) foreign content, if any, is limited to content from countries eligible to receive exports of items on the United States Munitions List under the International Traffic in Arms Regulations (other than de minimis foreign content);

''(II) that were last substantially transformed in the United States; and

''(III) that are not—

''(aa) classified as significant military equipment; or

''(bb) listed on the Missile Technology Control Regime Annex.

''(ii) For purposes of clause (i)(I) (aa) and (bb), the costs of non-United States-origin content shall be determined using the final price or final cost associated with the non-United States-origin content.

''(2) INAPPLICABILITY PROVISIONS.—(A) The provisions of this subsection shall not apply with respect to re-exports or re-transfers of spare and replacement parts or components and related services of defense items described in paragraph (1).

''(B) The congressional notification requirements contained in section 36(c) of this Act shall not apply with respect to an authorization issued under paragraph (1).''.

(b) EFFECTIVE DATE.—The President shall issue regulations to implement amendments made by subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 810. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER CHAPTER 3 OF THE ARMS EXPORT CONTROL ACT.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by inserting after section 38 the following new section:

''SEC. 38A. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER THIS CHAPTER.

''(a) AVAILABILITY OF INFORMATION.—Not later than one year after the date of the enactment of the Defense Trade Controls Performance Improvement Act of 2009, the President shall make available to persons who have pending license applications under this chapter and the committees of jurisdiction the ability to access electronically current information on the status of each license application required to be submitted under this chapter.

''(b) MATTERS TO BE INCLUDED.—The information referred to in subsection (a) shall be limited to the following:

''(1) The case number of the license application.

''(2) The date on which the license application is received by the Department of State and becomes an 'open application'.

''(3) The date on which the Directorate of Defense Trade Controls makes a determination with respect to the license application or transmits it for interagency review, if required.

''(4) The date on which the interagency review process for the license application is completed, if such a review process is required.

''(5) The date on which the Department of State begins consultations with the congressional committees of jurisdiction with respect to the license application.

''(6) The date on which the license application is sent to the congressional committees of jurisdiction.''.

SEC. 811. SENSE OF CONGRESS.

It is the sense of Congress that—

(1)(A) the advice provided to the Secretary of State by the Defense Trade Advisory Group (DTAG) supports the regulation of defense trade and helps ensure that United States national security and foreign policy interests continue to be protected and advanced while helping to reduce unnecessary impediments to legitimate exports in order to support the defense requirements of United States friends and allies; and

(B) therefore, the Secretary of State should share significant planned rules and policy shifts with DTAG for comment; and

(2) recognizing the constraints imposed on the Department of State by the nature of a voluntary organization such as DTAG, the Secretary of State is encouraged to ensure that members of DTAG are drawn from a representative cross-section of subject matter experts from the United States defense industry, relevant trade and labor associations, academic, and foundation personnel.

SEC. 812. DEFINITIONS.

In this subtitle:

(1) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS; ITAR.—The term ''International Traffic in Arms Regulations'' or ''ITAR'' means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(2) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that is designated in accordance with section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) as a major non-NATO ally for purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) MANUFACTURING LICENSE AGREEMENT.—The term ''Manufacturing License Agreement'' means an agreement described in section 120.21 of title 22, Code of Federal Regulations (or successor regulations).

(4) MISSILE TECHNOLOGY CONTROL REGIME; MTCR.—The term ''Missile Technology Control Regime'' or ''MTCR'' has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(5) MISSILE TECHNOLOGY CONTROL REGIME ANNEX; MTCR ANNEX.—The term ''Missile Technology Control Regime Annex'' or ''MTCR Annex'' has the meaning given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

(6) OFFSETS.—The term ''offsets'' includes compensation practices required of purchase in either government-to-government or commercial sales of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the International Traffic in Arms Regulations.

(7) UNITED STATES MUNITIONS LIST; USML.—The term ''United States Munitions List'' or ''USML'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated under section 101, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this subtitle and the amendments made by this subtitle.

Subtitle B—Provisions Relating to Export Licenses

SEC. 821. AVAILABILITY TO CONGRESS OF PRESIDENTIAL DIRECTIVES REGARDING UNITED STATES ARMS EXPORT POLICIES, PRACTICES, AND REGULATIONS.

(a) IN GENERAL.—The President shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the text of each Presidential directive regarding United States export policies, practices, and regulations relating to the implementation of the Arms Export Control Act (22 U.S.C. 2751 et seq.) not later than 15 days after the date on which the directive has been signed or authorized by the President.

(b) TRANSITION PROVISION.—Each Presidential directive described in subsection (a) that is signed or authorized by the President on or after January 1, 2009, and before the date of the enactment of this Act shall be made available to the congressional committees specified in subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) FORM.—To the maximum extent practicable, each Presidential directive described in subsection (a) shall be made available to the congressional committees specified in subsection (a) on an unclassified basis.

SEC. 822. INCREASE IN VALUE OF DEFENSE ARTICLES AND SERVICES FOR CONGRESSIONAL REVIEW AND EXPEDITING CONGRESSIONAL REVIEW FOR ISRAEL.

(a) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''$50,000,000'' and inserting ''$100,000,000'';

(ii) by striking ''$200,000,000'' and inserting ''$300,000,000'';

(iii) by striking ''$14,000,000'' and inserting ''$25,000,000''; and

(iv) by striking ''The letter of offer shall not be issued'' and all that follows through ''enacts a joint resolution'' and inserting the following:

''(2) The letter of offer shall not be issued—

''(A) with respect to a proposed sale of any defense articles or defense services under this Act for $200,000,000 or more, any design and construction services for $300,000,000 or more, or any major defense equipment for $75,000,000 or more, to the North Atlantic Treaty Organization (NATO), any member country of NATO, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if Congress, within 15 calendar days after receiving such certification, or

''(B) with respect to a proposed sale of any defense articles or services under this Act for $100,000,000 or more, any design and construction services for $200,000,000 or more, or any major defense equipment for $50,000,000 or more, to any other country or organization, if Congress, within 30 calendar days after receiving such certification,

enacts a joint resolution''; and

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(A) in subsection (b)—

(i) in paragraph (6)(C), as redesignated, by striking ''Subject to paragraph (6), if'' and inserting ''If''; and

(ii) by striking paragraph (7), as redesignated; and

(B) in subsection (c)(4), by striking ''subsection (b)(5)'' each place it appears and inserting ''subsection (b)(6)''.

(b) COMMERCIAL SALES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1)—

(A) by striking ''Subject to paragraph (5), in'' and inserting ''In'';

(B) by striking ''$14,000,000'' and inserting ''$25,000,000''; and

(C) by striking ''$50,000,000'' and inserting ''$100,000,000'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting after ''for an export'' the following: ''of any major defense equipment sold under a contract in the amount of $75,000,000 or more or of defense articles or defense services sold under a contract in the amount of $200,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)''; and

(ii) by striking ''Organization,'' and inserting ''Organization (NATO),'' and by further striking ''that Organization'' and inserting ''NATO''; and

(B) in subparagraph (C), by inserting after ''license'' the following: ''for an export of any major defense equipment sold under a contract in the amount of $50,000,000 or more or of defense articles or defense services sold under a contract in the amount of $100,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)''; and

(3) by striking paragraph (5).

SEC. 823. DIPLOMATIC EFFORTS TO STRENGTHEN NATIONAL AND INTERNATIONAL ARMS EXPORT CONTROLS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should redouble United States diplomatic efforts to strengthen national and international arms export controls by establishing a senior-level initiative to ensure that those arms export controls are comparable to and supportive of United States arms export controls, particularly with respect to countries of concern to the United States.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 4 years, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States diplomatic efforts described in subsection (a).

SEC. 824. REPORTING REQUIREMENT FOR UNLICENSED EXPORTS.

Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) were exported without a license under section 38 of the Arms Export Control Act (22

U.S.C. 2778) pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption provision in the regulation under which the export was made.''.

SEC. 825. REPORT ON VALUE OF MAJOR DEFENSE EQUIPMENT AND DEFENSE ARTICLES EXPORTED UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778), as amended by section 809(a) of this Act, is further amended by adding at the end the following:

''(l) REPORT.—

''(1) IN GENERAL.—The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains a detailed listing, by country and by international organization, of the total dollar value of major defense equipment and defense articles exported pursuant to licenses authorized under this section for the previous fiscal year.

''(2) INCLUSION IN ANNUAL BUDGET.—The report required by this subsection shall be included in the supporting information of the annual budget of the United States Government required to be submitted to Congress under section 1105 of title 31, United States Code.''.

SEC. 826. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS FROM THE UNITED STATES MUNITIONS LIST.

(a) AUTHORITY.—Except as provided in subsection (b) and subject to subsection (d), the President is authorized to remove satellites and related components from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) EXCEPTION.—The authority of subsection (a) may not be exercised with respect to any satellite or related component that may, directly or indirectly, be transferred to, or launched into outer space by, the People's Republic of China.

(c) UNITED STATES MUNITIONS LIST.—In this section, the term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(d) EFFECTIVE DATE.—The President may not exercise the authority provided in this section before the date that is 90 days after the date of the enactment of this Act.

SEC. 827. REVIEW AND REPORT OF INVESTIGATIONS OF VIOLATIONS OF SECTION 3 OF THE ARMS EXPORT CONTROL ACT.

(a) REVIEW.—The Inspector General of the Department of State shall conduct a review of investigations by the Department of State during each of fiscal years 2010 through 2014 of any and all possible violations of section 3 of the Arms Export Control Act (22 U.S.C. 2753) with respect to misuse of United States-origin defense items to determine whether the Department of State has fully complied with the requirements of such section, as well as its own internal procedures (and whether such procedures are adequate), for reporting to Congress any information regarding the unlawful use or transfer of United States-origin defense articles, defense services, and technology by foreign countries, as required by such section.

(b) REPORT.—The Inspector General of the Department of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate for each of fiscal years 2010 through 2014 a report that contains the findings and results of the review conducted under subsection (a). The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

SEC. 828. REPORT ON SELF-FINANCING OPTIONS FOR EXPORT LICENSING FUNCTIONS OF DDTC OF THE DEPARTMENT OF STATE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on possible mechanisms to place the export licensing functions of the Directorate of Defense Trade Controls of the Department of State on a 100 percent self-financing basis.

SEC. 829. CLARIFICATION OF CERTIFICATION REQUIREMENT RELATING TO ISRAEL'S QUALITATIVE MILITARY EDGE.

Section 36(h)(1) of the Arms Export Control Act (22 U.S.C. 2776(h)(1)) is amended by striking ''a determination'' and inserting ''an unclassified determination''.

SEC. 830. EXPEDITING CONGRESSIONAL DEFENSE EXPORT REVIEW PERIOD FOR ISRAEL.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(3) (as redesignated by section 822(a)(1)(B) of this Act), 36(c)(2)(A), 36(d)(2)(A), 62(c)(1), and 63(a)(2) by inserting ''Israel,'' before ''or New Zealand''; and

(2) in section 3(b)(2), by inserting ''the Government of Israel,'' before ''or the Government of New Zealand''.

SEC. 831. UPDATING AND CONFORMING PENALTIES FOR VIOLATIONS OF SECTIONS 38 AND 39 OF THE ARMS EXPORT CONTROL ACT.

(a) IN GENERAL.—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c) is amended to read as follows:

''(c) VIOLATIONS OF THIS SECTION AND SECTION 39.—

''(1) UNLAWFUL ACTS.—It shall be unlawful for any person to violate, attempt to violate, conspire to violate, or cause a violation of any provision of this section or section 39, or any rule or regulation issued under either section, or who, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

''(2) CRIMINAL PENALTIES.—A person who willfully commits an unlawful act described in paragraph (1) shall upon conviction—

''(A) be fined for each violation in an amount not to exceed $1,000,000, or

''(B) in the case of a natural person, be imprisoned for each violation for not more than 20 years,

or both.''.

(b) MECHANISMS TO IDENTIFY VIOLATORS.—Section 38(g) of the Arms Export Control Act (22 U.S.C. 2778(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting ''or otherwise charged'' after ''indictment'';

(ii) in clause (xi), by striking ''or'' at the end; and

(iii) by adding at the end the following:

''(xiii) section 542 of title 18, United States Code, relating to entry of goods by means of false statements;

''(xiv) section 554 of title 18, United States Code, relating to smuggling goods from the United States; or

''(xv) section 1831 of title 18, United States Code, relating to economic espionage.''; and

(B) in subparagraph (B), by inserting ''or otherwise charged'' after ''indictment''; and

(2) in paragraph (3)(A), by inserting ''or otherwise charged'' after ''indictment''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to violations of sections 38 and 39 of the Arms Export Control Act committed on or after that date.

Subtitle C—Miscellaneous Provisions

SEC. 841. AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) AUTHORITY.—The Secretary of State is authorized to conduct a program to respond to contingencies in foreign countries or regions by providing training, procurement, and capacity-building of a foreign country's national military forces and dedicated counterterrorism forces in order for that country to—

(1) conduct counterterrorist operations; or

(2) participate in or support military and stability operations in which the United States is a participant.

(b) TYPES OF CAPACITY-BUILDING.—The program authorized under subsection (a) may include the provision of equipment, supplies, and training.

(c) LIMITATIONS.—

(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of State may not use the authority in subsection (a) to provide any type of assistance described in subsection (b) that is otherwise prohibited by any provision of law.

(2) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of State may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(d) FORMULATION AND EXECUTION OF ACTIVITIES.—The Secretary of State shall consult with the head of any other appropriate department or agency in the formulation and execution of the program authorized under subsection (a).

(e) CONGRESSIONAL NOTIFICATION.—

(1) ACTIVITIES IN A COUNTRY.—Not less than 15 days before obligating funds for activities in any country under the program authorized under subsection (a), the Secretary of State shall submit to the congressional committees specified in paragraph (2) a notice of the following:

(A) The country whose capacity to engage in activities in subsection (a) will be assisted.

(B) The budget, implementation timeline with milestones, and completion date for completing the activities.

(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are the following:

(A) The Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(B) The Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $25,000,000 for each of the fiscal years 2010 and 2011 to conduct the program authorized by subsection (a).

(2) USE OF FMF FUNDS.—The Secretary of State may use up to $25,000,000 of funds available under the Foreign Military Financing program for each of the fiscal years 2010 and 2011 to conduct the program authorized under subsection (a).

(3) AVAILABILITY AND REFERENCE.—Amounts made available to conduct the program authorized under subsection (a)—

(A) are authorized to remain available until expended; and

(B) may be referred to as the ''Security Assistance Contingency Fund''.

SEC. 842. FOREIGN MILITARY SALES STOCKPILE FUND.

(a) IN GENERAL.—Section 51(a) of the Arms Export Control Act (22 U.S.C. 2795(a)) is amended—

(1) in paragraph (1), by striking ''Special Defense Acquisition Fund'' and inserting ''Foreign Military Sales Stockpile Fund''; and

(2) in paragraph (4), by inserting ''building the capacity of recipient countries and'' before ''narcotics control purposes''.

(b) CONTENTS OF FUND.—Section 51(b) of the Arms Export Control Act (22 U.S.C. 2795(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by inserting ''and'' at the end; and

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

''(4) collections from leases made pursuant to section 61 of this Act,''.

(c) CONFORMING AMENDMENTS.—(1) The heading of section 51 of the Arms Export Control Act is amended by striking ''SPECIAL DEFENSE ACQUISITION FUND'' and inserting ''FOREIGN MILITARY SALES STOCKPILE FUND''.

(2) The heading of chapter 5 of the Arms Export Control Act is amended by striking ''**SPECIAL DEFENSE ACQUISITION FUND**'' and inserting ''**FOREIGN MILITARY SALES STOCKPILE FUND**''.

SEC. 843. ANNUAL ESTIMATE AND JUSTIFICATION FOR FOREIGN MILITARY SALES PROGRAM.

Section 25(a)(1) of the Arms Export Control Act (22 U.S.C. 2765(a)(1)) is amended by striking '', together with an indication of which sales and licensed commercial exports'' and inserting ''and''.

SEC. 844. SENSE OF CONGRESS ON THE GLOBAL ARMS TRADE.

It is the sense of Congress that—

(1) the United States, as the world's largest exporter of conventional weapons, has a special obligation to promote responsible practices in the global arms trade and should actively work to prevent conventional weapons from being used to perpetrate—

(A) breaches of the United Nations Charter relating to the use of force;

(B) gross violations of international human rights;

(C) serious violations of international humanitarian law;

(D) acts of genocide or crimes against humanity;

(E) acts of terrorism; and

(F) destabilizing buildups of military forces and weapons; and

(2) the United States should actively engage in the development of a legally binding treaty establishing common international standards for the import, export, and transfer of conventional weapons.

SEC. 845. REPORT ON UNITED STATES' COMMITMENTS TO THE SECURITY OF ISRAEL.

(a) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains—

(1) a complete, unedited, and unredacted copy of each assurance made by United States Government officials to officials of the Government of Israel regarding Israel's security and maintenance of Israel's qualitative military edge, as well as any other assurance regarding Israel's security and maintenance of Israel's qualitative military edge provided in conjunction with exports under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the period beginning on January 1, 1975, and ending on the date of the enactment of this Act; and

(2) an analysis of the extent to which, and by what means, each such assurance has been and is continuing to be fulfilled.

(b) SUBSEQUENT REPORTS.—

(1) NEW ASSURANCES AND REVISIONS.—The President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to—

(A) each assurance described in subsection (a) made on or after the date of the enactment of this Act, or

(B) revisions to any assurance described in subsection (a) or subparagraph (A) of this paragraph,

within 15 days of the new assurance or revision being conveyed.

(2) 5-YEAR REPORTS.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to each assurance described in subsection (a) or paragraph (1)(A) of this subsection and revisions to any assurance described in subsection (a) or paragraph (1)(A) of this subsection during the preceding 5-year period.

(c) FORM.—Each report required by this section shall be transmitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 846. WAR RESERVES STOCKPILE.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011), is amended by striking ''4'' and inserting ''7''.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking ''fiscal years 2007 and 2008'' and inserting ''fiscal years 2010 and 2011''.

SEC. 847. EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES.

Section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) in paragraph (2), in the heading by striking ''EXCEPTION'' and inserting ''GENERAL EXCEPTION''; and

(3) by adding at the end the following new paragraph:

''(3) EXCEPTION FOR SPECIFIC COUNTRIES.—For fiscal years 2010 and 2011, the President may provide for the crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Macedonia, Georgia, India, Iraq, Israel, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, and Ukraine.''.

SEC. 848. SUPPORT TO ISRAEL FOR MISSILE DEFENSE.

(a) AUTHORIZATION OF ASSISTANCE.—Of the amounts authorized to be appropriated to carry out this Act, there are authorized to be appropriated such sums as may be necessary for co-development of joint ballistic missile, medium and short-range projectile defense projects with Israel, including—

(1) complete accelerated co-production of Arrow missiles;

(2) system development of the Israel Missile Defense Organization program to develop a short-range ballistic missile defense capability, David's Sling weapon system, and integrate the weapon system with the ballistic missile defense system and force protection efforts of the United States; and

(3) research, development, and test and evaluation of the Iron Dome short-range projectile defense system.

(b) REPORT AND STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter in connection with the submission of congressional presentation materials for the foreign operations appropriations and defense appropriations budget request, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report regarding the activities authorized under subsection (a)(1).

(2) CLASSIFIED ANNEX.—The report required under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex, if necessary.

(3) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services in the Senate.

TITLE IX—ACTIONS TO ENHANCE THE MERIDA INITIATIVE

Subtitle A—General Provisions

SEC. 901. COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO IMPLEMENT THE MERIDA INITIATIVE.

(a) DECLARATION OF POLICY.—Congress declares that the Merida Initiative is a Department of State-led initiative which combines the programs of numerous United States Government departments and agencies and therefore requires a single individual to coordinate and track all Merida Initiative-related efforts government-wide to avoid duplication, coordinate messaging, and facilitate accountability to and communication with Congress.

(b) DESIGNATION OF HIGH-LEVEL COORDINATOR.—

(1) IN GENERAL.—The President shall designate, within the Department of State, a Coordinator of United States Government Activities to Implement the Merida Initiative (hereafter in this section referred to as the ''Coordinator'') who shall be responsible for—

(A) designing and shaping an overall strategy for the Merida Initiative;

(B) ensuring program and policy coordination among United States Government departments and agencies in carrying out the Merida Initiative, including avoiding duplication among programs and ensuring that a consistent message emanates from the United States Government;

(C) ensuring that efforts of the United States Government are in full consonance with the efforts of the countries within the Merida Initiative;

(D) tracking, in coordination with the relevant officials of the Department of Defense and other departments and agencies, United States assistance programs that fulfill the goals of the Merida Initiative or are closely related to the goals of the Merida Initiative;

(E) to the extent possible, tracking information required under the second section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) (as added by section 651 of division J of Public Law 110–161) with respect to countries participating in the Merida Initiative; and

(F) consulting with the Attorney General and the Secretary of Homeland Security with respect to the activities of Federal, State, and local law enforcement authorities in the United States relating to the goals of the Merida Initiative, particularly along the United States-Mexico border.

(2) RANK AND STATUS OF THE COORDINATOR.—The Coordinator should have the rank and status of ambassador.

(3) COUNTRIES WITHIN THE MERIDA INITIATIVE DEFINED.—The term ''countries within the Merida Initiative'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, and Panama and includes Haiti and the Dominican Republic.

SEC. 902. ADDING THE CARIBBEAN TO THE MERIDA INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) The illicit drug trade—which has taken a toll on the small countries of the Caribbean Community (CARICOM) for many years—is now moving even more aggressively into these countries.

(2) A March 2007 joint report by the United Nations Office on Drugs and Crime (UNODC) and the World Bank noted that murder rates in the Caribbean—at 30 per 100,000 population annually—are higher than for any other region of the world and have risen in recent years for many of the region's countries. The report also argues that the strongest explanation for the high crime and violence rates in the Caribbean and their rise in recent years is drug trafficking.

(3) If the United States does not move quickly to provide Merida Initiative assistance to the CARICOM countries, the positive results of the Merida Initiative in Mexico and Central America will move the drug trade deeper into the Caribbean and multiply the already alarming rates of violence.

(b) CONSULTATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State is authorized to consult with the countries of the Caribbean Community (CARICOM) in preparation for their inclusion into the Merida Initiative.

(c) INCORPORATION OF CARICOM COUNTRIES INTO THE MERIDA INITIATIVE.—The President is authorized to incorporate the CARICOM countries into the Merida Initiative.

SEC. 903. MERIDA INITIATIVE MONITORING AND EVALUATION MECHANISM.

(a) DEFINITIONS.—In this section:

(1) IMPACT EVALUATION RESEARCH.—The term ''impact evaluation research'' means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(2) OPERATIONS RESEARCH.—The term ''operations research'' means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) PROGRAM MONITORING.—The term ''program monitoring'' means the collection, analysis, and use of routine program data to determine how well a program is carried out and how much the program costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to successfully support building the capacity of recipient countries' civilian security institutions, enhance the rule of law in recipient countries, and ensure the protection of human rights, the President should establish a program to conduct impact evaluation research, operations research, and program monitoring to ensure effectiveness of assistance provided under the Merida Initiative;

(2) long-term solutions to the security problems of Merida recipient countries depend on increasing the effectiveness and responsiveness of their civilian institutions, including their judicial system;

(3) a specific program of impact evaluation research, operations research, and program monitoring, established at the inception of the program, is required to permit assessment of the operational effectiveness of the impact of United States assistance towards these goals; and

(4) the President, in developing performance measurement methods under the impact evaluation research, operations research, and program monitoring, should consult with the appropriate congressional committees as well as the governments of Merida recipient countries.

(c) IMPACT EVALUATION RESEARCH, OPERATION RESEARCH, AND PROGRAM MONITORING OF ASSISTANCE.—The President shall establish and implement a program to assess the effectiveness of assistance provided under the Merida Initiative through impact evaluation research on a selected set of programmatic interventions, operations research in areas to ensure efficiency and effectiveness of program implementation, and monitoring to ensure timely and transparent delivery of assistance.

(d) REQUIREMENTS.—The program required under subsection (c) shall include—

(1) a delineation of key impact evaluation research and operations research questions for main components of assistance provided under the Merida Initiative;

(2) an identification of measurable performance goals for each of the main components of assistance provided under the Merida Initiative, to be expressed in an objective and quantifiable form at the inception of the program;

(3) the use of appropriate methods, based on rigorous social science tools, to measure program impact and operational efficiency; and

(4) adherence to a high standard of evidence in developing recommendations for adjustments to such assistance to enhance the impact of such assistance.

(e) CONSULTATION WITH CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the President shall brief and consult with the appropriate congressional committees regarding the progress in establishing and implementing the program required under subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Merida Initiative, up to five percent of such amounts is authorized to be appropriated to carry out this section.

(g) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section and not later than December 1 of each year thereafter, the President shall transmit to the appropriate congressional committees a report regarding programs and activities carried out under the Merida Initiative during the preceding fiscal year.

(2) MATTERS TO BE INCLUDED.—The reports required under subsection (g) shall include the following:

(A) FINDINGS.—Findings related to the impact evaluation research, operation research, and program monitoring of assistance program established under subsection (c).

(B) COORDINATION.—Efforts of the United States Government to coordinate its activities, including—

(i) a description of all counternarcotics and organized crime assistance provided to Merida Initiative recipient countries in the previous fiscal year;

(ii) an assessment of how such assistance was coordinated; and

(iii) recommendations for improving coordination.

(C) TRANSFER OF EQUIPMENT.—A description of the transfer of equipment, including—

(i) a description of the progress of each recipient country toward the transfer of equipment, if any, from its armed forces to law enforcement agencies;

(ii) a list of agencies that have used air assets provided by the United States under the Merida Initiative to the government of each recipient country, and, to the extent possible, a detailed description of those agencies that have utilized such air assets, such as by a percentage breakdown of use by each agency; and

(iii) a description of training of law enforcement agencies to operate equipment, including air assets.

(D) HUMAN RIGHTS.—In accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and section 504 of the Trade Act of 1974 (19 U.S.C. 2464), an assessment of the human rights impact of the equipment and training provided under the Merida Initiative, including—

(i) a list of accusations of serious human rights abuses committed by the armed forces and law enforcement agencies of recipient countries on or after the date of the enactment of this Act; and

(ii) a description of efforts by the governments of Merida recipient countries to investigate and prosecute allegations of abuses of human rights committed by any agency of such recipient countries.

(E) EFFECTIVENESS OF EQUIPMENT.—An assessment of the long-term effectiveness of the equipment and maintenance packages and training provided to each recipient country's security institutions.

(F) MEXICO PUBLIC SECURITY STRATEGY.—A description of Mexico's development of a public security strategy, including—

(i) effectiveness of the Mexican Federal Registry of Police Personnel to vet police recruiting at the National, state, and municipal levels to prevent rehiring from one force to the next after dismissal for corruption and other reasons; and

(ii) an assessment of how the Merida Initiative complements and supports the Mexican Government's own public security strategy.

(G) FLOW OF ILLEGAL ARMS.—A description and assessment of efforts to reduce the southbound flow of illegal arms.

(H) USE OF CONTRACTORS.—A detailed description of contracts awarded to private companies to carry out provisions of the Merida Initiative, including—

(i) a description of the number of United States and foreign national civilian contractors awarded contracts;

(ii) a list of the total dollar value of the contracts; and

(iii) the purposes of the contracts.

(I) PHASE OUT OF LAW ENFORCEMENT ACTIVITIES.—A description of the progress of phasing out law enforcement activities of the armed forces of each recipient country.

(J) IMPACT ON BORDER VIOLENCE AND SECURITY.—A description of the impact that activities authorized under the Merida Initiative have had on violence against United States and Mexican border personnel and the extent to which these activities have increased the protection and security of the United States-Mexico border.

SEC. 904. MERIDA INITIATIVE DEFINED.

In this subtitle, the term ''Merida Initiative'' means the program announced by the United States and Mexico on October 22, 2007, to fight illicit narcotics trafficking and criminal organizations throughout the Western Hemisphere.

Subtitle B—Prevention of Illicit Trade in Small Arms and Light Weapons

SEC. 911. TASK FORCE ON THE PREVENTION OF ILLICIT SMALL ARMS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) ESTABLISHMENT.—The President shall establish an inter-agency task force to be known as the ''Task Force on the Prevention of Illicit Small Arms Trafficking in the Western Hemisphere'' (in this section referred to as the ''Task Force'').

(b) DUTIES.—The Task Force shall develop a strategy for the Federal Government to improve United States export controls on the illicit export of small arms and light weapons throughout the Western Hemisphere, including Mexico, Central America, the Caribbean, and South America. The Task Force shall—

(1) conduct a thorough review and analysis of the current regulation of exports of small arms and light weapons; and

(2) develop integrated Federal policies to better control exports of small arms and light weapons in a manner that furthers the foreign policy and national security interests of the United States within the Western Hemisphere.

(c) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of Homeland Security; and

(4) the heads of other Federal departments and agencies as appropriate.

(d) CHAIRPERSON.—The Secretary of State shall serve as the chairperson of the Task Force.

(e) MEETINGS.—The Task Force shall meet at the call of the chairperson or a majority of its members.

(f) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter until October 31, 2014, the chairperson of the Task Force shall submit to Congress and make available to the public a report that contains—

(1) a description of the activities of the Task Force during the preceding year; and

(2) the findings, strategies, recommendations, policies, and initiatives developed pursuant to

the duties of the Task Force under subsection (b) during the preceding year.

SEC. 912. INCREASE IN PENALTIES FOR ILLICIT TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO COUNTRIES IN THE WESTERN HEMISPHERE.

(a) IN GENERAL.—Notwithstanding section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)), any person who willfully exports to a country in the Western Hemisphere any small arm or light weapon without a license in violation of the requirements of section 38 of such Act shall upon conviction be fined for each violation not less than $1,000,000 but not more than $3,000,000 and imprisoned for not more than twenty years, or both.

(b) DEFINITION.—In this section, the term ''small arm or light weapon'' means any item listed in Category I(a), Category III (as it applies to Category I(a)), or grenades under Category IV(a) of the United States Munitions List (as contained in part 121 of title 22, Code of Federal Regulations (or successor regulations)) that requires a license for international export under this section.

SEC. 913. DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following new paragraph:

''(4) the arrest or conviction in any country of any individual for illegally exporting or attempting to export to Mexico any small arm or light weapon (as defined in section 912(b) of the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011);''; and

(3) in paragraphs (5) and (6) (as redesignated), by striking ''paragraph (1), (2), or (3)'' each place it appears and inserting ''paragraph (1), (2), (3), or (4)''.

SEC. 914. STATEMENT OF CONGRESS SUPPORTING UNITED STATES RATIFICATION OF CIFTA.

Congress supports the ratification by the United States of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.

TITLE X—REPORTING REQUIREMENTS

SEC. 1001. ASSESSMENT OF SPECIAL COURT FOR SIERRA LEONE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an assessment on the continuing needs of the Special Court for Sierra Leone, including an assessment of the following activities of the Special Court:

(1) Witness protection.

(2) Archival activities, including recordkeeping associated with future legal work by the Special Court.

(3) The residual registrar's capacity for enforcing Special Court sentences and maintaining relations with countries hosting imprisoned convicts of the Special Court, legal decisionmaking regarding future appeals, conditions of prisoner treatment, contempt proceedings, and financial matters relating to such activities.

(4) Transfer or maintenance of Special Court records to a permanent recordkeeping authority in Sierra Leone.

(5) Ongoing needs or programs for community outreach, for the purpose of reconciliation and healing, regarding the Special Court's legal proceedings and decisions.

(6) Plans for the Special Court's facilities in Sierra Leone and plans to use the Special Court, and expertise of its personnel, for further development of the legal profession and an independent and effective judiciary in Sierra Leone.

(7) Unresolved cases, or cases that were not prosecuted.

SEC. 1002. REPORT ON UNITED STATES CAPACITIES TO PREVENT GENOCIDE AND MASS ATROCITIES.

(a) FINDINGS.—Congress finds the following:

(1) The lack of an effective government-wide strategy and adequate capacities for preventing genocide and mass atrocities against civilians undermines the ability of the United States to contribute to the maintenance of global peace and security and protect vital United States interests.

(2) The December 2008 Report of the Genocide Prevention Task Force, co-chaired by former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen offers a valuable blueprint for strengthening United States capacities to help prevent genocide and mass atrocities.

(3) Specific training and staffing will enhance the diplomatic capacities of the Department of State to help prevent and respond to threats of genocide and mass atrocities.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report outlining specific plans for the development of a government-wide strategy and the strengthening of United States civilian capacities for preventing genocide and mass atrocities against civilians.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of current mechanisms for government-wide early warning, information-sharing, contingency planning, and coordination of effort to prevent and respond to situations of genocide, mass atrocities, and other mass violence.

(B) An assessment of current capacities within the Department of State, including specific staffing and training, for early warning, preventive diplomacy, and crisis response to help avert genocide and mass atrocities.

(C) An evaluation of United States foreign assistance programs and mechanisms directed toward the prevention of genocide and mass atrocities, including costs, challenges to implementation, and successes of such programs and mechanisms.

(D) An assessment of the feasibility, effectiveness, and potential costs of implementing key recommendations made by the Genocide Prevention Task Force, including the establishment of an Atrocities Prevention Committee within the National Security Council and increased annual and contingency funding for the prevention of genocide and mass atrocities.

(E) Recommendations to further strengthen United States capacities to help prevent genocide, mass atrocities, and other mass violence, including enhanced early warning mechanisms, strengthened diplomatic capacities of the Department of State, and improved use of United States foreign assistance.

SEC. 1003. REPORTS RELATING TO PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

(a) IN GENERAL.—Subparagraph (C) of section 133(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)(2)) is amended by inserting before the period at the end the following: '', including, with respect to a country that produces or exports large amounts of natural resources such as petroleum or natural resources, the degree to which citizens of the country have access to information about government revenue from the extraction of such resources and credible reports of human rights abuses against individuals from civil society or the media seeking to monitor such extraction''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reports required to be transmitted under section 133(d)(2) of the Foreign Assistance Act of 1961, as so amended, on or after the date of the enactment of this Act.

SEC. 1004. REPORTS ON HONG KONG.

Section 301 of the United States-Hong Kong Policy Act of 1992 (Public Law 102–383; 22 U.S.C. 5731) is amended, in the matter preceding paragraph (1), by striking ''and March 31, 2006'' and inserting ''March 31, 2006, and March 31, 2010, and March 31 of every subsequent year through 2020,''.

SEC. 1005. DEMOCRACY IN GEORGIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the development and consolidation of effective democratic governance in Georgia, including free and fair electoral processes, respect for human rights and the rule of law, an independent media, an independent judiciary, a vibrant civil society, as well as transparency and accountability of the executive branch and legislative process, is critically important to Georgia's integration into Euro-Atlantic institutions, stability in the Caucasus region, and United States national security.

(b) REPORT ON DEMOCRACY IN GEORGIA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not later than December 31 of each of the two fiscal years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the programs, projects, and activities carried out in Georgia with United States foreign assistance following the August 2008 conflict with Russia.

(2) CONTENTS.—The report required under paragraph (1) shall include information concerning the following:

(A) The amount of United States assistance obligated and expended for reconstruction activities for the prior fiscal year.

(B) A description of the programs funded by such assistance, including humanitarian aid, reconstruction of critical infrastructure, economic development, political and democratic development, and broadcasting.

(C) An evaluation of the impact of such programs, including their contribution to the consolidation of democracy in Georgia and efforts by the Government of Georgia to improve democratic governance.

(D) An analysis of the implementation of the United States-Georgia Charter on Strategic Partnership.

SEC. 1006. DIPLOMATIC RELATIONS WITH ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should assist Israel in its efforts to establish diplomatic relations.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes the following information:

(1) Actions taken by representatives of the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to their attitudes toward and plans for entering into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

(c) FORM OF SUBMISSION.—The report required under subsection (b) may be submitted in classified or unclassified form, as the Secretary determines appropriate.

SEC. 1007. POLICE TRAINING REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall, in coordination with the heads of relevant Federal departments and agencies, conduct a study and transmit to Congress a report on current overseas civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(b) CONTENTS.—The report required under subsection (a) shall contain information on the following:

(1) The coordination, communication, program management, and policy implementation among the United States civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) The number of private contractors conducting such training, and the quality and cost of such private contractors.

(3) An assessment of pre-training procedures for verification of police candidates to adequately assess their aptitude, professional skills, integrity, and other qualifications that are essential to law enforcement work.

(4) An analysis of the practice of using existing Federal police entities to provide civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife, along with the subject matter expertise that each such entity may provide to meet local needs in lieu of the use of private contractors.

(5) Provide recommendations, including recommendations related to required resources and actions, to maximize the effectiveness and interagency coordination and the adequate provision of civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

SEC. 1008. REPORTS ON HUMANITARIAN ASSISTANCE IN GAZA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the humanitarian conditions and efficacy and obstacles to humanitarian and reconstruction assistance activities in Gaza.

(b) CONTENTS.—The reports required under subsection (a) shall include the following:

(1) An assessment of the level of access to basic necessities in Gaza, including food, fuel, water, sanitation, education, and healthcare.

(2) An assessment of the ability to successfully deliver and distribute humanitarian and reconstruction goods and supplies.

(3) A description of the efforts of the United States and its allies to facilitate the receipt and distribution of humanitarian and reconstruction assistance in Gaza.

(4) An assessment of the obstacles to the delivery of humanitarian and reconstruction assistance, including the activities and policies of Hamas and any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act.

(5) Recommendations for actions the United States can take to best improve the level of access to basic necessities referred to in paragraph (1) and overcome obstacles described in paragraphs (2) through (4).

(6) An assessment of the policy prohibiting personnel of the Department of State and the United States Agency for International Development from traveling to Gaza following the tragic roadside bombing in 2003. Such an assessment should consider and evaluate the prospects that such personnel might resume humanitarian assistance operations or commence monitoring functions relating to humanitarian aid distribution in Gaza in order to ascertain that United States foreign assistance is not misused in ways that benefit any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1009. REPORT ON ACTIVITIES IN HAITI.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the following:

(1) HURRICANE EMERGENCY RECOVERY.—The status of activities in Haiti funded or authorized, in whole or in part, by the Department of State and the United States Agency for International Development (USAID) through assistance appropriated under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

(2) GENERAL ACTIVITIES.—A summary of activities funded or authorized, in whole or in part, by the Department of State and USAID in the previous 12-month period, how such activities supplement the work of the Government of Haiti to provide a safe and prosperous democracy for its citizens, and a timetable for when management and implementation of such activities will be turned over to the Government of Haiti or Haitian nationals.

(3) COORDINATION.—A description of how United States assistance is coordinated—

(A) among United States departments and agencies; and

(B) with other donors to Haiti, including programs through the United Nations, the Inter-American Development Bank, and the Organization of American States.

(4) BENCHMARKS.—A summary of short-term and long-term objectives for United States assistance to Haiti and metrics that will be used to identify, track, and manage the progress of United States activities in Haiti.

SEC. 1010. REPORT ON RELIGIOUS MINORITY COMMUNITIES IN THE MIDDLE EAST.

(a) INITIATIVE AUTHORIZED.—The Secretary of State is authorized to undertake a focused initiative to monitor the status of and provide specific policy recommendations to protect vulnerable religious minorities throughout the Middle East region.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the humanitarian conditions of religious minority communities in the Middle East and efficacy and obstacles to humanitarian assistance activities to help meet the basic needs of vulnerable persons affiliated with minority religions in the Middle East, and recommendations to mitigate adverse humanitarian circumstances facing such persons.

SEC. 1011. IRAN'S INFLUENCE IN THE WESTERN HEMISPHERE.

(a) FINDINGS.—Congress finds the following:

(1) The 2008 Country Report on Terrorism states that ''Iran and Venezuela continued weekly flights connecting Tehran and Damascus with Caracas. Passengers on these flights were reportedly subject to only cursory immigration and customs controls at Simon Bolivar International Airport in Caracas.''.

(2) The Governments of Venezuela and Iran have forged a close relationship.

(3) Iran has sought to strengthen ties with several countries in the Western Hemisphere in order to undermine United States foreign policy.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that includes actions taken by the Government of Iran and Hezbollah in the Western Hemisphere. A classified annex may be included, if necessary.

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1101. BILATERAL COMMISSION WITH NIGERIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that not later than 180 days after the date of the enactment of this Act, the President should establish a bilateral commission between the United States and Nigeria to support bilateral cooperation in the areas of—

(1) trade and development;

(2) economic integration;

(3) infrastructure planning, finance, development, and management;

(4) budget reform and public finance management;

(5) higher education, including applied research;

(6) energy;

(7) peace and security reform;

(8) rule of law;

(9) anti-corruption efforts, establishment of greater transparency, and electoral reform; and

(10) monitoring whether bilateral efforts undertaken between respective Federal, State, and local governments are achieving the goals set forth by the Governments of the United States and Nigeria.

(b) BILATERAL COMMISSION.—

(1) COMPOSITION.—If the President establishes the bilateral commission referred to in subsection (a), the commission should have an equal number of members representing the United States and Nigeria and appointed by the respective Presidents of each country. Members should include representatives of Federal, State, and local governments, the private sector, and civil society organizations.

(2) FUNCTIONS.—The commission should—

(A) work to establish a bilateral process that establishes the mission, goals, and objectives of a bilateral partnership and establish guidelines for accountability and rules to measure the effectiveness for any initiatives undertaken;

(B) monitor bilateral technical assistance and capacity building projects that are consistent with and further the mission, goals, and objectives established by the commission; and

(C) submit to the United States President, the United States Congress, the Nigerian President, and the Nigerian National Assembly a report on the amount of progress achieved on projects undertaken by the two governments to achieve bilaterally determined goals established by the commission.

(3) MONITORING OF PROJECTS.—The commission should select and monitor specific projects that involve an exchange of personnel between the Governments of the United States and Nigeria to determine whether technical assistance and capacity building are being used effectively and whether mutual benefit is being gained through the implementation of such bilateral projects.

(4) REVIEW AND REPORT.—The Secretary of State should review the work of the commission and annually submit to the President and Congress a report on whether progress has been made to meet the goals set forth by the commission and whether bilateral efforts have served the interest of United States and Nigerian bilateral relations.

(5) UNITED STATES CONTRIBUTIONS.—United States contributions to support the Commission should be financed through existing resources.

SEC. 1102. AUTHORITIES RELATING TO THE SOUTHERN AFRICA ENTERPRISE DEVELOPMENT FUND.

(a) USE OF PRIVATE VENTURE CAPITAL.—

(1) IN GENERAL.—In order to maximize the effectiveness of the activities of the Southern Africa Enterprise Development Fund, the Fund may conduct public offerings or private placements for the purpose of soliciting and accepting private venture capital which may be used, separately or together with funds made available from the United States Government, for any lawful investment purpose that the Board of Directors of the Fund may determine in carrying out the activities of the Fund.

(2) DISTRIBUTION OF FINANCIAL RETURNS.—Financial returns on Fund investments that include a component of private venture capital may be distributed, at such times and in such amounts as the Board of Directors of the Fund may determine, to the investors of such capital.

(b) NONAPPLICABILITY OF OTHER LAWS.—

(1) IN GENERAL.—Funds made available from the United States Government to the Fund may be used for the purposes of the agreement between the United States Government and the Fund notwithstanding any other provision of law.

(2) SUPPORT FROM FEDERAL DEPARTMENTS AND AGENCIES.—The heads of Federal departments and agencies may conduct programs and activities and provide services in support of the activities of the Fund notwithstanding any other provision of law.

(c) DEFINITION.—In this section, the term ''Southern Africa Enterprise Development Fund'' or ''Fund'' includes—

(1) any successor or related entity to the Southern Africa Enterprise Development Fund that is approved the United States Government; and

(2) any organization, corporation, limited-liability partnership, foundation, or other corporate structure that receives, or is authorized by the United States Government to manage, any or all of the remaining funds or assets of the Southern Africa Enterprise Development Fund.

SEC. 1103. DIABETES TREATMENT AND PREVENTION AND SAFE WATER AND SANITATION FOR PACIFIC ISLAND COUNTRIES.

(a) IN GENERAL.—There is authorized to be appropriated $500,000 for each of fiscal years 2010 and 2011 to establish a diabetes prevention and treatment program for Pacific Island countries and for safe water and sanitation.

(b) PACIFIC ISLAND COUNTRIES DEFINED.—In this section, the term ''Pacific Island countries'' means Fiji, Kiribati, the Marshall Islands, the Federated States of Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

SEC. 1104. STATELESSNESS.

(a) PURPOSE.—It is the purpose of this section to increase global stability and security for the United States and the international community and decrease trafficking and discrimination by reducing the number of individuals who are de jure or de facto stateless and as a consequence are unable to avail themselves of their right to a nationality and its concomitant rights and obligations and are excluded from full participation in civil society.

(b) FINDINGS.—Congress finds the following:

(1) The right to a nationality is a foundation of human rights, and a deterrent to displacement and disaffection. The State is the primary vehicle through which individuals are guaranteed their inalienable rights and are made subject to the rule of law. Regional stability and security are undermined when individuals cannot avail themselves of their right to a nationality and its concomitant rights and obligations and are excluded from full participation in civil society.

(2) The right to a nationality and citizenship is therefore specifically protect in international declarations and treaties, including Article 15 of the Universal Declaration of Human Rights, the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, Article 24 of the International Covenant on Civil and Political Rights, and Article 9(2) of the Convention on the Elimination of Discrimination Against Women.

(3) In the 21st century, the adverse effects of de jure or de facto statelessness still impact at least an estimated 11,000,000 million people worldwide, who are unable to avail themselves of the rights of free people everywhere to an effective nationality, to the rights to legal residence, to travel, to work in the formal economy or professions, to attend school, to access basic health services, to purchase or own property, to vote, or to hold elected office, and to enjoy the protection and security of a country.

(c) THE UNITED NATIONS.—

(1) POLICY.—It shall be the policy of the United States that the President and the Permanent Representative of the United States to the United Nations work with the international community to increase political and financial support for the work of the United Nations High Commissioner for Refugees (UNHCR) to prevent and resolve problems related to de jure and de facto statelessness, and to promote the rights of the de jure or de facto stateless, by taking these and other actions:

(A) Increasing the attention of the United Nations and the UNHCR to de jure and de facto statelessness and increasing its capacity to reduce statelessness around the world by coordinating the mainstreaming of de jure and de facto statelessness into all of the United Nations human rights work, in cooperation with all relevant United Nations agencies.

(B) Urging United Nations country teams in countries with significant de jure or de facto stateless populations to devote increasing attention and resources to undertake coordinated efforts by all United Nations offices, funds, and programs to bring about the full registration and documentation of all persons resident in the territory of each country, either as citizens or as individuals in need of international protection.

(C) Urging the creation of an Inter-Agency Task Force on Statelessness with representation from the UNHCR, the United Nations Children's Fund (UNICEF), and other relevant United Nations agencies that will coordinate to increase agency awareness and information exchange on de jure and de facto statelessness to ensure a consistent and comprehensive approach to the identification of stateless groups and individuals and resolution of their status.

(D) Urging that nationality and de jure and de facto statelessness issues are addressed in all country reviews conducted by United Nations treaty bodies and relevant special mechanisms engaged in country visits, and pursuing creation of a standing mechanism within the United Nations to complement the work of the UNHCR in addressing issues of de jure and de facto statelessness that give rise to urgent human rights or security concerns.

(E) Urging the UNHCR to include nationality and statelessness in all country-specific and thematic monitoring, reporting, training, and protection activities, and across special procedures, and to designate at least one human rights officer to monitor, report, and coordinate the office's advocacy on nationality and de jure and de facto statelessness.

(F) Urging the United Nations to ensure that its work on trafficking includes measures to restore secure citizenship to trafficked women and girls, and to work with Member States to guarantee that national legislation gives women full and equal rights regarding citizenship.

(G) Urging the United Nations to increase its capacity to respond to the needs of de jure or de facto stateless individuals, particularly children, and to strengthen and expand the United Nations protection and assistance activities, particularly in field operations, to better respond to the wide range of protection and assistance needs of de jure or de facto stateless individuals.

(H) Urging the UNICEF to increase its efforts to encourage all Member States of the United Nations to permit full and easy access to birth registration for all children born in their territories, particularly in Member States in which there are displaced populations, and work with the UNHCR and Member States to ensure the issuance of birth certificates to all children born to refugees and displaced persons.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2010 and 2011 to be made available to improve the UNHCR's assistance to de jure or de facto stateless individuals. Such funds may be used to—

(A) protect the rights, meet emergency humanitarian needs, and provide assistance to de jure or de facto stateless groups and individuals;

(B) provide additional resources to—

(i) increase the number of protection officers;

(ii) increase the number of professional staff in the statelessness unit; and

(iii) train protection officers and United Nations country teams in the field to identify, reduce, protect, and prevent de jure and de facto statelessness;

(C) improve identification of de jure or de facto stateless groups and individuals by carrying out a comprehensive annual study of the scope of de jure and de facto statelessness worldwide, including causes of de jure and de facto statelessness and dissemination of best practices for remedying de jure and de facto statelessness; and

(D) increase the United Nations educational and technical assistance programs to prevent de jure and de facto statelessness, including outreach to Member States and their legislatures, with particular emphasis on those countries determined to have protracted de jure or de facto statelessness situations.

(3) AUTHORIZATION OF APPROPRIATIONS TO THE UNICEF.—There is authorized to be appropriated $3,000,000 for each of fiscal years 2010 and 2011 to augment to the UNICEF's ability to aid countries with significant de jure or de facto stateless populations to bring about the full registration of all children born to de jure or de facto stateless parents.

(d) THE UNITED STATES.—

(1) FOREIGN POLICY.—Given the importance of obtaining and preserving nationality and the protection of a government, and of preventing the exploitation or trafficking of de jure or de facto stateless groups or individuals, the President shall make the prevention and reduction of de jure or de facto statelessness an important goal of United States foreign policy and human rights efforts. Such efforts shall include—

(A) calling upon host countries to protect and assume responsibility for de jure or de facto stateless groups or individuals;

(B) working with countries of origin to facilitate the resolution of problems faced by de jure or de facto stateless groups or individuals;

(C) working with countries of origin and host countries to facilitate the resolution of disputes and conflicts that cause or result in the creation of de jure or de facto statelessness;

(D) encouraging host countries to afford de jure or de facto stateless groups or individuals the full protection of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and all relevant international conventions;

(E) directing the Secretary of State to provide assistance to countries to prevent and resolve situations of de jure or de facto statelessness and to prevent the trafficking or exploitation of de jure or de facto stateless individuals;

(F) directing the Office of Trafficking in Persons of the Department of State to continue to document and analyze the effects of statelessness on trafficking in persons, both as a cause of trafficking and as an obstacle to reaching and assisting trafficked persons; and

(G) encouraging and facilitating the work of nongovernmental organizations in the United States and abroad that provide legal and humanitarian support to de jure or de facto stateless groups or individuals, to increase the access of de jure or de facto stateless groups or individuals to such organizations, and to encourage other governments to provide similar support and access.

(2) UNITED STATES ACTIVITIES.—

(A) IN GENERAL.—Given the importance of preventing new instances of de jure or de facto statelessness and the trafficking of de jure or de facto stateless individuals, and of protecting the human rights of de jure or de facto stateless individuals, the President shall submit to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate a report that includes the following:

(i) A list of countries and territories with significant de jure or de facto stateless populations under their jurisdictions and the conditions and consequences of such de jure or de facto statelessness of such individuals.

(ii) United States international efforts to prevent further de jure or de facto statelessness and encourage the granting of full legal protection of the human rights of de jure or de facto stateless individuals.

(B) STATEMENT OF POLICY.—It shall be the policy of the United States to comply with the

principles and provisions of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to the fullest extent possible and to encourage other countries to do so as well.

(C) ACTIONS BY SECRETARY OF STATE.—

(i) INCREASE IN RESOURCES AND STAFF.—The Secretary of State shall permanently increase in the Bureau of Population, Refugees, and Migration in the Department of State the resources dedicated to and staff assigned to work toward the prevention and resolution of de jure and de facto statelessness and the protection of de jure or de facto stateless individuals.

(ii) COORDINATION.—To coordinate United States policies toward combating de jure and de facto statelessness, the Secretary of State shall establish an Interagency Working Group to Combat Statelessness. This working group should include representatives of the Bureau of Population, Refugees and Migration, the Bureau of International Organizations, the Bureau of Democracy, Human Rights and Labor, the Office of Trafficking in Persons of the Department of State, and the United States Agency for International Development, as well as representatives from relevant offices of the Department of Justice and relevant offices of the Department of Homeland Security.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

SEC. 1105. STATEMENT OF POLICY REGARDING THE ECUMENICAL PATRIARCHATE.

It shall be the policy of the United States to urge Turkey to—

(1) respect property rights and religious rights of the Ecumenical Patriarch;

(2) grant the Ecumenical Patriarchate appropriate international recognition and ecclesiastic succession; and

(3) grant the Ecumenical Patriarchate the right to train clergy of all nationalities, not just Turkish nationals.

SEC. 1106. LIMITATION ON ASSISTANCE FOR WEATHER COOPERATION ACTIVITIES TO COUNTRIES IN THE AMERICAS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate international cooperation on hurricane preparedness because—

(1) hundreds of millions of people in the Americas live in coastal communities and are susceptible to the immense risks posed by hurricanes;

(2) the need for hurricane tracking overflights and other weather cooperation activities to track and monitor hurricanes in the Americas is acute; and

(3) accurate hurricane forecasts can help prevent the loss of life and injury and reduce property loss and economic disruption.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall transmit to the appropriate congressional committees a report on the status of United States cooperation with other countries in the Americas on hurricane preparedness and other weather cooperation activities.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) a list of countries in the Americas that do not cooperate with the United States on hurricane preparedness and other weather cooperation activities; and

(B) the status of any negotiations regarding hurricane preparedness and other weather cooperation activities between the United States and countries listed in subparagraph (A).

(c) LIMITATION ON ASSISTANCE.—The Secretary of State may not provide assistance for weather cooperation activities to countries listed in the report under subsection (b)(2)(A).

(d) WAIVER.—The Secretary of State may waive the limitation on assistance requirements under subsection (c) if the Secretary of State certifies to the appropriate congressional committees that the waiver is in the national interest of the United States.

SEC. 1107. STATEMENT OF CONGRESS REGARDING AFGHAN WOMEN.

Congress—

(1) supports the decision by President Hamid Karzai of Afghanistan to submit for review the Shi'ite Personal Status Law and strongly urges him not to publish such law on the grounds that such law violates the basic human rights of women and is inconsistent with the Constitution of Afghanistan;

(2) urges President Karzai, the Ministry of Justice, and other parties involved in reviewing the law to formally declare as unconstitutional the provisions of such law regarding marital rape and restrictions on women's freedom of movement;

(3) reiterates its strong sense that the provisions in such law which restrict the rights of women should be removed, and that an amended draft of the Shi'ite Personal Status Law should be submitted for parliamentary review;

(4) encourages the Secretary of State, the Special Representative for Afghanistan and Pakistan, the Ambassador-at-Large for Global Women's Issues, and the United States Ambassador to Afghanistan to consider and address the status of women's rights and security in Afghanistan to ensure that such rights are not being eroded through unjust laws, policies, or institutions; and

(5) encourages the Government of Afghanistan to solicit information and advice from the Ministry of Justice, the Ministry for Women's Affairs, the Afghanistan Independent Human Rights Commission, and women-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women's status and rights to the overall stability of Afghanistan.

SEC. 1108. GLOBAL PEACE OPERATIONS INITIATIVE PROGRAMS AND ACTIVITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Over 100,000 military and civilian personnel are engaged in 18 United Nations peacekeeping operations around the world. Peacekeeping operations are critical to maintaining a peaceful and stable international environment.

(2) The United States has a vital interest in ensuring that United Nations peacekeeping operations are successful. Countries undergoing conflict threaten the national and economic security of the United States, risk becoming safe havens for terrorist organizations, and often feature levels of human rights abuses and human deprivation that are an affront to the values of the American people.

(3) Over the years, United Nations peacekeeping has evolved to meet the demands of different conflicts and a changing political landscape. Today's peacekeeping mission is most often ''multidimensional'' and includes a wide variety of complex tasks such as civilian protection, helping to build sustainable institutions of governance, human rights monitoring, security sector reform, facilitating delivery of humanitarian relief and disarmament, demobilization and reintegration of former combatants.

(4) United Nations peacekeeping operations allow the United States to respond to global crises within a multilateral framework with costs shared among nations. A 2007 Government Accountability Office report found that in general a United States peacekeeping operation is likely to be ''much more expensive'' than a United Nations peacekeeping operation, regardless of location.

(5) In many missions due to vast swaths of terrain and limited infrastructure, ongoing low-intensity fighting, and the presence of ''peace spoilers'', United Nations peacekeepers cannot carry out the complex tasks with which they are charged without critical enablers, and in particular air assets.

(6) The United Nations Secretary-General has repeatedly noted the deleterious impact of insufficient helicopters for peacekeeping missions in Darfur and the Democratic Republic of the Congo. History has shown that under-resourced peacekeeping troops are not only unable to carry out their mandates, they erode the credibility of the United Nations and are themselves likely to come under attack.

(7) Senate Resolution 432 and House Resolution 1351 of the 110th Congress—

(A) urged members of the international community, including the United States, that possessed the capability to provide tactical and utility helicopters needed for the United Nations-African Union Mission in Darfur (UNAMID) to do so as soon as possible; and

(B) urged the President to intervene personally by contacting other heads of state and asking them to contribute the aircraft and crews to the Darfur mission.

(8) The current framework of relying on member countries to provide air assets on a volunteer basis has not yielded sufficient results. The United Nations still faces a shortfall of over 50 helicopters for UNAMID, the Democratic Republic of Congo (MONUC), and the Republic of Chad (MINURCAT). A review of trend lines suggests that any new United Nations peacekeeping missions authorized within the next five to seven years would face similar shortfalls.

(9) Numerous studies and reports have determined that there is no global shortage of air assets. It is inexcusable to allow authorized United Nations peacekeeping missions to flounder for the lack of critical mobility capabilities.

(b) PURPOSE.—The purpose of assistance authorized by this section is to help protect civilians by training and equipping peacekeepers worldwide, to include financing the refurbishment of helicopters.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary of State is authorized to use amounts authorized to be appropriated to carry out this section to provide funding to carry out and expand Global Peace Operations Initiative programs and activities. Such programs and activities shall include—

(A) training and equipping peacekeepers worldwide, with a particular focus on Africa;

(B) enhancing the capacity of regional and sub-regional organizations to plan, train for, manage, conduct, sustain and obtain lessons-learned from peace support operations;

(C) carrying out a clearinghouse function to exchange information and coordinate G–8 efforts to enhance peace operations;

(D) providing transportation and logistics support for deploying peacekeepers;

(E) developing a cached equipment program to procure and warehouse equipment for use in peace operations globally;

(F) providing support to the international Center of Excellence for Stability Police Units (COESPU) in Italy to increase the capabilities and interoperability of stability police to participate in peace operations;

(G) conducting sustainment and self-sufficiency activities in support of the objectives described in subparagraphs (A) through (F) with a focus on assisting partners to sustain proficiencies gained in training programs; and

(H) financing the refurbishment of helicopters in preparation for their deployment to United Nations peacekeeping operations or to regional peacekeeping operations which have been approved by the United Nations Security Council.

(2) SENSE OF CONGRESS.—It is the sense of Congress that failure on the part of the international community to take all steps necessary to deploy and maintain fully capacitated United Nations peacekeeping operations will result in continued loss of life and human suffering. Therefore, in carrying out this section, the Secretary of State should prioritize the refurbishment of helicopters with a goal of participating

in the financing of no fewer than three helicopter refurbishments by the end of fiscal year 2011.

(3) SUPPORT FROM OTHER COUNTRIES.—In providing funding under paragraph (1), the Secretary of State shall to the greatest extent possible seek to leverage such funding with financing from other countries.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of the United States Government to carry out the provisions of this section.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a description of the Global Peace Operations Initiative programs and activities undertaken, by country;

(B) a description of the funds obligated and expended in each country, by program and fiscal year;

(C) a description of the coordination of these efforts within the United States Government interagency process and with other nations along with any recommendations for improvements;

(D) a description of the GPOI's activities concerning the refurbishment of air assets for United Nations peacekeeping operations and regional peacekeeping operations that have been approved by the United Nations Security Council;

(E) data measuring the quality of the training and proficiency of the trainees program-wide;

(F) data on the training and deployment activities of graduates of the international Center of Excellence for Stability Police Units (COESPU) in their home countries;

(G) a description of vetting activities for all GPOI training to ensure that all individuals in composite units are vetted for human rights violations;

(H) data measuring the timeliness of equipment delivery and recommendations for improvement as appropriate; and

(I) description of how GPOI trainees and GPOI-provided equipment contribute to improved civilian protection in peace operations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011 to carry out this section.

(f) DEFINITION.—In this section, the term ''Global Peace Operations Initiative'' or ''GPOI'' means the program established by the Department of State to address major gaps in international peace operations support, including by building and maintaining capability, capacity, and effectiveness of peace operations.

SEC. 1109. FREEDOM OF THE PRESS.

(a) SHORT TITLE.—This section may be cited as the ''Daniel Pearl Freedom of the Press Act of 2009''.

(b) INCLUSION OF ADDITIONAL INFORMATION RELATING TO FREEDOM OF THE PRESS WORLDWIDE IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d)), as amended by section 333(c) of this Act—

(A) in paragraph (11), by striking ''and'' at the end; and

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(13) wherever applicable—

''(A) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

''(B) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

''(C) in countries where there are particularly severe violations of freedom of the press—

''(i) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

''(ii) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.''; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

''(i) The report required by subsection (b) shall include, wherever applicable—

''(1) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

''(2) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

''(3) in countries where there are particularly severe violations of freedom of the press—

''(A) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

''(B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.''.

(c) FREEDOM OF THE PRESS GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of State shall administer a grant program with the aim of promoting freedom of the press worldwide. The grant program shall be administered by the Department of State's Bureau of Democracy, Human Rights and Labor in consultation with the Undersecretary for Public Affairs and Public Diplomacy.

(2) AMOUNTS AND TIME.—Grants may be awarded to nonprofit and international organizations and may span multiple years, up to five years.

(3) PURPOSE.—Grant proposals should promote and broaden press freedoms by strengthening the independence of journalists and media organizations, promoting a legal framework for freedom of the press, or through providing regionally and culturally relevant training and professionalization of skills to meet international standards in both traditional and digital media.

(d) MEDIA ORGANIZATION DEFINED.—In this section, the term ''media organization'' means a group or organization that gathers and disseminates news and information to the public (through any medium of mass communication) in a foreign country in which the group or organization is located, except that the term does not include a group or organization that is primarily an agency or instrumentality of the government of such foreign country. The term includes an individual who is an agent or employee of such group or organization who acts within the scope of such agency or employment.

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

SEC. 1110. INFORMATION FOR COUNTRY COMMERCIAL GUIDES ON BUSINESS AND INVESTMENT CLIMATES.

(a) IN GENERAL.—The Director General of the Foreign Commercial Service, in consultation with the Assistant Secretary of Commerce for Trade Promotion and the Assistant Secretary of State for Economic, Energy and Business Affairs, should ensure that the annual Country Commercial Guides for United States businesses include—

(1) detailed assessments concerning each foreign country in which acts of unfair business and investment practices or other actions that have resulted in poor business and investment climates were, in the opinion of the Director General of the Foreign Commercial Service, of major significance;

(2) all relevant information about such unfair business and investment practices or other actions during the preceding year by members of the business community, the judiciary, and the government of such country which may have impeded United States business or investment in such country, including the capacity for United States citizens to operate their businesses without fear of reprisals; and

(3) information on—

(A) the extent to which the government of such country is working to prevent unfair business and investment practices; and

(B) the extent of United States Government action to prevent unfair business and investment practices or other actions that harm United States business or investment interests in relevant cases in such country.

(b) ADDITIONAL PROVISIONS TO BE INCLUDED.—The information required under subsection (a) should, to the extent feasible, include—

(1) with respect to paragraph (1) of such subsection—

(A) a review of the efforts undertaken by each foreign country to promote a healthy business and investment climate that is also conducive to the United States business community and United States investors, including, as appropriate, steps taken in international fora;

(B) the response of the judicial and local arbitration systems of each such country that is the subject of such detailed assessment with respect to matters relating to the business and investment climates affecting United States citizens and entities, or that have, in the opinion of the Director General of the Foreign Commercial Service, a significant impact on United States business and investment efforts; and

(C) each such country's access to the United States market;

(2) with respect to paragraph (2) of such subsection—

(A) any actions undertaken by the government of each foreign country that prevent United States citizens and businesses from receiving equitable treatment;

(B) actions taken by private businesses and citizens of each such country against members of the United States business community and United States investors;

(C) unfair decisions rendered by the legal systems of each such country that clearly benefit State and local corporations and industries; and

(D) unfair decisions rendered by local arbitration panels of each such country that do not exemplify objectivity and do not provide an equitable ground for United States citizens and businesses to address their disputes; and

(3) with respect to paragraph (3) of such subsection, actions taken by the United States Government to—

(A) promote the rule of law;

(B) prevent discriminatory treatment of United States citizens and businesses engaged in business or investment activities in each foreign country;

(C) allow United States goods to enter each such country without requiring a co-production agreement; and

(D) protect United States intellectual property rights.

(c) CONSULTATION.—In carrying out this section, the Director General of the Foreign Commercial Service shall consult with business leaders, union leaders, representatives of the judicial system of each foreign country described in

subsection (a), and relevant nongovernmental organizations.

(d) BUSINESS AND INVESTMENT CLIMATE WARNINGS.—The Secretary of State, with the assistance of the Assistant Secretary of State for Economic, Energy and Business Affairs, as well as the Assistant Secretary of Commerce for Trade Promotion and the Director General of the Foreign Commercial Service, shall establish a warning system that effectively alerts United States businesses and investors of—

(1) a significant deterioration in the business and investment climate in a foreign country, including discriminatory treatment of United States businesses; or

(2) a significant constraint on the ability of the United States Government to assist United States businesses and investors in a foreign country, such as to the closure of a United States diplomatic or consular mission, that is not explained in the most recent Country Commercial Guide for such country.

(e) DEFINITIONS.—In this section:

(1) CO-PRODUCTION AGREEMENT.—The term ''co-production agreement'' means a United States Government or United States business working with a foreign government, foreign company, or an international organization to produce or manufacture an item.

(2) RULE OF LAW.—The term ''rule of law'' means the extent to which laws of a foreign country are publicly promulgated, equally enforced, independently adjudicated, and are consistent with international norms and standards.

(3) UNFAIR BUSINESS AND INVESTMENT PRACTICES.—The term ''unfair business and investment practices'' includes any of the following:

(A) Unlawful actions under international law or the law of the foreign country taken by the government of such country or by businesses, citizens, or other entities of such country that have resulted in lost assets, contracts, or otherwise contributed to an inhospitable business or investment climate.

(B) Discriminatory treatment of United States businesses, whether wholly or partially owned.

(C) Failure to protect intellectual property rights.

(D) Requiring a co-production agreement in order for goods from the United States to enter a foreign country.

SEC. 1111. INTERNATIONAL PROTECTION OF GIRLS BY PREVENTING CHILD MARRIAGE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) child marriage is a violation of human rights and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

(b) STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.—

(1) STRATEGY REQUIRED.—The President, acting through the Secretary of State, shall establish a multi-year strategy to prevent child marriage in developing countries and promote the empowerment of girls at risk of child marriage in developing countries, including by addressing the unique needs, vulnerabilities, and potential of girls under 18 in developing countries.

(2) CONSULTATION.—In establishing the strategy required by paragraph (1), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(3) ELEMENTS.—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage; and

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms and the rule of law, and programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building.

(4) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report that includes—

(A) the strategy required by paragraph (1);

(B) an assessment, including data disaggregated by age and gender to the extent possible, of current United States-funded efforts to specifically assist girls in developing countries; and

(C) examples of best practices or programs to prevent child marriage in developing countries that could be replicated.

(c) RESEARCH AND DATA COLLECTION.—The Secretary of State shall work with relevant Federal departments and agencies as part of their ongoing research and data collection activities, to—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

(d) DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

''(g) The report required by subsection (d) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term 'child marriage' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.''; and

(2) in section 502B (22 U.S.C. 2304), as amended by section 1109(b)(2) of this Act, is further amended by adding at the end the following new subsection:

''(j) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term 'child marriage' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.''.

(e) DEFINITION.—In this section, the term ''child marriage'' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident.

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated pursuant to section 101 of this Act, there is authorized to be appropriated as such sums as necessary for fiscal years 2010 through 2011 to carry out this section and the amendments made by this section.

SEC. 1112. STATEMENT OF CONGRESS REGARDING RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO ARTIST DINA BABBITT.

(a) FINDINGS.—Congress finds the following:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen, has requested the return of watercolor portraits she painted while suffering a 1½-year-long internment at the Auschwitz death camp during World War II.

(2) Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele.

(3) Dina Babbitt's life, and her mother's life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele.

(4) These paintings are currently in the possession of the Auschwitz-Birkenau State Museum.

(5) Dina Babbitt is the rightful owner of the artwork, because the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp.

(6) This continued injustice can be righted through cooperation between agencies of the United States and Poland.

(7) This issue was raised in the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228).

(b) STATEMENT OF CONGRESS.—Congress—

(1) continues to recognize the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits Dina Babbitt painted, while suffering a 1½-year-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the seven original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the seven original paintings to Dina Babbitt as expeditiously as possible.

SEC. 1113. STATEMENT OF POLICY REGARDING SOMALIA.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) advance long-term stability and peace in Somalia;

(2) provide assistance to the government of Somalia and nongovernmental organizations, including Somali-led nongovernmental organizations, and particularly women's groups, as appropriate;

(3) support efforts to establish democratic civil authorities and institutions in Somalia that reflect local and traditional structures, built on the rule of law and respect for human rights, and strengthen the security sector; and

(4) support reconciliation efforts in Somalia in order to ensure lasting peace.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the Secretary of State, should develop a comprehensive policy in coordination with the international community and the government of Somalia that aligns humanitarian, development, economic, political, counterterrorism, anti-piracy, and regional strategies in order to bring about peace and stability in Somalia and the region.

Subtitle B—Sense of Congress Provisions

SEC. 1121. PROMOTING DEMOCRACY AND HUMAN RIGHTS IN BELARUS.

(a) FINDINGS.—Congress finds the following:

(1) Despite some modest improvements, notably the release of political prisoners, the Belarusian Government's human rights and democracy record remains poor as governmental authorities continue to commit frequent serious abuses.

(2) Since 1996, President Alexander Lukashenka has consolidated his power over all institutions and undermined the rule of law through authoritarian means.

(3) Belarus restricts civil liberties, including freedoms of press, speech, assembly, association, and religion. Nongovernmental organizations and political parties are subject to harassment, fines, prosecution, and closure. The Belarusian Government maintains a virtual monopoly over the country's information space.

(b) POLICY.—It is the policy of the United States to—

(1) support the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

(2) support the aspirations of the people of Belarus to preserve the independence and sovereignty of their country;

(3) seek and support the growth of democratic movements and institutions in Belarus as well the development of a democratic political culture and civil society;

(4) seek and support the growth of an open market economy in Belarus through the development of entrepreneurship and protection of property rights; and

(5) remain open to re-evaluating United States policy toward Belarus, including existing sanctions, as warranted by demonstrable democratic and human rights progress made by the Belarusian Government.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should furnish assistance to Belarus to the support democratic processes in that country, including—

(A) expanding and facilitating the development of independent print, radio, television, and internet broadcasting to and within Belarus;

(B) aiding the development of civil society through assistance to nongovernmental organizations promoting democracy and supporting human rights, including youth groups, entrepreneurs, and independent trade unions;

(C) supporting the work of human rights defenders;

(D) enhancing the development of democratic political parties;

(E) assisting the promotion of free, fair, and transparent electoral processes;

(F) enhancing international exchanges, including youth and student exchanges, as well as advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(G) supporting educational initiatives such as the European Humanities University, a Belarusian university in exile based in Vilnius, Lithuania; and

(2) the United States should support radio, television, and internet broadcasting to the people of Belarus in languages spoken in Belarus, including broadcasting by Radio Free Europe/Radio Liberty, European Radio for Belarus, and Belsat.

SEC. 1122. SENSE OF CONGRESS ON THE HUMANITARIAN SITUATION IN SRI LANKA.

It is the sense of Congress that—

(1) both the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka must abide by their commitments to respect human life and cease offensive operations;

(2) the United States Government remains deeply concerned about the current danger to civilian lives and the dire humanitarian situation created by the fighting in the Mullaittivu area in Sri Lanka;

(3) the United States should call upon the Government and military of Sri Lanka and the LTTE to allow a humanitarian pause sufficient for the tens of thousands of civilians in the conflict area to escape the fighting;

(4) both sides must respect the right of free movement of those civilian men, women and children trapped by the fighting;

(5) the LTTE must immediately allow civilians to depart;

(6) the LTTE should then lay down their arms to a neutral third party;

(7) the Government of Sri Lanka should allow the United Nations High Commission for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) access to all sites where newly arrived displaced persons are being registered or being provided shelter, as well as to implement established international humanitarian standards in the camps for internally displaced persons;

(8) a durable and lasting peace will only be achieved through a political solution that addresses the legitimate aspirations of all Sri Lankan communities; and

(9) the Government of Sri Lanka should put forward a timely and credible proposal to engage its Tamil community who do not espouse violence or terrorism, and to develop power sharing arrangements so that lasting peace and reconciliation can be achieved.

SEC. 1123. WEST PAPUA.

(a) FINDINGS.—Congress finds the following:

(1) West Papua was a former Dutch colony just as East Timor was a former Portuguese colony just as Indonesia was a former colony of the Netherlands.

(2) In 1949, the Dutch granted independence to Indonesia and retained West Papua.

(3) In 1950, the Dutch prepared West Papua for independence.

(4) However, Indonesia, upon achieving independence, demanded the entire archipelago including the Dutch holding of West Papua and the Portuguese controlled territory of East Timor.

(5) In 1962, the United States mediated an agreement between the Dutch and Indonesia. Under terms of the agreement, the Dutch were to leave West Papua and transfer sovereignty to the United Nations after which time a national election would be held to determine West Papua's political status. But almost immediately after this agreement was reached, Indonesia violated the terms of the transfer and took over the administration of West Papua from the United Nations.

(6) Indonesia then orchestrated an election that many regarded as a brutal military operation. In what became known as an ''act of no-choice'', 1,025 West Papua elders under heavy military surveillance were selected to vote on behalf of more than 800,000 West Papuans on the territory's political status. The United Nations Representative sent to observe the election process produced a report which outlined various and serious violations of the United Nations Charter. In spite of the report and in spite of testimonials from the press, the opposition of fifteen countries, and the cries of help from the Papuans themselves, West Papua was handed over to Indonesia in November 1969.

(7) Since this time, the Papuans have suffered blatant human rights abuses including extrajudicial executions, imprisonment, torture, environmental degradation, natural resource exploitation and commercial dominance of immigrant communities and it is now estimated that more than 100,000 West Papuans and 200,000 East Timorese died as a direct result of Indonesian rule especially during the administrations of military dictators Sukarno and Suharto.

(8) Today, the violence continues. In its 2004 Country Reports on Human Rights Practices the Department of State reports that Indonesia ''security force members murdered, tortured, raped, beat and arbitrarily detained civilians and members of separatist movements especially in Papua''.

(9) In response to international pressure, Indonesia has promised to initiate Special Autonomy for West Papua.

(10) Considering that East Timor achieved independence from Indonesia in 2002 by way of a United Nations sanctioned referendum, Special Autonomy may be an effort to further disenfranchise a people who differ racially from the majority of Indonesians.

(11) West Papuans are Melanesian and believed to be of African descent.

(b) REPORTS.—

(1) SECRETARY OF STATE.—For fiscal year 2010, the Secretary of State shall submit to the appropriate congressional committees a report on the 1969 Act of Free Choice, the current political status of West Papua, and the extent to which the Government of Indonesia has implemented and included the leadership and the people of West Papua in the development and administration of Special Autonomy.

(2) PRESIDENT.—For each of fiscal years 2010 and 2011, the President shall transmit to the appropriate congressional committees a report that contains a description of the extent to which the Government of Indonesia has certified that it has halted human rights abuses in West Papua.

SEC. 1124. SENSE OF CONGRESS RELATING TO SOVIET NUCLEAR TESTS AND KAZAKHSTAN'S COMMITMENT TO NONPROLIFERATION.

(a) FINDINGS.—Congress finds the following:

(1) In 1991, immediately after achieving independence, Kazakhstan closed and sealed the world's second largest nuclear test site in Semipalatinsk which had been inherited from the former Soviet Union and at which more than 500 nuclear tests had been conducted from 1949 to 1991.

(2) The cumulative power of explosions from those tests, conducted above ground, on the ground, and underground is believed to be equal to the power of 20,000 explosions of the type of bomb dropped on Hiroshima, Japan, in 1945.

(3) More than 1,500,000 people in Kazakhstan suffered because of decades of Soviet nuclear weapons testing in the region.

(4) A horrifying array of disease will continue to destroy the lives of hundreds of thousands and their descendants for many generations to come as a result of these tests.

(5) Since its independence, Kazakhstan has constructed a stable and peaceful state, voluntarily disarmed the world's fourth largest nuclear arsenal, joined the Strategic Arms Reduction Treaty (START), and within the frameworks of the Cooperative Threat Reduction program the government of Kazakhstan, in cooperation with the United States Government, conducted a very successful secret operation, code-named Project Sapphire, as a result of which 581 kilograms (1,278 pounds) of highly enriched uranium enough to produce 20–25 nuclear warheads were removed from Kazakhstan.

(6) Because of the successful cooperation between the Governments of the United States and Kazakhstan, the last lethal weapon was removed from Kazakhstan in April 1995.

(7) Kazakhstan, allegiant to its commitment to nonproliferation, in December 2004 signed with the United States an amendment to the bilateral agreement on the nonproliferation of weapons of mass destruction which will move the two nations towards a new level of cooperation in preventing the threat of bio-terrorism.

(8) By its actions, Kazakhstan has proven itself not only as a universally recognized leader and one of the key members in the nonproliferation process, but also as a reliable and consistent ally of the United States in reducing nuclear threats and preventing lethal weapons from being acquired by terrorist organizations such as Al-Qaeda.

(9) Recently Kazakhstan has also offered to host an international nuclear fuel bank where low-enriched uranium would be stored in accordance with the highest international standards for safety, security, and safeguards.

(10) The Norwegian Defence Research Establishment is also working with Kazakhstan to strengthen nuclear security and nonproliferation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the people of Kazakhstan and its Government should be congratulated for their commitment to nonproliferation and their leadership in

offering to host an international nuclear fuel bank; and

(2) the Secretary of State should work to establish a joint working group with the Governments of Kazakhstan and Norway to explore common challenges and opportunities on disarmament and non-proliferation, and to assist in assessing the environmental damage and health effects caused by Soviet nuclear testing in Semipalatinsk.

SEC. 1125. SENSE OF CONGRESS ON HOLOCAUST-ERA PROPERTY RESTITUTION AND COMPENSATION.

It is the sense of Congress that—

(1) countries in Central and Eastern Europe which have not already done so must return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation, in accordance with principles of justice and in an expeditious manner that is transparent and fair;

(2) countries in Central and Eastern Europe must enact and implement appropriate restitution and compensation legislation to facilitate private, communal, and religious property restitution; and

(3) countries in Central and Eastern Europe must ensure that such restitution and compensation legislation establishes a simple, transparent, and timely process, so that such process results in a real benefit to those individuals who suffered from the unjust confiscation of their property.

SEC. 1126. EFFORTS TO SECURE THE FREEDOM OF GILAD SHALIT.

It is the sense of Congress that Israeli soldier Gilad Shalit, who has been held captive continuously since his illegal abduction by Gazan kidnappers in 2006, should be safely released at the earliest possible time and that, pending his release, the International Committee of the Red Cross should be granted full access to him, in accordance with international law and civilized values.

SEC. 1127. SENSE OF CONGRESS RELATING TO SUDAN.

It is the sense of Congress that—

(1) the United States should support efforts to find a stable and lasting peace in Sudan in the wake of a devastating conflict that led to a major humanitarian disaster and caused the deaths of hundreds of thousands, and continues to cause violence in Darfur and throughout Sudan;

(2) to achieve that peace, all parties must agree to uphold the Comprehensive Peace Agreement (CPA);

(3) international partners should aim to widen acceptance of the Darfur Peace Agreement by all stakeholders;

(4) the United States should support efforts to prepare for the national elections and for the referendum;

(5) the United States should support efforts to develop a coordinated international strategy to support the rebuilding of Sudan, with a particular focus on key CPA benchmarks including policy toward the Three Areas, transitional justice, which would include prosecuting perpetrators of war crimes, oil revenue sharing, the census, the return of displaced Darfuris and other peoples to their homeland, and management of the armed forces; and

(6) United States policy toward Darfur should be fully integrated with United States policy toward the CPA, as full and lasting resolution to the Darfur crisis hinges on the resolution of a common set of national problems.

SEC. 1128. SENSE OF CONGRESS ON RESTRICTIONS ON RELIGIOUS FREEDOM IN VIETNAM.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of State, under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) and authority delegated by the President, designates nations found guilty of ''particularly severe violations of religious freedom'' as ''Countries of Particular Concern''.

(2) In November 2006, the Secretary of State announced that the Socialist Republic of Vietnam was no longer designated as a ''Country of Particular Concern''.

(3) The Unified Buddhist Church of Vietnam (UBCV), the Hoa Hao Buddhists, and the Cao Dai groups continue to face unwarranted abuses because of their attempts to organize independently of the Government of Vietnam, including the detention and imprisonment of individual members of these religious communities.

(4) Over the last 3 years, 18 Hoa Hao Buddhists have been arrested for distributing sacred texts or publically protesting the religious restrictions placed on them by the Government of Vietnam, at least 12 remain in prison, including 4 sentenced in 2007 for staging a peaceful hunger strike.

(5) At least 15 individuals are being detained in long term house arrest for reasons relating to their faith, including the most venerable Thich Quang Do and most of the leadership of the UBCV.

(6) According to Human Rights Watch, ''In April 2008 Montagnard Christian Y Ben Hdok was beaten to death while in police custody in Dak Lak after other Montagards in his district tried to flee to Cambodia to seek political asylum.''.

(7) According to the United States Commission on International Religious Freedom 2009 Annual Report, religious freedom advocates and human rights defenders Nguyen Van Dai, Le Thi Cong Nhan, and Fr. Thaddeus Nguyen Van Ly are in prison under Article 88 of the Criminal Code of Vietnam and Fr. Nguyen Van Loi is being held without official detention orders under house arrest.

(8) In February 2009, as many as 11 Montagnard Protestants were detained for refusing to join the officially recognized Southern Evangelical Church of Vietnam, and 2 still remain in prison.

(9) Since August 2008, the Government of Vietnam has arrested and sentenced at least eight individuals and beaten, tear-gassed, harassed, publicly slandered, and threatened Catholics engaged in peaceful activities seeking the return of Catholic Church properties confiscated by the Vietnamese Government after 1954 in Hanoi, including in the Thai Ha parish.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should place Vietnam on the list of ''Countries of Particular Concern'' for particularly severe violations of religious freedom; and

(2) the Government of Vietnam should lift restrictions on religious freedom and implement necessary legal and political reforms to protect religious freedom.

The CHAIR. No amendment to the committee amendment is in order except those printed in part C of House Report 111–143. Each 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 of the amendment, 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. BERMAN

The CHAIR. It is now in order to consider amendment No. 1 printed in part C of House Report 111–143.

Mr. BERMAN. Mr. Chairman, I have an amendment made in order by the rule and ask for its immediate consideration.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BERMAN:

Page 12, line 3, strike ''$100,000,000'' and insert ''$105,500,000''.

Page 15, beginning line 20, strike ''such sums as may be necessary'' and insert ''$115,000,000''.

Page 17, line 12, insert ''in'' before ''section''.

Page 43, line 12, strike ''live'' and insert ''live and work, or study or volunteer,''.

In section 226, redesignate subsections (d) through (k) as subsection (e) through (l) and insert after subsection (c) the following:

(d) USE OF FUNDS.—Paragraph (2) of subsection (c) of section 207 of such Act is amended to read as follows:

''(2) USE OF FUNDS.—All or part of the amounts allotted for the Foundation under paragraph (1) may be transferred to the Foundation or to the appropriate Department of State appropriation for the purpose of carrying out or supporting the Foundation's activities.''.

Page 60, beginning line 4, strike ''a refugee or asylee spouse'' and insert ''a spouse of a refugee or of a person who has been granted asylum''.

Page 60, line 5, strike ''biological'' and insert ''birth''.

Page 60, strike lines 8 through 20 and insert the following:

(d) ERMA ACCOUNT.—Section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

Page 61, line 14, insert '', including children, as appropriate,'' after ''refugees''.

Page 61, line 18, strike ''pilot''.

Page 64, line 2, strike ''shall'' and insert ''should''.

Page 64, line 6, insert ''during this refugee crisis'' before the period.

Page 64, line 9, strike ''the National Security Council,''.

Page 64, line 11, insert ''the Department of Defense,'' before ''the United States''.

Page 65, line 2, strike ''such'' and insert ''refugee''.

Page 65, line 11, strike ''and'' and insert '', the International Committee of the Red Cross,''.

Page 65, line 12, strike ''such other'' and insert ''and other appropriate''.

Page 69, beginning line 8, strike ''applicants and'' and insert ''applicants, including any effect such method may have on an interviewer's ability to determine an applicant's credibility and uncover fraud, and shall''.

Page 82, line 13, after ''committees'' insert ''and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate''.

Page 110, after line 25, insert the following:

SEC. 305. INCREASING THE CAPACITY OF THE DEPARTMENT OF STATE TO RESPOND TO CRISES.

Paragraph (5) of section 1603 of the Reconstruction and Stabilization Civilian Management Act of 2008 (title XVI of Public Law 110–417) is amended to read as follows:

''(5) PERSONNEL DEFINED.—The term 'personnel' means—

''(A) individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch;

''(B) individuals employed by personal services contract, including those employed pursuant to section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)) and section 636(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)(3)); and

''(C) individuals appointed under section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943).''.

Page 112, line 15, strike ''equal to'' and insert ''up to''.

Page 112, line 19, strike ''equal to'' and insert ''up to''.

Page 129, line 4, insert ''and support for'' after ''cooperation with''.

Page 129, line 4, strike ''government'' and insert ''government's efforts''.

Page 131, line 24, strike ''coordinate'' and insert ''assist in the coordination of''.

Page 133, line 19, strike ''subparagraph (A) and (B)'' and insert ''this section''.

Page 133, beginning line 25, strike ''of or trafficking in'' and insert ''or distribution of''.

Page 134, line 15, strike ''of or trafficking in'' and insert with ''or distribution of''.

Page 145, after line 8, insert the following:

(e) RELATIONSHIP TO OTHER LAWS REGARDING ABORTION.—Nothing in this section, and in particular the duties of the office described in subsection (c), shall be construed as affecting in any way existing statutory prohibitions against abortion or existing statutory prohibitions on the use of funds to engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

Page 145, line 9, strike ''(e)'' and insert ''(f)''.

Page 145, after line 13, insert the following:

SEC. 335. FOREIGN SERVICE VICTIMS OF TERRORISM.

(a) ADDITIONAL DEATH GRATUITY.—Section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) In addition to a death gratuity payment under subsection (a), the Secretary or the head of the relevant United States Government agency is authorized to provide for payment to the surviving dependents of a Foreign Service employee or a Government executive branch employee, if such Foreign Service employee or Government executive branch employee is subject to the authority of the chief of mission pursuant to section 207, of an amount equal to a maximum of eight times the salary of such Foreign Service employee or Government executive branch employee if such Foreign Service employee or Government executive branch employee is killed as a result of an act of international terrorism. Such payment shall be accorded the same treatment as a payment made under subsection (a). For purposes of this subsection, the term 'act of international terrorism' has the meaning given such term in section 2331(1) of title 18, United States Code.''.

(b) CERTAIN SPECIFIC PAYMENTS.—Subject to the availability of appropriations specifically for the purpose specified in this subsection as provided in appropriations Acts enacted on or after October 1, 2007, and notwithstanding any other provision of law, the Secretary of State shall pay the maximum amount of payment under section 413(d) of the Foreign Service Act of 1980 (as amended by subsection a(2) of this section) to an individual described in such section 413(d) or to an individual who was otherwise serving at a United States diplomatic or consular mission abroad without a regular salary who was killed as a result of an act of international terrorism (as such term is defined in section 2331(1) of title 18, United States Code) that occurred between January 1, 1998, and the date of the enactment of this section, including the victims of the bombing of August 7, 1998, in Nairobi, Kenya. Such a payment shall be deemed to be a payment under section 413(d) of the Foreign Service Act of 1980, except that for purposes of this section, such payment shall, with respect to a United States citizen receiving payment under this section, be in an amount equal to ten times the salary specified in this section. For purposes of this section and section 413(d) of such Act, with respect to a United States citizen receiving payment under this section, the salary to be used for purposes of determining such payment shall be $94,000.

Page 157, line 8, strike ''State'' and insert ''State, in consultation with the Secretary of Energy,''.

Page 157, line 9, strike ''Committee'' and all that follows through ''Senate'' on line 11 and insert ''appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate''.

Page 160, line 3, after ''appropriate congressional committees'' insert ''and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate''.

Page 163, after line 2, insert the following:

SEC. 418. IMPLEMENTING AN INTERNATIONAL NUCLEAR FUEL BANK.

It is the sense of Congress that, not later than 120 after the date of the enactment of this Act, the Secretary of State should appoint a coordinator to help implement the International Nuclear Fuel Bank to ensure that countries have a supply of fuel for nuclear energy and do not have to enrich their own uranium.

Page 164, line 17, strike ''200'' and insert ''125''.

Page 181, line 17, insert before the semicolon the following: '', and four year colleges and universities demonstrating an institutional commitment to increasing study abroad participation''.

Page 184, line 11, strike ''majority leader'' and insert ''Speaker''.

Page 240, strike line 10 and all that follows through page 241, line 9 and insert the following:

(a) IN GENERAL.—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) is amended to read as follows:

''(c) CRIMINAL PENALTIES FOR VIOLATIONS OF THIS SECTION AND SECTION 39.—Whoever willfully—

''(1) violates this section or section 39, or

''(2) in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading,

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both.''.

Page 242, after line 14, insert the following:

SEC. 832. REPORT ON CERTAIN ASPECTS OF UNITED STATES EXPORT CONTROLS.

Not later than 180 days after the date of the enactment of this Act, the President, taking into account the views of the relevant Federal departments and agencies, shall transmit to Congress a report on the plans of such departments and agencies to streamline United States export controls and processes to better serve the needs of the United States scientific and research community, consistent with the protection of United States national security interests.

Page 243, strike lines 19 through 23 and insert the following:

(d) FORMULATION AND EXECUTION OF ACTIVITIES.—

(1) COORDINATION WITH CERTAIN PROGRAMS.—To the extent that activities are carried out during a fiscal year pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163: 119 Stat. 3456), the Secretary of State shall coordinate with the Secretary of Defense on the formulation and execution of the program authorized under subsection (a) to ensure that the activities under this program complement the activities carried out pursuant to such section 1206.

(2) CONSULTATION.—The Secretary of State may also consult with the head of any other appropriate department or agency in the formulation and execution of the program authorized under subsection (a).

Page 252, after line 11, insert the following:

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize appropriations for the Arrow Weapons System or David's Sling weapons program under any provision of law that is funded from accounts within budget function 050 (National Defense).

Page 264, beginning line 1, insert the following:

(3) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent practicable, and without compromising law enforcement sensitive or other protected information, the reports required by paragraph (1) should be made available to the Congress of Mexico for use in their oversight activities, including through the Mexico-United States Inter-Parliamentary Group process.

Page 264, beginning line 17, strike ''develop a strategy for the Federal Government to improve'' and insert ''evaluate''.

Page 264, line 24, insert ''and enforcement of current regulations'' after ''regulation''.

Page 265, strike lines 1 through 5 and insert the following:

(2) evaluate Federal policies, including enforcement policies, for control of exports of small arms and light weapons and, if warranted, suggest improvements that further the foreign policy and national security interests of the United States within the Western Hemisphere.

Strike section 912 and insert the following:

SEC. 912. INCREASE IN PENALTIES FOR ILLICIT TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO COUNTRIES IN THE WESTERN HEMISPHERE.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778), as amended by sections 831(a) of this Act, is further amended—

(1) in subsection (c), by striking ''Whoever'' and inserting ''Subject to subsection (d), whoever,''; and

(2) by inserting after subsection (c) the following new subsection:

''(d) TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO COUNTRIES IN THE WESTERN HEMISPHERE.—Whoever willfully exports to a country in the Western Hemisphere any small arm or light weapon without a license in violation of this section shall be fined not more than $3,000,000 and imprisoned for not more than 20 years, or both. For purposes of this subsection, the term 'small arm or light weapon' means any item listed in Category I(a), Category III (as it applies to Category I(a)), or grenades under Category IV(a) of the United States Munitions List (as contained in part 121 of title 22, Code of Federal Regulations (or successor regulations)) that requires a license for international export under this section.''.

Page 267, strike lines 15 through 20.

Page 273, line 11, after the period insert the following: ''The United States should urge the European Union, its member states, and the international community to call for an immediate and complete withdrawal of Russian troops deployed within Georgia in accordance with the August and September 2008 ceasefire agreements and for Russia to rescind its recognition of the independence of Abkhazia and South Ossetia.''.

Page 275, line 17, strike ''Congress'' and insert ''the appropriate congressional committees and the Committee on Armed Services

of the House of Representatives and the Committee on Armed Services of the Senate''.

Page 281, after line 14, insert the following:

SEC. 1012. RECRUITMENT AND HIRING OF VETERANS AT THE DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) FINDINGS.—Congress finds the following:

(1) Building a more expeditionary and capable Department of State and United States Agency for International Development requires recruitment of personnel with experience working in unstable areas.

(2) Veterans of the Armed Forces have specialized experience gained from working under stressful circumstances in hostile, foreign environments or under difficult circumstances.

(3) The Foreign Service Act of 1980 states that ''The fact that an applicant for appointment as a Foreign Service officer candidate is a veteran or disabled veteran shall be considered an affirmative factor in making such appointments.''.

(4) In 1998, Congress enacted the Veterans Employment Opportunities Act (VEOA), requiring that Federal agencies must allow preference eligibles and certain veterans to apply for positions announced under merit promotion procedures whenever an agency is recruiting from outside its own workforce.

(5) The annual report of the Office of Personnel Management on ''The Employment of Veterans in the Federal Government'' for fiscal year 2007, detailing the efforts by all agencies of the Federal Government to hire veterans, reported that 15.6 percent of all Department of State employees were veterans.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State and the United States Agency for International Development should intensify their efforts to recruit more veterans, that those applicants who are entitled to five or ten point veterans preference have also served in the Armed Forces in areas of instability with specialties such as civil affairs, law enforcement, and assignments where they regularly performed other nation-building activities, and that this experience should be an additional affirmative factor in making appointments to serve in the Foreign Service.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to Congress a report on the efforts of the Department of State and the United States Agency for International Development to improve the recruitment of veterans into their respective workforces.

Page 304, line 7, insert ''contribute to peace and security and'' before ''help''.

Page 304, strike line 17 and all that follows through page 305, line 15, and insert the following:

(A) assist partner countries to establish and strengthen the institutional infrastructure required for such countries to achieve self-sufficiency in participating in peace support operations, including for the training of formed police units;

(B) train peacekeepers worldwide to increase global capacity to participate in peace support operations;

(C) provide transportation and logistics support to deploying peacekeepers as appropriate;

(D) enhance the capacity of regional and sub-regional organizations to train for, plan, deploy, manage, obtain, and integrate lessons learned from peace operations;

(E) support multilateral approaches to coordinate international contributions to peace support operations capacity building efforts; and

Page 305, line 16, strike ''(H)'' and insert ''(F)''.

Page 306, after line 10, insert the following:

(4) RELATION TO OTHER PROGRAMS AND ACTIVITIES.—The activities described under paragraph (1)(F) may be coordinated or conducted in conjunction with other foreign assistance programs and activities of the United States, as appropriate and in accordance with United States law.

Page 307, strike lines 12 through 14.

Page 307, line 15, strike ''(F)'' and insert ''(E)''.

Page 307, line 15, strike ''data'' and insert ''information''.

Page 307, line 19, strike ''(G)'' and insert ''(F)''.

Page 307, line 23, strike ''(H)'' and insert ''(G)''.

Page 307, line 23, strike ''data measuring'' and insert ''information concerning''.

Page 308, line 1, strike ''(I)'' and insert ''(H)''.

Page 308, beginning line 5, strike ''such sums as may be necessary for each of fiscal years 2010 and 2011'' and insert ''$140,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011''.

Page 325, after line 19, insert the following:

SEC. 1114. MODERNIZATION AND STREAMLINING OF UNITED STATES FOREIGN ASSISTANCE.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 608 the following new section:

''SEC. 609. MONITORING AND EVALUATION OF UNITED STATES FOREIGN ASSISTANCE.

''(a) IN GENERAL.—The Secretary of State should develop and implement a rigorous system to monitor and evaluate the effectiveness and efficiency of United States foreign assistance. The system should include a method of coordinating the monitoring and evaluation activities of the Department of State and the United States Agency for International Development with the monitoring and evaluation activities of other Federal departments and agencies carrying out United States foreign assistance programs, and when possible with other international bilateral and multilateral agencies and entities.

''(b) ELEMENTS.—In carrying out subsection (a), the Secretary, under the direction of the President, should ensure that the head of each Federal department or agency carrying out United States foreign assistance programs—

''(1) establishes measurable performance goals, including gender-sensitive goals wherever possible, for such programs;

''(2) establishes criteria for selection of such programs to be subject to various evaluation methodologies, with particular emphasis on impact evaluation;

''(3) establishes an organization unit, or strengthens an existing unit, with adequate staff and funding to budget, plan, and conduct appropriate performance monitoring and improvement and evaluation activities with respect to such programs;

''(4) establishes a process for applying the lessons learned and findings from monitoring and evaluation activities, including impact evaluation research, into future budgeting, planning, programming, design and implementation of such programs; and

''(5) establishes a policy to publish all evaluation plans and reports relating to such programs.

''(c) ANNUAL EVALUATION PLANS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary, under the direction of the President, should ensure that the head of each Federal department or agency carrying out United States foreign assistance programs develops an annual evaluation plan for such programs stating how the department or agency will implement this section.

''(2) CONSULTATION.—In preparing the evaluation plan, the head of each Federal department or agency carrying out United States foreign assistance programs should consult with the heads of other appropriate Federal departments and agencies, governments of host countries, international and local nongovernmental organizations, and other relevant stakeholders.

''(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this section, the head of each Federal department or agency carrying out United States foreign assistance programs should submit to the appropriate congressional committees an evaluation plan consistent with this subsection.

''(d) CAPACITY BUILDING.—

''(1) FOR FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary, under the direction of the President and in consultation with the head of each Federal department or agency carrying out United States foreign assistance programs, should take concrete steps to enhance the performance monitoring and improvement and evaluation capacity of each such Federal department and agency, subject to the availability of resources for such purposes, including by increasing and improving training and education opportunities, and by adopting best practices and up-to-date evaluation methodologies to provide the best evidence available for assessing the outcomes and impacts of such programs.

''(2) FOR RECIPIENT COUNTRIES.—The Secretary is authorized to provide assistance to increase the capacity of countries receiving United States foreign assistance to design and conduct performance monitoring and improvement and evaluation activities.

''(e) BUDGETARY PLANNING.—The head of each Federal department or agency carrying out United States foreign assistance programs should request in the annual budget of the department or agency a funding amount to conduct performance monitoring and improvement and evaluations of such programs, projects, or activities.

''(f) REPORT.—

''(1) IN GENERAL.—Not later than one year after the date of the enactment of this section, and in each of the two subsequent years, the Secretary shall transmit to the appropriate congressional committees a report on—

''(A) the use of funds to carry out evaluations under this section;

''(B) the status and findings of evaluations under this section; and

''(C) the use of findings and lessons learned from evaluations under this section, including actions taken in response to recommendations included in current and previous evaluations, such as the improvement or continuation of a program, project, or activity.

''(2) PUBLICATION.—The report shall also be made available on the Department of State's website.

''(g) DEFINITIONS.—

''(1) IN GENERAL.—In this section—

''(A) the term 'appropriate congressional committees' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate;

''(B) the term 'Secretary' means the Secretary of State; and

''(C) the term 'United States foreign assistance' means—

''(i) assistance authorized under this Act; and

''(ii) assistance authorized under any other provision of law that is classified under budget function 150 (International Affairs).

''(2) TERMS RELATING TO MONITORING AND EVALUATION.—In this section—

''(A) the term 'evaluation' means the systematic and objective determination and assessment of the design, implementation, and results of an on-going or completed program, project, or activity;

''(B) the term 'impact evaluation research' means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome or impact can be attributed to United States program, project, or activity intervention instead of other environmental factors, including change in political climate and other donor assistance;

''(C) the term 'impacts' means the positive and negative, direct and indirect, intended and unintended long-term effects produced by a program, project, or activity;

''(D) the term 'outcomes' means the likely or achieved immediate and intermediate effects of the outputs of a program, project, or activity;

''(E) the term 'outputs' means the products, capital, goods, and services that result from a program, project, or activity; and

''(F) the term 'performance monitoring and improvement' means a continuous process of collecting, analyzing, and using data to compare how well a program, project, or activity is being implemented against expected outputs and program costs and to make appropriate improvements accordingly.

''(h) FUNDING.—Of the amounts authorized to be appropriated for each United States foreign assistance program for each of the fiscal years 2010 and 2011, not less than 5 percent of such amounts should be made available to carry out this section.''.

(b) REPEALS OF OBSOLETE AUTHORIZATIONS OF ASSISTANCE; CONFORMING AMENDMENTS.—

(1) REPEALS.—The following provisions of the Foreign Assistance Act of 1961 are hereby repealed:

(A) Section 125 (22 U.S.C. 2151w; relating to general development assistance).

(B) Section 219 (22 U.S.C. 2179; relating to prototype desalting plant).

(C) Title V of chapter 2 of part I (22 U.S.C. 2201; relating to disadvantaged children in Asia).

(D) Section 466 (22 U.S.C. 2286; relating to debt-for-nature exchanges pilot program for sub-Saharan Africa).

(E) Sections 494, 495, and 495B through 495K (22 U.S.C. 2292c, 2292f, and 2292h through 2292q; relating to certain international disaster assistance authorities).

(F) Section 648 (22 U.S.C. 2407; relating to certain miscellaneous provisions).

(2) CONFORMING AMENDMENT.—Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by striking ''section 135'' and inserting ''section 136''.

SEC. 1115. GLOBAL HUNGER AND FOOD SECURITY.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to reduce global hunger, advance nutrition, increase food security, and ensure that relevant Federal policies and programs—

(1) provide emergency response and direct support to vulnerable populations in times of need, whether provoked by natural disaster, conflict, or acute economic difficulties;

(2) increase resilience to and reduce, limit, or mitigate the impact of shocks on vulnerable populations, reducing the need for emergency interventions;

(3) increase and build the capacity of people and governments to sustainably feed themselves;

(4) ensure adequate access for all individuals, especially mothers and children, to the required calories and nutrients needed to live healthy lives;

(5) strengthen the ability of small-scale farmers, especially women, to sustain and increase their production and livelihoods; and

(6) incorporate sustainable and environmentally sound agricultural methods and practices.

(b) INITIATIVES.—It is the sense of Congress that initiatives developed to carry out subsection (a) should—

(1) be guided by a comprehensive strategy under Presidential leadership that integrates the policies and programs of all Federal agencies;

(2) be balanced and flexible to allow for programs that meet emergency needs and increased investments in longer-term programs;

(3) develop mechanisms that allow cash and commodity-based resources to be effectively combined;

(4) define clear targets, benchmarks, and indicators of success, including gender analysis, in order to monitor implementation, guarantee accountability, and determine whether beneficiaries achieve increased and sustainable food security;

(5) employ the full range of diplomatic resources and provide incentives to other countries to meet their obligations to reduce hunger and promote food security; and

(6) work within a framework of multilateral commitments.

(c) COMPREHENSIVE STRATEGY TO ADDRESS GLOBAL HUNGER AND FOOD SECURITY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall direct the Secretary of State to develop and implement a comprehensive strategy to address global hunger and food security with respect to international programs and policies for—

(A) emergency response and management;

(B) safety nets, social protection, and disaster risk reduction;

(C) nutrition;

(D) market-based agriculture, the rehabilitation and expansion of rural agricultural infrastructure, and rural development;

(E) agricultural education, research and development, and extension services;

(F) government-to-government technical assistance programs;

(G) natural resource management, environmentally sound agriculture, and responses to the impact of climate change on agriculture and food production;

(H) monitoring and evaluation mechanisms; and

(I) provision of adequate and sustained resources, including multiyear funding, to ensure the scale and duration of programs required to carry out the United States commitment to alleviate global hunger and promote food security.

(2) COORDINATION WITH INTERNATIONAL GOALS.—In accordance with applicable law, the Secretary of State shall ensure that the comprehensive strategy described in paragraph (1) contributes to achieving the Millennium Development Goal of reducing global hunger by half not later than 2015 and to advancing the United Nations Comprehensive Framework for Action with respect to global hunger and food security, including supporting the United Nations, international agencies, governments, and other relevant organizations and entities in carrying out the Comprehensive Framework for Action.

(d) REPORTS.—

(1) IN GENERAL.—The Secretary of State shall submit to the President and Congress, not later than March 31, 2010, and annually thereafter for the next two years, an annual report on the implementation of the comprehensive strategy to address global hunger and food security required under subsection (c), including an assessment of agency innovations, achievements, and failures to perform, and policy and budget recommendations for changes to agency operations, priorities, and funding.

(2) GAO.—Not later than two years after the date of the enactment of this Act and two years thereafter, the Comptroller General of the United States shall submit to Congress a report evaluating the design, implementation, and Federal Government coordination of a comprehensive strategy to address global hunger and food security required on subsection (c).

SEC. 1116. STATEMENT OF CONGRESS ON THE HUMANITARIAN SITUATION IN SRI LANKA.

Congress makes the following statements:

(1) the United States welcomes the end to the 26-year conflict in Sri Lanka between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam;

(2) a durable and lasting peace will only be achieved through a political solution that addresses the legitimate aspirations of all Sri Lankan communities, including the Tamils;

(3) the United States eagerly looks forward to the Government of Sri Lanka's putting forward a timely and credible proposal to engage its Tamil community and address the legitimate grievances of its Tamil citizens so that peace and reconciliation can be achieved and sustained;

(4) the United States supports the international community's call for full and immediate access to humanitarian relief agencies to camps for internally displaced persons, and remains deeply concerned about the plight of the thousands civilians affected by the civil war;

(5) the United States expects the Government of Sri Lanka to abide by its commitments to allow access for representatives of the responsible international organizations throughout the screening and registration process for internally displaced persons; and

(6) the United States welcomes the Government of Sri Lanka's commitment to place the camps under civilian control and ensure that such camps meet international humanitarian standards, including the right to freedom of movement, as well as Sri Lanka's pledge to release camp residents, reunite them with separated family members and permit them to return to their homes at the earliest possible opportunity.

Strike section 1122.

Strike section 1123.

Page 341, after line 18, insert the following:

SEC. 1129. SENSE OF CONGRESS RELATING TO THE MURDER OF UNITED STATES AIR FORCE RESERVE MAJOR KARL D. HOERIG AND THE NEED FOR PROMPT JUSTICE IN STATE OF OHIO V. CLAUDIA C. HOERIG.

(a) FINDINGS.—Congress finds the following:

(1) United States Air Force Reserve Major Karl D. Hoerig of Newton Falls, Ohio, was a United States citizen and soldier who admirably served his country for over 25 years and flew over 200 combat missions.

(2) The State of Ohio has charged Claudia C. Hoerig with aggravated murder in the case of State of Ohio v. Claudia C. Hoerig.

(3) The State of Ohio charges that Claudia C. Hoerig, Karl D. Hoerig's wife, allegedly purchased a .357 five-shot revolver, practiced shooting the weapon, and then shot Karl D. Hoerig three times, which led to his death on March 12, 2007.

(4) Claudia C. Hoerig fled to Brazil, and claims she is both a citizen of the United States and Brazil.

(5) Brazil's constitution forbids extradition of its nationals, but the United States and Brazil recognize and uphold a Treaty of Extradition signed in 1964.

(6) Law enforcement officials are vigorously pursuing State of Ohio v. Claudia C. Hoerig, the charge of aggravated murder is internationally recognized, and the punishment, which is not capital punishment, is internationally respected.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the alleged aggravated murder of United States Air Force Reserve Major Karl D. Hoerig is deserving of justice, and his family and friends deserve closure regarding the murder of their loved one;

(2) the United States Government should, as a priority matter, work with prosecutors in the State of Ohio, as well as facilitate cooperation with the Government of Brazil, in order to obtain justice in this tragic case; and

(3) a resolution of the case of State of Ohio v. Claudia Hoerig is important to maintain the traditionally close cooperation and friendship between the United States and Brazil.

The CHAIR. Pursuant to House Resolution 522, the gentleman from California (Mr. BERMAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

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

My amendment makes a number of changes. Many of these are minor or technical amendments. Others address issues raised by other committees that have a jurisdictional interest in the bill. However, there are a number of other changes in my bill that are more substantive. For example, the amendment takes care of requests by Members that are generally unobjectionable even though substantive.

For example, the bill adds a provision that would allow the State Department's growing Civilian Response Corps to enhance its capability by drawing on locally employed staff who have significant expertise in unstable environments.

It includes provisions to assist in the compensation for victims of terrorism from the 1998 Nairobi bombing, drawing from a bill that we passed last year on a bipartisan basis and supported by Mr. JESSE JACKSON, Mr. ROY BLUNT, and our ranking member, ILEANA ROS-LEHTINEN.

The amendment also updates language currently in the bill, welcoming the end of Sri Lanka's 26-year civil war between the government and the Liberation Tigers of Tamil Ealam. These are provisions pushed particularly by the gentleman from New York (Mr. MCMAHON), a member of the committee. The United States, standing with the international community, eagerly looks forward to the government of Sri Lanka's putting forward a timely and credible proposal to engage its Tamil community and address the legitimate grievances of its Tamil citizens so that peace and reconciliation can be achieved and sustained. It also includes two requests by Republican members of the Committee on Foreign Affairs, including an amendment by Mr. WILSON from South Carolina, who I agreed to work with during the markup at the committee. It also increases the amount of funds for the State Department Inspector General and the National Endowment For Democracy, as suggested by the minority in their views on the bill.

This continues my efforts to include sensible Republican ideas into H.R. 2410, even though I recognize that very few Republicans appear to be prepared to support the legislation at this time.

In addition, my amendment would also begin the process of modernizing our foreign assistance program by establishing a rigorous system to monitor and evaluate the effectiveness and efficiency of U.S. foreign assistance.

One of the greatest weaknesses of the current U.S. foreign aid program is that it lacks a clear set of goals and objectives, and there's no systematic plan for measuring results. Under my amendment, the Secretary of State would coordinate the monitoring and evaluation activities of the various agencies carrying out foreign aid activities, and would report to the Congress on the findings and lessons learned from such evaluations.

Finally, in recent days—and this is important—there has been significant concern expressed that a provision in the bill authorizing the Office of Global Women's Issues, an existing office at the State Department that focuses on issues like education for women and girls, political empowerment, and violence against women, somehow is a basis for promoting or lobbying for abortion. That is simply not true. The bill as reported out by the committee does not refer to abortion in any way, nor does the office work on abortion issues. That office is focused particularly on women in Iraq and in Afghanistan on the issues of education and political empowerment that I just mentioned.

To reassure my colleagues, however, I have included in my amendment the following new subsection:

''Nothing in this section, and in particular the duties of the office described in subsection (c)''—that is the Office of Global Women's Issues—''shall be construed as affecting in any way existing statutory prohibitions against abortion or existing statutory prohibitions on the use of funds to engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.''

This language makes it very clear that existing prohibitions on lobbying for or using funds to promote abortion—including the Helms amendment, the Leahy amendment and the Siljander amendment—remain in effect and will continue to apply to the actions of the office. I believe this confirms that the bill does not undermine current law in any way and will reassure my colleagues on this issue.

I think this manager's amendment is a good amendment. I urge all my colleagues to support it.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman is recognized for 10 minutes.

Mr. SMITH of New Jersey. I yield myself as much time as I may consume.

Mr. Chairman, at precisely the same time as President Barack Obama continues to assiduously assure Americans, including graduates at Notre Dame University last month, that he wants to reduce abortion at home and abroad, his administration is aggressively seeking to topple pro-life laws in sovereign nations, a clear, deeply troubling contradiction.

First Mr. Obama rescinded the Mexico City policy, a pro-life Reagan-era executive order, that ensured that the $500 million in population control funds appropriated by Congress each year only went to foreign nongovernmental organizations, family planning organizations, that did not promote, lobby or perform abortions as a method of family planning. As a result of Obama's new policy, pro-abortion organizations are now flush with cash and will continue to get hundreds of millions of dollars annually to push abortion around the world, all of it decoupled from pro-life safeguards.

I mentioned the Mexico City policy, which is not on the floor today, for context to underscore what is actually happening 24/7 in the Obama administration. Add to this the fact that the administration has stuffed pro-abortion activists, a literal who's-who from the abortion rights organizations, in key gatekeeper positions, and you get the idea and see that abortion is a serious undertaking by this administration. Even the gatekeeper, the woman—and a fine woman—who heads up the U.S. Agency For International Development, Wendy Sherman, used to be the director of EMILY's List. So every dollar of foreign aid goes through the person who used to be the director of EMILY's List.

□ 1345

Yet Obama's international abortion agenda is unpopular and getting increasingly unpopular with the American public. The Gallup Poll found that by a margin of 65 percent to 35 percent, Americans opposed his rescission of the Mexico City policy. And I would note parenthetically that the most recent Gallup Poll from May 15th indicates that Americans are clearly trending pro-life, with 51 percent calling themselves pro-life and 42 percent calling themselves pro-choice. America is changing. It is evolving in favor of life.

In late April, Mr. Chairman, we received our distinguished Secretary of State at the Foreign Affairs Committee and I raised some issues that concerned me with her. I noted that she had recently received the Margaret Sanger Award in Houston on March 27th, and then in her speech, which was on the U.S. Department of State's Web

site, she quoted that she was ''in awe of Margaret Sanger.'' She said that ''Margaret Sanger's life and leadership was one of the most transformational in the entire history of the human race and that Sanger's work both here and abroad was not done.''

I pointed out that Sanger's legacy was indeed transformational, but not for the better if one happens to be poor, disenfranchised, weak, disabled, a person of color, an unborn child, or among the many so-called undesirables, the disabled that Sanger would exclude and exterminate from the human race.

Sanger's prolific writings dripped with contempt for those she considered unfit to live. I have actually read many of Sanger's articles and books. She was an unapologetic eugenicist and a racist who said, ''The most merciful thing a family does for one of its infant members is to kill it.''

She also said on another occasion, ''Eugenics is one of the most adequate and thorough avenues to the issue of racial, political and social problems.''

In her book, ''The Pivot of Civilization,'' Sanger devoted an entire chapter which she entitled ''The Cruelty of Charity.'' Imagine that, a chapter, ''The Cruelty of Charity,'' explaining a shockingly inhumane case for the systematic denial of prenatal and maternal health care for poor pregnant women.

She said, and I quote in pertinent part, ''Such benevolence is not merely superficial and nearsighted.'' She said, ''It conceals a stupid cruelty and leads to a deterioration in the human stock and the perpetuation of defectives, delinquents and dependents.''

So it is to me and many Members who are pro-life extraordinarily difficult to understand how anyone could be in awe of Margaret Sanger, a person who made no secret whatsoever of views that were antithetical to protecting fundamental human rights of the weakest and the most vulnerable, and to suggest that her work remains undone around the world, which the Secretary of State has done, is deeply troubling.

So I asked our Secretary of State, is the Obama administration seeking in any way to weaken or overturn pro-life laws and policies in African and Latin American countries, either directly or through multilateral organizations, including and especially the United Nations, the African Union, or the Organization of American States? And I also asked her, does the United States' definition of reproductive health include abortion?

Secretary of State Clinton was very clear, she was not ambiguous, and in a radical departure from President Bush said that the administration, the Obama administration, was entitled to advocate abortion anywhere in the world.

Secretary Clinton went on to unilaterally redefine the term ''reproductive health'' to include abortion, even though that definition isn't shared by the rest of the world, including and especially in countries in Latin America and in Africa. That is important, because the term ''reproductive health'' is found in numerous UN consensus documents and action plans and in the laws of countries worldwide.

On March 31st, for example, the UN Acting Deputy Assistant Secretary for the Population, Refugee and Migration Bureau, told the UN that the U.S. Government seeks to achieve universal access to reproductive health and the promotion of reproductive rights. In light of the Secretary of State's statement, that clearly means universal access to abortion on demand.

By foisting abortion on the developing world via a new government Office on Global Women's Issues, the Obama administration is squandering America's political capital to enable the purveyors of death to descend upon nation after nation to promote their deadly wares.

Section 334 of the underlying legislation establishes an Office for Global Women's Issues, and I suggested that we limit it, that it not become a war room at the Department of State for the promotion of abortion. If so, the predictable consequences are more dead children and more wounded women.

Even Planned Parenthood's Guttmacher Institute has said that in most countries it is common, after abortion is legalized, for abortion to rise sharply for several years. Sharply. Contrary to what President Obama says about reduction, the numbers go up.

I would like to ask the distinguished chairman, you know I asked those questions of Secretary of State Clinton. Do you believe that such activity, promotion of abortion, is prohibited under current law as referenced by your amendment? Can this new office promote these kinds of activities?

Mr. BERMAN. They cannot. If the gentleman is yielding on his time to me, they cannot. You know, Abe Lincoln used to tell this story: If you call a tail a leg, how many legs does a sheep have? And the answer is four, because calling a tail a leg doesn't make it one.

No matter how many times the specter is raised, this office cannot do and has no intention and no plans of doing anything to promote abortions, coerce abortions, fund abortions or lobby for an abortion policy.

It is an office that is focused generally on the issues of women's political empowerment: should women have the right to vote, should they be able to run for office, are they treated as equal citizens under the law. It serves as a promoter of better education for women and girls and a series of causes that you are known for caring about. And it does not. It does not.

Mr. SMITH of New Jersey. Reclaiming my time, on the issue of multilateral organizations like the Organization of American States, the African Union and others, the United Nations, what can the role of this new office be vis-a-vis the abortion issue and those multilateral organizations?

Mr. BERMAN. If the gentleman will continue to yield, my view is that that office cannot do through indirection, that is by going through some agency, anything that it is not allowed to do on its own. And it is not allowed to do the things that you are concerned about. And the purpose of the manager's amendment——

The CHAIR. The gentleman from New Jersey's 10 minutes has expired.

Mr. SMITH of New Jersey. Will the gentleman yield 1 minute on his time?

Mr. BERMAN. I will yield more time to discuss this, if you want, but first I am going to yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), who has been waiting patiently. Then, if you want, we can come back to this.

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

Mr. RUPPERSBERGER. I rise in support of H.R. 2410 and thank you for yielding, Mr. Chairman.

As chairman of the Technical Tactical Subcommittee of the House Intelligence Committee, I support a provision relative to the International Traffic in Arms Regulations.

ITAR is a set of regulations that control the import and export of defense-related technology and services on the U.S. Munitions List. In 1998, all commercial satellite components were added to the list of restricted munitions exports with tougher licensing conditions. Our Intelligence TNT Subcommittee has investigated ITAR's effect on our satellite program, and it has clearly affected it in a negative way.

Before the 1998 restrictions went into effect, 73 percent of the world market for commercial satellites went to U.S. companies. By the year 2000, that figure had dropped to 27 percent. There are technologies on this ITAR list that don't need to be, and foreign companies are actually marketing their products as ''ITAR-free.'' Our companies get weaker as theirs get stronger.

I approached Chairman BERMAN, who was also working on this issue with his committee. Section 826 of this bill grants the President the flexibility to remove simple, old, and widely available technology from the new Munitions List. Our most militarily-sensitive technology will remain.

I want to thank Chairman BERMAN and his staff for including this language. Please vote for H.R. 2410.

The CHAIR. The gentleman from California has 3½ minutes remaining.

Mr. BERMAN. I yield myself 2 minutes, Mr. Chairman.

Let me just lay out this Office of Global Women's Issues. First of all, by law, by virtue of the Helms amendment and the Siljander amendment and the Leahy amendment, it cannot and, by practice, it does not and has no intention of serving as a vehicle for either abortion policy or coercive abortion.

What does it do? It is dedicated to ensuring that women around the world can realize their potential by fully participating in the political, economic and cultural lives of their societies.

Women around the globe, and the gentleman from New Jersey knows this, women are bought and sold like commodities and trafficked across international borders for sexual exploitation. Young children are married off to men old enough to be their grandfathers and have their education and childhood abruptly ended. Girls have their bodies mutilated in the name of culture or tradition, leading to complication in childbearing and lifelong pain and incontinence. Young women are slain by their own families for perceived and sometimes fictitious infractions, simply because they are viewed less as human beings and as symbols of human honor.

Women who become infected with HIV, often because of the infidelity of their spouses, are shunned, lose their livelihoods or do not have access to the medicines that could prolong their lives and prevent transmission of the virus to their children.

I say to the gentleman, these causes and these concerns that I have mentioned have always been at the forefront of the gentleman's own concerns, and to hold this entire bill and this office hostage to a desire to change abortion law I think is unfair.

I scrupulously avoided and the committee Democrats scrupulously avoided any effort to change that law in the other direction, and I think it is wrong to try to hijack this bill to hold it hostage for those purposes.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. BERMAN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. ROS-LEHTINEN

The CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 111–143.

Ms. ROS-LEHTINEN. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. ROS-LEHTINEN:

At the end of subtitle B of title IV, add the following:

SEC. 418. WITHHOLDING OF CONTRIBUTIONS EQUAL TO NUCLEAR TECHNICAL CO-OPERATION PROVIDED TO IRAN, SYRIA, SUDAN AND CUBA IN 2007.

The Secretary of State shall withhold $4,472,100 from the United States contribution for fiscal year 2010 to the regularly assessed budget of the International Atomic Energy Agency.

The CHAIR. Pursuant to House Resolution 522, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

The prospect of an Iranian regime brandishing nuclear weapons is a nightmare scenario that we must stop if we are to avoid being forever threatened with destruction. But the problem, Mr. Chairman, is not confined to Iran. Following in its footsteps are countries such as Syria, whose clandestine nuclear weapons program is only now coming to light.

We and our allies must use the means at our disposal to prevent these and other rogue regimes from realizing their deadly ambitions. We have an opportunity today to cut off an important source of assistance to the nuclear programs of Iran, Syria and other regimes, the help provided by the International Atomic Energy Agency, the very organization charged with preventing nuclear proliferation.

The Government Accountability Office recently released a scathing report on the State Department's near total lack of oversight regarding the nuclear assistance that the IAEA provides to member states, especially to Iran, Syria, Cuba and Sudan.

□ 1400

The GAO report noted that from 1997 to the year 2007, the International Atomic Energy Agency's Technical Cooperation Program provided over $55 million to these state sponsors of terrorism, supposedly for ''peaceful purposes.'' But as the GAO report notes, nuclear equipment, technology and expertise can be dual use, which means capable of serving a peaceful purpose, but also useful in contributing to nuclear weapons development.

The GAO report criticizes offices at the State Department for having little or no idea what these programs actually consist of, much less working to stop the most harmful among them.

Unfortunately, the bill before us contains no language that addresses this serious problem, despite its authorization of the administration's full request for over $100 million to be given to the IAEA.

The bill before us does not mandate that the State Department take immediate action to implement the recommendations of the GAO. It does not require our representatives at this Agency to do anything to prevent additional nuclear assistance from going to Iran, from going to Syria, other enemies of the United States. It does not even mention the problem, Mr. Chairman.

By contrast, an extensive section of H.R. 2475, an alternative Foreign Relations Authorization Act that I introduced earlier this year, was devoted to reform the United Nations, including addressing the specific problems of preventing the International Atomic Energy Agency nuclear assistance going to state sponsors of terrorism and countries in violation of their IAEA obligations. But none of that language was included in the bill that we are considering today. And that is why, Mr. Chairman, I'm offering this amendment.

What would this amendment do?

It would apply direct and unambiguous pressure on the International Atomic Energy Agency to halt its assistance to those countries of proliferation concern by withholding from the U.S. contribution almost $4.5 million.

Why that amount?

That is equal to the amount that the Agency spent on nuclear assistance to Iran, Syria, Cuba and Sudan in the year 2007, the most recent fiscal year for which figures are available.

Opponents of my amendment may counter that denying funds to the IAEA for any purpose will weaken its nonproliferation efforts. But let me be clear, Mr. Chairman: this amendment does not affect safeguards or inspections.

It is stunning to stand here and be forced to say that the International Atomic Energy Agency's technical nuclear assistance is adding to this threat; but it is, and we cannot let it continue.

Unfortunately, we cannot expect the cooperation of this Agency, the IAEA, in fixing this problem because the Agency's attitude was summed up by a senior official who, when pressed to explain the continuing assistance to Iran and other state sponsors of terrorism, even as they defy the Agency and the U.N. Security Council, stated that ''there are no good countries and there are no bad countries.''

Faced with this extraordinary situation, Mr. Chairman, our only option is to use our financial leverage to force the International Atomic Energy Agency to stop helping our enemies' nuclear weapons programs. The threat that we face from Iran and the multiplying nuclear powers around the world grow every day.

If we are to defend ourselves, we must use every leverage that we possess to stop this menace before it becomes a reality. My amendment is an opportunity to do just that.

I ask my colleagues for their support.

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

Mr. BERMAN. Mr. Chairman, could I ask if the gentlelady is finished.

Our side has the right to close. Then since I'll be the only speaker and I have the right to close—

Ms. ROS-LEHTINEN. Absolutely, Mr. Chairman. If I could ask the chairman how much time I have left.

The Acting CHAIR (Mr. CAPUANO). Does the gentleman from California claim the time in opposition?

Mr. BERMAN. I do.

The Acting CHAIR. The gentlelady has used all her time allotted. The gentleman from California is recognized for 5 minutes.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume, up to 5 minutes.

I rise in opposition to the amendment. I share a lot of the ranking member's concerns, fundamentally, about the countries named in her amendment and about the issue of proliferation. But there are sort of three different levels on which I think her amendment raises serious doubts and causes me to want to oppose it.

The first is the assumption that withholding assessed contributions produces the actions we want. We've had test cases of this.

Wouldn't it have been great if the money we withheld from the U.N. population planning account had stopped coercive abortions in China?

Wouldn't it be great if the dues we are assessed to pay to the United Nations had resulted in the kinds of reforms that eliminated the questionable contact that the minority rightfully points to? There is a real challenge to this assumption that the withholding is what achieves the goal. We can wish it a lot, but it didn't always happen.

Secondly, there are some specific categories of programs here that are involved and should be mentioned because, in some cases, they make some sense. The technical assistance provided by IAEA is constructive and supportive of a number of humanitarian needs, such as the eradication of the tsetse fly in numerous African countries, the fruit fly in Panama, improving cancer diagnosis and treatment in Tanzania, Niger, Mali, Zambia and the Central African Republic, improvements in agriculture in groundwater tracing. These are the kinds of programs that are involved.

Once in a while there may be a project such as in Iran or Syria that may provide a small amount of useful experience in general nuclear science and radiology. But the most important part is to the extent that some of these programs are about enhancing safety.

The U.S. is totally free on the board to vote against those projects at the Board of Governors, and does so. The U.S. already denies extra budgetary funding for technical cooperation projects for state sponsors of terrorism, which the countries the gentlelady mentioned are.

However, the proposed amendment mandates the withholding, not of the voluntary contributions, not of the extra budgetary support, but of the U.S. regular dues to the IAEA.

So what does it do?

It hampers the Agency's primary function, which is the inspecting and safeguarding of nuclear material in foreign countries. This is cutting off your nose to spite your face.

The IAEA's technical assistance program is funded entirely from voluntary contributions. The program that, understandably, concerns the gentlelady is not from the assessed contributions. It's from the voluntary contributions. The amendment is not focused on the voluntary contributions. It's focused on the assessed contributions.

So what will we do? We'll end up cutting the funds that would otherwise be used by the IAEA to ensure that states are not diverting nuclear material from peaceful to military purposes—pretty serious concern—inspections that are in the direct national security interest of the United States. That's what we're cutting.

So that's why I think the amendment, not by its intention, and not even by its focus on these programs, we could live without those programs, but its focus on cutting the assessed dues to the most important functions for the United States of the IAEA makes no sense, and I urge a ''no'' vote.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. 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 gentlewoman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 111–143.

Mr. POLIS. I have an amendment made in order by the rule, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. POLIS:

Page 26, line 21, insert ''and, if practicable, made available over the internet'' after ''general public''.

Page 27, line 7, insert before the period the following: '', including making such films available over the internet, if practicable''.

Page 27, line 16, insert '', including online outreach,'' after ''resource centers''.

At the end of subtitle C of title III, insert the following:

SEC. 3____. BROADENING EXPERIENCE WITHIN THE FOREIGN SERVICE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Director of the Foreign Service, shall submit to the appropriate congressional committees a detailed plan to increase the career incentives provided to Foreign Service officers to serve in bureaus and offices of the Department of State not primarily focused on regional issues, including the Bureau of Democracy, Human Rights and Labor, the Bureau of Oceans and International Environmental and Scientific Affairs, and the Bureau of Population, Refugees and Migration. In formulating such plan, the Secretary shall consult with a broad range of active and retired Foreign Service officers and current and former officials of the Department to elicit proposals on how to promote non-regional assignments, and shall consider—

(1) requiring all Foreign Service officers to serve at least two years in an bureau or office of the Department not primarily focused on regional issues prior to joining the Senior Foreign Service; and

(2) changing the composition of Foreign Service selection boards to increase the participation of Department personnel with extensive experience in bureaus and offices of the Department not primarily focused on regional issues.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I rise today to offer an amendment to the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011.

I applaud and thank Chairman BERMAN and his staff for their hard work and their dedication to this important issue. This legislation truly represents a renewed emphasis on meaningful dialogue and strong diplomacy as it sets forth to increase our number of Foreign Service officers, grow our Peace Corps mission, develop new educational and cultural exchange programs, and expand our public diplomacy efforts.

Mr. Chairman, my amendment calls on the Department, as part of the public outreach and public diplomacy efforts, to make materials found in libraries, resource centers and film screenings available online to help showcase United States culture, society and values in history to as many individuals as possible. It also adds online outreach as an evaluation criteria for our public outreach efforts.

The Internet has made the world a smaller place, making it easier to share information globally in just a matter of seconds. It's imperative that we utilize the Internet as a means of public diplomacy and continue to explore the effectiveness of online outreach.

My amendment also tasks the State Department with diversifying the experience of Foreign Service officers. Through creative diplomacy and hard work in often harsh conditions, our Nation's top diplomatic corps make an enormous contribution to global peace and stability and to the way in which our Nation is viewed overseas. However, many of the best and brightest Foreign Service officers feel forced to focus exclusively on a region or country, frequently avoiding critical assignments in nonregional bureaus, to the detriment of those offices and causes. They aren't avoiding these assignments because they don't care about these issues without borders, like human rights, the environment or refugees issues, but rather because the State Department's promotion system strongly favors those Foreign Service officers who focus on country-specific or regional assignments.

My amendment is designed to correct this inequity and to pave the way for a more balanced and effective diplomatic corps. It requires that the Secretary of State, acting through the Director General of the Foreign Service, submit a detailed plan to Congress on how the

Department will increase career incentives for Foreign Service officers to serve in bureaus and offices not primarily focused on regional issues.

We further ask that the Department consider requiring all Foreign Service officers to serve at least 2 years in a bureau or office that's not focused exclusively on a regional issue before joining the Senior Foreign Service.

The amendment also recommends that a composition of Foreign Service selection boards include the participation of Department personnel with extensive experience in nonregional assignments. I believe this amendment will help shake up the current system of promotion in the Foreign Service, and result in a stronger and better diplomatic corps that's able to apply lessons learned from throughout the globe with deep sector expertise when tackling issues such as human rights, the environment, population and refugees.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I ask unanimous consent to claim time in opposition, even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, the amendment by the gentleman from Colorado has three main components, none of which I find inherently objectionable.

Most significantly, it would require the State Department to report to Congress with a plan on providing appropriate career incentives for Foreign Service officers to serve in nonregional bureaus of the Department, such as the human rights and refugee-focused bureaus.

And, secondly, it would clarify that some of the new public diplomacy efforts required by the underlying bill also should make use of the Internet for online research. And even while some question the fiscal wisdom of the underlying provisions, these changes do not exacerbate those flaws. I do not intend to oppose this amendment.

I yield back.

Mr. POLIS. Mr. Chairman, I yield such time as he may consume to the chairman of the Foreign Relations Committee, Mr. BERMAN of California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding. I thank him for his excellent amendment. I strongly support it because it basically works to encourage the development of the fundamental skills of the Foreign Service.

□ 1415

It seeks to broaden the skill set of the Foreign Service by requiring this plan to increase career incentives provided to Foreign Service officers to serve in the bureaus and offices of the Department not primarily focused on regional issues, including the Bureau of Democracy, Human Rights and Labor, Bureau of Oceans and International Environment, and the Bureau of Population, Refugees and Migration.

It asks the Secretary to consider requiring all Foreign Service officers to serve at least 2 years in a bureau office of the Department not primarily focused on regional issues. And it takes a look at the whole issue of changing the composition of the Selection and Promotion Board to increase the participation of those Foreign Service officers with extensive experience in the nonregional bureaus. Very important. There was a tendency in the past that gets entrenched that the way you get ahead in the Foreign Service is you work in the regional bureaus, you work in the political or the economic aspect of that. And the result is that critical issues involving functional programs and these other bureaus are neglected. We want the best and the brightest in all these different areas, and we should look to remove any internal biases that disincentivize that activity.

I thank the gentleman.

Mr. POLIS. Mr. Chairman, as the State Department attempts to restore its role as the face of the United States Government abroad, it is crucial that Congress provide our diplomats with the resources and the guidance they need to once again make American diplomacy a top priority.

This legislation is further strengthened by my amendment, which expands public outreach online and encourages the Foreign Service to promote a more diverse set of experiences for its officers, including its senior officers.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HUNTER

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 111–143.

Mr. HUNTER. 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. 4 offered by Mr. HUNTER:

In section 911(c), redesignate paragraphs (3) and (4) as paragraphs (4) and (5).

In section 911(c), insert after paragraph (2) the following:

(3) the Secretary of Defense;

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Mr. Chairman, I yield myself as much time as I may consume. And I broke the podium.

The amendment I am offering today to H.R. 2410, the Foreign Relations Authorization Act, is straightforward. It simply adds the Secretary of Defense to the Task Force on Prevention of Illicit Small Arms Trafficking in the Western Hemisphere that is created under this legislation.

The stated purpose of this task force is to develop a strategy and integrated Federal policies to better control the export of small arms and light weapons in a manner that furthers the foreign policy and national security interests of the United States in the Western Hemisphere.

While this task force is comprised of the Secretaries of State and Homeland Security and the Attorney General, all of whom should be members of this task force, it does not include perhaps the most important player in global countertrafficking operations, the Secretary of Defense.

The Department of Defense plays an important role in U.S. security cooperation and assistance worldwide, particularly with governments and militaries throughout the Western Hemisphere. These relationships are critical to our efforts to promote peace and stability in our region of the world, and intelligence and operational support provided by our military are an integral part of this shared responsibility.

Given the Department of Defense's role as an interagency partner in countertrafficking and U.S. export control activities, it should not be excluded, I don't think, in any way from being a primary member of this task force. Whatever this task force puts forward in the way of policy recommendations will be closely evaluated by Congress as we work to address the serious problems of weapons trafficking in our hemisphere. It is important that these findings and recommendations fully represent the role and contributions of those departments primarily involved in combating arms trafficking, protecting U.S. security, and advancing our foreign policy objectives. And I would like to add, Mr. Chairman, that the Deputy Assistant Secretary of Defense for the Western Hemisphere, Secretary Mora, agrees with this amendment.

Mr. BERMAN. Would the gentleman yield?

Mr. HUNTER. Absolutely, I yield.

Mr. BERMAN. I thank the gentleman for yielding.

While the gentleman may have broken the podium, his amendment does not break the task force; it improves it. The Secretary of Defense should be a member of that task force, and this amendment simply establishes that rather than leave it to the Secretary of State's discretion. That's fine with me.

I support the amendment and urge its adoption. I thank the gentleman for yielding.

Mr. ENGEL. Mr. Chair, I rise today in strong support of the amendment offered by the gentleman from California—Mr. HUNTER—to a provision that I authored in this bill creating a Task Force on the Prevention of Illicit Small Arms Trafficking in the Western Hemisphere.

While recent media attention has focused on the high number of guns—

some 90%—recovered from crime scenes in Mexico that are originally from the United States, this is not just a Mexico issue. In February, I led a congressional delegation to Mexico and Jamaica. In Jamaica, Prime Minister Golding told me that 90% of the guns recovered in Jamaica also originate in the U.S.

This provision requires the President to create an inter-agency task force—chaired by the Secretary of State—charged with developing a strategy for the federal government to coordinate efforts to reduce and prevent illegal firearms trafficking from the U.S. throughout the Western Hemisphere.

Currently, the U.S. government has no cohesive strategy to combat small arms trafficking in the Western Hemisphere. Since our inability to control firearms leaving the U.S. creates this problem in the first place, we must do more.

This provision helps us to view the illegal firearms trafficking issue holistically, rather than just focusing on one or two countries.

The October 2007 United States-Mexico Joint Statement announcing the Merida Initiative said that the U.S. would ''intensify its efforts to address all aspects of drug trafficking . . . and continue to combat trafficking of weapons and bulk currency to Mexico.''

With this provision, we are not simply living up to our commitment to Mexico, but are also taking responsibility for our unfortunate contributions to drugs and violence throughout the Western Hemisphere.

Mr. HUNTER's amendment adds the Secretary of Defense to the task force which already includes the Secretary of State, the Attorney General and the Secretary of Homeland Security. I believe this is a positive addition to my provision.

The presence of the Secretary of Defense on the task force will help address reports made that some firearms recovered in crime scenes in Mexico and elsewhere come from U.S. military arsenals. While I have seen no evidence to support such allegations, if this is in fact true, we must find out what happened to ensure that the practice ends immediately.

Mr. Chair, I thank Mr. HUNTER for offering this amendment, and I urge my colleagues to support it.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. NADLER OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part C of House Report 111–143.

Mr. NADLER of New York. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. NADLER of New York:

At the end of subtitle B of title XI, add the following:

SEC. 11___. SENSE OF CONGRESS REGARDING PENSION PAYMENTS OWED BY THE STATES OF THE FORMER SOVIET UNION.

It is the sense of Congress that the United States should continue working with the states of the former Soviet Union to come to an agreement whereby each state of the former Soviet Union would pay the tens of thousands of beneficiaries who have immigrated to the United States the pensions for which they are eligible and entitled.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER of New York. Mr. Chairman, I rise in support of my amendment, which expresses the sense of Congress that we should continue working with the states of the former Soviet Union to see that immigrants from those states now in the United States are paid their government pensions that they earned while working in the former Soviet Union.

The United States has bilateral agreements with many of the nations to address cross-country government pension coverage. While these agreements can structure and coordinate such pension coverage in different ways, the important point is that under most circumstances government pensions are treated with reciprocity. In other words, with respect to countries with which we have arrangements, those countries pay the pensions that they earned while working in those countries to citizens of the United States who now live here. And by the same token, we pay Social Security to Americans who are now citizens of a foreign country if they earned the Social Security while working here.

We do not have such arrangements with any of the states of the former Soviet Union—with Russia, Ukraine, Belarus, and so forth. This is critically important because millions of people had no choice but to flee the repressive former Soviet Union in the 1970s, 1980s and 1990s. Several hundred thousand of these people now live in the United States and were forced to renounce their citizenship and their rights of citizenship in the Soviet Union in order to be allowed to leave. Thousands of these people live here, and in spite of having worked 30 or 40 years and earning pension rights in the states of the former Soviet Union, they do not receive pensions from any of the successor states.

So this amendment simply is a sense of the Congress urging the State Department to continue trying to negotiate such arrangements with the states of the former Soviet Union so that the former citizens of those countries who now are citizens of the United States and live here can receive the pensions they earned while living in Russia.

This should be a no-brainer. It simply urges the State Department to continue efforts to negotiate such arrangements with those states, as we have with many other states. I urge its adoption.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of Congressman NADLER's amendment, which, as he explained, expresses the sense of Congress that the United States should continue working with all former states of the Soviet Union to come to an agreement whereby each former state of the Soviet Union would pay the tens of thousands of beneficiaries who have emigrated to the United States the pensions for which they are eligible and entitled.

Over the past several decades, many of the tens of thousands of immigrants who had come to the U.S. from these former Soviet Union states had earlier earned pensions working in their former home countries; however, most often they have been unable to collect what is owed to them.

I support Congressman NADLER's amendment to work with the government of the former Soviet states to come to agreements whereby these states would pay the pensions to those entitled beneficiaries who have emigrated to the United States. It's the right thing to do. Further, Mr. Chairman, it would likely result in a lighter burden for U.S. taxpayers and the programs that their taxes fund to aid the elderly.

Mr. NADLER of New York. Mr. Chairman, I now yield 1 minute to the distinguished chairman of the Foreign Affairs Committee, Mr. BERMAN.

Mr. BERMAN. I thank the gentleman for yielding, and I thank him for his amendment. I strongly support it.

A number of immigrants to the United States from the former Soviet Union worked for decades in the Soviet-run industries, contributed to the state's social security system, and expected to receive their rightful pensions when they reached the requisite age. For a variety of reasons beyond their control, they haven't received their pensions. And some of these workers were forced to renounce their citizenship when they moved to the United States.

As many of the former Soviet states refuse to pay pensions to those who are no longer citizens, these elderly individuals face a bureaucratic nightmare in seeking to reclaim their rights. This amendment expresses our sense of Congress that we should work with the former Soviet states to establish a workable system that enables the

workers to claim pensions that are rightfully theirs. It is appropriate. It's right. And I support the amendment and urge its adoption.

Mr. NADLER of New York. Mr. Chairman, I yield myself the remaining time.

I simply want to thank the distinguished chairman of the committee, Mr. BERMAN, and the ranking member, Ms. ROS-LEHTINEN, for supporting this amendment. I know of no opposition. I urge everyone to vote for it. It is the fair and right thing to do, so I hope everyone will vote for it.

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

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

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part C of House Report 111–143.

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:

At the end of subtitle A of title XI, add the following:

SEC. 11___. COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR SUDAN.

(a) STRATEGY AND PLAN.—Not later than 60 days after the date of the enactment of this Act, the President shall develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan, which may include a classified annex, to address the ongoing and inter-related crises in Sudan and advance United States national security and humanitarian interests in Sudan, which shall include the elements specified in subsection (c).

(b) ELEMENTS.—The comprehensive interagency strategy and implementation plan required under subsection (b) shall contain at least the following elements:

(1) Consistent with section 1127, a description of a comprehensive policy toward Sudan which balances United States interests in—

(A) resolving the conflict in Darfur;

(B) implementing the Comprehensive Peace Agreement (CPA) and promoting peace and stability in Southern Sudan;

(C) resolving long-standing conflicts in Abyei, Blue Nile, and Southern Kordofan;

(D) advancing respect for democracy, human rights, and religious freedom throughout the country;

(E) addressing internal and regional security; and

(F) combating Islamist extremism.

(2) Progress toward achieving the policy objectives specified in paragraph (1), including—

(A) facilitating the full deployment and freedom of movement of the hybrid United Nations-African Union Mission in Darfur;

(B) ensuring access and security for humanitarian organizations throughout the country including, as appropriate, those organizations that wrongfully have been expelled by the Sudanese regime;

(C) promoting reconciliation within and among disparate groups;

(D) advancing regional security and cooperation while eliminating cross-border support for armed insurgents;

(E) meeting the CPA benchmarks, including preparations for the conduct of national elections and referendum; and

(F) shutting down safe havens for extremists who pose a threat to the national security of the United States and its allies.

(3) A description of how United States assistance will be used to achieve the objectives of United States policy toward Sudan, including a financial plan and description of resources, programming, and management of United States foreign assistance to Sudan and the criteria used to determine their prioritization.

(4) An evaluation and description of additional measures that will be taken to advance United States policy, which may range from—

(A) application of multilateral sanctions by the United Nations or regional allies, or expansion of existing United States sanctions;

(B) imposition of a no-fly zone or other coercive measures; or

(C) rapprochement with the Sudanese regime or other diplomatic measures.

(5) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as necessary, and measures of effectiveness for the implementation of the strategy.

(c) UPDATES OF STRATEGY.—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required under subsection (b), as necessary.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Texas (Mr. MCCAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MCCAUL. Mr. Chairman, as one of the Chairs of the Congressional Sudan Caucus, I am proud to offer this amendment to require the administration to, within 60 days, submit to Congress a comprehensive plan to address the ongoing atrocities in Sudan.

July 22, 2009, will mark the 5-year anniversary of the declaration by the United States Congress that the atrocities occurring in the Darfur region of Sudan constitute genocide. It was an historic resolution because it represented for the first time that Congress had made such a determination while the killings were actually taking place.

Today, innocent civilians in Darfur are still suffering from genocide directed by a callous regime determined to hang on to power at any cost. They are dying at the hands of the Janjaweed, also known as ''the devil on horseback.''

The United States for years has been seeking to help find ways to ease the suffering in Darfur and find a lasting political solution to each of the interrelated crises in Sudan. We've passed resolutions, imposed economic and travel sanctions, frozen assets, and enabled divestment from companies linked to the Sudanese regime. The United States has led efforts at the United Nations and with bilateral partners to meet humanitarian needs while pressing for the full deployment of peacekeeping missions to help protect civilians.

In addition to supporting efforts to negotiate and implement the Darfur Peace Agreement, the United States also was at the forefront of efforts to resolve the conflict in southern Sudan, a conflict which has left over 2 million people dead and another 4 million displaced.

Today, there is universal acknowledgement that if the comprehensive peace agreement between the north and south fails, there can be little hope for Darfur. Unfortunately, the terms of this peace agreement have not yet been fully implemented, and observers consistently warn that it could fail at any time.

With the national elections due this year and reports of deadly conflict within and among various armed groups on the rise, the stakes could not be higher. During the presidential campaign, each of the candidates assured voters that Sudan would be a major priority for their administrations and spoke of robust actions that would need to be taken in order to resolve Sudan's multiple conflicts.

While serving in the United States Senate, President Barack Obama called for oil sanctions and the imposition of a no-fly zone over Darfur. While working for the Brookings Institution, U.S. Ambassador to the U.N. Susan Rice went so far as to call for military action against the Sudanese regime. But then on April 22, 2009, almost exactly 1 year after then-Senator Obama condemned the supposed efforts by the previous administration to normalize relations with Khartoum as a ''reckless and cynical initiative,'' his Special Envoy for Sudan, Scott Gration, announced, ''The United States and Sudan want to be partners, and so we are looking for opportunities for us to build a stronger bilateral relationship.''

Obviously, this bold statement sent conflicting messages to observers and caused a great deal of confusion here in the Congress, where Sudan has such a high priority for Democrats and Republicans alike.

□ 1430

Implementing this comprehensive strategy will advance respect for democracy, human rights, and religious freedom throughout Sudan. It will address internal regional security while combating Islamic extremism. And by advancing regional security and cooperation, it will eliminate cross-border support for armed insurgents, and it will shut down safe havens for extremists who pose a threat to the national security of the United States and its allies.

During committee debate on an amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) regarding Sudan, it became clear that there is universal agreement on both sides of the aisle that the United States needs a coordinated, comprehensive strategy for Sudan which balances the United States' imperatives in Darfur and in southern Sudan.

This amendment simply goes one step further by giving the current administration the opportunity to resolve any outstanding issues with regard to the United States' policy towards Sudan by formulating such a strategy and reporting that strategy back to the United States Congress.

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

Mr. BERMAN. Mr. Chairman, I rise to claim the time in opposition even though I don't oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. BERMAN. Mr. Chairman, the gentleman's amendment encourages the administration to create a Comprehensive Interagency Strategy and Implementation Plan for Sudan. I have spoken with Mr. MCCAUL about his proposal and agree that developing a coherent approach to the situation in Sudan is critical. The United States must make every effort to address the ongoing and interrelated crises in Sudan. The U.S. should work towards a stable and lasting peace in a region that has seen so many tragedies in recent years.

I have no objection to this amendment, and I look forward to working with Mr. MCCAUL on this provision as the bill moves through the process.

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

Mr. MCCAUL. Mr. Chairman, I urge support for this amendment, and I yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you, Chairman BERMAN, and thank you, Ranking Member ILEANA ROS-LEHTINEN.

I rise not on this amendment but just to make a comment on the Peace Corps because I was just thinking, as hearing about the amendment, that had we fulfilled John F. Kennedy's dream in the 1960s to have 100,000 Peace Corps volunteers serving overseas throughout the 1960s, 1970s, 1980s, 1990s, and this decade, we might have avoided the disaster in Sudan. And I want to commend the committee because on the 50th anniversary of the Peace Corps, which is in 2011, we have now only 6,000 volunteers serving in 78 countries, and the price tag of that is less than one weapons system. It's a drop in the bucket; $350 million for that incredible service that we are having from our country.

And what I want to commend the committee on and all of them is the strong support for strengthening U.S. diplomacy with a consistent new vision for a global engagement, and I think that's the global engagement that President Obama has promised this country and is now seeing delivered. And with that, this bill authorizes an increase in Peace Corps funding and will allow the Peace Corps to build to the point where we have 20 countries that are asking for Peace Corps volunteers.

We have about 12,000 people a year that volunteer to go in the Peace Corps, that sign up, and we can only take 4,000. That's all we can afford. So all of these 20 countries have been waiting in line and haven't been able to get attention to adding Peace Corps. And what's interesting is that, as I have sort of dealt with some other issues here, for example, on food hunger in sub-Saharan Africa, I just recently read a report by the Chicago Council on Global Affairs. It called for 300 to 600 new volunteers in sub-Saharan Africa to work on agriculture as a step toward America's reasserting global leadership in the fight against hunger and food insecurity. The point was that the only way you're going to really deliver that effort is by getting people who are going to live in the community, who are going to live on the ground and work with people in the fields, and the only organization we have that does that in the Federal Government is the U.S. Peace Corps.

I don't know if you saw it today, but what the committee did in strengthening this provision of the bill, the new Rwanda President, Paul Kagame, who is the President of the Republic of Rwanda, wrote a letter, and I will just paraphrase parts of his letter:

''We view the return of the Peace Corps as a significant event in Rwanda's recovery. These young men and women represent what is good about America. I have met former volunteers who have run major aid programs here, invested in our businesses, and I even count them among my friends and close advisors.''

He goes on to say: ''While some consider development mostly in terms of infusion of capital, budgets, and head counts, we in Rwanda place equal importance to relationships between peoples who have a passion to learn from one another, preparing the next generation of teachers, administrators, and CEOs to see the exchange of values and ideas as the way to build the competencies of our people and to create a prosperous nation.

''We will do this because we see that the only investment with the possibility of infinite returns is in our children, and because after a couple of years in Rwanda, working and learning with our people, these Peace Corps volunteers will be our sons and daughters, too.''

There is no more loved organization in the world than the United States Peace Corps. And at this time when American image abroad has been suffering in many ways, it keeps growing in this particular service. So as a return Peace Corps volunteer, I am very thankful and delighted that this committee grew the Peace Corps to the demand out there in the world and among the Americans who want to serve. I want to thank you for that.

I will submit President Kagame's statement in the RECORD.

A DIFFERENT DISCUSSION ABOUT AID

The United States of America has just sent a small number of its sons and daughters as Peace Corps volunteers to serve as teachers and advisors in Rwanda. They have arrived to assist, and we appreciate that. We are aware that this comes against the backdrop of increasingly scarce resources, of budget discussions and campaign promises, and of tradeoffs between defense and domestic priorities like health care and infrastructure investments. All that said, I believe we need to have a different discussion concerning the potential for bilateral aid.

The Peace Corps have returned to our country after 15 years. They were evacuated in 1994 just a short time before Rwanda collapsed into a genocide that killed over one million people in three months. Things have improved a lot in recent years. There is peace and stability throughout the nation. We have a progressive constitution that is consensus-driven, provides for power sharing, embraces diversity, and promotes the participation of women, who now represent the majority in our parliament. Our economy grew by more than 11 percent last year, even as the world entered a recession. We have chosen high-end segments of the coffee and tea markets in which to compete, and attract the most demanding world travelers to our tourism experiences. This has enabled us to increase wages by over 20 percent each year over the last eight years—sustained by, among other things, investment in education, health and ICT.

We view the return of the Peace Corps as a significant event in Rwanda's recovery. These young men and women represent what is good about America; I have met former volunteers who have run major aid programs here, invested in our businesses, and I even count them among my friends and close advisors.

Peace Corps volunteers are well educated, optimistic, and keen to assist us as we continue to rebuild, but one must also recognize that we have much to offer them as well.

We will, for instance, show them our system of community justice, called Gacaca, where we integrated our need for nationwide reconciliation with our ancient tradition of clemency, and where violators are allowed to reassume their lives by proclaiming their crimes to their neighbors, and asking for forgiveness. We will present to them Rwanda's unique form of absolution, where the individuals who once exacted such harm on their neighbors and ran across national borders to hide from justice are being invited back to resume their farms and homes to live peacefully with those same families.

We will show your sons and daughters our civic tradition of Umuganda, where one day a month, citizens, including myself, congregate in the fields to weed, clean our streets, and build homes for the needy.

We will teach your children to prepare and enjoy our foods and speak our language. We will invite them to our weddings and funerals, and out into the communities to observe our traditions. We will teach them that in Africa, family is a broad and all-encompassing concept, and that an entire generation treats the next as its own children.

And we will have discussions in the restaurants, and debates in our staff rooms and classrooms where we will learn from one another: What is the nature of prosperity? Is it subsoil assets, location and sunshine, or is it based on human initiative, the productivity of our firms, the foresight of our entrepreneurs? What is a cohesive society, and how can we strengthen it? How can we improve tolerance and build a common vision between people who perceive differences in one another, increase civic engagement,

interpersonal trust, and self-esteem? How does a nation recognize and develop the leaders of future generations? What is the relationship between humans and the earth? And how are we to meet our needs while revering the earth as the womb of humankind? These are the questions of our time.

While some consider development mostly in terms of infusion of capital, budgets and head counts, we in Rwanda place equal importance to relationships between peoples who have a passion to learn from one another, preparing the next generation of teachers, administrators and CEOs to see the exchange of values and ideas as the way to build the competencies of our people, and to create a prosperous nation.

We will do this because we see that the only investment with the possibility of infinite returns is in our children, and because after a couple of years in Rwanda, working and learning with our people, these Peace Corps volunteers will be our sons and daughters, too.

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. LARSEN OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part C of House Report 111–143.

Mr. LARSEN of Washington. Mr. Chairman, I have an amendment made in order by the rule, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. LARSEN of Washington:

At the end of subtitle A of title XI, add the following:

SEC. 11___. STATEMENT OF POLICY REGARDING CLIMATE CHANGE.

To protect American jobs, spur economic growth and promote a ''Green Economy'', it shall be the policy of the United States that, with respect to the United Nations Framework Convention on Climate Change, the President, the Secretary of State and the Permanent Representative of the United States to the United Nations should prevent any weakening of, and ensure robust compliance with and enforcement of, existing international legal requirements as of the date of the enactment of this Act for the protection of intellectual property rights related to energy or environmental technology, including wind, solar, biomass, geothermal, hydro, landfill gas, natural gas, marine, trash combustion, fuel cell, hydrogen, micro-turbine, nuclear, clean coal, electric battery, alternative fuel, alternative refueling infrastructure, advanced vehicle, electric grid, or energy efficiency-related technologies.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Washington (Mr. LARSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. LARSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will protect intellectual property rights, or IPR, for American businesses by ensuring robust compliance with international legal IPR requirements and the enforcement of those requirements related to energy and environmental technologies.

Congressman KIRK from Illinois and I recently returned from China where we met both with Chinese leadership and American companies doing business in China. Among a number of issues that we heard on the trip, two were consistent during our meetings with the American businesses. First, there is a great deal of enthusiasm regarding the interest in energy and climate change cooperation between the U.S. and China. Second, however, is a concern that the intellectual property rights owned by those companies selling their clean-energy technologies in China and other parts of the world will not be protected, and the green jobs that could be created here at home will be lost.

According to the International Energy Agency, the world needs to invest $45 trillion in energy in the coming decades to cut in half greenhouse gas emissions by 2050. To meet that goal, clean technology innovation must increase by 100 to 1,000 percent. The global market for environmental products and services is projected to double from $1.37 trillion per year at present to $2.74 trillion by 2020. And according to the American Solar Energy Society, by 2003, industries with green collar jobs could provide up to 40 million American jobs and generate up to $4.53 trillion in annual revenue.

IPR protection gives companies the confidence to invest in critical research and development efforts to meet the growing demand for clean-energy technology. For this reason, Congressman KIRK and I have offered this amendment to H.R. 2410 to protect the IPR of these clean technologies and ensure these green jobs stay right here in the United States. It is critical that the investments that American companies are making in clean technology are protected. Protecting individual property rights will help us reward innovation instead of penalizing it.

I ask my colleagues to support this amendment to H.R. 2410.

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

Mr. KIRK. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. KIRK. Mr. Chairman, I yield 2 minutes to my colleague MARSHA BLACKBURN.

Mrs. BLACKBURN. I want to thank the gentleman and also Representative LARSEN for allowing me to work with them on this to help ensure that our American innovators' intellectual property is protected as we move forward in this international community transition to green economics.

American innovators hold 50 percent of the world's patents granted between 2002 and 2008 in the clean-energy field, and I will note that

Tennesseans alone hold 1 percent of those worldwide patents in the hybrid/electric vehicle market. It's serious business for our American patent holders. They have invested a lot of time, passion, effort, energy, and economic capital in developing these technologies. It is therefore incumbent upon us in Congress to protect what they have created.

The draft U.N. Framework Convention on Climate Change, for example, includes language supported by extreme carbon-emitting nations like India and China calling for a multilateral technology climate fund housed inside the U.N. This new fund would require noncommercial transfers of patent-protected technologies as a price for developing nations' participation in any new international agreement to reducing global emissions. These demands would lead to outright theft of our American intellectual property and indirectly benefit the world's most prominent CO_2 emitters.

Our amendment, which is supported by the U.S. Chamber of Commerce and the Emergency Committee for American Trade, would protect American intellectual property rights and help block any patent transfer to a new multilateral fund. In the context of any international framework that deals with energy and environment technology, the amendment declares that it is official American policy to defend the rights of our creators.

Mr. LARSEN of Washington. Mr. Chairman, I would like to yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the sponsor of the amendment for yielding.

It's really an excellent amendment. If we want to encourage the international cooperation that's needed in this area, I'm telling you you've got to ensure that the entrepreneurs and the innovators know that their cutting-edge breakthroughs and innovations are protected. This isn't even as much about fair return for the inventors as it is ensuring that people will keep innovating and researching and advancing the technologies because they know that ultimately they will be compensated. So it's a symbiotic relationship. The more we ensure and protect intellectual property, the more we will be able to do in achieving our very important goals with respect to the development and deployment of new energy and environmental technologies.

Last year, the United Nations reported that the global market for environmental technologies could double to $2.74 trillion by 2020 from the $1.37 trillion today because of growth in areas

like energy-efficient technologies, sustainable transport systems, and water supply and efficiencies markets.

This is a very important amendment. Again, I think it is essential to the development and deployment of these new technologies, and I urge its adoption.

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

Mr. Chairman, on May 19, the United Nations Framework Convention on Climate Change released a draft negotiating text. The draft, in part, calls for the removal of ''barriers to development and transfer of technologies from developed to developing country Parties arising from the intellectual property rights protection including compulsory licensing for specific patented technologies.''

□ 1445

The American people need to know that those were code words, like ''compulsory licensing'' and ''technology transfer,'' that really mean allowing other countries to steal the American patents, copyrights and trademarks for anything related to climate change, efficiency or energy under the draft climate change treaty.

If the United States agrees to a climate change treaty that allows developing countries to seize U.S. intellectual property in this area, economic consequences for green-collar jobs would be devastated. American inventors now hold 50 percent of the world's patents on clean energy, 52 percent of the patents on fuel cells, nearly half of the world's wind patents, 46 percent of the world's solar patents, and 40 percent of the world's patents in the hybrid-electric vehicle market.

By 2030, industries with green-collar jobs could provide up to 40 million American jobs, and they could generate up to $4.5 trillion in annual revenue; but none of that would happen if a climate change treaty specifically allowed compulsory licensing so that Chinese competitors, for example, or European opposition could simply steal the intellectual property of a key U.S. green-collar manufacturer.

Now, one leading American innovator told me, If we lose intellectual property rights, capital markets die.

This industry needs all of the innovation we can muster to deliver on what the world and on what the U.S. needs. Shorting that will guarantee no new investments or breakthroughs for green-collar jobs.

Now, this innovator was none other than Gregg Patterson, the CEO of PV Powered—America's largest manufacturer of solar power inverter technology. Many of us remember this photo when then Presidential candidate, Senator Obama, visited Mr. Patterson last year, promising future green jobs and a green economy at his factory. Mr. Chairman, these jobs will not be created if we do not protect the intellectual property of American inventors and manufacturers. So far, the State Department has been very silent on this issue, but countries like China and India now put it at the top of their lists for negotiations in Copenhagen to ''relax intellectual property rights.'' That means to steal the innovations of Americans in green-collar areas.

This amendment lays down a marker. It says, if Copenhagen produces a treaty that allows the theft of U.S. intellectual property under compulsory licensing or under the weakening of IPR, the U.S. will not sign on.

Now, our Larsen-Kirk amendment is endorsed by the Solar Energy Industries Association, by the National Hydrogen Association, by the National Association of Manufacturers, and by the Chamber of Commerce.

I really want to thank Chairman BERMAN, Chairman WAXMAN, Ranking Member ROS-LEHTINEN, and Chairman RANGEL for supporting this very commonsense piece of legislation.

I yield back.

Mr. LARSEN of Washington. Mr. Chairman, I just would again ask my colleagues to support this important amendment to H.R. 2410. I appreciate everyone's support in making it happen and for bringing it to the floor today.

Mr. MARKEY of Massachusetts. Mr. Chair, I rise in strong support of the Larsen-Kirk amendment, which will ensure that the intellectual property rights of American firms working to defeat the scourge of climate change will be protected.

We are now engaged in what could become the most difficult international negotiation in history: the painful and difficult construction of a binding, universal international agreement to reduce emissions of greenhouse gases in order to save the planet from a disastrous alteration of the climate. And here at home, we are racing to break our dependence on foreign oil and to create millions of new jobs all across the new energy economy. These two necessities, negotiating an international treaty to halt global warming and developing the new energy economy for the twenty-first century, are deeply interconnected.

The technological breakthroughs being created in American laboratories will not only lead our country into the renewable energy future, they will lead the whole world. And it is absolutely necessary that we do everything we can to encourage and enable our high-tech entrepreneurs to innovate. To do this, we must ensure that the intellectual property rights of these innovators are protected. The Larsen-Kirk amendment is a common-sense approach to this problem, and I commend both Members for their thoughtful amendment.

The Larsen-Kirk amendment will ensure that in the negotiation of an international climate change treaty, it will be the policy of the United States to prevent any weakening of, and ensure robust compliance with and enforcement of, existing legal protections of intellectual property rights as they relate to energy and environmental technologies. This amendment will help ensure that even as we work diligently to reduce global emissions, we are protecting the ability of American innovators to step up to the plate and deliver the technological breakthroughs which will lead this country in a new direction.

I urge my colleagues to support the amendment, and to support the underlying bill, the State Department Authorization Act.

Mr. LARSEN of Washington. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. LARSEN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. LARSEN of Washington. 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 Washington will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. SESSIONS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part C of House Report 111–143.

Mr. SESSIONS. 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. SESSIONS:

At the end of subtitle B of title XI, add the following:

SEC. 11___. SENSE OF CONGRESS RELATING TO ISRAEL'S RIGHT TO SELF-DEFENSE.

It is the sense of Congress that Israel has the inalienable right to defend itself in the face of an imminent nuclear or military threat from Iran, terrorist organizations, and the countries that harbor them.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I rise today in support of my amendment to the Foreign Relations Authorization Act. My amendment would affirm the United States' complete support for Israel's absolute right to defend itself from an imminent military or nuclear threat from Iran, from terrorist organizations or from nations that harbor them.

Israel is currently being threatened on three fronts—by Hamas in the south, by Hezbollah in the north and by Iran. Iran provides financial and material support to both of these terrorist organizations. This threat culminated on May 20 when Iran successfully tested a surface-to-surface missile with a range of 1,500 miles. Iranian leaders continue to express their hatred for Israel, and they refuse to acknowledge its right to exist. Their incendiary words and actions are an existential threat to Israel and to the entire region.

No nation should be subjected to these continued threats. Israel has demonstrated tremendous restraint in the face of these dangers despite being continually questioned by some in the global community regarding its approach to dealing with these threats and terrorist attacks on its citizens.

Israel has been and remains one of the United States of America's strongest allies. Israel seeks only peace with its neighbors and a homeland secure for its people; but if an attack from Iran or from a terrorist organization becomes imminent, this Congress should declare that Israel, like the United States, should reserve for itself the inalienable right to defend itself and to protect its people.

I encourage my colleagues to demonstrate their strong support for Israel by supporting this amendment.

I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I ask unanimous consent to claim time in opposition to this amendment, although I am not opposed to this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

I don't know that we needed to say this, but I'm glad we are saying it. It goes almost without saying that any sovereign country has an inalienable right to defend itself in the face of an imminent nuclear or military attack or threat. Nothing in this amendment prohibits or constrains Israel or the United States from discussing the nature of a threat, the logic of the timing or the nature of the response. So I find this amendment a useful contribution. In a way, it states the obvious, but sometimes stating the obvious is worth doing. I plan to support the amendment.

I yield back the balance of my time.

Mr. SESSIONS. Mr. Chairman, I want to thank the gentleman, the chairman of the committee, Mr. BERMAN, for his words of support.

In fact, this Member sees the need to make sure that not only the people of Israel but the people of our country understand it should be the express purpose and policy of the United States of America to yield to other nations—yes, those we call dear friends—to make sure that they are very clear in understanding our support for them. They should reserve the same right that we do to protect this country. Notwithstanding that, we've had a change of administrations. Notwithstanding that, we've had many, many, many people who are supportive of Israel come and speak to me, personally, about just the question as it might occur:

Where does the United States stand in its support of Israel?

Today is a great day. Today is the bill that's very appropriate to make sure that we understand that the United States' support of Israel is strong and that we stand behind Israel and that we understand that it is they, Mr. Chairman, who are just miles away from imminent threat through missile attack. I believe it is the right thing to do.

I appreciate the gentleman's feedback. I hope we vote for this. I hope it's accepted.

I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I ask unanimous consent to reclaim the remainder of my time.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 2 minutes to a member of the Foreign Affairs Committee, my friend, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Thank you very much, Mr. Chairman, for yielding.

Let me just rise to oppose this amendment and just very briefly say why.

Every country has a right under international law and under their own laws to defend their own sovereignty, their own country, to protect their country from attacks. Israel certainly has that right already, and it should exercise that right. We all recognize the security of Israel in terms of its being essential in any foreign policy that we develop as it relates to a peace process that is really so critical to the security of Israel.

I just have to say, with regard to this amendment, however, I am very reluctant to support it, and I'll just say why very briefly.

If you will remember, right after the horrific attacks of 9/11, we passed a resolution that I opposed, and I opposed it for many, many reasons, one of which was that the resolution was, in essence, a blank check to use force against any nation that harbored—and this is in this language here—terrorist organizations. I'll tell you that I believe that that casts a blank check once again in terms of allowing for an attack against any country. It could be Pakistan or any country which harbors terrorists, terrorists who may or may not be responsible for any unfortunate attacks.

So, for those reasons, I think this amendment is not necessary. Israel and other countries have a right and should defend themselves from any threat from Iran, from terrorist organizations or from any country. As to any country that harbors terrorists or those who want to do harm to Israel, to me, this provides for an opening, which, unfortunately, I did not believe was correct for our own country nor do I believe we should give that authority, or that rubber stamp, to any country to allow for an attack. It's just a broad blank check. For those reasons, I oppose this.

Mr. SESSIONS. I appreciate the gentleman, the chairman of the committee, Mr. BERMAN, and the gentlewoman from California (Ms. LEE) for speaking today.

Mr. Chairman, we live in a dangerous world, and there are some of our friends and allies who live in, perhaps, a more dangerous neighborhood than we do here in the United States. I believe that this amendment is one we should support because it makes sure, unequivocally, that the world understands where the United States of America is in our support of not only a friendly nation but of a democracy, one of the few democracies in the region.

United States policy in the United States and in this House of Representatives should be to support it openly and to make sure the world understands, not where, Oh, I thought we had done that, and I know that's what both of my colleagues are saying. I thought we were there; we don't really need to do this. We need to do it. We need to do it. It's the right thing to do.

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

□ 1500

Mr. BERMAN. I am pleased to yield the remainder of my time to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Thank you, Mr. Chairman. I hope that I do not take the remainder of your time.

I am here to speak in strong support of this resolution. I think it's a very important one and one that needs to be stated in this legislation and stated far more often. The fact of the matter is is that Iran poses an existential threat to the entire civilized world. It is as much a threat to the United States and Europe and the Arab countries in the region as it is to Israel. A nuclear Iran cannot be allowed to happen. The only difference is that the President of Iran, Ahmadinejad, has singled out Israel for particular hatred and contempt and has threatened to wipe Israel off the map.

We have learned after Adolf Hitler that when the leader of a country threatens to exterminate you or wipe you off the map, you ought to take them seriously. So you have a President of Iran that is desperately attempting and rapidly attempting to acquire nuclear capability, not necessarily for peaceful means but for military means and a threat to Israel to wipe it off the map.

I suggest to you that this is a very dangerous combination, and that is why this resolution is important. And I thank the gentleman very much for introducing this amendment. I urge all of my colleagues to support it.

Ms. LEE of California. Mr. Chair, I rise in opposition to the gentleman's amendment.

Mr. Chair, I want to be clear that I agree with the fundamental principle that every nation, including Israel, has the right to defend itself against an imminent military threat.

Unfortunately, this amendment goes far, far beyond that bedrock principle.

Nearly 8 years ago, I stood on this House floor and confronted a very similar issue. On that day, September 14, 2001, I voted against the authorization of use of United States force against Afghanistan because it granted the US a blank check to wage war any place and any time against any enemy. It went far beyond any authority granted for international war making.

Today this amendment raises the same issue and I am compelled to draw the same conclusion.

I was unable to support US government broad blank check power, in good conscience

I am not able to support that type of excessive authority for any other nation.

Mr. BERMAN. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MRS. DAVIS OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part C of House Report 111–143.

Mrs. DAVIS of California. I have an amendment made in order by the rule, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. DAVIS of California:

At the end of subtitle A of title XI, add the following:

SEC. 11___. AUDIT REQUIREMENTS FOR THE INSPECTORS GENERAL OF THE DEPARTMENT OF STATE, THE DEPARTMENT OF DEFENSE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, AND THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

(a) AUDIT REQUIREMENTS.—The Inspectors General of the Department of State, the Department of Defense, and the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction should address, as appropriate, in their auditing and assessment protocols for Afghanistan, the impact United States development assistance has on the social, economic, and political empowerment of Afghan women, including the extent to which such assistance helps to carry out the following:

(1) Section 103(a)(7) of the Afghan Freedom Support Act (Public Law 107-327).

(2) The goal expressed in section 102(4) of the Afghan Freedom Support Act (Public Law 107-327) to ''help achieve a broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan that is freely chosen by the people of Afghanistan and that respects the human rights of all Afghans, particularly women.''.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspectors General of the Department of State, the Department of Defense, and the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction shall submit to Congress a report on the implementation of this section.

The Acting CHAIR. Pursuant to House Resolution 522 the gentlewoman from California (Mrs. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. DAVIS of California. Mr. Chairman, I yield such time as he may consume to Mr. GRAYSON. We have a number of individuals who want to speak, and he's going to do that first.

Mr. GRAYSON. Mr. Chairman, I had the experience of going to Afghanistan a couple of years ago.

This bill has to do with whether we should try to keep track of our policies in Afghanistan on Afghan women. And when I went to Afghanistan 2 years ago before I was elected here to Congress, I saw some interesting things.

One thing is if you're on the street of Afghanistan, everywhere you look there are children—because hardly any of them are in school any time of the year—and as a result of that, you see more children on the streets of an Afghan city or town than you would almost anywhere else in the world. And I noticed something interesting about the girls. If you see an 8-year-old Afghan girl, she looks just like an 8-year-old boy dressed the same way, playing the same way with the same friends. If you see a 9-year-old Afghan girl, her arms are covered. If you see a 10-year-old Afghan girl, her arms and her head are covered. And you don't see 12-year-old Afghan girls or 13- or 14- or 15- or 16- or 17-year-old Afghan girls. They're just not there.

And if you look around the streets at the adults, you'll see maybe 10 men for every woman that you will see on the streets. And the reason for that is that in Afghanistan, women are forbidden to leave their homes unless they're accompanied by a husband, a brother, a father, or a son. And the women who do leave their homes in Afghanistan are covered head to toe. They can barely see you because their faces are covered and eyes covered with a grill like this so they can just barely see out. They're covered from head to toe, and all you can see of their bodies are their shoes, nothing else.

That is the life of women in Afghanistan. It is a living hell. And I think it's fitting and appropriate that we who have occupied the country militarily for years now should take a look at the effect of our policies on Afghan women. I'm very much in favor of this amendment because it's a matter of human rights.

Ms. ROS-LEHTINEN. I ask unanimous consent to claim time in opposition even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from California and the gentleman from Florida.

With the fall of the Taliban, Afghan women came back from the brink. But the gains made since 2001 have been fragile. We recognize that any prospect of better lives for the women of Afghanistan and girls are inherently linked to the success of the development and reconstruction of their country.

Furthermore, we all desire greater levels of accountability, quality, and impact from foreign development assistance to Afghanistan, all aimed at creating the enabling environment necessary to sustain women's development successes, their security, and their basic rights.

Mr. Chairman, this amendment has that noble purpose. It would require the Inspectors General of the Department of State, the Department of Defense, the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction to include the impact that U.S. development assistance has on the social, economic, and political empowerment of Afghan women as part of their auditing and reporting requirements.

I support this amendment.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I rise to urge my colleagues to support this amendment offered by myself and Representative GRAYSON, which would direct the Inspectors General responsible for oversight in Afghanistan to include in their auditing and assessment protocols the impact U.S. development assistance has on the objectives of the Afghan Freedom Support Act of 2002 to advance political and human rights, health care education, training, security, and shelter for women and girls.

Mr. Chairman, I recently returned from a congressional visit to Kabul and Kandahar where we met with women from all walks of Afghan life. Unfortunately, the roles and experiences of women are not always considered in wartime or during stabilization and reconstruction operations.

These women want to contribute to the stabilization and reconstruction of their nation. That is what we heard from not just a few Afghan women who are in political or professional positions, but from the poorest women who simply want the ability to care for their families, access education and health care, and feel safe and secure in their communities. If we don't include women, we are ignoring 50 percent of the population that is eager and has the desire and capacity to be agents of change.

Ultimately, it is in the interests of the national security of the United States to prevent the emergence of a terrorist safe haven in Afghanistan. The kind of instability women in Afghanistan are submitted to has a direct and a negative correlation to their ability to help stabilize their communities.

The situation for women has been made worse by a lack of security, corruption in Kabul, and passage of oppressive measures such as the Shia personal status law. Every conversation that I have had with commanders there, including on our recent trip, assures me that the kind of gender apartheid that is occurring in Afghanistan undermines our national security. So we cannot sit idly by and do nothing about it if we are to stabilize this region and bring our troops home.

During a recent House Armed Services Committee hearing on the effectiveness of U.S. assistance and counterinsurgency operations, the GAO witness highlighted the importance of empowering women but noted that her agency had not focused on the advancement of women in Afghanistan. And

she went on to state, ''Investment in women is often a pivotal investment focus for returns on economic growth and economic development in countries.'' And I believe that, and I also believe that this is true for political growth as well.

In education, some say if you don't test it, you won't teach it. Well, without these metrics, we can't know how our aid is impacting our women. We are reshaping our commitment to the Afghan people in a way that fosters trust, promotes justice, and protects human rights. The protection of the rights of women and girls in Afghanistan and their full and equal participation in Afghan civil society is essential to Afghan national security as well as ours. And I urge my colleagues to reach out to the women of Afghanistan when they're traveling there, because we know that when you include them in your delegation conversations, they, too, can express their concerns to you. Even our male colleagues will have that opportunity with any number of women there.

I want to thank Mr. BERMAN for his support, and I urge the adoption of this amendment.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. DAVIS).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part C of House Report 111–143.

Ms. GINNY BROWN-WAITE of Florida. 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. 10 offered by Ms. GINNY BROWN-WAITE of Florida:

Strike section 505.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, we have a problem. As every American in this Chamber knows, America is facing unprecedented trillion-dollar deficits, a ballooning national debt and steady-growing entitlement obligations. Yet, each and every time the House comes together to consider spending bills, evidence abounds that very few tough choices are being made.

As I'm sure my colleagues will readily agree, never in the history of Congress has there been a line item that at least one Member did not support. There has not been a single program that somebody didn't think was worthy of the taxpayer dollars. In a perfect world where the United States is flush with money, very few spending ideas don't hold some merit. But simply having merit does not mean the American people have enough money to pay for it, nor do they have enough money around to fund this.

It is not our job to come to Washington and put together a Middle East comprehensive and exhaustive list of worthy causes, Mr. Chairman. It is our job to make the tough choices. And that means denying resources to something that somebody somewhere thinks is a good idea.

Frankly, if, as a body, we are unable to recognize that spending taxpayer dollars for the domestic distribution of a documentary film in a foreign affairs bill is not what the taxpayers need most at this time, if this is truly a choice that's too hard for us to make, then I think we owe it to our constituents to take a good long look in the mirror and decide what we are here to do.

Some will probably point out that striking the authorization for this film is not important. Well, I would say to those colleagues it is important that we watch every single appropriation that comes before us. That is precisely what we are sent here to do.

And this amendment is not just about striking a provision to authorize funding for the distribution of a documentary film. If it were, I would take time to point out that this is a domestic distribution in a foreign affairs bill. I would also point out that laws have been on the books for 60 years that prohibit the executive branch from distributing government-sponsored information campaigns domestically.

I might even point out that the film is available already for every man, woman, and child in this country to see right now. I am not kidding. It is actually on YouTube, and yet we have this in the appropriations bill.

The point is, Mr. Chairman, that the American people, those who voted for us and those who voted against us, all of them expect more from this body. I offer this amendment to my colleagues not to point out an absurd provision in an irresponsible spending bill. I offer this amendment to make a point about all of the absurd provisions in all of the bloated bills that this House has recently considered. The American people deserve more than this.

I would point out to my colleagues they need to learn this is a voting card; it is not a credit card.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. SCOTT of Georgia. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Chairman, this amendment, while I'm sure well-intended by the gentlelady, would strike a section of the bill waiving the ban against dissemination of public diplomacy materials within the United States to make the film, ''A Fateful Harvest,'' available for public viewing.

Mr. Chairman, the Voice of America's Afghan service has produced this 52-minute documentary examining the narcotics industry in Afghanistan, including poppy growing, opium production, trafficking, law enforcement efforts, and the harmful health effects of drugs. It documents the challenges facing the Afghan Government as well as our own.

□ 1515

Financed by the Department of State's Bureau of International Narcotics and Law Enforcement Affairs, the film has aired inside Afghanistan in Dari and Pashto. A low-resolution version of the film has been available on Voice of America's Web site and in six separate parts on YouTube.

Mr. Chair, Voice of America has received several requests for a clean copy of the documentary in its original high resolution and in one single piece for viewing at U.S. venues because of the film's educational value. Among those seeking access to this single clean copy are the Johns Hopkins University School of Advanced International Studies Center on Politics and Foreign Relations and an Afghan students' group at the University of Virginia.

On the area of cost that my good friend on the other side pointed out, there is no cost. Any additional copies of the film will be made available for purchase, which would cover the cost of copying, however small it may be.

Mr. Chair, on many occasions during the history of USIA and the Broadcasting Board of Governors, Congress has passed legislation to waive the domestic dissemination ban, known colloquially as Smith-Mundt, to make a film available for public viewing in the United States. It is a simple matter with many precedents. This should be one of those occasions. And in reference to not having it done before, on three different occasions, Mr. Chair, three different authorizations, section 203 of the U.S. Information Agency FY 1990 and '91; section 204 in 1988 and '89; section 205 in FY97, different occasions when this has happened before. So with due respect for the lady from Florida, we certainly respect her; but we oppose the amendment.

Mr. Chair, I now recognize for 2 minutes the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman for yielding.

I rise to oppose the gentlelady's amendment. I respectfully disagree that the purpose of today's bill is to do anything other than to improve the quality of the diplomatic efforts that our men and women around the world are doing. I think that this is exactly what the direction of this bill does, and I think it does it in the right, efficient way.

This particular amendment would disallow an important film called Fateful Harvest, a documentary that exposes the poppy trade that the Taliban has used to imprison the Afghan people, from broad distribution. It is true

that current law forbids the Voice of America from releasing its products in the United States, and the original intention of that provision was that a U.S. Government agency should not be able to brainwash Americans or put things out there that would not be considered objective information. Further, domestic companies were concerned. They didn't want to have to compete with a not-for-profit government-funded entity. It does require an act of Congress to waive this law. But, let's be clear, Congress has waived this provision 100 times in the past number of years for domestic releases, including the award-winning ''John F. Kennedy: Years of Lightning, Day of Drums'' in 1965.

This particular movie, Fateful Harvest, is important for any American who's concerned about our national security. In a time when some Americans question the presence of American troops in Afghanistan, this film makes the case that American efforts help the Afghan people transition away from poppies to other agriculture helps in our fight against the Taliban. I personally saw the efforts that our men and women on the ground are doing in Afghanistan, when I was there a number of months ago, in trying to switch from poppies to pomegranates, to wheat and other products.

As we help Afghanistan transition their economy, we will undermine the Taliban. Most Americans cannot see this for themselves. That is why the release of this film is so important. I urge my colleagues to oppose this amendment.

Mr. SCOTT of Georgia. Mr. Chair, in closing, I would just like to again urge defeat of this amendment, with all due respect. And I might add, I was on Voice of America yesterday morning. They are fine people. They do a fine service, and this is a great acclamation for them as well. We respectfully speak in opposition to the gentlelady's amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. GINNY BROWN-WAITE of Florida. 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 gentlewoman from Florida will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part C of House Report 111–143.

Mr. HOLT. 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 Mr. HOLT:

At the end of title X, add the following:

SEC. 10___. REPORT ON CHILD ABDUCTION.

Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report containing recommendations for changes to the Hague Convention on the Civil Aspects of International Child Abduction and related United States laws and regulations regarding international parental child abduction that would, if enacted, provide the United States additional legal tools to ensure compliance with the Hague Convention and facilitate the swift return of United States children wrongfully removed from the United States as a result of international parental child abduction, such as in the case of Sean Goldman of Tinton Falls, New Jersey.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I thank Chairman BERMAN for bringing this bill to the floor.

Simply stated, my amendment would require the Secretary of State to report to Congress within 60 days on potential changes in treaty language and related U.S. laws that would improve other countries' compliance with The Hague Convention on International Child Abduction. Let me briefly explain why this amendment is necessary. In force since 1980, The Hague Convention on the Civil Aspects of International Child Abduction was created to ensure that if a child is wrongfully removed from his or her country of habitual residence by one parent against the will of the other parent, the aggrieved parent would have an internationally recognized means of recovering the abducted child. Unfortunately, one of my constituents has come face to face with the very real limitations of the current The Hague Convention in his efforts to recover his kidnapped son from Brazil, which, like the United States, is a signatory to The Hague Convention.

Mr. Chair, 5 years ago this month, Mr. David Goldman from central New Jersey began a long and painful odyssey to rescue his son from an international parental kidnapping. He had driven his wife and their 4-year-old son to the Newark Airport for a scheduled trip to visit her parents in Brazil. Mr. Goldman was to join them a few days later. But before he could, he received a phone call saying two things: His wife said their marriage was over; and if he ever wanted to see their son Sean again, he would have to sign over custody. To his credit, Mr. Goldman refused to be blackmailed. Instead, he began a long and relentless campaign to secure his son's release.

Despite the clear legitimacy of Mr. Goldman's claim, the case has crawled along in Brazil's courts, bouncing back and forth for years. Mr. Goldman's wife secured a divorce in Brazil and began a new relationship with a prominent lawyer. Unfortunately, Mr. Goldman's former wife died, a fact that Mr. Goldman learned only some time later because the family had concealed that from the Brazilian courts.

After my intercession and that of Mr. SMITH, and with the help of the State Department, Brazilian authorities moved to have the case once again sent to Brazil's federal courts to secure visitation rights for Mr. Goldman. That effort was successful. David Goldman was able to see his son for the first time in nearly 5 years, earlier this year. Now just this month, the Brazilian federal court in Rio ordered Sean returned to Mr. Goldman. But amazingly, a Brazilian political party filed a motion with the Brazilian Supreme Court asserting that Brazil's accession to The Hague Convention was unconstitutional.

I'm pleased that the Obama administration has filed a motion with the Brazilian Supreme Court seeking to have this frivolous motion dismissed, but we should do more. This outrageous delaying tactic, brought by an entity with no genuine standing in the case, has only underscored the need for the United States and other nations to examine potential changes to the convention necessary in order to prevent these kinds of cases from dragging on for years. The Hague Convention on parental child abduction should not be a justification for delay. I ask my colleagues to support my amendment so that we can receive, in a timely fashion, advice and recommendations from Secretary Clinton on measures that may be taken to help speed the resolution of cases like that of David and Sean Goldman.

I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Chair, I ask unanimous consent to claim the time in opposition, even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of New Jersey. Mr. Chair, I rise in strong support of this amendment. I thank my friend and colleague for offering it.

Today David Goldman is once again back in Brazil. He is back at the Brazilian Supreme Court, which he and I visited together last February, trying to get the justice that the Brazilian courts keep delaying and denying. Today David Goldman is tenaciously trying to reclaim his son from a child abductor.

Mr. Chair, as many Members know, almost 5 years ago David Goldman's 9-year-old son Sean was abducted by his mother to Brazil. For 5 long years, David has sought relief in the Brazilian courts with the aid of an extraordinarily talented legal team and a local grassroots organization called Bring Sean Home. Mark DeAngelis runs that group, and I would encourage everyone to Google it. Go check it out. Look at the information that is contained in that Web site because it is

truly remarkable what this grassroots organization has done to provide support for David, to lift his often discouraged spirits as he's gone through this Byzantine process in Brasilia and Rio de Janeiro.

It is particularly outrageous that since the death of Sean's mother, Sean has been illegally held by her second husband, a man by the name of Lins e Silva, a wealthy and very well-connected lawyer who, by the way, does family law. If ever there was a case of abusing family law, the David Goldman case is it. Lins e Silva refuses to return Sean to his father David, but, heedless of the damage he does to Sean, endlessly delays, obstructs and abuses the judicial system.

Last Tuesday, after a court had ordered the abductor, Lins e Silva, to turn Sean over for immediate return to the United States, within 48 hours a member of the Brazilian Supreme Court, responding to an appeal by a Brazilian political party, suspended that order. I have read Judge Pinto's return order—not all 82-pages, but the parts that were translated into English from Portuguese. It is a remarkable finding by a judge of a Brazilian Court. He talks about there not just being the first kidnapping by the mother, who sadly has passed away, but a second kidnapping, that occurred when a man who was not Sean's father took custody of a son that was not adoptable, and just grabbed him as if he was some kind of commodity. It is outrageous. That judge recognized that. He also acknowledged the extreme emotional and psychological harm that is being done to Sean Goldman each and every day. Court-appointed psychiatrists did an extensive battery of tests and reviews of Sean Goldman and found that the continued absence of David, the real father, has caused incredible emotional harm, which is compounded each and every day.

Mr. Chair, David, again, is now before the Supreme Court; and this political party is actually questioning the constitutionality of The Hague Convention itself and its applicability to the laws of Brazil. To me, that seems as if—and it is—that Sean is being taken hostage. If they want to review whether or not that signing of The Hague Convention comports with their own domestic laws and their constitution, do so. But don't take a 9-year-old American boy as hostage while you adjudicate that consideration.

Mr. Chair, we have to speak frankly about the situation in Brazil. I think this Congress has done so, as have our friends in the Senate, as has the White House. Generally speaking, the Brazilian judicial system enables international child abduction by Brazilian citizens. This is not an exaggeration. I invite you to read the State Department's April 2009 Report on Compliance with The Hague Convention. It just came out, just off the presses. The report documents in detail what it describes as patterns of noncompliance for Brazil, as well as for other countries. Brazilian courts, it notes, have a disturbing pattern of legitimizing abductions by claiming the abducted child has become ''adapted to Brazilian culture.'' In other words, for many of Brazil's courts, if you abduct a child and manage to keep him or her in Brazil long enough, in defiance of The Hague Convention, he or she becomes yours.

□ 1530

And the administration of Brazilian President Lula connives at this outrage. It is complicit. It has done precious little to mitigate the damage being done to American children, especially David Goldman's son, Sean, in Brazil.

Again, I support this amendment strongly, and I urge my colleagues to stay tuned to this. We have to bring Sean home.

Mr. HOLT. Mr. Chairman, I ask unanimous consent to recover any remaining time I have in order to yield to the gentleman from Georgia.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. May I ask the remaining time?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. HOLT. I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I thank the gentleman from New Jersey for yielding.

Mr. Chairman, we strongly support the gentleman's amendment that would require the Secretary of State to make recommendations to Congress on the kinds of change needed to The Hague Convention on the civil aspects of international child abduction and, where applicable, to United States law.

Mr. Chairman, the purpose of The Hague Convention is to ensure that in situations where a child was wrongfully removed from his or her country or habitual residence by one parent against the will of another parent, the aggrieved parent has an internationally recognized means of recovering his or her abducted child.

Unfortunately, many American families have come face to face with the very real limitations of the current The Hague Convention and their efforts to recover parentally kidnapped children taken to other countries.

Such was the high profile case involving Mr. David Goldman of Tinton Falls, New Jersey, whose son Sean was kidnapped by Mr. Goldman's wife in 2004. This case has largely languished in Brazil's court since that time, despite the fact that Brazil is a partner with the United States in the Convention's enforcement. The legal process has only moved during periods of intense media attention and diplomatic activity on Mr. Goldman's behalf.

Changes to U.S. law and the Convention appear to be warranted to ensure that children can be quickly returned to their left-behind parents and their homes. This report will help us identify legal changes Congress can consider on behalf of the over 1,000 American children who are currently living in other countries as a result of a parental abduction.

Mr. Chairman, this amendment is an important step in addressing a problem that will likely get worse in coming years in light of the growing number of transnational births and marriages. We must continue to use the legal tools at our disposal to prevent or resolve these childhood abduction cases.

I support the gentleman from New Jersey's amendment.

The Acting CHAIR. All time has expired. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part C of House Report 111–143.

Ms. GINNY BROWN-WAITE of Florida. 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. 12 offered by Ms. GINNY BROWN-WAITE of Florida:

Strike section 303.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, just a few moments ago, I rose to point out what I believe is unnecessary spending. I suppose it is not a coincidence that I rise again to point out what I believe is another unnecessary spending item.

Section 303 of the Foreign Relations Act before us authorizes funding for the establishment of a Lessons Learned Center. If money were no object, I think it may be a fine thing to do. In fact, it is hard to imagine that anything produced by the center would not be used.

However, as you can imagine, many of my colleagues are wondering, why would anyone oppose this center? They might even point out that those who do not learn from history are doomed to repeat it.

Mr. Chairman, in some ways, my colleagues may be right. But what is essential is that we do learn from our mistakes, and that is precisely why the State Department's exam to become a Foreign Service officer is so rigorous. That is why the intelligence agencies seek the best and the brightest. And, frankly, Mr. Chairman, that is why the entire academic community going back thousands of years studies history.

Additionally, with 24-hour news events, we all become instantly knowledgeable. It is reviewed and reviewed.

Anything that happens, has happened, gets reviewed ad nauseam. Section 303 is unnecessary precisely because learning lessons from history is so important and so widely acknowledged as being important that we already have tens of thousands of academies that do that every single day.

The proposed Lessons Learned Center has a great name, yet I think it will be simply one more example of spending money on things that we want and not limiting ourselves to those things that we need. Listen. Just listen. You can hear the giant sucking sound of Washington finding new and different ways to spend dollars; spend, spend.

I don't want to belabor the point, but Congress has already approved a $700 billion bailout package and an $800 billion stimulus package in just the last year alone. Meanwhile, our Medicare and Social Security trust funds that our constituents rely on will be exhausted sooner than we thought. And let me point out we are also fighting tough wars in two countries. And while my colleagues believe that a Lessons Learned Center might prevent such costly wars in the future, I would appeal to your intellect and your sense of fiduciary responsibility.

With all the massive charges already on the people's tab, the American taxpayer tab, and with spending at government agencies going up dramatically this year across the board, I ask my colleagues to make tough choices that the American people expect us to make.

All this portion of the bill does is create more government jobs. I urge adoption of this amendment.

I yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. BERMAN. Mr. Chairman, for the life of me, I cannot understand why the gentlelady's amendment seeks to cut what may be one of the most important processes that could take place, to learn how to do things better. I strongly oppose the amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), the originator of this proposal.

Mr. DELAHUNT. I thank the gentleman for yielding, and I rise in strong opposition to this amendment as well.

This provision is intended to improve the effectiveness of the State Department and USAID, to save taxpayer dollars, so that there is greater efficiency, improved capabilities, less waste, more bang for the buck, if you will. To do that, we have taken a page from the military.

Section 303 is modeled after Lessons Learned Centers in the armed services. These are mechanisms, if you will, which allow our men and women in uniform to learn from the successes and, as importantly, the mistakes of their colleagues. By cutting down on the need to reinvent the wheel, they have saved not just money, but they have saved lives.

But the State Department and USAID do not have a Lessons Learned Center, even though they, like the military, are spread across the globe with multiple missions. This results in waste, inefficiency, wasted energy, and, tragically, sometimes in the loss of lives of American Foreign Service personnel.

By the way, this is not just an intellectual exercise. With all due respect, I would suggest to my friend from Florida she read this book entitled ''Hard Lessons.'' It is about the colossal waste in the reconstruction of Iraq. If we had a Lessons Learned Center, we could have saved billions of taxpayer dollars.

Read the book, my friends.

It is put out by the Special Inspector General for Iraq Reconstruction, Mr. Bowen, and it is a testimony about what happens if you do not have a tested blueprint with the expenditure of dollars overseas. It is a remarkable piece of work.

I want to make clear what this provision does. It begins the process of creating a Lessons Learned Center by authorizing its creation and requiring a report from the Department of State on how much it would cost to actually establish such a center. So it is only calling, at this moment, for a report, and that report, itself, will detail the cost.

I would be happy to work with the gentlewoman from Florida as this report is produced so that we can ensure that it details ways.

Please oppose this amendment.

Mr. BERMAN. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. KLEIN).

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. KLEIN of Florida. I thank the gentleman for yielding.

I rise today to also oppose the gentlewoman's amendment. The underlying legislation contains commonsense provisions to ensure we are making the most use of our taxpayer funds in our diplomatic mission. There are a wide variety of opinions about how effective our diplomatic positions have been, and we appreciate the men and women in the diplomatic corps.

But we can do better in terms of, as the gentleman said, getting a better bang for our buck. Creating a Lessons Learned Center will allow the State Department and USAID to be more efficient in their spending and reduce duplicative efforts. We have already identified mountains of duplicative efforts.

This is part of a larger strategy in the legislation to ensure accountability in our diplomatic efforts and on behalf of our taxpayers. It also includes a quadrennial review of our national plan for U.S. diplomacy and development programs, just like the Defense Department does every 4 years.

This, to me, is exactly what we should be doing in this bill as we are beginning a new way of looking at our diplomatic efforts.

So, again, I appreciate the gentlewoman's effort, but I think this is fundamentally a crucial part of this piece of legislation. I urge my colleagues to oppose this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was rejected.

AMENDMENT NO. 13 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part C of House Report 111–143.

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk, Amendment No. 13, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BISHOP of New York:

At the end of title X of the bill, add the following new section:

SEC. 1012. REPORT ON EFFECTS OF BUY AMERICA ACT WAIVERS UNDER THE PEPFAR PROGRAM.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the effects of the United States Agency for International Development's use of waivers under the Buy America Act for HIV test kits under the President's Emergency Plan for AIDS Relief (PEPFAR) program on—

(1) United States-based manufacturers; and

(2) availability of and access to HIV testing for at-risk populations in low-income countries

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study required under subsection (a).

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. I want to start by thanking Chairman BERMAN for his leadership on this very important legislation.

My amendment is very straightforward. It directs the Government Accountability Office to study the effects of USAID's Buy America waiver on U.S.-based manufacturers seeking to provide the President's Emergency Plan for AIDS Relief, PEPFAR, with HIV test kits. The study will also examine the waiver's impact on the availability of HIV testing for at-risk populations in low-income countries. To be clear, this amendment does not propose any policy changes.

This study will help us to examine the use of waivers and determine if hardworking American manufacturers of HIV test kits are being undercut by foreign competitors. It is important for the U.S. to lend a hand in fighting this deadly epidemic, but we should do everything possible to preserve American

jobs in the process, particularly when spending taxpayer dollars.

When PEPFAR was created in 2003, it was believed that American companies did not have sufficient capacity to manufacture or supply the program with quality HIV test kits. To fill that void, a waiver of the longstanding Buy America policy was extended so that USAID could immediately provide testing, counseling and treatment assistance to countries in most dire need of help. Foreign companies already producing HIV test kits and related products were able to step in and supply PEPFAR with the resources necessary to combat the spread of HIV/AIDS.

However, since 2003, American manufacturers have taken the initiative to play an active role in PEPFAR by developing high-quality HIV test kits that provide accurate results with minimal training. These products continue to be developed here in the U.S. with American hard work and ingenuity.

If more American companies are able to provide USAID products that meet the requirements of PEPFAR without reducing the effectiveness of the program, then perhaps we should rethink Buy America waivers for HIV testing.

When the requested study is complete, we should be able to draw conclusions on two important issues: One, whether or not the waiver puts American companies at a disadvantage when looking to supply their test kits to PEPFAR; and, two, if the Buy America waivers have an effect on access to HIV testing for at-risk populations in low-income countries.

□ 1545

I urge my colleagues to support this amendment and the underlying bill.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the amendment, although I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, the amendment by the gentleman from New York (Mr. BISHOP) requires a GAO report on the effects that waivers of the Buy America Act for the purchase of HIV test kits under the President's Emergency Plan for Aids Relief, PEPFAR, have had on American manufacturers.

PEPFAR, as we know, is one of the largest and most successful foreign assistance programs of our country, and it was reauthorized just last year for an astounding $48 billion over the next 5 years.

Expanding access for testing is a vital and core component of PEPFAR, both in terms of prevention and treatment. And in some cases, the purchase of test kits manufactured outside of the United States has been deemed a more cost-effective and efficient means by which to expand testing and access to testing.

Still, some have expressed concern about the impact that those waivers may be having on United States-based manufacturers and questioned whether the purchase of these test kits manufactured abroad really has increased access to testing. Thus, an evaluation of this nature may be an appropriate exercise, particularly as the PEPFAR program scales up to transition from an emergency program to a sustainable program. And I, therefore, support the gentleman in his amendment.

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

Mr. BISHOP of New York. I yield the balance of my time to the chairman.

Mr. BERMAN. Mr. Chairman, I simply join the sponsor of the amendment and the ranking member in support of the amendment.

Mr. BISHOP of New York. I thank the chairman for his support. I thank the ranking member for her support, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MS. MOORE OF WISCONSIN

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part C of House Report 111–143.

Ms. MOORE of Wisconsin. Mr. Chairman, I have an amendment at the desk and I request its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. MOORE of Wisconsin:

In section 1107, redesignate paragraphs (4) and (5) as paragraphs (5) and (6), respectively.

In section 1107, insert after paragraph (3) the following:

(4) recognizes that actions limiting or suppressing the human rights of Afghan women and girls undermines the intent of the significant financial and training contributions that the United States and international community have provided to rebuild the country and to help establish institutions that protect and promote respect of basic and fundamental human rights to overcome the devastating damage to those rights from years of Taliban rule.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today to urge a ''yes'' vote on my amendment to the Foreign Relations Authorization Act. This is a time of unprecedented change in our outreach efforts to our global neighbors, and this authorization will help guide that path for the upcoming year and, therefore, I would like to really thank the committee for their hard work. And I would also like to thank my very good friend, Congresswoman MALONEY of New York, for being a leader and steadfast advocate for the women of Afghanistan.

It is just so difficult to express the hurdles that face Afghan women and girls. There are just few words to describe the abhorrent conditions that assault these women and girls on a daily basis, and there are few experiences in our own lives that compare to their constant struggle for survival and freedom.

Afghanistan has one of the highest rates of maternal mortality in the world. One in eight Afghan women die due to pregnancy-related complications every year. That's one woman every 30 minutes.

After years of brutal Taliban rule that allowed few rights for women, approximately 90 percent of their female population is illiterate.

There are over 50,000 widows in the country, many of whom lack substantive means to support themselves or their female children, who lack access to health care, to education, to employment, to shelter, and on and on and on.

The United States and international aid organizations have provided billions of dollars to rebuild the country and to promote the basic and fundamental human rights of the Afghan people.

More importantly, though, we have asked our own people to sacrifice our sons and daughters, our citizens, for this cause. Our brave men and women serving in Afghanistan are there to protect the American people, but they are also there to reach out to the people in this war-torn country. And that is why, Mr. Chairman, I have offered this particular amendment.

Earlier this year the Afghan Government moved a measure that would severely suppress the rights of this country's Shiite women and girls. This measure would further restrict their free mobility and actually legalizes marital rape. It does not condemn the marrying of minors and, instead, it appears to promote it.

This legislation ties a woman's legal financial stability and well-being to a man, and demands that a woman submit sexually to her husband in order to be privy to any sort of protection.

I see proposals like this in-depth reporting on multiple news media outlets highlighting the struggles that single women, girls, widows, married women face in Afghanistan.

Now, I understand that there are cultural differences, and I understand that culture and society in the Middle East will never look like that in the United States.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. MOORE of Wisconsin. I yield myself 30 more seconds.

But I also understand what Secretary of State Hillary Clinton speaks of when she says that a woman's rights are

human rights. And I understand that these actions prevent a nation from moving beyond an era still wounded by the scars and the fears of years of repressive Taliban rule.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to this amendment, although I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from Wisconsin (Ms. MOORE).

Mr. Chairman, this amendment has a noble purpose, to draw attention to the potential erosion of the social and economic progress that has benefited women throughout Afghanistan since the fall of the Taliban.

Many of us in Congress have remained focused on key areas addressed in the Afghan National Development Strategy, the basis of the Afghanistan Compact, which are vital for building human capital and creating an enabling environment for promoting equal rights and opportunities for women in that country.

We have also focused on ensuring the development and application of sustainable strategies that invest in Afghanistan's human capital, equipping both Afghani women and men with the skills, the support, and the resources needed to move their country forward into peace and stability.

Furthermore, we have repeatedly expressed our commitment to Afghan political, economic and social development and promoting the participation of women and, indeed, all Afghans in these processes.

I urge my colleagues to support this important amendment.

I yield back the balance of my time.

Ms. MOORE of Wisconsin. Mr. Chairman, I would now like to yield the balance of our time to the gentlelady from Illinois, who is the co-Chair of the Women's Caucus, Ms. SCHAKOWSKY.

Ms. SCHAKOWSKY. I rise in strong support of the amendment offered by Congresswoman GWEN MOORE and really applaud her for that and for her passionate remarks on behalf of this amendment.

In the 8 years since the overthrow of the Taliban, women in Afghanistan have made major strides forward. Ninety-one of Afghanistan's 351 parliamentarians are women, and two women have announced their intention to run for President this year.

However, many women in Afghanistan continue to fight for basic human rights. Violence against women, rape and forced marriages continue in the country's most unstable regions. In April we saw images of stones being thrown at a woman protesting a law legalizing marital rape.

Afghanistan's future will depend on its women building more stable and healthy and thriving communities. The women of Afghanistan have borne the brunt of years of warfare, but they will also form the underpinning of a peaceful Afghanistan.

This amendment recognizes that limiting the rights of women is counterproductive to all of our efforts to help Afghanistan move forward from the devastating damage of Taliban rule.

I urge all of my colleagues, on both sides of the aisle, to stand up for the women of Afghanistan who are suffering, who deserve our help.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. ROYCE

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part C of House Report 111–143.

Mr. ROYCE. 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. 15 offered by Mr. ROYCE:

At the end of subtitle B of title XI, add the following:

SEC. 11___. SENSE OF CONGRESS RELATING TO ERITREA.

(a) FINDINGS.—Congress finds the following:

(1) Section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 640A of the Foreign Assistance Act of 1961 stipulate that a designated state sponsor of terrorism is one ''that repeatedly provides support to acts of international terrorism''.

(2) Eritrea repeatedly has provided support for terrorists in Somalia, including the al-Shabaab insurgent group, which maintains links to the al-Qaeda network, and has been designated a Foreign Terrorist Organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (INA), as amended.

(3) The UN Sanctions Monitoring Group on Somalia, established by a committee of the United Nations Security Council pursuant to resolutions 751 (1992) and 1519 (2003), reported in July 2007 that ''huge quantities of arms have been provided to the Shabaab by and through Eritrea,'' and ''the weapons in caches and otherwise in possession of the Shabaab include an unknown number of surface-to-air missiles, suicide belts, and explosives with timers and detonators''.

(4) On August 17, 2007, former Assistant Secretary of State for African Affairs Jendayi Frazer stated, ''Eritrea has played a key role in financing, funding and arming the terror and insurgency activities which are taking place in Somalia, and is the primary source of support for that insurgency and terror activity.''.

(5) In September 2007, Eritrea hosted the Congress for Somali Liberation and Reconciliation conference, offering sanctuary to al-Qaeda linked factions of the Somali opposition, including Sheik Hassan Dahir Aweys, who has been designated as a terrorist under Executive Order No. 13224 and United Nations Security Council Resolution 1267 for his associations with al-Qaeda, and since has provided substantial political, diplomatic, financial and military support to the Asmara-based Alliance for the Reconstruction of Somalia (ARS) led by Aweys.

(6) In April 2008, the UN Sanctions Monitoring Group on Somalia reported, ''the Government of Eritrea continues to provide support to groups that oppose the Transitional Federal Government in the form of arms and military training to fighters of the Shabaab,'' and that on or about January 8, 2008, an arms shipment from Eritrea arrived in Mogadishu containing dismantled RPG–7s, hand grenades, anti-tank mines, detonators, pistols, mortar shells, AK–47 assault rifles, PKM machine guns, RPG–2s, small mortars, FAL assault rifles, rifle-fired grenades for the FAL, M–16s and explosives.

(7) The April 2008 report of the UN Sanctions Monitoring Group also found that, ''towards the end of 2007, about 120 fighters of the Shabaab travelled to Eritrea for the purpose of attending military training at a military base located near the Ethiopian border.''

(8) In its December 2008 report, the UN Sanctions Monitoring Group on Somalia identified Eritrea as a ''principal violator'' of the arms embargo on Somalia and asserted that ''Eritrean arms embargo violations take place with the knowledge and authorization of senior officials within the Eritrean Government and the ruling People's Front for Democracy and Justice (PFDJ).''.

(9) In testimony before the Senate Permanent Select Committee on Intelligence on February 12, 2009, Director of the Defense Intelligence Agency Lieutenant General Michael Maples stated, ''Senior East Africa-based al-Qaida operatives remain at large and likely continue attack planning against U.S. and Western interests in the region,'' and ''Recent propaganda from both al-Qaida and the Somalia-based terrorist group al-Shabaab highlighting their shared ideology suggests a formal merger announcement is forthcoming.''.

(10) On May 20, 2009, Assistant Secretary of State for Africa Affairs Johnnie Carson testified before the Senate Foreign Relations Committee that, ''al-Shabaab . . . continues to harbor terrorists, target civilians and humanitarian workers, and attempt to overthrow the TFG through violent means,'' and that ''a loose coalition of forces under the banner of Hizbul al-Islam, have been attacking TFG forces and other moderates in Mogadishu in an attempt to forcefully overthrow the transitional government. We have clear evidence that Eritrea is supporting these extremist elements, including credible reports that the Government of Eritrea continues to supply weapons and munitions to extremists and terrorist elements.''.

(11) Assistant Secretary Carson also testified, ''There is also clear evidence of an al-Qaeda presence in Somalia. In 2008, East Africa al-Qaeda operative Saleh al-Nabhan distributed a video showing training camp activity in Somalia and inviting foreigners to travel there for training. A small number of senior Al-Qaeda operatives have worked closely with al-Shabaab leaders in Somalia, where they enjoy safe haven. We have credible reports of foreigners fighting with al-Shabaab.''.

(12) On May 14, 2009, Ian Kelly, Spokesman for the U.S. Department of State, stated, ''Over the past week, extremists in Mogadishu have repeatedly attacked the people of Somalia and the Transitional Federal Government in pursuit of a radical agenda that can only promote further acts of terrorism and lead to greater regional instability. Eritrea has been instrumental in facilitating support of the extremists to commit these attacks..''

(13) In a Presidential Statement issued on May 18, 2009, the UN Security Council expressed ''concern over reports that Eritrea has supplied arms to those opposing the Transitional Federal Government of Somalia in breach of the UN arms embargo, and

called on the UN Sanctions Monitoring Group to investigate''.

(14) On May 21, 2009, the Inter Governmental Authority on Development (IGAD), a regional group made up of Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda, stated, ''The government of Eritrea and its financiers continue to instigate, finance, recruit, train, fund and supply the criminal elements in and/or to Somalia,'' and called on the Security Council of the United Nations ''to impose sanctions on the government of Eritrea without any further delay.''.

(15) The Peace and Security Council of the African Union, at its 190th meeting held on May 22, 2009, issued a communiqué expressing, ''deep concern at the reports regarding the support provided to these armed groups, through training, provision of weapons and ammunitions and funding, by external actors, including Eritrea, in flagrant violation of the United Nations arms embargo'' and called on the UN Security Council to impose sanctions against Eritrea.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Eritrea's ongoing and well-documented support for armed insurgents in Somalia, including for designated Foreign Terrorist Organizations and individuals linked to the deadly bombings by al-Qaeda of the United States Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania in 1998, poses a significant threat to the national security interests of the United States and East African nations;

(2) the Secretary of State should designate the State of Eritrea as a State Sponsor of Terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 640A of the Foreign Assistance Act of 1961; and

(3) the United Nations Security Council should impose sanctions against the State of Eritrea until such time as it ceases its support for armed insurgents, including radical Islamist militants, engaged in destabilizing activities in Somalia.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from California (Mr. ROYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, I currently serve as the ranking member of the Foreign Affairs Subcommittee on Terrorism. Previously, for 8 years, I served as the chairman of the Africa Subcommittee, so I long have followed the issues surrounding Eritrea and the Horn of Africa.

And this particular amendment calls on the Secretary of State to designate Eritrea as a ''state sponsor of terrorism.'' The Horn of Africa is a combustible mix. You have al Qaeda, you have piracy, a failed state in Somalia, border tensions, and a key instigator of this violence has been the government of Eritrea.

As the amendment indicates, U.N. report after U.N. report cites Eritrea for providing arms and military training to members of the Shabaab, and that's an al Qaeda-linked group that has been designated by the United States as a ''foreign terrorist organization.''

Mr. Chairman, if you take a look at this picture which appeared in a U.N. report, this is the actual Shabaab fighter who shot down a cargo plane with that shoulder-fired missile supplied by Eritrea. And the reason that we know that is the propaganda footage used by this al Qaeda-linked organization in order to try to recruit fighters to their goal. And they showed the footage of the successful attack on the cargo plane.

Now, what if that had been a civilian jetliner? How many lives would have been lost?

Indeed, our FBI is greatly concerned about Somali Americans who have gone missing from American cities. They are worried that they have gone to Somalia and are linking up with these terrorist groups. And it is Eritrea that is providing the weapons, including shoulder-fired missiles that can take out an airliner and that are providing this military training.

The case for adding Eritrea to the state sponsor of terrorism list is compelling. It's even overwhelming. It has been so for some time. The Obama administration's Assistant Secretary of State for African Affairs, Johnny Carson, has noted that ''we have clear evidence that Eritrea is supporting extremists,'' and that ''the government of Eritrea continues to supply weapons and munitions to extremists and terrorist elements.''

And this isn't new. The previous administration took a similar view of the destructive role that Eritrea plays in the horn. Some will say that this is counterproductive or the wrong time. Well, it has been a delicate time in this region for a decade now, and it's gotten a whole lot worse.

□ 1600

It is a complex region. One thing, though, is not complex; this is a clear national security threat.

U.N. reports have noted that over 100 Shabaab terrorists have traveled to Eritrea for their military training at an Eritrean military base and then traveled back. The same U.N. reports have identified Eritrea as a ''principal violator'' of the arms embargo on Somalia and have asserted that these violations ''take place with the knowledge and authorization of senior officials within the Eritrean government.'' Plainly, it is state policy of Eritrea to support international terrorism.

The U.N. Security Council has made similar statements citing Eritrea's destructive role in the horn, and so have many neighboring countries. So it is time that Eritrea should be named a state sponsor of terrorism.

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

Mr. PAYNE. Mr. Chairman, I claim the time in opposition and rise in strong opposition to the Royce amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PAYNE. Mr. Chairman, the Royce amendment to the Foreign Relations Authorization Act, H.R. 2410, which would designate Eritrea as a state sponsor of terrorism and call on the United Nations Security Council to impose sanctions against Eritrea, I strongly oppose.

While I certainly respect my esteemed colleague from California, ED ROYCE, who served as an excellent chairman on the Subcommittee on Africa for several years, and we worked closely together on many issues, and I have a great deal of respect for him, I must oppose this amendment. This amendment could undermine critical engagements currently going on between the U.S. and Eritrea. I urge my colleagues to vote ''no.''

The Royce amendment expresses the sense of Congress that the Secretary of State should designate Eritrea a state sponsor of terrorism and that the U.N. Security Council should impose sanctions against Eritrea. I urge you to vote against this amendment for the following reasons:

First, some of the assertions made in the amendment are factually wrong and dated.

Second, the geopolitical dynamics and interstate rivalries in the Horn of Africa cannot be addressed properly without concerted diplomatic engagement. Declaring Eritrea a state sponsor of terrorism and imposing international sanctions would do nothing to further our diplomatic aims and would impose further hardship on the people who are struggling to survive on a daily basis.

Thirdly, while Mr. ROYCE's amendment lays out a long list of reasons why he feels Eritrea should be placed on a state sponsor of terrorism list, the proposed amendment does not recognize the diplomatic efforts currently underway by the State Department to address the complex issues surrounding the Horn of Africa. Just last month, Eritrea President Isaias Akwerki sent a letter to President Obama expressing the desire to engage on these issues and is sending a high-level delegation to Washington. Additionally, a senior State Department official is expected to visit Asmara in a few weeks. Moreover, the Somali Government has said they want to engage with Asmara.

Lastly, putting Eritrea on a sanctions list would have limited effect on our effort to try to stabilize the region and build alliances with governments in a wider battle against extremism.

We should urge the administration to take careful note of the issues raised by Representative ROYCE, and I have written a letter to the President to that effect. The administration is engaging Asmara. We must allow these diplomatic discussions to continue.

In my last trip to Asmara 1 year ago, I met with the President and did indicate changes that would have to be made. The current President of Somalia, Sheikh Sharif Sheikh Ahmed, was in Asmara and went back, and now is trying to lead a government which is fighting against al Shabaab and al

Qaeda. And so at this time, I think that this amendment would disrupt sensitive diplomatic issues that are going on. I urge my colleagues to vote against the Royce amendment.

Madam Chairman, I yield back the balance of my time.

Mr. ROYCE. Let me respond that, first of all, I have a great deal of respect for Chairman PAYNE. We have worked together for years on Africa issues. We worked together on Darfur, Sudan. But this is the very issue of why we disagree here, because all Members should know that it was Eritrea that was the first country to invite Sudan's President, al-Bashir, to visit Eritrea following an arrest warrant for his crimes against humanity in Darfur.

Now, with respect to the issue, I can think of numerous issues and times when Congress has had to push—and we'll take Sudan as an example, since the example I'm giving here is an example in which Eritrea has welcomed al-Bashir at a time when the international community is trying to get him to prevent the crimes that he has committed in Darfur. We have had to push to take more assertive actions. We did that with genocide in Sudan. And in my view, there is nothing wrong now, especially with respect to a state sponsorship of terrorism. I think that the Assistant Secretary of State for Africa's words speak for themselves. Again, this is Secretary Carson before the Senate Foreign Relations Committee last month, in which he said, We have clear evidence that Eritrea is supporting these extremist elements, including credible reports that they continue to supply weapons and munitions to terrorist elements.

I ask for an ''aye'' vote.

The Acting CHAIR (Ms. DEGETTE). The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROYCE. Madam 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 California will be postponed.

Mr. BERMAN. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Ms. DEGETTE, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes had come to no resolution thereon.

PERMISSION TO CONSIDER AMENDMENT OUT OF ORDER

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2410, pursuant to House Resolution 522, it may be in order to consider amendment No. 17 after amendment No. 27.

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

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

The SPEAKER pro tempore. Pursuant to House Resolution 522 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2410.

□ 1610

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes, with Ms. DEGETTE (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 15 by the gentleman from California (Mr. ROYCE) had been postponed.

AMENDMENT NO. 16 OFFERED BY MR. MEEKS OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part C of House Report 111–143.

Mr. MEEKS 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. 16 offered by Mr. MEEKS of New York:

At the end of title X, insert the following:

SEC. 10___. REPORT ON UNITED STATES-BRAZIL JOINT ACTION PLAN TO ELIMINATE RACIAL DISCRIMINATION.

Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the status, efficacy, and coordination of the United States-Brazil Joint Action Plan to Eliminate Racial Discrimination, and a summary of short and long-term efforts to address the plight of in Afro Latinos and indigenous peoples in the Western Hemisphere through cooperation and bilateral efforts.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MEEKS of New York. Madam Chair, I rise today with an important amendment to H.R. 2410, the Foreign Relations Authorization Act for Fiscal Years 2010 and 2011.

We here in the United States understand all too well that it takes more than just passing laws to ensure equal access to prosperity. It took decades of constant pressure and struggle to get the legal right to full participation of African Americans in our American democracy, yet we realize that our work is far from over in our great Nation.

Racial discrimination is a sobering reality, both here in the United States and in the rest of the world. We understand that we cannot throw stones from a glass house, but instead we must work in tandem with our neighbors to ensure that all citizens in our hemisphere are unfettered by discriminatory practices now and the vestiges of those practices of the past.

It is in our interest to work toward a more equal hemisphere. And we are all at risk if our citizens do not have full faith in the strength of democracy to provide upward mobility. The Reverend Dr. Martin Luther King, Jr., put it best when he said, Injustice anywhere is a threat to justice everywhere.

Afro-Latinos face a longstanding struggle against racial discrimination and a lack of opportunities. Afro-Latinos make up approximately 150 million of the region's 540 million total population and, along with women and indigenous populations, are among the poorest, most marginalized groups in the region.

People of African descent comprise a significant portion of the population in several Latin American countries and account for nearly 50 percent of the region's poor. For many Afro descendants, endemic poverty is exacerbated by isolation, exclusion, and racial discrimination.

In Brazil, Afro-Latinos represent 45 percent of the population but constitute 64 percent of the poor and 69 percent of the extremely poor. In Colombia, the plight of Afro-Colombians is perhaps harshest, as they are all too often caught in the crossfire of violent conflict.

Congress previously supported the United States-Brazil Joint Action Plan Against Racial Discrimination in House Resolution 1254 and called for both the United States and Brazil to promote equality and to continue to work toward eliminating racial discrimination. The joint action plan helps to facilitate the exchange of information on the best practices of anti-discrimination measures and development of ideas of how to bilaterally promote racial and ethnic equality.

With this amendment, we request that Secretary Clinton report on plans and efforts to address the plight of Afro-Latinos and indigenous peoples in the Western hemisphere. And we also request a report on the status of the U.S.-Brazil joint action plan so we can gain a greater understanding of how to

increase our collaboration on similar initiatives.

Madam Chair, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chair, I rise to claim time in opposition.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. The U.S.-Brazil Joint Action Plan to eliminate racial and ethnic discrimination and promote equality recognizes the commitment of our governments to promote equality and opportunity.

□ 1615

It also underscores the importance of cooperating in the promotion of human rights in order to maintain an environment of peace, of democracy, and of prosperity in the region.

The United States' commitment to freedom and equality is longstanding. This joint action plan between our two countries helps to further these values throughout the hemisphere.

Mr. MEEKS' amendment requires the Secretary of State to report on the progress of these important bilateral efforts under the action plan. This report will help to bring accountability and greater oversight to the objectives and to the goals of this important joint effort between the United States and Brazil.

I thank Congressman MEEKS for his introduction of this amendment, and I urge my colleagues to support it.

Madam Chair, I yield back the balance of my time.

Mr. MEEKS of New York. Madam Chair, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Madam Chair, first of all, I would like to commend the gentleman from New York (Mr. MEEKS) for his long service in this area of bringing attention to bringing equality to the cultures of Central America, South America, and Latin America. He is to be indeed commended.

Madam Chair, the United States and Brazil are strong partners with a common history and ancestry that, unfortunately, includes experiences of slavery, racism, and discrimination against citizens of African heritage. Still, the United States and Brazil, under the joint action plan, are working to learn from each other's experiences in order to combat racism, promote equality, and increase cooperation in a multitude of fields including education, culture, health, and sports.

Madam Chair, because combating racism and discrimination requires constant vigilance, I support the gentleman from New York's amendment, which will provide Congress with better information moving towards that end.

Mr. MEEKS of New York. Madam Chair, I just want to give some good progress that has been made in Latin America. For example, we see Graciela Dixon become the first black woman to head Panama's Supreme Court in 2005 and Joaquim Barbosa of Brazil rise as a prominent member of the Supreme Court. Paula Moreno stands now as Colombia's first Afro-Colombian to serve as a minister in a presidential cabinet. And in Ecuador, it was reported that a group of more than 100 black women in 2006 sought more government assistance for housing to combat racial discrimination in the rental market.

We are in this together; we can accomplish this together. And I thank the gentlewoman who is the ranking member on the committee for supporting this bill as well as the Chair of the committee.

Madam Chair, I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MRS. KIRKPATRICK OF ARIZONA

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part C of House Report 111–143.

Mrs. KIRKPATRICK of Arizona. I have an amendment at the desk and ask for its consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mrs. KIRKPATRICK of Arizona:

Page 264, beginning line 1, insert the following:

(K) FLOW OF ILLEGAL FUNDS.—A description and assessment of efforts to reduce the southbound flow of illegal funds.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Arizona (Mrs. KIRKPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Mrs. KIRKPATRICK of Arizona. Madam Chair, over the past 1½ years, we have witnessed record levels of violence along the southwest border. Since the beginning of 2008, over 7,500 people have died as drug cartels have fought over trafficking routes between Mexico and the United States.

As the fighting has continued in Mexico, those of us who live in border States have seen our communities threatened. Many communities in my home State of Arizona have seen gang violence on the rise, and the State now leads the Nation in both kidnapping and identity theft, an increase that is directly linked to illegal activity along the border.

Our local law enforcement is doing a great job combating crime, but they cannot take on the cartels alone. They need the Federal Government to do its job.

The criminal organizations that smuggle people and drugs into the United States bringing this high level of crime into our homes are fueled by the southbound flow of illegal arms and cash. Arms illegally carried to Mexico are the weapons of choice for cartels, while it is money streaming in from the United States that funds their massive armies.

This bill calls on the President to report to Congress on the activities of the Merida Initiative. Among the matters covered by this report is the assessment of United States efforts to prevent the southbound flow of illegal arms. However, it does not currently include any assessment of our efforts to prevent the movement of cash. The illegal movement of people, drugs, weapons, and money are entirely linked together, and it is impossible to address one of those issues without tackling the rest.

Therefore, I offer this amendment to include an assessment of United States efforts to stem the stream of cash heading south into Mexico. The cartels are continually finding new and innovative ways to transport funds, and our government needs to be at least as creative if these organizations are going to be stopped.

Madam Chairwoman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Chair, the Merida Initiative is an historic opportunity to cooperate with our democratic partners in the region against narcotrafficking and organized crime. Requiring comprehensive reporting on U.S. actions and the consequences of such are essential not only to ensuring oversight but also to ensuring our efforts are effective and, indeed, long lasting.

Congresswoman KIRKPATRICK's amendment works to include a review of the illegal southbound flow of cash under Merida reporting. I believe we should also oversee north in addition to southbound flows of cash across our borders. Only through a comprehensive approach and understanding of what we are facing can we truly be successful.

I support the gentlewoman's amendment, and I congratulate her for offering it.

Mr. BERMAN. Would the gentlewoman yield?

Ms. ROS-LEHTINEN. I would be most honored to yield to our distinguished chairman.

Mr. BERMAN. I thank the ranking member for yielding.

I just want to add my support. The fact is I had a chance to go to Mexico City, and the gentlewoman from Arizona is absolutely right. The guns are one issue but the huge amounts of cash that are transported are another. Her amendment makes what I think are some good provisions in this legislation on strengthening the Merida Initiative even better, and I urge its adoption.

Ms. ROS-LEHTINEN. Madam Chair, I yield back the balance of my time.

Mrs. KIRKPATRICK of Arizona. Madam Chairwoman, I thank the chairman and the ranking member for their help with this amendment.

I ask my colleagues to support this amendment, which addresses a key part of the fight against drug trafficking organizations.

Madam Chairwoman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Arizona (Mrs. KIRKPATRICK).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. KIRK

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in part C of House Report 111–143.

Mr. KIRK. Madam Chair, I have an amendment on the roll.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. KIRK:

At the end of subtitle A of title II, add the following:

SEC. 205. ELIGIBILITY IN CERTAIN CIRCUMSTANCES FOR AN AGENCY OF A FOREIGN GOVERNMENT TO RECEIVE A REWARD UNDER THE DEPARTMENT OF STATE REWARDS PROGRAM.

(a) ELIGIBILITY.—Subsection (f) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(f)) is amended—

(1) by striking ''(f) INELIGIBILITY.—An officer'' and inserting the following:

''(f) INELIGIBILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an officer''; and

(2) by adding at the end the following new paragraph:

''(2) EXCEPTION IN CERTAIN CIRCUMSTANCES.—The Secretary may pay a reward to an officer or employee of a foreign government (or any entity thereof) who, while in the performance of his or her official duties, furnishes information described in such subsection, if the Secretary determines that such payment satisfies the following conditions:

''(A) Such payment is appropriate in light of the exceptional or high-profile nature of the information furnished pursuant to such subsection.

''(B) Such payment may aid in furnishing further information described in such subsection.

''(C) Such payment is formally requested by such agency.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section (22 U.S.C. 2708(b)) is amended in the matter preceding paragraph (1) by inserting ''or to an officer or employee of a foreign government in accordance with subsection (f)(2)'' after ''individual''.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. Madam Chair, I yield myself such time as I may consume.

I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their bipartisan work on this, for a good underlying bill, in my view, as well.

This amendment will assist in our fight against terrorism across the globe, especially in Pakistan and Afghanistan.

Currently, the terrorist rewards program run by the State Department assists in our hunt for terrorists by promising a cash reward or other type of assistance for information leading to the arrest of some of the world's most deadly terrorists. The Rewards for Justice Program, established by the 1984 Act to Combat International Terrorism, has now paid over $77 million to more than 50 people who have provided credible information to put terrorists behind bars and prevent acts of terrorism.

As a staff member, I helped write the amendments that President Clinton asked for when we wanted to offer rewards for persons indicted for war crimes, for example, in the former Yugoslavia. We also passed legislation under Chairman Hyde that loosened up this program so that we could provide more than cash assistance, more meaningful assistance to farmers and other people who may not be able to read in very rural parts of Central Asia.

The program has been the key to success in apprehending people, including Mir Amal Kansi, a terrorist who murdered two CIA employees and injured three others in his 1993 rampage outside of CIA headquarters in Virginia. The program was also important in nailing Ramzi Yousef, convicted of the 1993 World Trade Center bombing; Uday and Qusay Hussein, the two murderous Hussein brothers; Khadaffy Janjalani and Abu Solaiman, two high-ranking members of Abu Sayyaf in the Philippines; Libyan Abdel Basset Ali al-Megrahi, convicted on January 31, 2001, for the murder of 270 people on Pan Am Flight 103 over Lockerbie; Hamsiraji Marusi Sali, the leader of the ASG; Muhsin Khadr al-Khafaji, a member of Saddam Hussein's top Ba'ath Party leadership; Iraqi Khamis Sirhan al-Muhammad, a former official military commander; and Muhammad Zimam Abd al-Razzaq al-Sadun, number 41 on the Iraqi ''top 55'' wanted list.

Under current law, though, the United States may not pay an award to an officer or employee of another government. I have traveled to Pakistan in each of the last 4 years where I have met a number of government officials, and at the strong suggestion of the fairly poorly paid, especially IB, intelligence bureaus, I believe the Secretary of State should be allowed to pay such a reward especially if it has to do with nailing the greatest terrorists. If there is anyone anywhere working for anyone who has information related to the whereabouts of Osama bin Laden or Ayman al-Zawahiri, we should be doing everything possible to elicit that information.

As Secretary Clinton, Secretary Gates, General Petraeus, and Ambassador Holbrooke execute the President's new strategy for Afghanistan and Pakistan, we should do everything we can to develop a complete picture of where the al Qaeda and Taliban leadership is hiding. This amendment provides our key State Department and intelligence officials with every possible tool that they could have to make sure they can offer a reward even if that person, for example, works for the Pakistani IB bureau.

In the last Congress, the House overwhelmingly passed this amendment 419–1, but it did not pass the Senate, which is why I offer it today.

Madam Chair, I reserve the balance of my time.

Mr. BERMAN. Madam Chair, I ask unanimous consent to claim the time in opposition to this amendment, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. BERMAN. Madam Chair, as the gentleman said, and I agree with every word that he said in support of his amendment—I'm not sure I could have pronounced every word as he did, but this is simply a discretionary authorization to the Secretary of State, usually in extraordinary circumstances, to do something which makes perfect sense, to take advantage of the possibility that a foreign national might under circumstances, and particularly with a reward in mind, provide information of tremendous value in capturing target terrorists that we are pursuing. Whether it's the ones the gentleman spoke about or others, why not give this authority?

I urge that the amendment be adopted and we change the law to remove this restriction, which, to me, doesn't make much sense.

Madam Chair, I yield back the balance of my time.

□ 1630

Mr. KIRK. I appreciate the chairman's work. I also appreciate David Fite's work on this because we were together when we first saw how this restriction could impede the hunt for the two top al Qaeda terrorists—Ayman al-Zawahiri and Osama bin Laden.

For a poorly paid official—and there are many who are patriotic, good servants in Afghanistan and in Pakistan especially—we ought to be able to offer this reward. This will significantly incentivize the hunt for some of the people who have killed most of the Americans. I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KIRK. Madam Chair, 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 Illinois will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. LYNCH

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in part C of House Report 111–143.

Mr. LYNCH. Madam Chair, I have an amendment at the desk that has been

made in order by the rule. I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. LYNCH:

Page 73, after line 21, insert the following (and amend the table of contents accordingly):

SEC. 239. REPORT ON SPECIAL IMMIGRANT PROGRAMS FOR CERTAIN NATIONALS OF IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report on the programs authorized under the following provisions:

(1) Section 1059 of division A of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).

(2) Section 1244 of division A of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 396 et seq.).

(b) CONTENTS.—The report under subsection (a) shall address at least the following:

(1) Whether the eligibility requirements with respect to the programs are sufficiently clear, and if not, whether legislation is necessary to clarify those requirements.

(2) Whether the programs are being run effectively and expeditiously.

(3) Whether processing delays exist with respect to the programs that place applicants' lives at risk, and if so—

(A) what the cause or causes of the delays are; and

(B) whether legislation is necessary to eliminate the delays.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

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

Before I begin, Madam Chair, I would like to thank Foreign Affairs Committee Chairman BERMAN for considering my amendment. I congratulate the committee for drafting a bill that, I think, will truly strengthen our Foreign Affairs profile overseas as well as strengthen our capabilities.

I rise in support of my amendment, which will direct the State Department to assess and to report to Congress on the Special Immigrant Visa Program for certain Iraqi and Afghan nationals employed by or on behalf of the United States in both Afghanistan and in Iraq.

As a member of the House Oversight Committee and as a member of its National Security and Foreign Affairs Subcommittee, I've been to Iraq and to Afghanistan on numerous occasions. I've had the pleasure of meeting with some of the brave Iraqi and Afghan workers who actually serve right beside our own men and women in uniform as interpreters, as assistants in military operations and also in the civil operations that are going on in both of those countries. It is extremely dangerous work, and they do deserve incredible recognition for taking a very difficult position in aiding our troops in their mission. They are deserving of our admiration.

There is a sad truth, however, that, in choosing to support U.S. forces in Iraq and in Afghanistan to rebuild their countries, they are also putting their lives on the line and those of their families. The insurgents in Iraq and in Afghanistan have targeted these hardworking patriots and their families in the hopes of terrorizing the local people and in discouraging cooperation.

It is because of this very real danger that Congress created the sections 1059 and 1244 Special Immigrant Visa Programs. They allow for certain Iraqis and Afghans who actually serve as translators—these are the folks who are actually protecting our young men and women in uniform as translators or as interpreters or who are otherwise employed by the U.S. or its contractors—to come to the United States to escape the targeting by these terrorists and insurgents.

I am aware that the State Department prepared a study of these programs in July 2008, but I believe it is necessary, actually, to follow up on this previous study in light of the troubling reports that I received earlier this year. I was informed by our State Department folks in Iraq and in Afghanistan and I was informed by General Ray Odierno, the commander of the United States forces in Iraq, that they are still dealing with unclear eligibility requirements, that they're having difficulty processing these Iraqis with visas and that they're facing long processing times, which has worked to the detriment of these individuals and has also hampered our effort to recruit others to take their places.

With wait times up to a year, these applicants are in constant danger while their applications are sorted out. I think we owe it to these brave men and women, who are doing the right thing, to ensure that any delays are only as long as is absolutely necessary.

Through this study, we will be able to determine the root causes of these difficulties. Then, based on the findings, Congress can act to ensure that these programs are run efficiently and effectively while protecting the applicants' lives, our national security and our men and women in uniform.

I urge my colleagues to support both this amendment and the underlying bill.

I reserve the balance of our time.

Ms. ROS-LEHTINEN. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. I thank the gentleman from Massachusetts for his helpful and constructive amendment.

I rise in support of this amendment.

I had the opportunity to travel to these areas with the gentleman a few years back. Congress has recognized the debt owed to the Iraqis and Afghans who work at great personal risk in support of our troops. It has responded by creating two Special Immigrant Visa, SIV, programs. One is an SIV program for Iraqi and Afghani translators and interpreters. The second is an SIV program for Iraqi employers and contractors and their families, along with providing refugee resettlement benefits.

However, as a 2008 report by the State Department Inspector General stated: the current process resulted in applicants' receiving SIVs who, one, did not meet the program's criteria of working primarily as interpreters or as translators or, two, in the OIG team's opinion, appeared to be outside the legislative intent of the program. As a result, the number of SIVs that could have been allocated to other qualified applicants were not.

This amendment seeks to address a number of those issues by requiring our State Department, among other actions, to develop clear guidance on eligibility for adjudicators, to maintain a high level of vigilance due to the high risk of fraud and abuse, and many other items.

I again thank the gentleman from Massachusetts. I urge my colleagues to support this vital and important amendment.

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

Mr. LYNCH. Madam Chair, at this point, I would like to yield the balance of my time to the chairman of the Foreign Affairs Committee, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Madam Chair, I rise to join the ranking member in supporting very strongly the amendment from the gentleman from Massachusetts (Mr. LYNCH).

We have, I think, a general obligation to deal with the issue of the refugees as a consequence of these conflicts both in Iraq and in Afghanistan, but we have a particularly strong duty to deal with the status of people who are displaced or who are objects of persecution, retribution or retaliation because those individuals helped either our military or our diplomats or our AID people in terms of the conflict in either one of those countries.

This is an issue that I, personally, was very involved with in the last couple of years. The gentleman's amendment, I think, helps to spur us to deal with some of the problems in the program now and to do more in this regard. It is certainly an amendment that, if it is passed, I would want to see in the final legislation. I urge its adoption.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. BERMAN

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in part C of House Report 111–143.

Mr. BERMAN. As the designee of Mr. HILL, I have an amendment made in

order by the rule, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. BERMAN:
At the end of title X, insert the following:

SEC. 10___. REPORT ON REDUCING SMUGGLING AND TRAFFICKING IN PERSONS.

The Secretary of State, in consultation with the heads of other relevant Federal departments and agencies, shall conduct a cost-benefit analysis and submit to Congress a report on how best to use United States funds to reduce smuggling and trafficking in persons.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from California (Mr. BERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. BERMAN. Madam Chair, I yield myself such time as I may consume.

I am operating as a designee for our colleague BARON HILL. I strongly support the amendment that is before the body now. It requires the State Department, in cooperation with other departments and agencies, to report on how best to use government funds to reduce alien smuggling and trafficking in persons.

The State Department estimates that 800,000 people are trafficked in deplorable conditions and in inhumane conditions to cross borders around the world while millions more are trafficked within their own countries. Of these, approximately 80 percent are women and girls. Half are minors. Human smuggling continues to be a significant law enforcement challenge in the international community, and it remains a particular problem for us on our southern border with Mexico.

The United States became a party to the United Nations' smuggling protocol in 2005. It continues to work with other governments, committing substantial resources to end human smuggling and to protect victims from the perilous journeys involved in this profitable enterprise. Some 112 countries are now party to this smuggling protocol.

Madam Chair, in order to more effectively tackle the growing and worrisome problems of human smuggling and trafficking, I support the gentleman's amendment.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Chair, although the amendment urges the executive branch to undertake assessments that, I hope, are already going into the administration's policymaking, I do not oppose this amendment.

All of us are, of course, opposed to alien smuggling, trafficking persons and terrorists entering the United States. We believe that U.S. efforts to fight those grave problems should be cost effective. Thus, I support the amendment's call for a report on this subject.

I yield back the balance of our time.

Mr. BERMAN. Madam Chair, I have no further requests for time.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. BERMAN).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in part C of House Report 111–143.

Mr. PETERS. Madam Chair, 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. 22 offered by Mr. PETERS:
At the end of Title X, insert the following:

SEC. 10___. REPORT ON WESTERN HEMISPHERE TRAVEL INITIATIVE.

Not later than 18 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report on the effects of the Western Hemisphere Travel Initiative (WHTI) on the flow of people, goods, and services across the international borders of the United States, Canada, Mexico, Bermuda, and the Caribbean region, with particular emphasis on whether WHTI has been effective in meeting its goal of strengthening United States border security and enhancing accountability of individuals entering the United States, and an assessment of the economic impact associated with WHTI and its effects on small businesses.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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

Madam Chair, today, we are considering important legislation that will support efforts to strengthen, to modernize and to rebuild the capacity of the Department of State to fulfill its core diplomatic mission. This legislation will also increase the arms control and the nonproliferation capabilities of the State Department; it will reform the system of export controls for military technology; and it will improve the oversight of U.S. security assistance abroad.

As we expand our diplomatic capabilities, we must remember that trade is the driving force of both our economy and of our international diplomacy. In December of 2004, Congress passed the Western Hemisphere Travel Initiative. As of June 1, 2009, this initiative now requires that travelers have passports for all land and sea crossings, including travel to and from Canada and Mexico.

We need to know exactly how these new passport requirements are affecting our economy. Obviously, prudent security measures must be undertaken to keep Americans safe, but we also need to assess whether these measures are working and how they affect border State businesses. My amendment will require such an assessment. Congress can then determine whether corrective action is needed to change the requirements or to provide relief to border State businesses or both.

The Peters amendment would require the Secretary of State to submit to Congress within 18 months of the passage of this act a report on the Western Hemisphere Travel Initiative: on the flow of people, goods and services across the international borders of the United States, Canada, Mexico, Bermuda, and the Caribbean region.

□ 1645

The amendment stipulates the report should pay specific attention to the effects on small businesses and and the measure's effectiveness in strengthening border security. Increasing the security of our borders must be a top priority from Congress. We must also ensure that implementation of the Western Hemisphere Travel Initiative is carried out in a manner that increases our national security but does not unnecessarily hinder trade and strain our small businesses.

With our Nation's fight through a recession, it is particularly important that we assess the effect measures approved by this body have on our economy.

I greatly appreciate the support from my friend and colleague from New Mexico, Congressman TEAGUE, for his office's assistant on this important amendment and help on issues of importance to both our northern and southern border regions, and I urge my colleagues to support my amendment.

Madam Chair, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chair, I ask unanimous consent to claim time in opposition, even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Madam Chair, I support this amendment because the Western Hemisphere Travel Initiative was fully implemented in June of this year with the goal of strengthening U.S. border security while at the same time enhancing accountability of those entering our country.

By calling on the Secretary of State to provide a report to Congress describing the impact this implementation has had on the flow of people, goods, and services across the international borders shared by the relevant countries, Congressman PETERS' amendment will help us understand better how effective this initiative has been in making our country safer and what impact these two measures will have on the business sectors of our countries.

The Western Hemisphere Travel Initiative was a significant step toward

making America more secure. Congressman PETERS' amendment is important as it would provide greater accountability and oversight of the objectives and consequences of this important initiative and will ultimately help us protect the interests and the safety of the American people.

And with that, I yield back.

Mr. PETERS. Madam Chair, my amendment is a commonsense measure that ensures that the Western Hemisphere Travel Initiative's effects on small businesses are known and reported to Congress in a timely manner. The Western Hemisphere Travel Initiative must be implemented in a way that strengthens our national security, maintains robust trade and tourism with our neighbors, and protects our Nation's small businesses.

I would like to thank Foreign Affairs Committee Chairman BERMAN and Rules Committee Chairwoman SLAUGHTER.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. BERMAN

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in part C of House Report 111–143.

Mr. BERMAN. Madam Chair, as the designee of Mr. TEAGUE, I have an amendment made in order by the rule, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. BERMAN:

At the end of subtitle A of title XI, insert the following:

SEC. 11___. GLOBAL CLEAN ENERGY EXCHANGE PROGRAM.

(a) PROGRAM ESTABLISHMENT.—The Secretary of State is authorized to establish a program to strengthen research, educational exchange, and international cooperation with the aim of promoting the development and deployment of clean and efficient energy technologies in order to reduce global greenhouse gas emissions, address issues of energy poverty in developing countries, and extend the reach of United States technologies and ingenuity that would be beneficial to developing countries. The program authorized under this subsection shall be carried out pursuant to the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) and may be referred to as the ''Global Clean Energy Exchange Program''.

(b) DEFINITIONS.—In this section:

(1) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—The term ''clean and efficient energy technology'' means an energy supply or end-use technology—

(A) such as—

(i) solar technology;

(ii) wind technology;

(iii) geothermal technology;

(iv) hydroelectric technology

(v) alternative fuels; and

(vi) carbon capture technology; and

(B) that, over its life cycle and compared to a similar technology already in commercial use—

(i) is reliable, affordable, economically viable, socially acceptable, and compatible with the needs and norms of the country involved;

(ii) results in—

(I) reduced emissions of greenhouse gases; or

(II) increased geological sequestration; and

(iii) may—

(I) substantially lower emissions of air pollutants; or

(II) generate substantially smaller or less hazardous quantities of solid or liquid waste.

(2) GEOLOGICAL SEQUESTRATION.—The term ''geological sequestration'' means the capture and long-term storage in a geological formation of a greenhouse gas from an energy producing facility, which prevents the release of greenhouse gases into the atmosphere.

(3) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; or

(G) nitrogen trifluoride.

(c) ELEMENTS.—The program authorized under subsection (a) shall contain the following elements:

(1) The financing of studies, research, instruction, and other educational activities dedicated to developing clean and efficient energy technologies—

(A) by or to United States citizens and nationals in foreign universities, governments, organizations, companies, or other institutions, and

(B) by or to citizens and nationals of foreign countries in United States universities, governments, organizations, companies, or other institutions.

(2) The financing of visits and exchanges between the United States and other countries of students, trainees, teachers, instructors, professors, researchers, entrepreneurs, and other persons who study, teach, and conduct research in subjects such as the physical sciences, environmental science, public policy, economics, urban planning, and other subjects and focus on developing and commercially deploying clean and efficient energy technologies.

(d) ACCESS.—The Secretary of State shall ensure that the program authorized under subsection (a) is available to—

(1) historically Black colleges and universities that are part B institutions (as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as such term is defined in section 502(5) of such Act (20 U.S.C. 1101a(5))), Tribal Colleges or Universities (as such term is defined in section 316 of such Act (20 U.S.C. 1059c)), and other minority institutions (as such term is defined in section 365(3) of such Act (20 U.S.C. 1067k(3))), and to the students, faculty, and researchers at such colleges, universities, and institutions; and

(2) small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, and small business concerns owned and controlled by veterans (as such terms are defined in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3))).

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from California (Mr. BERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. BERMAN. Madam Chairman, I yield 1 minute to the gentlelady from Nevada (Ms. TITUS).

Ms. TITUS. Madam Chairman, I rise in support of the Teague-Titus-Giffords amendment to establish a global clean energy exchange program. This new program will strengthen research, educational exchange, and international cooperation with the aim of promoting the development and deployment of clean and efficient energy technologies.

The development of next-generation solar, wind, geothermal, carbon capture and storage, and other clean energy technologies that will reduce our dependence on foreign oil's going to take cooperative efforts from every corner of the world.

Our amendment provides much-needed support for exchange programs dedicated to providing developing clean-energy and energy-efficient technologies. These exchange programs between the United States and other countries will be available to teachers, students, and entrepreneurs.

In addition to promoting the development and deployment of clean-energy technology, this exchange program will help address issues of energy poverty in developing countries and extend the reach of American clean-energy technologies and innovation that would be beneficial to developing countries.

I urge passage.

Ms. ROS-LEHTINEN. Madam Chair, I ask unanimous consent to claim time in opposition even though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Madam Chair, while I am concerned by the proliferation of exchange-related authorization earmarks in the underlying bill, which circumscribes the discretion of States' educational and cultural affairs bureaus in deciding how to allot our finite education and exchange resources, I do not oppose this amendment.

I support efforts to use our educational and exchange resources to help support the development of clean and efficient energy sources, and I appreciate the fact that this amendment does not include a specific authorization amount. Therefore, I support the amendment.

I yield back the balance of my time.

Mr. BERMAN. Madam Chair, I yield the balance of the time to the sponsor of the amendment, under my designee status, the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Madam Chairwoman, I am an oilman. I always have been, and I always will be. One thing that I learned as an oilman is that no matter where you go around the world, when you visit oil- and gas-producing areas, you mostly find American companies, American technologies, American equipment, and, of course, Americans. America is the pride of the oil patch.

Over the years, that position has served us well. It creates wealth and jobs in our country and has been the

basis for America's leadership in the global economy. But the world is changing. Where before other nations could not compete with our economic might, now they can. And before, where the hydrocarbons were the only solution to the world's energy needs, it no longer is. America will continue to lead the world in the production of oil and natural gas, but we must also lead the world in the production of renewable energy.

America will be stronger if we lead the development of new ways to capture wind energy. America will be wealthier if we create and produce the technology the world uses to produce energy from the sun. Most Americans will have good-paying jobs if it is American ingenuity behind the production of new biofuels around the world.

The Teague-Titus-Giffords amendment creates the Global Clean Energy Exchange Program to strengthen research, educational exchange, and international cooperation with the aim of promoting the development and deployment of clean and efficient American energy technologies around the world.

Our amendment will mean that professors, researchers, entrepreneurs, and small business owners can travel to other nations to show people there the renewable energy products, technology, and expertise that America has developed. And when those nations decide to make investments in renewable energy, I imagine they will turn to the technologies, products, and expertise that we introduced to them in the first place.

This amendment is about enhancing America's leadership in the renewable energy field; it's about creating markets for American goods; it's about creating profits for American companies; it's about creating jobs for American workers.

I thank Chairman BERMAN for his support, and I thank Chairwoman SLAUGHTER for allowing this amendment to be debated on the floor. I urge my colleagues to support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. BERMAN).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in part C of House Report 111–143.

Ms. EDDIE BERNICE JOHNSON of Texas. 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. 24 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

At the end of subtitle B of title II, add the following:

SEC. 227. EXCHANGES BETWEEN AFGHANISTAN AND THE UNITED STATES FOR WOMEN LEGISLATORS.

(a) PURPOSE.—It is the purpose of this section to provide financial assistance to—

(1) establish an exchange program for Afghan women legislators of the National Assembly of Afghanistan;

(2) expand Afghan women participation in international exchange programs of the Department of State; and

(3) promote the advancement of women in the field of politics, with the aim of encouraging more women to participate in civil society, reducing violence against women, and increasing educational opportunities for women and children,

(b) PROGRAM.—The Secretary of State shall establish an exchange program in cooperation with the women members of parliament in Afghanistan to enable Afghan women legislators to encourage more women to participate in, and continue to be active in, politics and the democratic process in Afghanistan.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairwoman, let me first thank the Chair and ranking member of the Committee on Foreign Affairs for their hard work on this entire document and for the privilege of offering this amendment.

I rise to claim the time in support of my amendment that would provide assistance for Afghan women legislators. The amendment would create a program in the State Department to support exchanges between Afghanistan and the United States for women legislators, expand Afghan women's participation in international exchange programs of the Department of State, and promote the advancement of women in the field of politics with the aim of encouraging more women to participate in the civil society. This program would give female lawmakers of the National Assembly of Afghanistan new opportunities to improve their political and administrative skills and to identify and mentor other future qualified women interested in leadership in the public service.

A new generation of leaders is helping to pave the way to consolidate and secure a stable democracy in Afghanistan. Afghan women legislators are helping to forge this path and already have contributed significantly to the country's democratic solutions. However, as a group, these women legislators face a unique challenge in navigating their path in the political system because of their agenda.

Additionally, many obstacles stand in the way of the advancement of the status of females, including violence against women and restriction on women's personal freedom of movement. Given the current challenges with the status of women and rising insecurity, the Afghan women legislators can greatly benefit from increased professional and leadership development. The U.S. and the international community must ensure that Afghan women can safely and effectively exercise their rights as citizens.

This amendment would also open additional possibilities to take part in an international visitors program and training through the State Department, which already maintains a similar program to encourage women in leadership in other countries. This would be paid out through the customary means for professional exchanges by the State's Bureau of Educational and Cultural Affairs.

Taking part in such programs would not only train current legislators, but encourage more women to participate in Afghan civil society. Exchange programs such as these can help raise the awareness of democratic values. These goals are consistent with the national security objectives for Afghanistan and represent an effective use of our public diplomacy resources.

I urge all of my colleagues to support the benefits of international, cultural, and education exchange and to vote ''yes'' on this amendment.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chair, I ask unanimous consent to claim time in opposition, even though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Madam Chair, I want to rise in support of the amendment offered by the gentlelady from Texas.

The women of Afghanistan have taken great strides since the fall of the Taliban to fully take part in all aspects of their society. Women have realized significant gains in the last several years. However, much remains to be done.

Laws and regulations passed to safeguard the rights of women must be enforced and respected at the provincial and local levels in order to ensure that women make progress throughout all aspects of Afghan society. It is critical that women legislators of Afghanistan receive the necessary training and support that they need to prevent a return to the intimidation, to the discrimination, to the violence that they faced under the Taliban.

□ 1700

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in part C of House Report 111–143.

Ms. EDDIE BERNICE JOHNSON of Texas. 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. 25 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

At the end of subtitle B of title XI, add the following:

SEC. 11___. INTERNATIONAL PREVENTION AND ELIMINATION OF CHILD SOLDIERS.

It is the sense of Congress that—

(1) the use of child soldiers is unacceptable;

(2) the use of child soldiers is a violation of human rights and the prevention and elimination of child soldiers should be a foreign policy goal of the United States;

(3) the use of child soldiers promotes killing and maiming, sexual violence, abductions, destabilization, and displacement;

(4) investing in the health, education, well being, and safety of children, and providing economic opportunity and vocational training for at-risk youth, is critical to achieving the goals of the United Nations Convention of the Rights of Children; and

(5) countries should raise to 18 years of age the minimum age for the voluntary recruitment of persons into their national armed forces.

The Acting CHAIR. Pursuant to House Resolution 522, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairwoman, let me begin by thanking Chairman BERMAN and Congresswoman ROS-LEHTINEN for all of their hard work and dedication to improving people's lives around the world.

My amendment affirms that the use of child soldiers is unacceptable. It is a violation of human rights, and the prevention and elimination of child soldiers should be a foreign policy goal of the United States. Around the world, children are being recruited by armed forces and exploited as soldiers. Amnesty International estimates 250,000 children under the age of 18 are thought to be currently fighting in conflicts around the world, and hundreds of thousands are members of armed forces who could be sent into conflict at any time. The use of children as soldiers has been universally condemned as horrible and unacceptable; yet over the last 10 years, hundreds of thousands of children have fought and died in conflicts around the world. Child soldiers are usually forced to live under cruel conditions with inadequate food and little to no access to health care. They're almost always treated cruelly, subjected to beatings and shameful treatment. Girl soldiers are particularly at risk of rape, sexual harassment and abuse while in combat. They're often forced into marriage arrangements and are at high risk for unwanted pregnancies.

As a psychiatric nurse, I have seen firsthand the effects of war. The mental, social, and emotional abuses endured as a child soldier will last the rest of their lives, and they'll never know how to solve a problem without fighting. I am eager to work with the State Department to ensure that children around the world are off the frontlines of conflicts and in schools and on playgrounds. Children must have a chance to be children in order to be healthy, happy and productive adults. We must take a stand. Please join me in expressing to the global community that the use of child soldiers is unacceptable. I ask my colleagues to vote ''yes.''

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I ask unanimous consent to claim time in opposition, even though I do not oppose the substance of the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Madam Chair, the Congress put the force of law behind its condemnation of the use of child soldiers through the Child Soldiers Prevention Act, authored by my good friend from Nebraska (Mr. FORTENBERRY). This was incorporated into the William Wilberforce Trafficking Victims Protection Reauthorization Act and became public law in December 2008. We further opined on this matter in the Child Soldiers Accountability Act of 2008, which became law in October of last year. However, a sense of Congress reaffirming that the use of child soldiers is unacceptable must be supported. I applaud my good friend from Texas for bringing this important issue to our attention again. It is right and just to do so. I encourage our colleagues to support this amendment.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chair, I have no further requests for time.

Mr. BERMAN. Will the gentlelady yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from California.

Mr. BERMAN. I just want to express my strong support for this. The issue of child soldiers is a very important one. I appreciate your raising it, as well as some of the other contributions of other Members on this issue. I strongly support the resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. POE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in part C of House Report 111–143.

Mr. POE of Texas. 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. 26 offered by Mr. POE of Texas:

At the end of title X, insert the following:

SEC. 10___. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for the next two years, the President shall submit to Congress a report, with respect to the preceding fiscal year, listing each United States agency, department, or entity that provides assessed or voluntary contributions to the United Nations and United Nations affiliated agencies and related bodies through grants, contracts, subgrants, or subcontracts that is not fully compliant with the requirements to post such funding information for the fiscal year covered by such report on the website ''USAspending.gov'' as required by the Federal Funding Accountability and Transparency Act (Public Law 109–282).

(b) AVAILABILITY TO PUBLIC.—The Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet website.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Madam Chair, this amendment would make it a requirement for the President to report annually the total United States cash and in-kind contributions to the United Nations system each fiscal year by every United States agency or department. This amendment only applies for the next 2 fiscal years.

Last year, American taxpayers contributed $5 billion to the United Nations, making the United States the largest member donor to that institution. Seeing the amount of American investment and the influence the United Nations has on world opinion and world events, it's important that Americans know how their money is being spent and that it is not subsidizing activities which hurt American security, values or our national interests.

The amendment I am sponsoring today would make it a requirement for the President to submit to Congress a report of U.S. cash and in-kind contributions to the United Nations and U.N.-affiliated agencies each fiscal year. The funding would be reported on usaspending.gov, as required by the Federal Funding Accountability and Transparency Act; and this amendment would expire after 2 years. Without the report, Americans would be in the dark concerning the ways in which their money is being spent in funding the United Nations.

I urge the adoption of this amendment.

I reserve the balance of my time.

Mr. BERMAN. Madam Chair, I ask unanimous consent to claim the time in opposition to the amendment, though I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. BERMAN. The gentleman's amendment is pretty direct. It requires the President to report total cash and in-kind contributions by the United States to the entire United Nations system for the period covered by H.R. 2410, fiscal years 2010 and 2011. The amendment makes sense. It encourages full transparency in detailing the logistical and other support that the U.S. provides to critical peacekeeping operations and other U.N. activities in the support of U.S. interests. The Members of Congress have a right to know, the people of America have a right to know, and I support the amendment.

I yield back the balance of my time.

Mr. POE of Texas. I thank the chairman for his response in support of this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MR. CASTLE

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in part C of House Report 111–143.

Mr. CASTLE. Madam Chairwoman, I rise for the purpose of offering amendment No. 27.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. CASTLE:

At the end of subtitle A of title XI, add the following (and amend the table of contents accordingly):

SEC. 11___. ALIEN REPATRIATION.

Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended to read as follows:

''(d) ENSURING RETURN OF REMOVED ALIENS.—

''(1) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRIES DENYING OR DELAYING ACCEPTING ALIEN.—On being notified by the Secretary of Homeland Security that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the Secretary of Homeland Security asks whether the government will accept the alien under this section, the Secretary of State shall order consular officers in that foreign country to discontinue granting immigrant visas or nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Secretary of Homeland Security notifies the Secretary of State that the country has accepted the alien.

''(2) DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.—If the Secretary of Homeland Security determines that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, the Secretary of Homeland Security, in consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country who is seeking or has received a nonimmigrant visa pursuant to subparagraphs (A) and (G) of section 101(a)(15).

''(3) QUARTERLY REPORTS.—Not later than 90 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, and every 3 months thereafter, the Secretary of Homeland Security shall submit to the Congress a report that—

''(A) lists all the countries which refuse or unreasonably delay repatriation; and

''(B) includes the total number of aliens who were refused repatriation, disaggregated by—

''(i) country;

''(ii) detention status; and

''(iii) criminal status.''.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Madam Chairwoman, I yield myself as much time as I may consume.

I offer this important amendment before us today for a variety of reasons. When a citizen or a national of a foreign country is convicted of a crime or found to be in the United States illegally, Immigration and Customs Enforcement, or ICE, officials often issue a final order of removal. While most countries in the world repatriate their citizens and nationals in a timely manner, there are a handful of countries that often refuse or unreasonably delay this process. U.S. courts have ruled that our government cannot legally hold criminal aliens in custody for longer than 6 months following their sentence of imprisonment if their home country refuses or delays in taking them back. As a result, ICE reports that more than 17,000 convicted criminals, many of whom have served time for crime such as murder, kidnapping and rape, have been released onto our streets after their home country refuses or delays repatriation. This creates a serious burden on our local law enforcement and wastes millions of dollars in Federal and State resources.

Under current law, our government has the option of denying visas to countries that refuse repatriation. However, this tool has rarely been utilized. The amendment I am offering today with Congressman DENT would provide our government with two new tools for compelling countries to act.

First, the amendment empowers the Secretary of Homeland Security to deny admission to a country's diplomatic visa holders if the Secretary determines the country is unreasonably refusing or delaying repatriation.

Second, the amendment requires quarterly reports to Congress from the Secretary of Homeland Security publicly listing the countries that refuse or unreasonably delay repatriation. These reports are to include specific information on the status and number of criminal aliens released in the U.S.

Madam Chairwoman, it's my hope that this reporting requirement, which calls for naming and shaming uncooperative countries, will assist the administration in putting new pressure on those that refuse or delay the repatriation of convicted criminals. This is just a first step toward solving a serious problem; and in the end, our amendment leaves final discretion to the administration to allow for diplomatic flexibility. I urge my colleagues to support this important amendment.

I reserve the balance of my time.

Mr. BERMAN. Madam Chair, I ask unanimous consent to claim the time in opposition, although I am not going to speak in opposition.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

The gentleman has touched on a real problem. Just as he describes it, the notion of criminal aliens released because of the limitations on the time they can be held, not taken in their home country, creates a very undesirable situation in our own country. The gentleman's addition to the existing law makes a lot of sense because it's to retaliate against the officials of that government who seek diplomatic visas to come to the United States.

The existing provision of law is very understandable, although I have a little concern that sometimes we're visiting on the spouse of a U.S. citizen or worker with particular skills the sins of the government on that individual or on that individual's American citizen family. But the gentleman has been very flexible in working with us on this amendment, and he is certainly trying to go after a real problem. I wish I had a better alternative than this, but military force isn't my answer. So I'm going to support the gentleman's amendment.

I reserve the balance of my time.

Mr. CASTLE. Madam Chairman, I would just like to thank the Chair and the committee for being helpful in forming this amendment. We had to make some changes, which I think were positive. I think that is very helpful.

At this time I will yield to the gentleman from the Commonwealth of Pennsylvania (Mr. DENT) such time as he may consume.

Mr. DENT. I thank the gentleman from Delaware.

Madam Chair, I rise in support of the Castle-Dent amendment to the Foreign Relations Authorization Act. As of May 2009, just last month, over 147,000 citizens, residents and nationals of foreign countries remain in the United States because the governments of their home nations are delaying or even refusing repatriation, according to U.S. Immigration and Customs Enforcement. It's simply unacceptable. The disconcerting detail regarding the situation is that over 17,000 of these individuals are criminal aliens who have been released into our communities and neighborhoods because U.S. courts have ruled that our system cannot legally hold them in custody for longer than 180 days, or 6 months, following

their sentence of imprisonment if their home country refuses or unreasonably delays repatriation.

□ 1715

Detainment will only be extended if an individual has been proven to be especially dangerous by a court and a psychiatrist.

This extension has only been exercised a handful of times since being instituted in 2004. Releasing dangerous criminals back on to our streets is just not fair to our citizenry and the families and individuals who have legally immigrated to America.

That said, the Castle-Dent amendment requires quarterly reports, reports every 90 days, to Congress from the Secretary of Homeland Security publicly listing the countries that refuse or unreasonably delay repatriation, including information on the total number of criminal aliens in the United States.

Furthermore, the Secretary of Homeland Security will have the power to facilitate the repatriation process by denying the entrance to the U.S. of those holding diplomatic visas of the offending country. The administration can exercise discretion regarding diplomatic flexibility with an affected nation if necessary.

Under current statute, the Immigration and Nationality Act provides that the U.S. State Department has the authority to discontinue the granting of immigrant or nonimmigrant visas to nationals from foreign countries that unreasonably delay or deny accepting an alien who is a citizen, subject, national or resident of that country. Although State has threatened to deny visas in this capacity, it has never enforced this authority.

Additionally, the Congressional Budget Office has indicated this amendment has no significant impact on PAYGO. On the other hand, drawn-out repatriation negotiations divert scarce Federal and State resources.

As an example, in one case, the U.S. Government paid $197,000 to fly an alien convicted of assault with a knife back to his home country of Somalia, only to be denied and sent back to the U.S. where he was released and fled to Canada. I don't understand the logic here. We cannot spend taxpayer dollars to remove a dangerous individual from American soil only to discover the nation is refusing the reentry of their citizen.

Congressional action on comprehensive immigration hangs in the future.

The Acting CHAIR. The gentleman's time has expired.

Mr. BERMAN. Madam Chair, I yield 1 additional minute to the gentleman.

Mr. DENT. I thank the gentleman for yielding.

Just very briefly, I wanted to say about this whole matter, the offending countries tend to be about eight countries, China, India, Vietnam, Laos, Eritrea, and I am probably neglecting one or two. But there are a handful of countries that are responsible for these 147,000 individuals who have valid removal orders against them. They should be removed.

I thank the gentleman, Mr. CASTLE, and I thank the gentleman from California for working with us to provide an amendment that I think sends a very strong message that it is unacceptable that we have to expend our limited resources to hold people who should have been returned.

So, again, I thank you for your courtesy and again urge adoption of the Castle-Dent amendment.

Mr. BERMAN. I have no further speakers. I support the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. MATHESON

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part C of House Report 111–143.

Mr. MATHESON. 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. 17 offered by Mr. MATHESON:

At the end of subtitle C of title II, add the following:

SEC. 239. STUDY REGARDING USE OF PASSPORTS FOR OVERSEAS VOTING AND CENSUS.

The Secretary of State, in consultation with the Attorney General and the Director of the Census Bureau, shall conduct a feasibility study and submit to Congress a report assessing methods of facilitating voting in United States elections by United States citizens living overseas using passports or other methods, and for using passports or other methods to count United States citizens living overseas in the United States Census.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Madam Chairman, I first want to thank the Foreign Affairs, Rules, Judiciary and House Administration Committees for working with me on this amendment. My amendment seeks to ensure that Americans living overseas, all of whom are currently required to pay taxes to the U.S. Government, are counted in U.S. censuses and get to vote in U.S. elections.

This amendment instructs the Secretary of State, in consultation with the Director of the Census Bureau and the U.S. Attorney General, to develop a study using the passports of overseas Americans to determine how they can fully participate in future censuses and elections.

In the 2000 census, the State of Utah narrowly missed getting a fourth congressional seat in the U.S. House of Representatives because LDS missionaries living overseas at the time were not counted. My amendment seeks to help correct this unfair practice by examining effective ways that all Americans living overseas will be counted in future censuses and get to vote in future U.S. elections.

This amendment is straightforward in establishing a study to examine this issue. I encourage my colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part C of House Report 111–143 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. BERMAN of California;

Amendment No. 2 by Ms. ROS-LEHTINEN of Florida;

Amendment No. 6 by Mr. MCCAUL of Texas;

Amendment No. 7 by Mr. LARSEN of Washington;

Amendment No. 10 by Ms. GINNY BROWN-WAITE of Florida;

Amendment No. 15 by Mr. ROYCE of California;

Amendment No. 19 by Mr. KIRK of Illinois.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BERMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BERMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 171, not voting 11, as follows:

[Roll No. 320]

AYES—257

Abercrombie	Bishop (NY)	Carney
Ackerman	Blumenauer	Carson (IN)
Adler (NJ)	Boccieri	Castle
Altmire	Bordallo	Castor (FL)
Andrews	Boren	Chandler
Arcuri	Boswell	Childers
Baca	Boucher	Christensen
Baird	Boyd	Clarke
Baldwin	Brady (PA)	Clay
Barrow	Braley (IA)	Cleaver
Bean	Bright	Clyburn
Becerra	Brown, Corrine	Cohen
Berkley	Butterfield	Connolly (VA)
Berman	Capps	Conyers
Berry	Capuano	Cooper
Biggert	Cardoza	Costa
Bishop (GA)	Carnahan	Costello

Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—171

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

NOT VOTING—11

Flake
Hill
Hinojosa
Kennedy
Lewis (GA)
Loebsack
Moran (VA)
Ruppersberger
Sánchez, Linda T.
Stark
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1745

Messrs. POSEY, BROWN of South Carolina, HALL of Texas, JOHNSON of Illinois and TERRY changed their vote from ''aye'' to ''no.''

Messrs. ELLISON and DAVIS of Illinois changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Madam Chair, on rollcall No. 310, had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MS. ROS-LEHTINEN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 224, not voting 10, as follows:

[Roll No. 321]

AYES—205

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

NOES—224

Ackerman
Altmire
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen

Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—10

Abercrombie
Flake
Hill
Kennedy
Lewis (GA)
Loebsack
Ruppersberger
Sánchez, Linda T.
Smith (TX)
Sullivan

□ 1750

Ms. CORRINE BROWN of Florida, Ms. MARKEY of Colorado and Mr. GRIFFITH changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. MCCAUL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 429, noes 0, not voting 10, as follows:

[Roll No. 322]

AYES—429

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

NOT VOTING—10

Boswell
Gutierrez
Hill
Kennedy
Lewis (GA)
Loebsack
Norton
Ruppersberger
Sánchez, Linda T.
Sullivan

□ 1754

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. NORTON. Madam Chair, on rollcall No. 322, had I been present, I would have voted "aye."

AMENDMENT NO. 7 OFFERED BY MR. LARSEN OF WASHINGTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. LARSEN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 432, noes 0, not voting 7, as follows:

[Roll No. 323]

AYES—432

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)

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

NOT VOTING—7

Hill
Kennedy
Lewis (GA)
Loebsack
Ruppersberger
Sánchez, Linda T.
Sullivan

□ 1758

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 254, not voting 7, as follows:

[Roll No. 324]

AYES—178

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

NOES—254

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)

Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Hill
Kennedy
Lewis (GA)
Loebsack
Ruppersberger
Sánchez, Linda T.
Sullivan

□ 1803

Mr. WELCH changed his vote from ''aye'' to ''no.''

Ms. MARKEY of Colorado, Mrs. MALONEY, and Mr. DAVIS of Alabama changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. ROYCE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROYCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 245, not voting 11, as follows:

[Roll No. 325]

AYES—183

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

NOES—245

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

NOT VOTING—11

Berman
Biggert
Herger
Hill
Kennedy
Lewis (GA)
Loebsack
Ruppersberger
Sánchez, Linda T.
Stark
Sullivan

□ 1806

Mrs. MALONEY changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. KIRK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KIRK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 428, noes 3, not voting 8, as follows:

[Roll No. 326]

AYES—428

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz

Chandler	Herseth Sandlin	Miller (FL)
Childers	Higgins	Miller (MI)
Christensen	Himes	Miller (NC)
Clarke	Hinchey	Miller, Gary
Clay	Hinojosa	Miller, George
Cleaver	Hirono	Minnick
Clyburn	Hodes	Mitchell
Coble	Hoekstra	Mollohan
Coffman (CO)	Holden	Moore (KS)
Cohen	Honda	Moore (WI)
Cole	Hoyer	Moran (KS)
Conaway	Hunter	Moran (VA)
Connolly (VA)	Inglis	Murphy (CT)
Conyers	Inslee	Murphy (NY)
Cooper	Israel	Murphy, Patrick
Costa	Issa	Murphy, Tim
Costello	Jackson (IL)	Murtha
Courtney	Jackson-Lee (TX)	Myrick
Crenshaw	Jenkins	Nadler (NY)
Crowley	Johnson (GA)	Napolitano
Cuellar	Johnson (IL)	Neal (MA)
Culberson	Johnson, E. B.	Neugebauer
Cummings	Johnson, Sam	Norton
Dahlkemper	Jones	Nunes
Davis (AL)	Jordan (OH)	Nye
Davis (CA)	Kagen	Oberstar
Davis (IL)	Kanjorski	Obey
Davis (KY)	Kaptur	Olson
Davis (TN)	Kildee	Olver
Deal (GA)	Kilpatrick (MI)	Ortiz
DeFazio	Kilroy	Pallone
DeGette	Kind	Pascrell
Delahunt	King (IA)	Pastor (AZ)
DeLauro	King (NY)	Paulsen
Dent	Kingston	Payne
Diaz-Balart, L.	Kirk	Pence
Diaz-Balart, M.	Kirkpatrick (AZ)	Perlmutter
Dicks	Kissell	Perriello
Dingell	Klein (FL)	Peters
Doggett	Kline (MN)	Peterson
Donnelly (IN)	Kosmas	Petri
Doyle	Kratovil	Pierluisi
Dreier	Kucinich	Pingree (ME)
Driehaus	Lamborn	Pitts
Duncan	Lance	Platts
Edwards (MD)	Langevin	Poe (TX)
Edwards (TX)	Larsen (WA)	Polis (CO)
Ehlers	Larson (CT)	Pomeroy
Ellison	Latham	Posey
Ellsworth	LaTourette	Price (GA)
Emerson	Latta	Price (NC)
Engel	Lee (CA)	Putnam
Eshoo	Lee (NY)	Quigley
Etheridge	Levin	Radanovich
Faleomavaega	Lewis (CA)	Rahall
Fallin	Linder	Rangel
Farr	Lipinski	Rehberg
Fattah	LoBiondo	Reichert
Filner	Lofgren, Zoe	Reyes
Flake	Lowey	Richardson
Fleming	Lucas	Rodriguez
Forbes	Luetkemeyer	Roe (TN)
Fortenberry	Luján	Rogers (AL)
Foster	Lummis	Rogers (KY)
Foxx	Lungren, Daniel E.	Rogers (MI)
Frank (MA)	Lynch	Rohrabacher
Franks (AZ)	Mack	Rooney
Frelinghuysen	Maffei	Ros-Lehtinen
Fudge	Maloney	Roskam
Gallegly	Manzullo	Ross
Garrett (NJ)	Marchant	Rothman (NJ)
Gerlach	Markey (CO)	Roybal-Allard
Giffords	Markey (MA)	Royce
Gingrey (GA)	Marshall	Rush
Gohmert	Massa	Ryan (OH)
Gonzalez	Matheson	Ryan (WI)
Goodlatte	Matsui	Salazar
Gordon (TN)	McCarthy (CA)	Sanchez, Loretta
Granger	McCarthy (NY)	Sarbanes
Graves	McCaul	Scalise
Grayson	McClintock	Schakowsky
Green, Al	McCotter	Schauer
Green, Gene	McDermott	Schiff
Griffith	McGovern	Schmidt
Grijalva	McHenry	Schock
Guthrie	McHugh	Schrader
Gutierrez	McIntyre	Schwartz
Hall (NY)	McKeon	Scott (GA)
Hall (TX)	McMahon	Scott (VA)
Halvorson	McMorris Rodgers	Sensenbrenner
Hare	McNerney	Serrano
Harman	Meek (FL)	Sessions
Harper	Meeks (NY)	Sestak
Hastings (FL)	Melancon	Shadegg
Hastings (WA)	Mica	Shea-Porter
Heinrich	Michaud	Sherman
Heller	Miller (FL)	Shimkus
Hensarling	Miller (MI)	Shuler
Herger	Miller (NC)	Shuster
Simpson	Miller, Gary	Terry
Sires	Miller, George	Thompson (CA)
Skelton	Minnick	Thompson (MS)
Slaughter	Mitchell	Thompson (PA)
Smith (NE)	Mollohan	Thornberry
Smith (NJ)	Moore (KS)	Tiahrt
Smith (TX)	Moore (WI)	Tiberi
Smith (WA)	Moran (KS)	Tierney
Snyder	Moran (VA)	Titus
Souder	Murphy (CT)	Tonko
Space	Murphy (NY)	Towns
Speier	Murphy, Patrick	Tsongas
Spratt	Murphy, Tim	Turner
Stearns	Murtha	Upton
Stupak	Myrick	Van Hollen
Sutton	Nadler (NY)	Velázquez
Tanner	Napolitano	Visclosky
Tauscher	Neal (MA)	Walden
Taylor	Neugebauer	Walz
Teague	Norton	Wamp
	Nunes	Wasserman Schultz
	Nye	Waters
	Oberstar	Watson
	Obey	Watt
	Olson	Waxman
	Olver	Weiner
	Ortiz	Welch
	Pallone	Westmoreland
	Pascrell	Wexler
	Pastor (AZ)	Whitfield
	Paulsen	Wilson (OH)
	Payne	Wilson (SC)
	Pence	Wittman
	Perlmutter	Wolf
	Perriello	Woolsey
	Peters	Wu
	Peterson	Yarmuth
	Petri	Young (AK)
	Pierluisi	Young (FL)

NOES—3

McCollum	Paul	Stark

NOT VOTING—8

Hill	Lewis (GA)	Sánchez, Linda T.
Holt	Loebsack	Sullivan
Kennedy	Ruppersberger	

□ 1811

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Ms. DEGETTE, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes, pursuant to House Resolution 522, she reported the bill back to the House with an amendment 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 to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was 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. BURTON of Indiana. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. BURTON of Indiana. I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Burton of Indiana moves to recommit the bill H.R. 2410 to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. IRAN REFINED PETROLEUM SANCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) The illicit nuclear activities of the Government of Iran—combined with its development of unconventional weapons and ballistic missiles, and support for international terrorism—represent a serious threat to the security of the United States and U.S. allies in Europe, the Middle East, and around the world.

(2) The United States and other responsible nations have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.

(3) The International Atomic Energy Agency has repeatedly called attention to Iran's unlawful nuclear activities, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to cease those activities and comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (commonly known as the ''Nuclear Non-Proliferation Treaty'').

(4) As a presidential candidate, then-Senator Obama stated that additional sanctions, especially those targeting Iran's dependence on imported refined petroleum, may help to persuade the Government of Iran to abandon its illicit nuclear activities.

(5) On October 7, 2008, then-Senator Obama stated, ''Iran right now imports gasoline, even though it's an oil producer, because its oil infrastructure has broken down. If we can prevent them from importing the gasoline that they need and the refined petroleum products, that starts changing their cost-benefit analysis. That starts putting the squeeze on them.''.

(6) On June 4, 2008, then-Senator Obama stated, ''We should work with Europe, Japan, and the Gulf states to find every avenue outside the U.N. to isolate the Iranian regime—from cutting off loan guarantees and expanding financial sanctions, to banning the export of refined petroleum to Iran.''.

(7) Major European allies, including the United Kingdom, France, and Germany, have advocated that sanctions be significantly toughened should international diplomatic efforts fail to achieve verifiable suspension of Iran's uranium enrichment program and an end to its nuclear weapons program and other illicit nuclear activities.

(8) The serious and urgent nature of the threat from Iran demands that the United States work together with U.S. allies to do everything possible—diplomatically, politically, and economically—to prevent Iran from acquiring a nuclear weapons capability.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) international diplomatic efforts to address Iran's illicit nuclear efforts, unconventional and ballistic missile development programs, and support for international terrorism are more likely to be effective if the President is empowered with the explicit authority to impose additional sanctions on the Government of Iran;

(2) the concerns of the United States regarding Iran are strictly the result of the actions of the Government of Iran; and

(3) the people of the United States—

(A) have feelings of friendship for the people of Iran;

(B) regret that developments in recent decades have created impediments to that friendship; and

(C) hold the people of Iran, their culture, and their ancient and rich history in the highest esteem.

(c) STATEMENT OF POLICY.—It should be the policy of the United States to—

(1) support international diplomatic efforts to end Iran's uranium enrichment program and its nuclear weapons program;

(2) encourage foreign governments to direct state-owned entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran;

(3) encourage foreign governments to require private entities based in their territories to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran;

(4) impose sanctions on the Central Bank of Iran and any other Iranian bank or Iranian financial institution engaged in proliferation activities or support of terrorist groups; and

(5) work with the allies of the United States to take appropriate measures to protect the international system from deceptive and illicit practices by Iranian banks and Iranian financial institutions involved in proliferation activities or support of terrorist groups.

(d) AMENDMENTS TO THE IRAN SANCTIONS ACT OF 1996.—

(1) EXPANSION OF SANCTIONS.—Section 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

''(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN AND EXPORTATION OF REFINED PETROLEUM TO IRAN.—

''(1) DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN.—

''(A) INVESTMENT.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (2), (5), and (6) (excluding restrictions on imports referred to in such paragraph (6)) of section 6(a) if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, made an investment of $20,000,000 or more (or any combination of investments of at least $5,000,000 each, which in the aggregate equals or exceeds $20,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Iran's ability to develop petroleum resources of Iran.

''(B) PRODUCTION OF REFINED PETROLEUM RESOURCES.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b) (in addition to any sanctions imposed under subparagraph (A)) if the President determines that a person has, with actual knowledge, on or after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009, sold, leased, or provided to Iran any goods, services, technology, information, or support that would allow Iran to maintain or expand its domestic production of refined petroleum resources, including any assistance in refinery construction, modernization, or repair.

''(2) EXPORTATION OF REFINED PETROLEUM RESOURCES TO IRAN.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b) if the President determines that a person has, with actual knowledge, on or after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009, provided Iran with refined petroleum resources or engaged in any activity that could contribute to the enhancement of Iran's ability to import refined petroleum resources, including—

''(A) providing ships or shipping services to deliver refined petroleum resources to Iran;

''(B) underwriting or otherwise providing insurance or reinsurance for such activity; or

''(C) financing or brokering such activity.''.

(2) DESCRIPTION OF SANCTIONS.—Section 6 of such Act is amended—

(A) by striking ''The sanctions to be imposed on a sanctioned person under section 5 are as follows:'' and inserting the following:

''(a) IN GENERAL.—The sanctions to be imposed on a sanctioned person under subsections (a)(1)(A) and (b) of section 5 are as follows:''; and

(B) by adding at the end the following:

''(b) ADDITIONAL SANCTIONS.—With respect to the sanctions to be imposed on a sanctioned person under paragraphs (1)(B) and (2) of section 5(a), the President shall, under such regulations as the President may prescribe, prohibit any acquisition, holding, withholding, use, transfer, withdrawal, transportation, or exportation of, dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which the sanctioned person has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States.''.

(3) PRESIDENTIAL WAIVER.—Section 9(c)(2) of such Act is amended by amending subparagraph (C) to read as follows:

''(C) an estimate of the significance of the provision of the items described in paragraph (1) or (2) of section 5(a) or section 5(b) to Iran's ability to develop its petroleum resources, to maintain or expand its domestic production of refined petroleum resources, to import refined petroleum resources, or to develop its weapons of mass destruction or other military capabilities (as the case may be); and''.

(4) STRENGTHENING OF WAIVER AUTHORITY AND SANCTIONS IMPLEMENTATION.—

(A) INVESTIGATIONS.—Section 4(f) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(i) in paragraph (1)—

(I) by striking ''should initiate'' and inserting ''shall immediately initiate'';

(II) by inserting ''or 5(b)'' after ''section 5(a)''; and

(III) by striking ''as described in such section'' and inserting ''as described in section 5(a)(1) or other activity described in section 5(a)(2) or 5(b) (as the case may be)'';

(ii) in paragraph (2), by striking '', pursuant to section 5(a), if a person has engaged in investment activity in Iran as described in such section'' and inserting '', pursuant to section 5(a) or (b) (as the case may be), if a person has engaged in investment activity in Iran as described in section 5(a)(1) or other activity described in section 5(a)(2) or 5(b) (as the case may be)''; and

(iii) by adding at the end the following new paragraph:

''(3) DEFINITION OF CREDIBLE INFORMATION.—For the purposes of this subsection, the term 'credible information' means public or classified information or reporting supported by other substantiating evidence.''.

(B) EXCEPTION FOR PROLIFERATION SECURITY INITIATIVE.—Section 5(f) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(i) in paragraph (6), by striking ''or'' at the end;

(ii) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following new paragraph:

''(8) if the President determines in writing that the person to which the sanctions would otherwise be applied is—

''(A) a citizen or resident of a country that is a participant in the Proliferation Security Initiative; or

''(B) a foreign person that is organized under the laws of a country described in subparagraph (A) and is a subsidiary of a United States person.''.

(C) GENERAL WAIVER AUTHORITY.—Section 9(c)(1) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking ''important to the national interest of the United States'' and inserting ''vital to the national security interest of the United States''.

(D) RULE OF CONSTRUCTION.—The amendments made by this paragraph shall not be construed to affect any exercise of the authority of section 4(f) or section 9(c) of the Iran Sanctions Act of 1996 as in effect on the day before the date of the enactment of this Act.

(5) REPORTS ON UNITED STATES EFFORTS TO CURTAIL CERTAIN BUSINESS TRANSACTIONS RELATING TO IRAN.—Section 10 of such Act is amended by adding at the end the following:

''(d) REPORTS ON CERTAIN BUSINESS TRANSACTIONS RELATING TO IRAN.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009, and every 6 months thereafter, the President shall submit a report to the appropriate congressional committees regarding any person who has—

''(A) provided Iran with refined petroleum resources;

''(B) sold, leased, or provided to Iran any goods, services, or technology that would allow Iran to maintain or expand its domestic production of refined petroleum resources; or

''(C) engaged in any activity that could contribute to the enhancement of Iran's ability to import refined petroleum resources.

''(2) DESCRIPTION.—For each activity set forth in subparagraphs (A) through (C) of paragraph (1), the President shall provide a complete and detailed description of such activity, including—

''(A) the date or dates of such activity;

''(B) the name of any persons who participated or invested in or facilitated such activity;

''(C) the United States domiciliary of the persons referred to in subparagraph (B);

''(D) any Federal Government contracts to which the persons referred to in subparagraph (B) are parties; and

''(E) the steps taken by the United States to respond to such activity.

''(3) FORM OF REPORTS; PUBLICATION.—The reports required under this subsection shall be—

''(A) submitted in unclassified form, but may contain a classified annex; and

''(B) published in the Federal Register.''.

(6) CLARIFICATION AND EXPANSION OF DEFINITIONS.—Section 14 of such Act is amended—

(A) in paragraph (13)(B)—

(i) by inserting ''insurer, underwriter, guarantor, any other business organization, including any foreign subsidiary, parent, or affiliate of such a business organization,'' after ''trust,''; and

(ii) by inserting '', such as an export credit agency'' before the semicolon at the end; and

(B) by amending paragraph (14) to read as follows:

''(14) PETROLEUM RESOURCES.—

''(A) IN GENERAL.—The term 'petroleum resources' includes petroleum, petroleum byproducts, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or compressed or liquefied natural gas.

''(B) PETROLEUM BY-PRODUCTS.—The term 'petroleum by-products' means gasoline, kerosene, distillates, propane or butane gas, diesel fuel, residual fuel oil, and other goods classified in headings 2709 and 2710 of the Harmonized Tariff Schedule of the United States.''.

(7) CONFORMING AMENDMENTS.—

(A) MULTILATERAL REGIME.—Section 4 of such Act is amended—

(i) in subsection (b)(2), by striking ''(in addition to that provided in subsection (d))''; and

(ii) by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) IMPOSITIONS OF SANCTIONS.—Section 5(b) of such Act is amended by striking ''section 6'' and inserting ''section 6(a)''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for purposes of carrying out this Act.

Mr. BURTON of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

Mr. BERMAN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. BERMAN (during the reading). Mr. Speaker, I withdraw my objection. I ask unanimous consent to waive the reading.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the Iranian regime is one of the most prolific state sponsors of terror in the world. Iran has defied the United States, the U.N. Security Council and the IAEA, and it continues its quest for nuclear technology. A nuclear Iran would pose a grave danger to American citizens at home as well as to our service men and women and to our United States citizens abroad.

Focusing on Iran should be a top priority of the United States Congress. Every minute we wait to address this issue the world becomes a more dangerous place. The State Department has not had an authorization bill since fiscal year 2003, and it has continued to operate. While the authorization is important, stopping Iran from attaining a nuclear weapon is far more important.

The Republican motion to recommit would replace the authorization bill with the Iran Refined Petroleum Sanctions bill that Mr. BERMAN introduced earlier this year along with ILEANA ROS-LEHTINEN. This bill would impose badly needed sanctions on Iran. We feel that this bill is the right way to proceed and should be acted on immediately. The legislation currently has 155 cosponsors with wide bipartisan support.

This legislation would mandate the State Department to open immediate investigations into alleged violations of the Iran Sanctions Act. This legislation would implement sanctions on companies that do business in Iran. This legislation implements sanctions on those who supply refined fuels to Iran. This legislation expands sanctions on Iranian exported petroleum and petroleum byproducts as well as on those who helped facilitate their export.

Iran can only finance its threatening activities against us and the world because of the foreign investment in its energy sector. Depriving the regime of refined petroleum and of foreign investment will severely undermine Iran's economy, and it will increase pressure on the mullahs to abandon their dangerous course.

We need to impose serious sanctions on Iran, and we need to do it now without delay. We've been delaying long enough. The bill has been introduced for some time. I've talked to the chairman of the committee about it, and there is no reason not to move on it today.

I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise to strongly oppose the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. BERMAN. Mr. Speaker, what we see in the offering of this motion to recommit is a political party or the leadership of a political party that, number one, is not serious about pursuing an effective strategy to stop Iran from developing a nuclear weapons capability and, two, that is using the pretext of Iran to strike every single provision of the bill that we have presented and that has been debated on.

The very first provision in this bill is to strike all that follows after the enacting clause. Then my friend from Indiana takes a bill that I am the sponsor of, along with ILEANA ROS-LEHTINEN and a number of people on both sides—it now has something like 155 cosponsors—to focus on the issue of refined oil products going to Iran. He eviscerates that bill by taking out every single trade sanction and all of the financial institution sanctions, so it totally wipes out the State Department authorization bill. They know that we intend to pursue the policy of seeing if Iran diplomatically, in a short timeframe, can be dissuaded from the course they are now on. If they cannot be, at the same time, we are pursuing efforts to get key countries to come together at the Security Council with a level of, as the Secretary of State said, crippling sanctions on Iran to get that regime to change its behavior.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. BERMAN. Will the gentleman let me finish my thought?

Mr. BURTON of Indiana. I will.

Mr. BERMAN. Then we will pursue these international sanctions in working with the Russians, the Chinese, the Arab States, and with all of the countries that know that Iran with a nuclear weapons capability is an intolerable situation that cannot be tolerated.

Instead, he jumps ahead to the third part of the strategy, a strategy on which we were going to have hearings in the month of July and see how both the multilateral sanctions and the engagement process—the diplomatic process—worked. Then, if we were not moving ahead, he would take a serious and tough bill that had import sanctions, which said that companies that provided refined oil products to Iran couldn't import, stripped from this bill; and that imposed even tougher financial sanctions that we now have stripped from this motion to recommit.

Meanwhile, all of the things in the State Department authorization bill—all of the issues that my friends praised even in the course of the debate on this bill, which they don't like, every single provision—is stripped.

This is not a serious effort. What really bothers me about this amendment is, with Iran, we should have a bipartisan approach. We tried a policy. I supported that policy of the previous administration: isolate and sanction unilaterally because we could never get effective multilateral sanctions. It didn't work. Iran kept enriching every day while we sat around, railing against them.

We are trying something new because we want this policy to work. We want to stop Iran from having a nuclear weapons capability. I don't know if the diplomatic strategy will work. You guys don't know if it will work.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. BERMAN. I don't know if we can get the international community to do the kinds of things that can stop Iran and enforce the regime to change its behavior in this area or on the issue of terrorism or on all of the other issues that we have with Iran; but let's try a policy that's different than the one that has been a total failure for the past 5 years.

We said we won't engage until they suspend. They kept enriching. We said we'll sanction all we can. We caused some annoyances. Most of those sanctions didn't work because no other country was serious about it. Now we're trying a different approach to get the world serious about it. Give it a few months to try and work.

I urge that this eviscerated version of the bill that I am sponsoring in this motion to recommit be defeated and that you don't wipe out the whole State Department authorization bill and the committee's work.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. BERMAN. I am not going to yield to you and am going to vote ''no'' emphatically on this thing. This is an irresponsible motion.

Mr. BURTON of Indiana. Well, if my chairman would yield for just one question.

Mr. BERMAN. This politicizes a very important bipartisan issue.

The SPEAKER pro tempore. The gentleman from California has the time.

Mr. BURTON of Indiana. The gentleman won't yield for one question?

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 174, noes 250, not voting 9, as follows:

[Roll No. 327]

AYES—174

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

NOES—250

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

NOT VOTING—9

Hill
Kagen
Kennedy
Lewis (GA)
Loebsack
McNerney
Ruppersberger
Sánchez, Linda T.
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1840

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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. POE of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 235, noes 187, not voting 11, as follows:

[Roll No. 328]

AYES—235

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

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

NOES—187

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

NOT VOTING—11

Bachus	Kagen	Ruppersberger
Delahunt	Kennedy	Sánchez, Linda T.
Ellison	Lewis (GA)	
Hill	Loebsack	Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1849

Mr. ABERCROMBIE changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BACHUS. Mr. Speaker, on rollcall No. 328, had I been present, I would have voted "no."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2410, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2410, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore (Mr. ADLER of New Jersey). Is there objection to the request of the gentleman from California?

There was no objection.

CONAGRA EXPLOSION OF JUNE 9, 2009

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

Mr. ETHERIDGE. Mr. Speaker, it is always difficult when tragedy rocks our small communities. Yesterday morning an explosion rocked the ConAgra Foods plant in Garner, North Carolina, causing the collapse of a significant portion of that structure and rupturing an ammonia tank. Many of my colleagues here saw that on the national news.

Many times it's nice to make national news, but yesterday was not the day to make national news. Three people tragically died: Barbara McLean Spears of Dunn, North Carolina; Lewis Junior Watson of Clayton, North Carolina; and Rachel Mae Poston Pulley of Clayton, North Carolina. Our sympathies go out to their families, friends and their loved ones. There were 40 other people injured, including four who suffered critical burns. Our thoughts and prayers are with them and their families as they recover.

As usual, when there is an emergency of this size in our community, our first responders—fire, police and EMS—were quick to the scene and prevented further loss of life or injury. Private citizens risked their well-being to come to the aid of their friends and neighbors. I'm proud of the North Carolinians who responded yesterday to the needs of these individuals and their families and those who will respond in the days to come.

Our small communities are enriched by businesses like ConAgra, which provides 900 jobs in this community. This one was the largest plant of ConAgra's plants. I am pleased to learn that they have set up a relief fund for the victims, and they are working to rebuild the plant. I ask my colleagues to join me in a moment of sympathy for these victims and their families.

The SPEAKER pro tempore. Members will rise for a moment of silence in sympathy.

IRAN'S PRESIDENTIAL ELECTION AND ITS NUCLEAR ASPIRATIONS

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

Mr. MORAN of Kansas. This week we are experiencing Iran's presidential election. While the election is noteworthy, it will probably not have an impact on Iran's illegal nuclear program. Unlike in the United States, the President of Iran has minimal influence over the country's national security policies. Those decisions are controlled by Supreme Leader Ayatollah Ali Khomeini, the unelected head of Iran's theocratic regime.

The supreme leader has vowed to continue Iran's nuclear program, and unfortunately we see evidence of this. Just last Friday, the International Atomic Energy Agency reported that Iran has sped up production of nuclear fuel and installed more centrifuges in advance of the election. Nuclear weapons experts say Iran now has enough centrifuge capacity to fuel up to two nuclear weapons a year.

Iran is determined to acquire nuclear weapons regardless of who is president. It would be a mistake for the Obama administration and this Congress to wait and see what direction Iran takes if a new president is elected because the course appears to be already determined. If we are going to engage Iran, we must do so right away, immediately, and back engagement with tougher actions.

PAYING TRIBUTE TO SLAIN OFFICER STEPHEN TYRONE JOHNS

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

Mr. ENGEL. Mr. Speaker, the horrible events today at the Holocaust Memorial Museum, where Officer Stephen Tyrone Johns was fatally shot and killed, is something that should give us all pause for reflection. First of all, our hearts go out to the officer's family. He's truly a first defender and is someone who was protecting all of us.

Mr. Speaker, it reminded me of an incident just a few years ago where Officer Chestnut and Detective Gibson were shot right here at the Capitol by someone who was deranged. But the person who killed Officer Johns today was a hatemonger, hating Jews, hating blacks, hating everybody. And it's time for us to pause and say that all people of goodwill will not tolerate that kind of hatred.

There's another thing that we really need to take into account as well. And that is, when deranged people can get hold of guns, we really have a serious problem in this country. We need to do something about guns that are out there in the hands of deranged people, people who should never own guns. This person who fired that fatal shot was a known hatemonger, a white supremacist who served time in jail. How

in God's name was he ever able to get a gun? We really need to think about this. It has nothing to do with Second Amendment rights. It has to do with sensible Second Amendment rights and sensible feelings and thinking about who should be allowed to have a gun. Certainly not a deranged person.

I would ask for a moment of silence for Officer Johns and let his family understand that the United States Congress appreciates his great service to our country. There are many, many more out there like him. We thank God that we have our first defenders and the people who are there to protect all of us.

I would ask for a moment of silence.

The SPEAKER pro tempore. Members will rise for a moment of silence.

AMERICAN TAX DOLLARS SHOULD NOT BE USED TO FUND ABORTION

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

Mrs. BLACKBURN. Mr. Speaker, there are few issues that divide the American conscience like abortion. There are few topics that are fraught with such conviction and emotion.

Last month the President, speaking at Notre Dame, called ''for open hearts, open minds, and fair-minded words'' on abortion as he pled with the country for greater understanding. The actions of his administration and this House belie the hope that the President's words implied. While calling for a constructive dialogue on one hand, on the other, he and many of my colleagues commit tax dollars to fund a practice so many find abhorrent.

This Chamber and the President seem to have forgotten that for many, tax dollars are a deeply personal contribution to our government. They are the product of hard work and often represent dreams and opportunities delayed for yet another year as we give the taxman his due. To take those dollars so patriotically sent to Washington and apply them to abortion in our Nation's Capital and abroad is heartbreaking to many Tennesseans. His administration's policy is not open minded or open hearted. It is, I believe, a cavalier disregard not only for life but for those who defend it.

□ 1900

HONORING DEPUTY SHAWN WEBB OF THE PLUMAS COUNTY SHERIFF'S DEPARTMENT

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

Mr. MCCLINTOCK. Mr. Speaker, I rise today to honor Deputy Shawn Webb of the Plumas County Sheriff's Department.

The entire department, joined by the people of Plumas County, are rallying behind this remarkable young man and his family as he battles a very difficult illness. You don't see this kind of outpouring very often these days. It is a testament to the impact that Deputy Shawn Webb has had on his department and on his community.

Shawn's Commander writes, ''We here in Plumas County are blessed to have a 'Grade A' California-raised, true-blooded American Hero.''

So I rise to salute the bravery and dedication that Deputy Shawn Webb has brought to his professional life in protecting our community, qualities now so conspicuous in his battle in his personal life.

I also want to salute the people of Plumas County who have embraced and supported Shawn and his family in this difficult time.

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.

ENERGY TAXES AND TOY CARS

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. Mr. Speaker, unveiled today was a new energy plan that would increase production of American-made energy in an environmentally sound manner. The American Energy Act is an all-of-the-above solution that offers more affordable energy, good-paying American jobs and American energy independence, and it is safe for the environment.

However, what the administration and the taxacrats are still proposing is a none-of-the-above approach to energy development. They call it the cap-and-trade bill. Their answer is to tax energy consumption, not actually find more energy.

Their new tax will cost the average American family over $3,000 in additional taxes each year. If you use energy, you are going to be taxed. That will mean all sources of energy will cost all consumers more money. Electricity costs will go up. Natural gas, gasoline, and even the cost of food and consumer goods will rise. Everything is going to cost a whole lot more, because everything Americans buy is produced using the energy the administration is going to tax.

Their plan is to punish Americans who use energy by taxing them, plus there is no real plan for energy that they propose. Their new cap-and-trade national energy tax will financially devastate middle class families across America. It will be especially hard on energy-producing States like Texas that are going to lose thousands of jobs.

The nonpartisan Congressional Budget Office issued their analysis of the energy consumption tax this week. The CBO reports say that the administration cap-and-trade tax imposes $846 billion in new national energy taxes that will affect all of us. Not only that, the CBO told the Senate the new energy consumption tax will have little or no effect on the climate. Now, isn't that lovely?

The none-of-the-above energy plan and tax on business hammers what few manufacturing plants are left in the United States. It is going to send countless American jobs overseas to places like China and India. You see, both of these countries have said they are not going to participate in any scheme to cap-and-tax carbon like America is going to do. Thus, they will make what were American products cheaper in those countries. Also, if all of these factories and plants move overseas, along with the jobs, to so-called polluting nations, how is this going to have any positive effect on our climate?

At the same time, the taxacrats are trying to kill off carbon-based fuel supplies; that is, things like oil and its derivatives, as well as natural gas. There is no transition fuel that exists at this time. That is at least 10 years away. Now we are really in a fix; no new energy, and, literally, we are going to be in the dark and we are going to be taxed back to the stone age.

The strange part of all this is that the taxacrats say natural gas could be that transition fuel, but they are trying to kill the drilling of natural gas, especially offshore. I wonder if they understand that natural gas is a carbon-based fossil fuel that requires drilling to unearth? You cannot grow natural gas like corn.

Those taxacrats also want to force us all into small, little green cars that are death traps. Have you seen these things? These dinky cars are too small for people like me and too small for even groceries or putting children in these toy cars. There is no room, and they are unsafe at any speed.

The Institute for Highway Safety ran three 40-mile-per-hour, car-to-car, front-to-front crash tests each involving one of these little bitty microcars and a midsize car from the same manufacturer. They didn't even use large cars or those SUVs. The results weren't pretty. They found that the weight of just a midsize car was devastating to these micromini toy cars. These green cars simply do not have the weight to protect the passengers, and they are not safe on American highways. So the government is going to force us to drive small, battery-powered, unsafe vehicles, but they will be cute, Mr. Speaker.

And speaking of batteries, if all our vehicles are electric, where are we going to dispose of the millions of larger batteries that will be required to generate these little cars? The other side talks about protecting the environment, but this will create an environmental nightmare when we are trying to dispose of these batteries somewhere in America.

It is just common sense to do everything we can to embrace an all-of-the-above approach that is environmentally friendly as well as affordable for the American people.

The American Energy Act is good for the country. We can drill safely off our shores for oil and natural gas. That will create American jobs and make us less dependent on foreigners.

We need to use more nuclear and hydroenergy, and eventually we will, as an American Nation, develop alternative energy. Meanwhile, we don't need the bureaucrats forcing Americans into a none-of-the-above energy plan, raising taxes and forcing us to drive unsafe cars.

And that's just the way it is.

THE UNSHAKABLE BOND BETWEEN THE UNITED STATES AND ISRAEL

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

Mr. ENGEL. Mr. Speaker, I rise today to talk about the unshakable bond between the United States and Israel. I believe that support for Israel in this Congress is very strong and it is very bipartisan.

I want to commend President Obama for making that speech in Cairo, where he spoke before an Arab audience in what is the most important Arab capital and said that the bond between the United States and Israel is unbreakable. I think those are very, very important words and courageous words coming from the President of the United States in an arena where nothing has ever been said like that before from the President of the United States in such an arena.

But I want to also focus on some of the other things that have happened, namely the push in some quarters to force Israel to make unilateral concessions, mostly about settlements, but unilateral concessions, in return for nothing.

I believe that the Palestinian-Israeli problem must be settled by negotiations and a two-state solution. But I believe that forcing Israel to make unilateral concessions up front is wrong policy.

The agreement will be made ultimately by Israelis and Palestinians, not by Americans, and if Israel is going to negotiate settlements and other things, as Israel will, then simultaneously the Arab States, the Palestinians, I should say, should also be negotiating and giving up things simultaneously.

People say, well, the roadmap which Israel and the Palestinians signed says as a first step Israel must cease settlement activity. That is true. But it also said simultaneously that the Arabs must stop incitement and have a cessation of violence.

So if those two things are done simultaneously and talked about, that is fine. But this public confrontation against Israel, public demands put upon Israel to halt settlements while the Arabs or the Palestinians have to give nothing in return, is absolutely wrong.

Palestinian President Abbas said the other day, well, he is going to just sit back and let the Israelis make all the concessions. He doesn't have to do anything. Well, that is wrong, and if we pressure the Israelis to make unilateral concessions, we are never going to have peace. Concessions have to be made simultaneously.

I know my good colleague the gentlewoman from Nevada (Ms. BERKLEY) feels as I do, and I would like to yield to her for some of her comments on this matter.

Ms. BERKLEY. Well, Mr. Speaker, I am delighted to be able to share this time with my very dear friend and colleague, ELIOT ENGEL from New York. I think he made very clear how anxious we are to see peace come to the Middle East and how we support a two-state solution that has been America's policy in the Middle East for many years.

But there is another component to that, and that component is that the Palestinians have to show good faith too—and by showing good faith, that means recognizing Israel's right to exist, adhering to prior agreements and doing other things that would demonstrate, including ending the terror and the violence against Israel—that they are serious partners for peace.

ELIOT, when they talk about sitting down at the peace table, you need to have a partner at the peace table, particularly one that recognizes your right to exist. If your peace partner, so-called, doesn't recognize your right to exist, what are you negotiating, for your right to exist for 10 years, 20 years, 30 years?

When the Palestinians show good faith by truly ending the terrorism, recognizing Israel's right to exist, adhering to prior agreements calling for peace and other measures, then the Israelis can have the security they need to sit down and negotiate a two-state solution.

They have made unilateral withdrawals of land over multiple decades, and, as my dear colleague knows, these have been very, very tough choices for Israel. They have made them with very little in return.

Mr. ENGEL. I thank the gentlewoman. Let me say this: It is time for the Arabs to step up and normalize relations now with Israel.

I will have more to say in a little while.

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

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE SERVICE MEMBERS FIRST-TIME HOMEBUYER RELIEF ACT

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. Mr. Speaker, earlier this year Congress passed H.R. 1, better known as the economic stimulus package. Included in this package was a provision which modified the first-time homebuyers tax credit language that Congress passed last year. Under the new provision, a first-time homebuyer who purchased a home before December 1, 2009, would get a tax credit of $8,000, which can be fully retained by the homebuyer so long as the homebuyer does not sell the home for 36 months after purchase. If the home is sold prior to 36 months, the credit will have to be repaid.

Mr. Speaker, under this law, it is unlikely that U.S. servicepersons who buy their first homes will be able to use the first-time homebuyer tax credit like other American taxpayers. Because many of our military personnel serve at a duty station for only a few years at a time, those who buy a first home are often transferred and have to sell their first residence before the 36-month holding requirement is met.

I recently introduced legislation that would fix this problem by allowing our military men and women the flexibility they need to benefit from this tax credit. H.R. 2398, the Service Members First-Time Homebuyer Relief Act, would amend the Internal Revenue Code of 1986 to allow a member of the United States Armed Forces to retain the first-time homebuyer tax credit if they must sell their home within 36 months of purchase because the servicemember is, one, transferred to a new duty station; two, deployed overseas; or, three, required to reside in government quarters during that period.

□ 1915

I am very pleased that this legislation has received the support of the National Military Families Association. Their letter of support for this bill states, and I quote: ''Thank you for recognizing the mobile lifestyle of servicemembers and their families. H.R. 2398 waives the recapture of the first-time homebuyer's tax credit for servicemembers who are transferred to a different duty station or deployed overseas. Moves and deployments can be stressful for military families and H.R. 2398 helps alleviate a financial concern of military families.''

Mr. Speaker, at this time, I will submit the text of this letter for the RECORD.

NATIONAL MILITARY FAMILY ASSOCIATION,
May 28, 2009.

Hon. WALTER B. JONES, Jr.,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JONES: The National Military Family Association has long been an advocate for improving the quality of life of our military family members, who

have sacrificed greatly in support of our Nation. We appreciate your sponsorship of the ''Service Members First-Time Homebuyer Relief Act of 2009.''

Thank you for recognizing the mobile lifestyle of service members and their families. H.R. 2398 waives the recapture of the first time homebuyer's tax credit for service members who are transferred to a different duty station or deployed overseas. Moves and deployments can be stressful for military families and H.R. 2398 helps alleviate a financial concern of military families.

We appreciate your on-going support of service members and their family members. If you have any questions or need further information, please contact Katie Savant in our Government Relations Department at (703) 931–6632 or KSavant@MilitaryFamily.org.

The National Military Family Association is the only national organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies that will improve the lives of the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration. For 40 years, its staff and volunteers, comprised mostly of military family members, have built a reputation for being the leading experts on military family issues.

Sincerely,

MARY T. SCOTT,
Chairman, Board of Governors.

I hope my colleagues will become cosponsors of H.R. 2398 and join in helping our servicemembers gain the flexibility they need to benefit from the first-time homebuyer's tax credit.

I have also handed a letter explaining this issue to both Chairman CHARLIE RANGEL and Ranking Member DAVID CAMP, and I hope they will join me in supporting our military families.

With that, Mr. Speaker, before I close, as I always do on the floor of the House, because we have young men and women in Afghanistan and Iraq, we have young men and women who are dying for this country, and young men and women who are losing limbs in those fights in Afghanistan and Iraq, so I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. And I ask God in his loving arms to hold the families who've given a child dying for freedom in Afghanistan and Iraq.

And three times, Mr. Speaker, I ask God to please bless America. I ask God to please bless America, and again, I ask God to please bless this great Nation known as America.

DEMOCRACY IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. ADLER of New Jersey). Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, before I yield to my colleague, Mr. ENGEL, to continue our discussion, I want to mention a few things that are very much on my mind.

We can talk for hours about the existential threat of a nuclear Iran to Israel. But what I'd like to do in the minute or two that I have before I yield to Congressman ENGEL is, I want to mention the sacrifices that Israel has made in the name of peace.

When there was an opportunity to make peace with Egypt, something that had never been done before, the Israelis gave back the Sinai to the Egyptians, and there's been a peace, a cold peace, but a peace, for all of these years.

When there was extraordinary pressure to leave Lebanon, the Israelis withdrew from Lebanon.

And what was their reward?

They ended up with Hezbollah on their northern border and a war.

When Prime Minister Sharon decided that he would unilaterally withdraw from the Gaza, one would have thought that the Palestinians would have used this opportunity to demonstrate to the world that they were capable of self-governance. Instead of that, they have rained 8,000 rockets on Israel proper over the last 3 years.

I believe that Israel exercised extraordinary restraint before they finally went into the Gaza to end this bloodshed and carnage against their own people.

I understand how the Israelis feel, how tentative they are right now about sitting down and moving towards a two-state solution without any assurances. What is the guarantee, after they left Lebanon and got Hezbollah, after they left the Gaza and got Hamas, that if they leave the West Bank, what is going to happen then?

Do you want a terrorist state living side by side with the democratic State of Israel?

I don't think anybody wants another failed terrorist state. We have to make sure that doesn't happen.

Mr. Speaker, I join my friend and colleague ELIOT ENGEL here tonight to talk about one of our strongest allies, and the only longest-standing democracy (Lebanon held free and fair elections on Sunday, June 7, 2009) in the Middle East: Israel. Under attack for its entire existence, Israel has stood up to threats, enemy armies and countless terrorist attacks, and yet has demonstrated throughout that it is committed to peace and stability for all people within its borders.

President Obama and Secretary Clinton have recently renewed America's efforts to make peace between Israel and the Palestinians. We applaud those efforts. We all want peace in the Middle East.

In the 1970s, after three straight decades of conflict with Egypt, Israel reached a peace agreement with the Egyptians. The courageous Egyptian president Anwar Sadat traveled to Jerusalem and addressed Israel's Parliament, and Israel returned to Egypt the Sinai desert, which had been captured in Israel's self-defensive war in 1967.

In the 1990s, after a long and bloody intifada, after Saddam Hussein rained SCUD missiles on Israel for weeks on end, Israel once again extended her hand in peace when President Clinton brought together Israeli Prime Minister Yitzhak Rabin and former PLO leader Yasser Arafat on the White House lawn.

And in this decade, Israel once again showed her commitment to peace, against all odds. Despite the threat from Hezbollah in the north, Israel pulled back from Lebanon. And despite getting nothing in return, Israel withdrew from the Gaza Strip, in order to give the Palestinians there an opportunity to create a forward-looking and flourishing economy there.

Time and time again, Israel has taken the necessary steps to make peace with their neighbors, and shown their eagerness to make peace. That is why we embrace President Obama and Secretary Clinton's efforts to climb this mountain once again.

Unfortunately, though, we have too often seen Israel's gestures toward peace met with violence. In Lebanon, we saw Israel's withdrawal followed by attacks from Hezbollah. In 2006, those became so severe that Israel was forced to retaliate to protect her own citizens. Even today, Hezbollah continues to re-arm, in contravention of UN Security Council Resolution 1701, which demands their disarmament so that the people of Lebanon can live without this terrorist scourge in their midst.

And just this past winter, Hamas showed they are not interested in building a successful society in Gaza, in building jobs, businesses, schools, infrastructure, or hospitals. Instead, they shelled Israeli towns constantly, without any provocation. Dozens of rockets fell on Israelis each day, targeting citizens who were not ''settlers'' in ''occupied territory'' but were residents of areas that have never been disputed Israeli territory.

When Israel finally did retaliate against these attacks, critics accused them of using ''disproportionate force.'' I'd like to ask those critics: would they have preferred more Israelis died in the Hamas rocket attacks? Would that have been proportionate?

And, all the while, Israel faces a growing threat from Iran, which relentlessly pursues nuclear weapons, in contravention of their own treaties, of international law and of Security Council resolutions. President Ahmadinejad continues to deny the Holocaust and threatens Israel with annihilation should Iran ever succeed in producing a nuclear weapon.

How can one nation withstand so many threats to their very existence? How can any nation hope for peace under such pressure?

And yet, despite it all, Israel has remained incredibly strong and amazingly hopeful at the same time. They have built up their defenses and protected their citizens while—at the very same time—extending olive branches, negotiating and sitting down with their adversaries.

So, we stand here together, ready to embrace peace and ready to make peace so that Israelis, Palestinians and all people of the Middle East might finally live in security. But we are also here to say that Israel has not been the problem. They have been ready to make peace at any time and are ready today. But the question is: do they have a partner for peace?

Are the Palestinians ready for peace? Do they have a government that can stop terror? Will they recognize Israel's right to exist? Will they abide by past agreements they signed? Will they turn over Israeli solder Gilad Shalit? The Palestinians must answer those questions before I, for one, will believe that Israel's overtures will be met with peace, rather than more violence.

Mr. Speaker, Israel stands ready for peace, American stands ready for peace, and we welcome President Obama's efforts to broker an

agreement. We wish him great success in this endeavor and we call on the Palestinians to do their part: to renounce terror, to accept Israel's right to exist as a Jewish State, to turn over the captured Israelis and to abide by past agreements.

And at this time I yield to my good friend, ELIOT ENGEL.

Mr. ENGEL. I thank the gentlewoman for yielding to me. And she makes an excellent point.

You know, Israel withdrew from Gaza. People say, well, Israel needs to withdraw from the territories, from the settlements and there will be peace, land for peace. Well, Israel withdrew from Gaza and got land for war. I mean that's exactly what's happened, with rockets being fired on Israel from the very part in Gaza that Israel left.

The Arab countries, as a whole, need to start normalizing relations with Israel. We can start with Saudi Arabia on down, to show that they are really serious about peace. They need to stop the terrorist infrastructure and end the incitement.

And you know what? Gaza, as Ms. BERKLEY pointed out, is a terrorist organization in control—I'm sorry. Hamas is a terrorist organization in control of Gaza. And what Hamas needs to do is recognize Israel's right to exist, abide by all previous agreements that the Palestinians have signed, and renounce terrorism permanently. Otherwise, why should Israel negotiate with a government that denies its very right to exist?

The United States is right in saying that Hamas is a terrorist organization. And by the way, Representative BERKLEY and I do not believe that we should provide aid to Gaza until Hamas meets these conditions.

So there are people who also say that the Palestinian-Israeli problem needs to be settled before there can be peace in the region. That is nonsense.

The problem with Iran has to be settled before there can be peace in the region. We all know that Iran is developing nuclear weapons. We all know that Ahmadinejad has threatened to wipe Israel off the face of the Earth. We all hope he loses in his election this week. But whoever replaces him is not going to be much more of a moderate than he is.

And so Israel has the absolute right to defend its security, and the United States, as Israel's greatest ally, should not be putting pressure on Israel to make unilateral concessions up front. That is very, very important.

When President Obama said the bond between Israel and the United States is unbreakable, then we ought to show that in our actions as well as our words.

So I thank the gentlewoman for sharing this time with me. I know we are going to continue to fight for strong U.S.-Israel ties.

Again, I'm glad there is bipartisan support in this Congress for Israel. And I'm glad that we pointed out that Israel has made many, many concessions for peace and has only gotten war.

We hear a lot about what the Israelis must do. Let us hear about what the Palestinians must do. The Palestinians must stop the incitement, stop the violence, stop the terrorist infrastructure and say that it recognizes Israel's right to exist.

It's not all right for President Abbas to say he recognizes Israel's right to exist. Let Hamas say it. Let the Palestinians say it, and let them mean it.

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

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE TYRANNY OF GOOD INTENTIONS

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

Mr. DUNCAN. Mr. Speaker, 3 or 4 years ago, if I had told people that we would be facing this year a budget of $3.6 trillion and facing a deficit of $1.870 trillion, people would have thought that I was crazy. But that is what we're facing.

And because of the terrible financial condition of the Federal Government, all of our expenditures are related, even though they may sound at first like they're unrelated. And so I want to speak tonight briefly on two issues of national significance, even though they may sound unrelated at first.

President Reagan used to say frequently in speeches that government was not the solution; government was the problem. And certainly, there also is an expression called the ''tyranny of good intentions.'' And that cannot be seen more clearly in anything than in the Federal Student Loan Program.

When I go to speak at the University of Tennessee or other colleges and I tell them that my first year at the University of Tennessee it cost $90 a quarter, and then $105 and then $120 and $135 a quarter, $405 for the whole year my senior year at the University of Tennessee, gasps go through the room.

But back when I went to college, anybody who needed to could work part-time and pay all of their college expenses. Nobody got out of college with a debt.

But around that time, or maybe a little bit before, the Federal Student Loan Program kicked in. And the colleges and universities across the country have used that as a means or an excuse to raise their tuition and fees three or four or five times the rate of inflation every year since that program came in.

If I went into any college campus and told those students that the Federal Student Loan Program is one of the worst things that ever happened to them, they would stare at me probably in disbelief. And yet it really is one of the worst things that ever happened to them, because throughout our history, college tuition and fees went up very, very slowly, and went up at the rate of inflation or even less until that loan program came in. And now, ever since that program came in, today, tuition and fees are 3- or 4- or 500-percent higher than they would have been if we'd just left the thing totally alone.

As I said, it's called the ''tyranny of good intentions.'' And the only way to correct that now is to punish colleges and universities that continually raise their tuition and fees at three or four or five times the rate of inflation by saying that we're going to limit or cut off the loans at those universities and colleges that continually raise their tuition and fees above the rate of inflation.

The second thing, and it seems a little unrelated except, as I say, when you're talking about matters that there are significant Federal expenditures on, all these things are somewhat related.

And I'll give another example from my own life. In the early nineties, I went to a reception in Lebanon, Tennessee, and the doctor who delivered me came and brought my records. And I asked him how much he charged back then, and he said he charged $60 for 9 months of care and the delivery, if they could afford it.

And I told him that he probably didn't get anything for me then because my parents didn't hardly have any money at that point.

But we took what was a very minor problem in the mid-sixties and turned into a major problem for everybody. Nobody but Bill Gates and Warren Buffett and Sheldon Adelson, the casino man, people of that rank, could afford or survive a catastrophic medical expense of some sort.

We took what was a very minor problem for a very few people and turned it into a major problem for everybody. Before the Federal Government got heavily into medical care, medical care was cheap and affordable by almost everyone. I started following politics and government very closely in the mid-sixties, and I remember when they came in with Medicare, and they said that was going to be the saviour of the system. Instead, costs exploded.

Then I remember in the mid- and late seventies when they started talking about Medicaid, and they came in with that, that was going to be the saviour of the system. Instead, costs exploded.

Now we're talking about the government getting even more into medical care now, and costs will explode again, and they will explode to a level far higher than the predictions of what the costs will be, because when they first started Medicare, they said it would cost $9 billion after 25 years. And now we're at 400 and, I think, $42 billion on Medicare.

The same thing has happened in regard to Medicaid. And it's really sad what we have done to the American people, and especially to the poor and the lower-income and the working people of this country in these two programs. And if we don't—if we aren't very careful, and if we don't put many free market and free enterprise-type measures and reforms into these bills, then these costs are going to explode, and the poor and the lower-income people and the middle income people are going to be hurt even more by programs that are, as I say, the ''tyranny of good intentions.''

□ 1930

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA'S DEALERSHIPS NEED A MIRACLE

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

Mr. MANZULLO. Mr. Speaker, in less than 48 hours the doors of hundreds of GMC dealers across the Nation and Chevy dealers will be closed. General Motors, now a State-owned enterprise with 60 percent of the stock belonging to the American people and with the directors appointed by the Auto Task Force, capriciously, willfully, unjustly sent out letters to so many of their GM dealers terminating their dealerships at end of this week, dealers who had been asked, in many cases, a few years before to invest millions of dollars of their own in order to promote the GM brand and dealers whose families go back three and four generations, some 85 to 90 years of continuous ownership of service to the community, and their doors will be shut by GM as a result of a letter. And the letter has completely changed the rules as to why they should stay open.

Dealerships that are profitable, dealerships that add to the community, dealerships that pump billions of dollars into State and local sales tax coffers, closed by a letter, without explanation. How outrageous. So outrageous that the majority leader of the House of Representatives, STENY HOYER, whom I joined in a press conference just a few hours ago, made these statements:

''Two Sundays ago, I was on a telephone call with the folks at the White House who are helping to make our policy with respect to this, and I asked them this: 'What money does it save the manufacturer, General Motors or Chrysler, if you shut down the dealership?' The answer: Zero, zero, zero.''

This is the official answer from the Auto Task Force to the majority leader of the United States House of Representatives.

We sent letters to General Motors, we sent letters to the Auto Task Force, and all we get is silence. The destruction of a family business after 90 years does not deserve silence in America. It deserves the outrage of America saying, How dare you close down these dealerships when it cost you no money to keep them open?

We asked General Motors and Chrysler, tell us the reasons why you're doing it. And do you know what they say? It's to lessen competition. That means Americans have less choice. That means prices get higher. And isn't it ironic that the American taxpayer, who has paid $60 billion to keep open these companies, now will see his local dealership closed because the guys at GM want to lessen competition. What's good for General Motors isn't good for America today.

A bill introduced by several Marylanders, including CHRIS VAN HOLLEN and FRANK KRATOVIL, H.R. 2743, solves the problem. We need that bill to pass by some miracle before Friday.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. MCCLINTOCK 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 Utah (Mr. BISHOP) is recognized for 5 minutes.

(Mr. BISHOP of Utah addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PAULSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BROUN of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PRO-LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 60 minutes as the designee of the minority leader.

Mrs. SCHMIDT. Mr. Speaker, I rise tonight to shine the light on a subject where I do not believe this administration's actions are living up to its rhetoric. Whether it was said on the campaign trail or in speeches during his time in office, the President has certainly tried to sound reasonable on the issue of life, but the administration's actions belie its words.

During a campaign appearance at the Saddleback Civil Forum with Pastor Rick Warren on August 17, 2008, then-candidate Barack Obama made clear that his goal was to ''reduce the number of abortions.'' In fact, he said that he had inserted this into the Democratic Party platform: ''How do we reduce the number of abortions?''

Now, given the administration's expressed support for Roe v. Wade, I never expected, nor do not expect it, to suddenly reverse its course. However, one way to reduce the number of abortions in a way that works and one that is a common-ground issue for the American people is not to allow taxpayer-funded abortions. Violating the consciousness of millions of pro-life Americans to fund a procedure which they object to based on a deeply held religious belief, a moral belief, by allowing taxpayers to fund abortions actually increases the number of abortions performed, according to the Guttmacher Institute through research on Planned Parenthood.

Honoring the deeply held religious and moral beliefs of millions of taxpayers by restricting taxpayer-funded abortions actually decreases abortions by about 30 percent. So that is one way to reduce the number of abortions, something that the President has said he would like to do. But since taking office, this administration has actually worked to increase taxpayer funding for abortions at both home and abroad. The first was the Mexico City Policy.

The Mexico City Policy was first promulgated in 1984 and renewed by the Bush administration in 2001. This is a very simple policy that says, as a condition for receipt of U.S. family planning aid, foreign, nongovernmental organizations and international organizations must certify that they neither perform nor actively promote abortion as a method of family planning. Simply

put. This policy says that U.S. taxpayers will not pay to promote abortions overseas, yet one of this administration's first acts back in January was to rescind this Mexico City Policy.

Mr. Speaker, I'm going to defer here because I have a gentlelady from the other side of the aisle, Congresswoman DAHLKEMPER, who would like to speak out about this issue, and I would like to give part of my time, as much time as the gentlelady needs, on this issue.

Thank you very much for joining me tonight.

Mrs. DAHLKEMPER. I thank the gentlelady from Ohio for yielding. And I want to extend a thank you for inviting me to have this opportunity tonight to speak on the floor about the issue of life, an issue that is very important to me.

I believe in the sanctity of life from birth to natural death. In fact, I often like to refer to myself as a person who is ''whole life'' in my beliefs.

This issue of abortion is very personal for me. When I was 21 and I was in college, I found myself unmarried and pregnant, and it was obviously a very difficult time of my life. There was a lot of soul searching that went on, a lot of praying. I had the support of friends and family, but I struggled; I struggled with the thought of telling my parents, and I struggled with the social stigma and the fact that I may have to drop out of school, and also the fact that I would have to be a single parent. But I knew that there was a life inside of me, a living person. And little did I know at that very early stage the joy and the beauty that that child would bring into my life. Today I have an absolutely gorgeous 30-year-old son who is married, and he made me a grandmother just a little over 2 months ago with a beautiful daughter named Charlotte. She is obviously the joy of his life right now, and certainly the joy of her grandfather and my life, too. But that's why I feel so strongly about this important issue of choosing life, an issue where there is a general consensus among American people—in fact, a recent poll shows that a majority of Americans believe in at least some restrictions on abortions, and they certainly do not support their taxpayer dollars going to fund abortion. In fact, a May 15 Gallup poll shows that this practice is opposed by 75 percent of the American people.

Now, I came to Congress just a short 5½ months ago, but I came to this Chamber to represent the American people and my constituents. Therefore, I do not believe that we should be using taxpayer dollars, hard-earned taxpayer dollars for something that faces such widespread opposition.

That being said, it is equally important that we provide the support that is required to bring that child into this world; only then are we going to be able to prevent the root cause of abortion in America and, actually, throughout this world. So I would like us to use our taxpayer dollars not to fund abortions, but to use this money for the moms and for the babies for health care and other services that they need.

I was really proud during my first few weeks here in Washington, in this Chamber, to vote for SCHIP. This legislation provides critical health services for our Nation's babies, and just as importantly, it provides crucial assistance for pregnant moms as well, the first time that we've done that in this country. What a blessing it is that we are finally taking care of our brand new precious babies and providing support for moms too.

I strongly supported this bill because of another personal story that I have. When my second child was being born, when I was pregnant with number two, Gretchen, we changed jobs in the middle of the pregnancy. My husband was carrying the health insurance through his job, and we had a new health care provider. All of a sudden, I had a pre-existing condition, and that pre-existing condition was my pregnancy. And that child was born without myself having any health care coverage. Luckily, I had a very noneventful natural birth, but you still have to go to a doctor and make sure that your child's needs and your needs are taken care of. I would just like to say that a child is not a preexisting condition; a child is precious, and a life that we need to be taking care of.

So as we go forward here in Congress and we take up health care reform, we must address this issue of pre-existing conditions that too often keep mothers, fathers, and children from the care that they need. But the first step is stopping the practice of spending taxpayer dollars to fund abortion.

Once again, I want to thank you so much for the opportunity to speak on the floor tonight about an issue that is very personal for me and for millions of families across this country. And I ask all of my colleagues from both sides to join me in making the whole life of the child a priority, beginning at conception. This begins with steering taxpayers' hard-earned dollars away from providing abortions and towards health care and the other critical services for our children, as well as our moms and dads.

I want to thank the gentlelady, and I yield back.

Mrs. SCHMIDT. Thank you very much. And I would just like to say to the gentlelady, we have so much in common, even though we represent different sides of the aisle, and one is the fact that we have the joy of being grandparents. I think one of the things that we learn often in life is that, while your children bring you tremendous joy, the joy cannot even be realized until you have that grandchild.

Mrs. DAHLKEMPER. Will the gentlelady yield?

Mrs. SCHMIDT. Absolutely.

Mrs. DAHLKEMPER. I just have to tell of another joy. My second grandchild was born just 2 weeks ago today, and I was there for that birth.

Mrs. SCHMIDT. Congratulations. Well, the gentlelady has me beat by one, but I only have one child, so——

Mrs. DAHLKEMPER. I yield back and thank the gentlelady.

Mrs. SCHMIDT. Well, God bless you and your family. Thank you so much.

While we are on this subject of taxpayer abortions, I would like to recognize another gentlelady from North Carolina (Ms. FOXX). I will extend as much time as you need on this very sensitive and important subject.

Ms. FOXX. Well, I thank the gentlewoman from Ohio for being the leader of this Special Order tonight. And I want to thank the gentlelady from Pennsylvania for her pro-life statement and for sharing her experience with us. We are all blessed by her statement, we are all blessed by her being here. She and I and the gentlelady from Ohio are regular attendees at our weekly prayer breakfast, and I can say that it is a blessing to have that opportunity. And it just would make us all so much happier if more people in her caucus felt the way that she does on this issue.

You know, over the past several months, the Obama administration has begun to erode the pro-life protections in place to keep taxpayer dollars from paying for abortions. We know and have known for a long time that the majority of the American people do not want to see taxpayer money used for abortions, but we even know now that the majority of the American people are opposed to abortions.

I think the Obama administration is going in absolutely the wrong direction on this issue, as it is on many other issues. But they began with the repeal of the Mexico City Policy, which restricted taxpayer money from funding groups providing abortions overseas. This is something that had been in effect for many, many years.

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Now, what they want to do is bring taxpayer-funded abortions back to Washington, D.C., by changing the so-called Dornan amendment, which restricts publicly funded abortions in the District of Columbia.

The District of Columbia has one of the most troubling track records in the Nation when it comes to its abortion policies. Not only is the District of Columbia part of a notorious group that allows minors to receive abortions, only the District of Columbia and three States have such laws, but it also has one of the highest abortion rates in the country. It is no secret that the District of Columbia's lax abortion policies draw women to D.C. abortion clinics from other States. Repealing the Dornan amendment would mean allowing D.C. to use tax dollars to foot the bill for abortions for minors and potentially for minors from other States.

It is a real travesty when most of our children cannot get any kind of treatment from a physician. They can't get a shot. They can't get a preventative shot. They can't get any treatment.

They couldn't be sewn up in a hospital if they are hurt or at school without permission from their parents. However, the District of Columbia allows these minors to get an abortion, to kill a human life. And, again, polls have shown that a majority of Americans do not support taxpayer-funded abortion.

We must preserve the Dornan amendment and keep hardworking Americans' tax dollars from paying for abortions, a practice that violates the conscience of millions of pro-life Americans.

We also know that taxpayer-funded abortions increase the number of abortions done because the research has been done on that.

But I, again, applaud my colleague from Ohio for leading this Special Order tonight. And I want to say that I share Congresswoman DAHLKEMPER's philosophy, that I support life from conception to natural death, and I think that a society that devalues the unborn will soon devalue those who are born, and I do not want to see our country going down that slippery slope because it would not be good for us.

Mrs. SCHMIDT. I want to thank the gentlewoman for her kind words on this very important issue.

Before I turn this over to another gentleperson regarding this issue, I would like to explain to the Speaker one of the situations that we're talking about is the potential funding of abortions for the District of Columbia. And one of the things that I think we might forget is that article I of the U.S. Constitution says that Congress holds complete legislative authority over the District of Columbia, exclusive legislation in all cases whatsoever. That is why the entire budget for the District of Columbia, including revenue generated by local sources, must be appropriated by Congress through an annual appropriations bill.

For many years, the annual D.C. appropriations bill contained a provision to prevent the use of any congressionally appropriated funds for the abortions except to save the life of a mother or in the case of rape or incest. This was the so-called Dornan amendment, named after Congressman Dornan, for the fiscal year 1989 appropriations bill that he talked about in 1988. This bill has been in place pretty much consistently over that time. The White House budget document released on May 7, appendix page 1209, asks Congress to repeal the ban on congressionally appropriated funds and replace it with a bookkeeping requirement that would apply only to funds specifically contributed for Federal program purposes.

Now, what I want to point out is this: that while the Dornan amendment was officially put in place in 1989 and was there until 1993, for a few years under the Clinton administration it was relaxed, and what happened during that time was that the funding for abortions in the District of Columbia continued and those funds for abortions actually increased the number of abortions in the District of Columbia. And the way they did it was, according to then Mayor Sharon Pratt Kelly, they authorized the use of a million dollars from the Medical Charities Fund, which was originally set up to help indigent AIDS patients to pay for those abortions. So back during the Clinton administration when the Dornan amendment was relaxed, specifically prohibiting any money both directly and indirectly into the District of Columbia that was Federal money for the purpose of abortions, when that was relaxed, not only did the number of abortions go up, but they used an alternate funding to actually pay for those abortions. And that's really the focus of what we're talking about tonight.

And before I go back through my history of this new administration since taking office in January, I do want to turn it over to my good colleague from Minnesota, Congresswoman BACHMANN.

Mrs. BACHMANN. I want to thank the gentlewoman from Ohio, Congresswoman JEAN SCHMIDT. She is the head of the Women's Pro-Life Caucus, and she has done such a remarkable job for us. There aren't that many women who are pro-life women here in the United States Congress, and JEAN has done a wonderful job taking that effort forward.

Thank you, JEAN, for hosting the hour this evening, and I appreciate the honor of being with you and Ms. FOXX and with my colleagues this evening to be able to address this important issue.

I come here tonight as a female Member of Congress, as a strong pro-life Member of Congress, and also as a mother. I have been gifted to be able to bear five children, and I'm grateful for that honor, grateful to have known what it's like to be able to hold a little baby and be able to know what it's like to carry a little baby to full term. It is a thrill. It is a blessing.

And I know for many women across America, they've made decisions in their lives regarding abortion that have affected them, that have affected them for good and for not so good. And for women who are abortion-minded, who have made that decision to abort their baby, they know what I'm talking about. They have made a decision that has radically altered their life. And whether that's a memory that they've tried to put under the carpet or whether it's a memory they are still dealing with, they know in the center and in the core of their being that something huge happened when they made that decision.

And I don't stand here this evening, Mr. Speaker, condemning any women that have made that decision. To the contrary, what I am saying is that there is a way out for women who have made that decision. They can find peace. They can find forgiveness.

But we also want to tell the truth about abortion. We want to tell the truth, that it leaves a gaping hole in the soul of a woman when she makes that decision.

Many women are pressured to make that decision, pressured by a boyfriend who tells them they'll leave the woman if they don't make the decision, pressured by parents who are embarrassed or who don't want their daughter to have to deal with a baby or maybe who themselves don't want to deal with a grandchild that they're just not quite prepared to deal with. And I think part of the message that we want to give tonight is that there are alternatives. There are positive alternatives for women and for men who find themselves in that situation.

There are loving alternative pregnancy centers in nearly every community in the United States who will offer free pregnancy testing, who will offer free sonograms or ultrasounds so that you can hear your baby's heartbeat and see your baby on a screen and make that decision. And I think what we're trying to let a lot of American women know across this country this evening is that choosing life is probably one of the most gratifying decisions any woman, any man can make. We want to let them know they're not alone.

Mrs. SCHMIDT. Reclaiming my time, I've been to a number of these wonderful pregnancy care centers in my own district, and it's not just offering them the opportunity of a free sonogram, but it's also offering them the opportunity to really help them, not just with their pregnancy but with the delivery and the carrying of that child. And these centers have programs to help educate the moms and the dads on good parenting skills, something that all of us can benefit from. They also work to give them a points program so, as they go through each one of their phases of education, they can earn points so that they can have a free bed, a free bassinet, free clothing, free food. It is a wonderful experience for these young women and these young men, and it really makes them better parents not just for that baby but for future babies, and it builds a stronger relationship in many cases between that mother and that father.

So it's not just pregnancy centers that want these women to have their child but pregnancy centers that reach out and help that woman and the dad with that child, not just through its birth but through the process of its natural life. And at least the ones in my district open their arms to that, and toward the end of all of the pregnancy centers, I really salute them because they're doing a great job.

I yield.

Mrs. BACHMANN. You're absolutely right, Congresswoman SCHMIDT. They are all across America and they are doing a fabulous job. They do it on very little money. They aren't receiving money from the Federal Government the same way that Planned Parenthood does. Planned Parenthood receives well over $300 million a year in grants from the Federal taxpayer. We don't see that for these pro-life centers. And these are centers who people give donations to.

And for women who find themselves in a situation where they're torn, trying to figure out what they should do about this unplanned pregnancy, Mrs. SCHMIDT is exactly right, because they offer not only just the sonogram and just a pregnancy test, but they offer clothes if you need maternity clothes. They offer baby clothes. They offer a little bassinet. They might offer a stroller, a little baby carrier, free diapers. They are there to help women at their most vulnerable time.

And you will find in a Planned Parenthood that a woman walks in and they say that they're full service, but there is actually only one option usually when you go into Planned Parenthood, and that's to end the life of that little baby. And what the pro-life centers try to do is offer women life-giving choices and to let them know they can keep their dignity. Whether they choose to keep their baby or not, they can keep their dignity, but they can give the greatest gift they can ever give, and that's that they give the gift of life to the next generation. It's one of the most beautiful decisions than can ever be made.

You've had the pleasure of being a mother. I've had the pleasure of being a mother, and it is truly one of the greatest treasures anyone can ever have, to be entrusted with giving life to the next generation.

So I think as we start this discussion on abortion, on what it means, and there are a lot of opinions on either side, but one thing we have seen that has occurred recently, the American people, for the first time, the public opinions show that over 51 percent of Americans claim they are pro-life. This is one of the highest ratings we've ever seen. Part of that, I think, is because of science, because science shows us the human development of the unborn child. And the more that we learn about the unborn child, the fascination, the intricacy, the beauty of the unborn child, the more we embrace giving life to this beautiful treasure and to this beautiful gift.

And that brings us to our subject this evening, dealing with D.C., and there are a few things I wanted to mention in my remarks. The taxpayer funding of abortion also increases the number of abortions. So when we put tax money into the equation, we'll get more abortions. And it makes sense. It's practical. And that's according to the Alan Guttmacher Institute, which is the research arm of Planned Parenthood.

The Guttmacher Institute also routinely reports showing that when public funding is not available, 30 percent fewer women who receive Medicaid have abortions. Now, this is interesting because it means 30 percent more babies whose mothers receive government-subsidized health care survive because of abortion-funding restrictions. And this is, I think, particularly important for women and men in the African American communities, in the Latino communities. In communities of color, we see a very high percentage of abortions. And I know one of our colleagues, Congressman TRENT FRANKS, speaks about this often. He has a tremendous heart, as we do as well, for unborn children in the minority community because such a grossly high percentage of babies in the African American/Latino community are aborted, and we don't want to see that.

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These babies add to the richness of the American fabric just as Caucasian babies do. All babies are valuable, but what we're seeing is an even higher percentage of babies who are losing their lives in the minority community. In particular, we see this with minorities as they access Medicaid funding. If they have Medicaid funding, government funding, we'll see more abortions, and we'll see that particularly in the minority communities.

This is a common-ground issue, I think, that we can share with those who embrace a pro-abortion view and with those who embrace a pro-life view because the polls have shown very clearly that the majority of Americans do not support taxpayer-funded abortion. They don't support it. We are here to represent the will and the interests of the American people. That's not where the American people are right now. They don't want to see us spending their money when we don't have much, when this government is in the red—in red ink up to our eyeballs. We don't have money to pay for the intentional murder of unborn children.

The Obama budget changes this Dornan amendment, as my colleague Mrs. SCHMIDT has said, to the Financial Services' appropriations bill, so the publicly funded abortions will, once again, be available in the District of Columbia. Right here where we stand this evening, this is the District of Columbia. So now, once again, President Obama is expanding abortion. Instead of making it rare, instead of making it safer, this is making more abortions, particularly for pre-born babies of color.

The District of Columbia has a record of abusing taxpayer funds for abortion. It's bad news, but it's true news. In the 80s when the District had the most permissive abortion funding policy in this country, abortions were funded for anyone, not just for Medicaid recipients.

Elizabeth Reveal was the D.C. budget director at the time. She confirmed that the District's government has a policy of funding abortion on demand and does not attempt to determine the circumstances of the pregnancy. D.C. allows minors—that's children—to receive abortion services without the consent of their parents.

So imagine that. Here in D.C., children can receive abortions without their parents' consent, which means that the American taxpayer will be funding abortions, paying for them for children, and minors could easily be brought in from other States. Remember, D.C. is only about 10 miles square, so minors could be transported across State lines and brought to D.C. from other States to have abortions paid for by the American taxpayer right here in Washington, D.C. to avoid the parental notification laws in their home States. That's according to the Alan Guttmacher Institute. According to Planned Parenthood, they don't have accurate numbers on abortions in D.C. due to women from other States coming to D.C. for abortions.

There are problems here with this, deep problems with this measure. That's why we had the Dornan amendment. It made sense. It was only reasonable. So, unfortunately, under the Obama administration, we are taking the Band-Aid off this problem and are exposing it to even more infection. The infection is more money, and we know that more money will lead to more abortions and particularly to more abortions for babies of color.

This is really a sad story. We don't want to just talk about sad stories, because life is such a wonderful story. We would love to just be here this evening and talk about the positive story of life—and it's a beautiful story—but this is a really ugly story because it's about expanding more abortion; it's about more misery for women who are forced into abortions often against their will, who are given incomplete and inadequate information and who may be headed for a lifetime of addiction, depression or of a sense of loss and grief that they may have to deal with for 10, 15, 20 years. We don't want this to happen. We want women to be dignified. We don't want women to be brutalized. That's why we're here this evening, because we really believe in women, and we believe in women's choices and in empowering women. This doesn't empower women to put them in a situation where they're forced to do something quite often by pressure from boyfriends who are careless or from parents who don't want to be bothered.

So I just want to, again, thank Representative JEAN SCHMIDT. She has a heart of love. She has a heart of love on this issue. With her courage and with her dignity, she has brought together this group of men and women here on the House floor this evening who believe very strongly that American women will be hurt by this bill. Certainly, American children will be hurt by this bill.

I thank you for your courage in bringing this forward this evening.

Mrs. SCHMIDT. Thank you so much, my good friend from Minnesota.

I just want to add that, while the whole issue is a very emotional issue, one of the things that really disturbs me in the whole abortion debate is when minors have abortions without parental consent, because when a minor has an abortion, that means that child has gotten into a family situation, and they're under age. In many

States, that's considered statutory rape. In some cases, including in my own district, at Planned Parenthood, which technically is in District One but is in my own community, there are two lawsuits right now with regard to underage children who had abortions, and their parents were not adequately notified about it. So the whole issue of parental notification on anything—on a child's taking an aspirin—is critical.

Back in the 80s, we know that the District of Columbia was very open about abortions. It let folks from other States have abortions. It let minors without parental consent have abortions. I don't think we want to expand on that policy today.

I really want to turn this over right now to my good friend, the head of our Values Action Team, the good Congressman, Mr. PITTS.

Congressman PITTS, would you please give us your words of advice and encouragement on this issue.

Mr. PITTS. Thank you, Jean. I really want to commend the lady from Ohio for her leadership and for the Pro-Life Women's Caucus for having this Special Order.

You know, there are really no more eloquent voices for women and children than pro-life women. You're not only eloquent; you're elegant. I want to thank you for your wonderful statements on the issue of life and of women and of the unborn child.

Abortion is an exploitation of women and children. I remember hearing a few years ago the President of Feminists for Life, Frederica Mathewes-Green, when she spoke to the Congressional Life Forum. She said abortion breaks a woman's heart. She said there are always two victims with an abortion. One is the baby. The other is the mother. One is dead. One is wounded. We should keep that in mind as we talk about this issue.

I am very sad to see this administration act so quickly in going towards promoting abortion policies. Three days after the President was inaugurated, on Friday evening at about 5:30, he issued an order overturning the Mexico City Policy. Mexico City was started by President Reagan, and it has been in our policy for many years. He overturned Mexico City. By eliminating the Mexico City Policy, what that does is permits all of the family planning funds that go to international organizations to go to organizations that promote and provide abortions. He has given them that money. Not only did he overturn Mexico City, but in the omnibus bill, he raised the amount of money this year to $545 million to go to these international organizations that promote and provide abortions. It's a tragedy. He is becoming known by many in the pro-life community as the ''abortion President.'' It's very unfortunate. It's very sad.

The next thing he did shortly after that was to issue an executive order overturning the Federal ban that President Bush had put on the stem cell policies, expanding the use of taxpayer funds for the use of destroying embryos so that they could harvest the stem cells and use them for experimentation. Not only did he do that, but he issued an order to discourage adult stem cell research. Now, we all know, having followed this for many years, that for the last 25 years, they've done research on mice and, for the last 12 or 13 years, on humans. The only thing that has worked as far as treating humans are adult stem cells. There are something like 73 successful treatments and several protocols using adult stem cells, but there is nothing using embryonic stem cells, which kills the tiniest of human beings, the human embryo.

Then he proposed a rule shortly after that to remove the critical regulations that were put in place to protect the right of conscience of health care workers so that now health care workers—doctors, nurses, those in health care—can be compelled against their consciences to provide abortion services, which are referrals and providing abortion services. This is another promotion, if you will, of abortion.

Then, in the omnibus bill, they removed the provisions that would have prevented funds from going to the UNFPA—the groups in China that promote abortion and that force abortion and sterilization. They now are eligible to get those funds for that practice.

I remember a few weeks ago that Harry Wu, the great human rights activist from China, who spent 19 years in their laogai, in the gulag there, presented testimony before the Human Rights Caucus. He said, in China, having a baby is not a human right. He said, if you have a second pregnancy, they will forcibly abort that woman. They will forcibly sterilize her. They will find her and tear down her house and sometimes imprison her. We are putting taxpayer funds into organizations that promote and provide that kind of service in China? It is really a terrible thing that American taxpayers, who have consciences against their funds being used for these things, are now seeing this administration open the floodgates for these kinds of provisions in our country and around the world.

Now, in this budget, in the Obama budget, he has included a loophole that will allow taxpayer funds for abortions in the District of Columbia.

The best way to reduce abortion is to limit taxpayer funding for abortion. There has been a lot of talk about abortion reduction, and the one thing that everyone seems to agree on is that public funding for abortion increases the number of unborn babies lost to abortion. Even the Alan Guttmacher Institute, the arm of Planned Parenthood, routinely issues reports showing that, when public funding is not available, 30 percent fewer women in the covered population have abortions. That means 30 percent of babies whose mothers receive government-subsidized health care survive because of an abortion funding restriction. So undermining commonsense policies like the restriction on taxpayer funding for abortion flies in the face of the President's claims that he is working to reduce abortion in America. It is very unfortunate.

I just want to commend the pro-life women for this Special Order tonight. They have an understanding like no one else on this issue, and it is so heartening to hear their eloquent testimony and their voices on behalf of women and children here in our country and around the world. So thank you. Thanks to the gentlelady for inviting me down. I really commend you for your Special Order tonight.

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Mrs. SCHMIDT. Thank you so much for sharing some moments with us and for all that you do with the Values Action Team to keep us alerted to issues that are pertinent to all in the United States.

When I started this a few moments ago, I was talking a little bit about the new administration and the new President and matching his words with his actions. And I would like to go back a second because I have a transcript from the Saddleback forum, which was back in August of 2008, and I got this off of CNN. And I just want to read you a couple of paragraphs so that, Madam Speaker, you understand that I am not taking what then-candidate Obama and now President Obama has said. I really want to give you the full text.

And so Pastor Warren, after asking then-candidate Obama about his views on religion, Pastor Warren said, Let's go through some tough questions, tough ones. Then-candidate Obama said, I thought that was pretty tough. And Pastor Warren said, Well, that was a freebie. That was a freebie. That's a gimme, okay? Now let's deal with abortion. Forty million abortions since Roe v. Wade. As a pastor, I've had to deal with this all the time, all of the pain and all of the conflicts. And I know this is a very complex issue, 40 million abortions. At what point does a baby get human rights in your view?

Then-candidate Obama said, Well you know, I think that whether you're looking at it from a theological perspective or a scientific perspective, answering that question with specificity, you know, is above my pay grade.

Pastor Warren: But have you——

Then-candidate Obama: But let me speak more generally about the issue of abortion because this is something obviously this country wrestles with. One thing that I am absolutely convinced of is that there are moral and ethical elements to this issue. And so I think anybody who tries to deny the moral difficulties and the gravity of the abortion issue I think is not paying attention. So that would be point number one.

But point number two, I am prochoice. I believe in Roe v. Wade, and I

come to that conclusion not because I am pro-abortion but because ultimately, I don't think women make these decisions casually. I think they, they wrestle with these things in profound ways in consultation with their pastors or their spouses or their doctors or their family members. And so this for me, the goal right now should be, and this is where I think we can find common ground—and by the way, I have now inserted this into the Democratic Party platform—is, how do we reduce the number of abortions?

The fact is that although we have had a President who was opposed to abortion over the last 8 years, abortions have not gone down, and that is something that we have to address.

Pastor Warren: Have you ever voted to limit or reduce abortions?

Then-candidate Obama: I'm in favor, for example, on limits on late-term abortions if there is an exception for the mother's health. From the perspective of those who are pro-life, I think they would consider that inadequate, and I respect their views. One thing that I've always said is that on this particular issue, if you believe that life begins at conception, then—and you are consistent in that belief, then I can't argue with you on that because that is the core of the faith for you.

Madam Speaker, I would like to repeat that because I'm going to be coming back to that in a few minutes.

Then-candidate Obama said, If you believe that life begins at conception, then—and you are consistent in that belief—then I can't argue with you on that because that is a core issue of faith for you. What I can say, what I can and do say, there are ways we can work together to reduce the number of unwanted pregnancies so that we actually are reducing the sense that women are seeking abortions. And as an example of that, one of the things that I've talked about is how do we provide the resources that allow women to make the choice to keep a child. You know, have we given them health care that they need? Have we given them the supportive services that they need? Have we given them the options of adoption that are necessary? That can make a genuine difference.

When I began this, I talked about the fact that the President, when he was running for office, spoke of a concept of abortion where we would actually reduce the number of abortions, and yet as soon as he took office, he seemed to reverse that policy.

As many of my colleagues demonstrated tonight, just days after taking office, the first thing that this President did was reverse the Mexico City Policy. And that policy, again, simply says that U.S. taxpayer dollars will not promote abortions overseas and that any NGO and any governmental agency or non-governmental agency overseas cannot use that money to promote abortions that they receive from the United States.

But if this was not enough, today Congress considered a bill that would establish in the State Department the Office of Global Women's Issues. And one of those purposes of that Global Office on Women's Issues is to promote abortions overseas.

So as the President stated when he was running for office, he wanted to reduce the number of abortions, he put it in the platform of the Democratic Party. He said that if you're consistent in your beliefs that life begins at conception, that this should be recognized.

One of the things that this Congress, in concert with the administration, is doing is rapidly promoting abortions through the use of Federal funds for those abortions.

But it's not just the funding of overseas abortions that is occurring. It's not the only assault on creating a culture of life that we have witnessed both from this administration and this Congress. And it's not the only instance where the administration's rhetoric does not match its actions.

What candidate Obama said about stem cell research at the Saddleback forum, he said, Now, if in fact adult stem cell lines are working just as well, then, of course, we should try to avoid any kind of moral arguments that may be in place.

I've got to repeat that.

Candidate Obama at the time said, Now, if in fact adult stem cell lines are working just as well, then, of course, we should try to avoid any kind of moral arguments that may be in place.

Well, today, adult stem cells have actually been found to be useful in treating a large number of diseases or ailments; embryonic stem cells have not yet been found to effectively treat anything. Yet in March, our President signed an executive order overturning the Bush administration's stem cell research policy.

And the assault on life does not stop there. Nor does the double-talk.

You know, the President recently spoke at Notre Dame, and it was met with some controversy. And in that May speech—I want to read to you the context, the full context of what he said on the issue of abortion.

And he said, Nowhere do these questions come up more powerfully than on the issue of abortion. As I considered the controversy surrounding my visit here, I am reminded of an encounter during my Senate campaign, one that I describe in the book I wrote called ''The Audacity of Hope.'' A few days after I won the Democratic nomination, I received an e-mail from a doctor that told me while he voted for me in the primary, he had a serious concern that might prevent him from voting for me in the general election. He described himself as a Christian who was strongly pro-life, but that's not what was preventing him for voting for me.

What bothered the doctor was an entry that my campaign staff had posted on my Web site, an entry that said I would fight right-wing ideologies who want to take away a woman's right to choose. The doctor said that he had assumed that I was a reasonable person, but that if I truly believe that every pro-life individual was simply an ideologue who wanted to inflict suffering on women, then I was not very reasonable.

He wrote, I do not ask at this point that you oppose abortion, only that you speak about this issue in fair-minded words.

Fair-minded words.

After I read the doctor's letter, I wrote back to him and thanked him. I didn't change my position. But I did tell my staff to change the words on my Web site. And I said a prayer that night that I might extend the same presumption of good faith to others that the doctor had extended to me. Because when we do that, when we open our hearts and our minds to those who may not think like we do or believe what we do, that's when we discover at least the possibility of common ground; that's when we begin to say, Maybe we won't agree on abortion, but we can still agree that this is a heart-wrenching decision for any woman to make, both with moral and spiritual dimensions.

So let's work together to reduce the number of women seeking abortions by reducing unintended pregnancies and making adoption more available and providing care and support for women who do carry their child to term. Let's honor the conscience of those who disagree with abortion and draft a sensible conscience clause and make sure that all of our health care policies are grounded in clear ethics and sound science as well as respect for the equality of women.

I could go on with this speech. But what I want to say is that while speaking at Notre Dame, the President said, Let's honor the conscience of those who disagree with abortion and draft a sensible conscience clause to make sure that our health care policies are grounded in clear ethics and sound evidence.

I didn't take it out of context.

But he actually said this, Madam Speaker, after his administration had rescinded the conscience clause regulations promulgated by the Bush administration. These regulations made it clear that a health care provider who would not have to choose between his or her deeply held moral and religious beliefs and a career. In fact, this is what the President, then-candidate, alluded to at the Saddleback conference that, you know, your conscience should be recognized and your moral ground should be recognized especially if you're consistent with your belief that life begins at conception and ends at natural death. And yet the conscience clause was almost immediately rescinded upon this President's arrival to take office.

Does the gentlelady wish to say something?

Ms. FOXX. I wonder if the gentlewoman would yield.

I appreciate very much what you and our other colleagues have pointed out

tonight in terms of the inconsistencies in the President's position. I also want to thank you for having pointed out the joy of having children. And I want to bring up one more example of what I think is an inconsistency on the part of the President.

He has nominated Dawn Johnsen to head up the Office of Legal Council, and she is among the most controversial of his nominees. She formerly worked for NARAL and the ACLU's Reproduction Freedom Product.

She has compared pregnancy to involuntary servitude, describing pregnant women as ''losers in the contraceptive lottery,'' and she even criticized then-Senator Clinton for claiming a need to keep abortions, traumatic experiences, rare.

She, as I said, has said that she believes that being pregnant or banning abortion undermines the 13th Amendment, which bans slavery. And she says ''that there is no 'father' and no 'child'—just a fetus.'' Any move by the courts to force a woman to have a child amounted to ''involuntary servitude.'' She goes on and on and on to talk about how horrible it is to bear a child.

And I think it is a very sad, sad situation that the President has nominated a woman who has these kinds of beliefs to head up an extremely important position in the administration, the Office of Legal Council. And I wanted to point that out as another inconsistency in the positions that he's taken.

And I yield back.

Mrs. SCHMIDT. I thank you so much for that because consistently since January, the words and the actions have not met the conscience clause, which he clearly took out, and yet said both as a candidate and in subsequent speeches as President that our conscience needs to be recognized and our moral beliefs need to be recognized, especially on this issue. He has really taken that away.

□ 2030

What we now are facing today is the change in the D.C. policy in which we are going to be faced with allowing for the public funding of abortions. Congressman Dornan's amendment prior to FY1989 allowed the District of Columbia to use congressional funds, appropriated funds, something that we have to do because of article I of the Constitution, give the District of Columbia money to operate with. The disconnect between using those funds inadvertently for abortions was shut down by Congressman Dornan's amendment. This was an amendment that has been faithfully in place, except for a few years in the Clinton administration. Now with the President's new budget, he wants to cleverly allow for the District of Columbia to use federally funded money for abortions.

I would now like to turn some time over to my very dear colleague, an individual who has been at the forefront of life issues, not just recognizing the value of a child both inside and outside the womb, but the value of children all across the world, including his fight for a father to bring his child home from Brazil.

Mr. SMITH of New Jersey. I thank my friend for yielding. As a matter of fact, that's why I was late in getting here. I was working on that very issue.

Mrs. SCHMIDT. You are a great American. Take as much time as you would like.

Mr. SMITH of New Jersey. JEAN, just very briefly to say to my colleagues tonight, Barack Obama has said he is seeking common ground, and he wants to reduce the number of abortions. Sadly, virtually everything he has done, months to date, as President of the United States has expanded abortions internationally as well as domestically by executive order as well as by his embedding into his administration a virtual who's who of abortion leaders, people from the organizations who are now running agencies of the government of the United States. These are the people who ran the organizations for abortion rights. Now they're there.

The District of Columbia for years has not provided—and our hope is that it will continue not to provide—any funding for abortion, except for rape and incest and life of the mother. That language, as you have pointed out, was crafted by Congressman Bob Dornan; and it was a little game that was played for years. I have been here 29 years, and I will never forget the game that was played. The language would say, no Federal funds can be used to pay for abortion; but they would allow it because we congressionally authorize local funds, so the bottom line was, the net consequence was, abortion on demand unfettered was paid for by public funds, by taxpayers.

Barack Obama keeps saying he wants to reduce abortions. The common ground on reducing abortions is proscribing, prohibiting funding for abortions. The Alan Guttmacher Institute, the research arm of Planned Parenthood, and Planned Parenthood itself continually say that about a third of the abortions don't occur when public financing is not available. So as a result of the Hyde amendment, as a result of an amendment that I offered back in 1983 that proscribed funding under the auspices of the Federal Employees Health Benefits plan, the Dornan amendment on D.C. approps, and all the other amendments have actually permitted, facilitated those children who otherwise would have been aborted because public financing of abortion wasn't there. That's true common ground. Taxpayers don't want to subsidize chemical poisoning and dismemberment of unborn children.

People can talk all they want. The cheap sophistry of choice is that it does not bring into the visibility that it deserves the very active abortion, which is the maiming, ultimately the killing, of an unborn child. This is the year 2009. We know more about the magnificent life of an unborn child than ever before. Microsurgeries are being done. These unborn children are the littlest patients. They can get blood transfusions. Unfortunately in some hospital rooms and especially in clinics, they are being dismembered; they are being chemically poisoned; and they are being starved to death in the act of abortion, which then is suggested to be a benign act. It is anything but. It is not compassion. It shows no sense of justice; and the public should not be forced, compelled to finance abortion in the District of Columbia or anywhere else.

Mrs. SCHMIDT. I would just like to close, Madam Speaker, by saying this is a very sensitive and important issue. The public has spoken out on the fact that they really do not want Federal funds to be used for abortion. The President, as a candidate, when he took office, and in subsequent speeches, has said he wants to work to reduce the number of abortions. To do that is not to allow for Federal funds. So I would only hope that this administration would match their words with their action.

CREATION OF NEW JOBS THROUGH CLEAN ENERGY TECHNOLOGY

The SPEAKER pro tempore (Ms. KILROY). Under the Speaker's announced policy of January 6, 2009, the gentleman from Colorado (Mr. POLIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. POLIS. Madam Speaker, we are truly on the verge of a historic moment. We're moving closer and closer to finally achieving legislation that will put us on the right path towards true energy independence and true environmental protection. Legislation that, at the same time, will grow our economy through clean energy jobs and promote an investment in cutting-edge American technology all while addressing the costly damages to our public health, economy and environment that is coming and will come from a changing climate.

The Republican Party just doesn't seem to get it. They don't seem to understand that the American people know that the cost of inaction is far higher than the cost of action. The same scare tactics and lack of faith in science and in American innovation which lost them the last election won't fool the American people. Madam Speaker, the minority party has chosen to put this debate in oversimplified and disingenuous terms, and that's truly sad. They've decided to call our clean energy future a tax because they don't think the American people can figure out the truth, that endangering our economy, our public health and our environment is what is truly taxing our Nation.

Madam Speaker, what the Republicans are espousing is a tax of inaction. The Republican inaction tax will cost our country many, many middle-class careers. The Republican inaction

tax will mean harm to family farms, harm to water sources, and harm to the fastest-growing sector of American jobs, clean energy infrastructure. This Republican inaction tax means higher energy costs for families who won't be able to weatherize their homes or invest in energy efficiency. The Republican inaction tax will pass along growing debt to our children by leaving behind opportunities to invest in innovative sectors and businesses that we are promoting in this American Clean Energy and Security Act. The Republican inaction tax will mean further devastation to our real estate market, as melting polar ice caps and rising sea levels could cost our Nation hundreds of billions of dollars in lost real estate value. This Republican inaction tax will cost the American people nearly $1.9 trillion annually, or 1.8 percent of U.S. GDP, by 2100. It's time we have a real debate on this issue, not rhetorical oversimplifications that fail to serve our country but with the high-minded debate that we all deserve. It's time that we discuss what's really in this bill.

I would like to welcome my colleague and good friend from New Mexico, Representative MARTIN HEINRICH, who has a lot to say about what this bill has to offer.

Mr. HEINRICH. I want to thank my friend from Colorado.

Madam Speaker, we formed the Sustainable Energy and Environment Coalition in the 111th Congress because we believe in America's promise to become the global leader in energy and environmental strategies of the 21st century. Leadership and innovation is the hallmark of American success. In 1961 when President John F. Kennedy said that our country would lead the world by landing an American on the Moon, within 8 years his goal was achieved with the Apollo project. Today that same innovation is present in our emerging clean energy economy.

Madam Speaker, the opportunity for America to create thousands of clean energy jobs that will build our 21st century economy cannot be understated. Evidence of that clean energy job growth, a key component of our local economic recovery, is already visible on the ground in communities like New Mexico's First Congressional District, which I represent.

Part of this clean energy cluster growth is a result of the vast natural resources that New Mexico has to share. We are second in the Nation in solar energy capacity and 12th in the Nation for wind energy production potential, but we also have invested heavily in our human capital. One example of this success is the work being done in partnership with Sandia National Laboratories, which has been at the center of multiple renewable energy advancements across our country, including the creation of a high-performing biofuel that can be used in military aircraft. With Sandia's help, thousands of jobs in new energy fields have been created in our community by companies like Advent Solar and EMCORE, which makes concentrated solar photovoltaics. Just a month ago I participated in the grand opening of a $100 million Schott Solar manufacturing plant in Albuquerque, which is on track to eventually employ 1,400 people. On the west side of the First Congressional District, Solar Array Ventures is building a factory that will employ 1,000 people; and in the rural east side of our congressional district, hundreds of people have been at work with good-paying jobs on the near complete 100-megawatt High Lonesome Mesa wind project.

Madam Speaker, these jobs are part of a thriving clean energy cluster that is leading our community towards economic recovery. I'm proud to report that Albuquerque's clean energy job growth recently earned us a second-place national ranking in Kiplinger's 2009 list. Albuquerque was recognized for leading the Nation in key job growth areas of tomorrow. The potential to create these kinds of clean energy jobs across our Nation cannot be denied, and I am proud that the 111th Congress has already started investing in our clean energy future.

In the American Recovery and Reinvestment Act, we invested more than $60 billion to help jump-start the clean energy jobs of tomorrow. These investments include building transmission lines to carry solar and wind to communities in need, improving battery technology, training a new clean energy workforce, and increasing energy efficiency to help our country use less energy while we strengthen our economy.

I'm proud to have sponsored the Clean Energy Promotion Act, a bill that will expedite the review of wind and solar energy projects on our public Bureau of Land Management lands. I also cosponsored the national renewable energy standard legislation that is included in the current legislation to increase our country's generation of energy from renewable sources.

Madam Speaker, in New Mexico's First Congressional District and across the country, we are at a crossroads. We can either cede leadership and clean energy innovation to nations like Germany, which has the highest solar generation of any country in the world even though it only has the same average solar exposure as the State of Alaska; or we can jump-start the American clean energy industry, spurred by the same spirit of innovation that put us on the Moon, to put Americans to work in clean energy careers, building solar panels and wind turbines. Let's choose the path of innovation, the path that has led to American success throughout our history. Now is the time to take bold action on our energy policy.

Mr. POLIS. I have a question on that. I've heard supporters of this Republican inaction tax trying to argue that this bill costs jobs, that somehow this is going to be bad for the economy. A lot of what you've been talking about, I mean, a solar plant hiring 1,400 people in your district, job growth on the infrastructure side. It certainly sounds to me like by passing this bill, it's going to lead to even more job growth in your district.

Is that what you've been finding?

Mr. HEINRICH. I believe that's absolutely the case. In fact, what we've seen is even in the midst of this recession, the good news on our horizon has been these quality high-tech jobs in the renewable energy sector.

Mr. POLIS. Earlier on, as we were walking to the floor, we were talking about American ingenuity and innovation, and we talked about what's possible with solar cars. I thought maybe you could share with us this story of what's possible. I mean, the strength of America has always been innovation and ingenuity. I think this bill is really playing to our strength as a country in terms of what's possible.

Mr. HEINRICH. I couldn't agree more. I have to say, as someone who got my degree in mechanical engineering back in the mid-nineties, I actually participated in a solar car team, just a group of college students that got together in the early nineties, built a carbon fiber lightweight solar-powered vehicle that we raced across the United States against teams from Stanford and Michigan and other colleges around the country. I always thought to myself, if we could do that in 1993, 15 years ago, a bunch of college students who didn't even have our degrees yet, then think of the potential that we have today with the technology and the real support of policymakers like yourself. I think the opportunities for science and for business are absolutely endless.

Mr. POLIS. I see we've been joined by our colleague from New York (Mr. TONKO). Would you like to add to this discussion?

□ 2045

Mr. TONKO. Sure. Absolutely. Let me thank you, Mr. POLIS, for managing our discussion this evening here on the floor of the House of Representatives. It is a pleasure to join you. I know you have been an outspoken voice for greening up our thinking as it comes to energy and the environment and the economy, three areas that are critical right now that face a crisis of some dimension, and we can resolve those crises simply by moving forward with progressive policies.

So I thank you for providing the leadership here this evening on the floor and to join with you and our friend and colleague Representative HEINRICH because, you know, you are surrounded here by two mechanical engineers in background, education background.

Mr. HEINRICH. I believe that doesn't happen on the floor of the House of Representatives very often.

Mr. TONKO. It doesn't. We are usually vastly outnumbered. So it is good

for us to step back and look at these issues from an academic perspective and to respond to them in technological terms. That is real leadership. And the President, the Speaker of the House, NANCY PELOSI, leaders here across the board here in the House and rank-and-file Members have joined together to speak forcefully about just what we can accomplish if we set our sights on this innovation economy that is sparked by a green energy arena.

The numbers of jobs that we can create in this clean energy career ladder are tremendous. It is a way to provide opportunities for those emerging members of the workforce and to train and retrain our existing workforce. As we look at the opportunities out there, they are immense.

Representative POLIS, you talked about the fear and despair approach taken by some as they try to message in very negative terms the work that is being done in this area. Well, a $475 billion bill that finds money going to foreign imports for fossil-based fuels could be referenced as a tax. We might say we are paying our bills for the energy supply we need, but it is taxing our economy and, more importantly, it is taxing households, families that could otherwise be producing here in America the supplies we need with American jobs, American know-how, American intellect.

You know, as I listened to our Representative from New Mexico, as Representative HEINRICH spoke of that global race back from the decades ago, from the sixties, having heard Sputnik over and over again in the elementary classroom and having seen us in a race somewhat narrower than today's race would be, Russia, the U.S. all competing to land a person on the moon. But a vision shared by a very eloquent, articulate leader of this Nation, John F. Kennedy, allowed us to come together as a nation in multipartisan frameworks and provide the kind of energy that is required to get us to think in those positive and progressive terms, and it stretched our thinking, it provided loftiness to the outcomes, and it created career opportunities for many.

That same race, global race, is upon us today, and it is not like we have a choice to enter into the race. We have no choice but to be part of it, and the pressure is on for us to win.

When China invests $12.7 million per hour in its greening-up opportunities, that is a signal to us that we can and we must do better than we are today. And whoever emerges, whichever country emerges the leader, the winner of that race, will then be that go-to nation that will export energy intellect, energy innovation, energy ideas. The energy capital that we can build will be extremely valuable for all of our American families.

I, as you know, had worked at NYSERDA before I entered here. I had chaired the Energy Committee in the New York State Assembly for 15 of my 25 years in the Assembly, and then went to assume the role of president and CEO at the New York State Energy Research and Development Authority.

Projects that found us utilizing our wind, our sun, our Earth, our soil and our water enabled us to create energy supplies for New York State. Hydrokinetic power that was produced simply by the turbulence of the East River along the shoreline of the Island of Manhattan is there as a demonstration project, an R&D project, that as a prototype holds promise, great promise, when deployed into the manufacturing and commercial sectors.

The opportunity for geothermal, where I witnessed at the Culinary Institute of America six new dorms, lodges as they are referred to, utilizing geothermal as an energy source, and using the constant temperature of the Earth far below us was a simple and novel idea, almost cave-like in its concept, but it is providing modern-day usage. And certainly wind, solar, PV, all being utilized in New York State, as much as 1,100 megawatts worth of wind power.

So this is possible. It is very possible. And the jobs that we can create are countless as we go forward, and it provides energy security, energy independence, and therefore I believe is critically important to us, to our national security. We won't be putting our sons and daughters in harm's way because we won't be in the battle zone fighting over the commodity of oil and fossil-based fuels.

Mr. POLIS. If the gentleman will yield, what you are talking about sounds great, the great spirit of American innovation, jobs being created, improving our security. I mean, do you think that if we fail to enact this policy, that will be a blow to a lot of this activity, economic activity, security activity, everything you are talking about?

Mr. TONKO. Absolutely. And, you know, we will have to pay some other nation for their ideas. When we spoke the other day with the SEEC Caucus, of which both of you made mention, with the Sustainable Energy and Environment Coalition, the Green Dogs, so-to-speak, in the 111th Congress, we heard from the most recent energy minister, past energy minister, that a lot of American know-how and patents were being utilized in Denmark. Well, if we are coming up with this intellectual capacity and this brain power, what a shame if we don't invest it for our own benefit.

So the time is now to move. The time is long past that we have a comprehensive energy plan for this Nation. And it was one of the motivations for me to run for Congress, so that we could come here and do those sound policies that will move us into a new era of energy thinking, eclipsing us from a political generation of denial.

Mr. POLIS. You know, I think with regard to all of the great economic activity you are talking about, when we are talking about the cost of not taking action, it is not only an environmental cost, it is not only the direct impact of global climate change, we are also talking about disrupting a lot of these science and research, economic activities, undermining our own national security, all these other costs.

So it is frustrating when people try to say, oh, this costs money. Well, you have to look at the cost of not taking action, which is far greater, orders of magnitude greater, than what we are talking about here, which is a very practical way to boost this industry and create green jobs.

Mr. TONKO. Well, one of the great investments at NYSERDA in the State context that I functioned was a huge investment in R&D. And you need to see that R&D, research and development, and deployment, I would add, are economic development tools. You are using very bright minds with clever ideas, putting that lab experiment together.

Then we need to further commit to the deployment stage. You cannot just research and develop. You need to take that success story, of which there are many, and deploy them into manufacturing and the commercial use of those ideas. That is what this agenda is about. And it is not maintaining the spirit of $475 billion per year of American dollars, call it a tax, call it an investment, call it paying your bills. Whatever it is, it is cash leaving us to help another economy that isn't providing any benefit because these are, in many cases, unstable governments and some of the most troubled spots in the world.

Mr. POLIS. I would like to welcome our good friend Mr. CONNOLLY from Virginia.

Mr. CONNOLLY of Virginia. I am so pleased to join my fellow Green Dogs to talk about the subject. I couldn't help but pick up, if I may, to our friend from New York, Mr. TONKO, the point he was making about the power of research and development, R&D dollars, in innovative technology.

Let's just take the potential power of the advanced battery research. What could that do? Well, in the automotive industry, advanced lithium batteries, for example, could get you plug-in hybrid vehicles that get an average equivalent of 100 miles per gallon. If every vehicle in America got an average of 100 miles per gallon, you would almost wipe out the need for any imported oil in the United States of America. It is not science fiction. It is around the corner, but it needs an extra investment. It is an investment with an enormous potential return that would more than return dollars to U.S. taxpayers and, of course, contribute to the economy.

Similarly, advanced battery research is desperately needed to essentially bring the solar industry in the United States to that next step. What we lack in solar right now is the ability to really store the sun. And if we could have

a breakthrough, and, again, it is not rocket science, it is not science fiction, if we could have a breakthrough in advanced battery research so that we can extend storage capacity, so on sunny days we can store that energy on overcast days, especially in climates that aren't as warm as, say, the Southwest where our friend Mr. HEINRICH comes from in New Mexico, we could absolutely transform the solar industry and make it a practical either supplement or alternative for households and businesses all across the United States.

What could that do in terms of job creation and reviving the manufacturing sector of the United States? An almost endless return on a very wise investment of dollars.

Mr. TONKO. Mr. POLIS, if I might, to the comments made by Representative CONNOLLY of Virginia, and I thank him for his insight, to those comments I would add that as we achieve those efficiency outcomes, we are also cleaning the environment. We have the moral responsibility to make certain that our children, our grandchildren, generations that will follow us, do not get handicapped by some sort of situation out there like climate change, global warming, the carbon footprint, that will destroy our environment.

The air we breathe is essential, and as stewards today of the environment that we inherited, we must pass it on to further generations, future generations, in a state that is acceptable, clean and better, improved, so that we can achieve that.

While we are on the battery situation, I would just make quick mention of GE. Their corporate headquarters are in Schenectady, which is housed within the 21st Congressional District within New York State, which I represent.

GE recently announced its intentions to build an advanced battery manufacturing center in the capital district region of New York. That will provide some 350 to 400 jobs for a state-of-the-art battery that will deal with sodium chloride and nickel as a combination, adding to the diversity. There are lithium-ion batteries that are spoken of and other sorts of batteries that are being encouraged. This provides for diversity, which is sound for our mix. It is good for our energy choices.

That battery will be able to be used for heavy vehicles. That is important. It can be used for intermittent energy storage, and it can be utilized also for energy generation.

So the transportation sector, the energy generation and energy storage areas can all be addressed by this battery innovation. That is the key that can unlock the door to immense potential and opportunities of all kinds.

So we are at the cusp, I believe, of tremendous discoveries here that will allow us to compete effectively in this global race to be the energy go-to nation.

Mr. POLIS. When we hear about all these wonderful things, battery storage technologies, jobs being created in New Mexico and New York, clean electric vehicles, what we are talking about and the nexus to why this is important and what American families need to know is the American Clean Energy and Security Act is the enabling law that allows all of this to occur. All of this great stuff that we are talking about, the job creation, the clean cars, the storage, this will all be dealt a huge blow if Congress fails to act. That is why the stakes for this debate are so important.

Mr. HEINRICH. You know, I think this whole issue of research and development is absolutely critical, because we have fallen behind the entire world in things that we were at the very front edge of just a few years ago. We can do so much better. And when you look around at the American innovation in New York, in New Mexico, in Virginia and Colorado, there is no more innovative people in the world than the American entrepreneur.

You know, I was lucky to have the majority leader visit my district last year, so I took him out to Sandia National Labs, one of the places involved in basic research and development, that is rebuilding our energy economy and pushing us forward to the leadership position in the world that we deserve.

One of the things that we looked at Sandia National Labs was actually a process where they take solar energy and a carbon dioxide feedstock, what is currently a problem, it is pollution, it is warming our planet, and utilize that to make liquid fuels, high-density energy fuels that can then be used as an energy storage medium, just like the advanced batteries you were talking about.

There are people doing research today on a much more efficient method of hydrolysis that would then utilize hydrogen as the output, basically do in the energy field what trees do every day, take sunlight and then store that as energy in a way that you can use.

□ 2100

Take sunlight, and then store that as energy in a way that you can use. And if any country in the world should be leading these efforts, it's the United States. And it's time for us to take back our rightful position, leading the world on the future of clean jobs. But we can only do that through changes in policy. If we sit back and watch as the battery research moves to Korea and Japan and other places, we will be buying the advanced vehicles from those countries. And instead, we need to be supporting the advance battery research that's being done in places like New York.

In my own home district we were doing research on batteries at Sandia National Laboratories to make sure that we do a better job increasing the density and the safety of these things. So, this is a huge opportunity for us.

As you said, it's a job creator. And the cost, the opportunity cost of not acting, really hits us in the West, I think, probably more than anyplace except for maybe where you have a coast line. We are reliant for our economy on water, on the water that falls as snow pack, just like it does in your district in Colorado, Congressman POLIS, and that water flows down hills and it runs our farms and it runs our factories. It keeps our rivers alive.

And yet we have seen a dramatic decrease in the amount of snow pack that actually reaches places like Albuquerque because it's evaporating earlier, you know, temperatures are rising. The Tehemas Mountains in New Mexico have seen something like a seven-plus degree Fahrenheit swing in temperatures over time. That's impacting forest fires. It's less water for all of us to use for economic activity. And so the cost of not doing anything, of not implementing this bill, which is basically an Apollo project for energy independence and jobs in this country, is so much greater than the cost of acting.

Mr. CONNOLLY of Virginia. If my colleague would yield, because the point you've both been making about the need for that competitive edge for American industry is really underscored by the various American companies that, in fact, have endorsed this legislation. Let's just take the automotive sector. Ford, Chrysler, GM, John Deere, Caterpillar have all endorsed this legislation. There's a reason for that. They understand that to stand still with existing technology is not going to cut it. They're going to continue to lose market share, and they're going to lose to foreign competition.

If I may, I'd just like to read into the RECORD some of the other companies, especially in the energy sector. And the reason I want to read these names into the RECORD is because so often we hear from our friends on the other side of the aisle, this is going to destroy American business as we know it. Well, that would come as news to the following list of companies who've enthusiastically endorsed this specific bill. Duke Energy, coal, by the way, represents 75 percent of Duke's portfolio. American Electric Power; Edison Electric Institute; Exelon; PG&E Corporation; FPL Group in Florida; Entergy; Austin Energy; Constellation Energy; Seattle City Light; Public Service Enterprise; P&M resources in New Mexico, Mr. HEINRICH; Shell Oil; Conoco; BP America; Entergy Energy; GE; Alcoa; Dupont; Dow Chemical; Johnson & Johnson; Rio Tinto; Siemens; National Venture Capital Association.

These are American companies that understand the point you were making a little bit earlier, Mr. POLIS, that to stand still is to lose ground; and that actually, we have an enormous opportunity here to regain America's competitive edge, create jobs and, once again, lead the world in innovative technologies and techniques. But we've got to make that initial step. This bill creates that framework.

Mr. POLIS. Mr. CONNOLLY, you know, one of the things that Mr. HEINRICH talked about, he said, you know, if these jobs aren't created here, they're going to be created elsewhere. The research will be done elsewhere. The fact that the American industry, the companies that you recognize, who are, many of them American-based companies, feel that this is good policy. These are global problems we're facing. Some way or other the world is going to need to wean itself off fossil fuels. Don't you think that this policy helps make sure that those solutions happen here in this country?

Mr. CONNOLLY of Virginia. Absolutely. And the bill takes care, where there are trade-sensitive and energy-intensive sensitive industries, to give them a transition period of time, in some cases a very generous transition period of time in which to get themselves competitive again.

Mr. POLIS. Mr. TONKO.

Mr. TONKO. Sometimes the issue comes across in such a complex picture that it's difficult for people to get their arms around what the discussion is all about. To repeat what I mentioned earlier about the hundreds of billions of dollars that we have been spending that go to foreign nations that import to us these fossil-based fuels, we need to see this as an embracing of the American intellect, to take ideas that are there shelf-ready and put them to work for us. It's, quite simply, American power to power America. It is providing our opportunity to utilize the American workforce to produce this power that then powers this country to do all that it needs to do.

It provides great opportunities for manufacturing sectors, and for our business communities, small and large, because I witness firsthand what happens when we retrofit these facilities, even our dairy farms in New York State, with state-of-the-art opportunities for efficiency. Where you need to use fuel for the power that you're using, let's use it efficiently. That's good for the environment; it's good for the economy. It's good for the energy equation.

But in many cases we'll be able to produce that power we need with no fuel cost. So the $475 billion that has been spent annually that goes outside this Nation's boundaries is a fuel cost. We won't have that fuel cost when we benignly utilize our wind, our sun, our soil and our water.

And I think that's an effective way to approach a situation where we allow for the brain power of this country that is invested in, when people choose their career paths. We want to make certain that all that investment in the classroom and on the college campuses and in the private sector through its R&D opportunities of workforce training and development, we want to put that to work here. And we have those available solutions. We need to go forward with that sort of concept.

And, again, it takes a vision. I believe this public, the American public, joins in the efforts when a vision is painted for them. It's been painted in bold green measure by President Obama. His administration is taking us to a new level of thinking. The Speaker of the House, the leadership in this House, the Members, the rank and file Members of the majority know this is the right thing to do. And it takes that boldness of vision and that determination, the integrity to move us to this new economy, and it will happen.

Mr. POLIS. So what you're saying is, you know, rather than, we're sending hundreds of billions of dollars a year to Saudi Arabia, to the Arab countries, to Venezuela. That money is gone from America when it's gone. And we send it over there and that's fueling their economy. We can recapture some of that money here and create clean energy here.

Mr. TONKO. Absolutely. Mr. POLIS, I would add this: As Representative in Colorado, like any of us as Representatives, we have seen far too many of our sons and daughters lost in the efforts to, in our involvement in the Mid East. Some of this money is going to those nations that we are now fighting against with the war on terrorism and the war in the Mid East. And so it really behooves us to think in newer terms, in bolder terms, in ways that build our independence, our security and our national security, which is critically important to us as we speak.

Mr. POLIS. Mr. HEINRICH.

Mr. HEINRICH. That word, independence, I think, is absolutely critical because this legislation will give us the independence that, as Americans, we crave. And I can say, you know, one of the pieces of this is renewable energy portfolio standard, something that says all the utilities are going to create a certain portion of their power from renewable and clean sources, we've had that for a number of years in New Mexico; and it's worked remarkably well. In concert with photovoltaic technology, this spring, you know, starting March or April, I started getting a credit from P&M resources that you mentioned earlier because I've got solar panels tied into the system, and during the day when we're not home, we're selling power back to the grid at the very time when everybody's turning on their air conditioner. It is innovative solutions like that that are already working in so many places that are going to give people freedom from those energy bills and independence from this international and foreign oil that sucks so much money out of our economy in the United States.

Mr. POLIS. You know, and a good point you raise, you're right. New Mexico and also my home State of Colorado have really been leaders in terms of instituting renewable energy standards, also instituting incentives for solar technology. You know, at our State level and probably yours, the opponents made the same arguments. They said, oh, this is going to drive jobs out of Colorado and New Mexico. This is going to hurt the economy.

Well, here we are several years down the road. This has made both of our economies stronger. I mean, isn't this a great success story in New Mexico?

Mr. HEINRICH. Absolutely. And always better to be the leader that's creating jobs than the State or the country that's following and watching those jobs go someplace else.

Mr. CONNOLLY of Virginia. I might add to the point you're making, Mr. POLIS, in my State of Virginia, for example, we have a gubernatorial election going on right now, and one of the candidates, the Republican nominee, has talked about drill now, right off the shore of Virginia. Maybe that makes sense; maybe it doesn't. But the wind power potential off the shore of Virginia dwarfs any estimates of what possible oil and gas reserves there might be offshore and could create jobs and could actually make Virginia an enormous net exporter to the Northeast and the Mid-Atlantic of a renewable source of energy forever.

Mr. POLIS. You know, Colorado is in this boat and I think New Mexico too. We are blessed with some natural resources, with natural gas and with oil. And I have to tell you, it's a mixed blessing.

First of all, it's highly cyclical. We've been through several cycles in Colorado where there's been oil boom times. Everybody was riding high. Three years later the price crashes: everybody's out of work, everybody's looking for work.

We are also using a nonrenewable energy source. You take it out of the ground, it's gone. We're also destroying one of our other revenue sources, and it's frequently at odds with the tourism industry, with preserving our natural heritage of great value to Colorado residents, the quality of life that attracts people to New Mexico and Colorado in the first place.

I mean, you know, we can have and we do have now, thanks to the leadership in our State of Governor Ritter and, in fact, the leadership of our voters who passed a number of these initiatives overwhelmingly. The renewable energy standard was passed by Colorado voters with over 60 percent of the vote. They didn't buy the arguments of the other side. It's even more popular today, 5 years down the road, than it was at the time because people have seen that effect. We can have a more stable economy. We can create jobs, and we can promote a clean environment all at the same time.

Mr. TONKO. Representative POLIS, I believe that even T. Boone Pickens has said we are not going to drill our way out of this given crisis. This energy crisis needs to be addressed in a constructive way. The constructive way reminds us that there are ways to produce power, as you suggest, without a fuel cost. And then our fuel of choice needs to be energy efficiency. That plant which we never built simply because we have reduced demand by a

given order of megawatts is then allowing us to avoid the construction of a larger facility. And we can do that.

When you look at the size of this Nation, the population, the business sector, any 1 percent of improvement translates into a huge supply, as Representative CONNOLLY mentioned earlier, of power saved. And the demand side of the equation was not addressed by the previous administration. It was supply, supply, supply: How much more can we create and let people consume? We have some of the most gluttonous consumption in the entire world. And we know that there are ways to allow us to be more efficient and to provide those savings by addressing demand-side solutions. And I think that's where this plan is taking us also.

Mr. POLIS. I'm really happy that my good friend Mr. TONKO from New York brought up the demand side in conserving energy. There are many Federal energy efficiency provisions that are part of the American Clean Energy and Security Act. And in terms of what they mean to American families, the estimates are that American families will save $750 per year per household within 10 years because of the energy efficiency provisions of this bill. You know, what would you do with another $750 a year? That is the savings the average American family will have as a result of the energy efficiencies presented in this bill.

Mr. CONNOLLY of Virginia. Would my colleague yield on that point, because that's such a good point you're bringing up, Mr. POLIS, because we hear from the other side, seemingly deliberate misinformation on the floor of this House. And the figure constantly cited is a little over $3,100; this is going to cost everybody $3,100 a year. The opposite is true, as you just indicated. There's a new study the American Council for Energy Efficient Economy just issued that says that the Federal energy efficiency provisions in this bill will, in fact, save $750 per household by 2020, as you indicated, and $3,900 per household by 2030. So maybe our Republican colleagues just have their numbers inverted.

□ 2115

I might point out that that magical figure of $3,100 per year that they cite, and derive this bill as a cap-and-tax bill, not a cap-and-trade bill, is based on a study done by an MIT professor—a rather obscure study. And interestingly, that professor, the author of that study, has written the Republican leadership of this body objecting to the use of this study, saying they vastly overstate any potential costs that in fact might accrue to consumers. And it is based on faulty analysis as well.

The provisions of this bill are carefully drafted so that any increase in utility costs, for example, that aren't already protected by the provisions in the bill would not be allowed to be passed on to consumers. It is patently false. And talk about not reading the bill; clearly our friends on the other side of the aisle either haven't read the bill or choose to ignore the facts therein. But there are carefully crafted provisions that not only protect consumers, but as our colleague, Mr. POLIS, indicated, and as this recent study indicates, will in fact save, not cost, consumers hundreds of dollars—and ultimately thousands of dollars—every year.

Mr. POLIS. Well, $3,900 in 20 years, and in 10 years, $750. I mean, that is a lot of money for American families that this bill saves right there.

Mr. TONKO. And also, Representative POLIS, I think it's important to note that controlling your destiny when it comes to energy choices, having those American options available, having the production here domestically enhanced, having the efficiency tools that we require, not only utilized that are shelf-ready, but to develop additional product lines that can create these, given opportunities, smart meters in which we invested this year with the stimulus package, with the Recovery Act, are a great way to provide for control over your energy consumption and your bills, to utilize off-peak where possible, and to have a smarter opportunity presented for us as consumers. That's all available with technology today.

And as we further develop these packages that will enable consumers to control their energy destiny, it's a great thing as we develop this American power to power America. It's a wonderful concept.

Mr. CONNOLLY of Virginia. Would my colleague yield just for a moment on that? Because this same study that Mr. POLIS and I are referring to, I just want to read a paragraph that addresses the very point you're making, Mr. TONKO.

It says, In total, the energy-efficiency provisions of H.R. 2454 could reduce U.S. energy use by 4.4 quadrillion BTUs by 2020. These energy-efficiency savings are more than the annual use of 47 of the 50 States, including your home State of New York. Moreover, such savings will avoid 293 million metric tons of carbon dioxide emissions by 2020, the equivalent—this is astounding—of taking 49 million automobiles off the road every year. By 2030, these energy efficiency savings go to 11 quadrillion BTUs, accounting for about 10 percent of projected U.S. energy use that year.

This is incredible. And that's what you're getting at, that there are other efficiencies that can be achieved by this bill that, by the way, also will lead to innovation, job creation, and savings for consumers we haven't even calculated.

Mr. HEINRICH.

Mr. HEINRICH. I think what my friend from Virginia is describing is actually a very conservative position. And I think that one of the ironies in all of this is when you realize that we have nonrenewable resources and they're very valuable—they cost us billions and billions of dollars in our economy—to use less of them, to stretch those out and to utilize them more effectively, that is a fundamentally conservative position, not to waste the resources that God has given us, but to utilize them as efficiently as we possibly can.

You know, I remember during the campaign of 2008 there was this whole issue of the tire gauge, and hearing Rush Limbaugh just make fun of this idea that a tire gauge could be of any value at all. And when you think about the fact that we will fight like dogs and cats in this Chamber over this little postage stamp of oil and gas in the North Slope of Alaska, the same amount of which could be conserved in a few years if people would use those tire gauges, that is, I think, a fundamental irony in all of this.

We're going to continue to use oil and gas; we're probably going to continue to use coal for a number of years. We should use those nonrenewable resources as conservatively as we possibly can.

Mr. TONKO. Absolutely. And, Representative POLIS, I would go back to an earlier statement that I made. We're all talking about how we can improve our economy, address our energy crisis, address our environmental crisis, but at the same time, we need to bear in mind that this is the way we draw attention to this Nation and her intellectual capacity, where we become the exporter of energy thinking, of energy ideas, of innovation. This is the strengthening of the economy.

As people invest in this economy, in the American know-how, we then become even stronger as we develop the solutions for our air that we breathe, the water that we drink, and certainly the soil that we utilize for our own opportunities and routine opportunities throughout life. We can then become this go-to nation, which is as critical today, if not more critical, than the space race was in the Sixties, which we won because we committed to thinking in new terms, in bolder terms.

Change is not easy. Change is not easy to get our arms around. But change is what we ought to be about as leaders of legislative policy that can then take this country into new orders of job development and energy policy.

Mr. POLIS. The American Clean Energy and Security Act will help make sure that a lot of this technology is created here. We all worry about the trade deficit. It seems like America doesn't make anything anymore. It seems like we're importing everything from all over the world. Well, here is our opportunity to start making things again.

I visited a company in my district 2 weeks ago. They got a big order from China for solar panels. They are exporting solar panels from Colorado to China.

Mr. CONNOLLY of Virginia. Mr. POLIS, right on message, I visited a company in my district the other day that manufactures microchips. That market is very cyclical. And the manufacturing capacity in the United States has shrunk and shrunk and shrunk.

They had a factory they had to close in the Midwest. They are retrofitting, and they are going to make solar panels at this factory should we pass this bill. They are waiting for this bill to pass, and almost overnight they are going to start to manufacture solar panels.

Mr. TONKO. And I will add, if I may, that there are those industries that are energy intensive and trade intensive. And those are the focal points that we can provide where there needs to be this assistance—if you can produce something at less cost, which becomes a reality if you provide energy retrofits that make it more efficient, some of these industries that are energy intensive, when improved upon, where you utilize, as Representative HEINRICH said, your resources more wisely and effectively, that produces a lower cost of production of that given product and so it makes you more competitive in the global marketplace.

Mr. POLIS. So you're saying that it's going to create a lot of jobs. But there is a family out there, and let's say they're a steelworker, let's say they are working in some of these industries; we can reassure them that this won't hurt their competitiveness in the global environment at all. That has been dealt with in this bill, right?

Mr. HEINRICH. I think not only on the steel front will it help their competitiveness, the way it's structured actually rewards them for being more efficient. We produce steel in this country with far less of a carbon footprint than they do in China. And one of the things that the incentives in this legislation does is it will incentivize spending money on capital investment that will continue to bring down the carbon footprint and increase the efficiency, making steel in this country more competitive worldwide in a way that is even compliant with the WTO. So we will actually be improving the competitiveness of the American steel industry instead of, once again, shipping those jobs and ceding them to another country.

Mr. CONNOLLY of Virginia. And to the point you're making, Mr. HEINRICH, and yours, Mr. POLIS, the legislation specifically addresses the steel and cement industries and provides them a very generous transition through the year 2025. Thereafter, the President could still extend that transition should he or she decide it's warranted. And if he or she decides it's not, it's phased out, but on a maximum of 10 percent per year. So it is a very generous set of circumstances to make sure that our domestic steel industry and our domestic cement-producing industries have the requisite period of time in which to make this transition.

Mr. POLIS. And as Mr. HEINRICH pointed out, along the way they actually have an incentive; they actually get paid. They earn money if they find more energy-efficient ways to produce these metals, which of course they're going to.

Again, American ingenuity, as Mr. TONKO talked about. There is no problem that's created that Yankee ingenuity can't solve. And technology has been a great force of growth for this country. And Mr. CONNOLLY pointed out, you know what? They probably will be there with the right incentives by 2025. Not only will this bill help create a whole new green tech and manufacture and research base, but it can also be the salvation of some of our existing manufacturing jobs by showing them the way to do it more cleanly and actually providing an economic incentive that is actually money in the pockets of workers and companies manufacturing in this country by being ahead of the curve and ending their reliance on fossil fuels.

Mr. TONKO. And Representative POLIS, if I might, as we choose to speak to this green energy thinking, our actions, the vision shared with this Nation will percolate into all sorts of layers, even reach our youngest population where in the classroom they may be inspired to move into these careers. We need to encourage that sort of outcome. We need to encourage our more technically sophisticated workers of the future. And it could start as early as the elementary years when they hear the discussion out there—when they don't hear the denial, when they don't have the deception, but when they get the facts brought to them. When they see the potential out there that exists today and that can grow into the future, that can't help but spark the interest.

How many young people were watching the first step on the moon? How many young people then chose to be scientists and engineers to go along that path? Our community colleges that are there as the campus of choice in so many communities, where they can train and retrain a workforce to become those stewards of the environment, that will help us in this agenda to be most energy efficient and to grow R&D opportunities in the lab.

This is a tremendous opportunity to inspire our Nation, to lift us from the doldrums of an energy environment and economic crisis that has really hampered a lot of progress for this country and has denied competitiveness for our manufacturing base.

Mr. HEINRICH. This really is our generation's Apollo Project. It is the greatest challenge of our generation. And we intend to meet it and not cede that leadership to someone else.

And the words that keep coming up over and over again, when you discuss these issues, independence, ingenuity, entrepreneurship, conservation, I mean, those are things that this Nation was built upon, and we certainly cannot turn our back on them now.

Mr. POLIS. You know, and again, what started this whole discussion is the cost of inaction, and we're talking about the benefits of action. And I think we've made that case; I mean, when it's 750 bucks a year in your family's pocket, whether it's extra jobs being created or whether it's us exporting technology to China and Europe, I mean, these are the benefits. And when we look at the cost side, that cost side is skewed towards not taking any action.

Mr. CONNOLLY of Virginia. Boy, are you right, Mr. POLIS. You know, I listen sometimes to the rhetoric of our friends on the other side of the aisle, and they never talk about that. They never talk about the fact that the cost of inaction to the automotive industry is the utter collapse of any automotive manufacturing capacity in the United States. They don't talk about the challenge of power generation. They don't talk about the extraction industries. They don't talk about what it means to any other kind of manufacturing capacity.

For that matter, technology today, the industry that dominates my district, the information technology industry, is dependent on a reliable source of energy. And they understand that reliable source of energy needs to be, if we are going to stay competitive with foreign competition in the technology sector, a renewable source of energy.

Mr. POLIS. As Mr. TONKO pointed out, another cost which we never hear the folks on the other side talking about, a cost of our reliance on oil, over $800 billion with the war in Iraq. Our foreign adventures in the Middle East, even absent the first war in Kuwait that we had to liberate Kuwait, the new war in Iraq, our ongoing presence in the region, these are all costs that the American taxpayers are paying. Where is the outrage from the other side of the aisle, as stewards of our taxpayer dollars, about all that money that is built into our reliance on foreign oil? That is all money that is leaving our country, never to be seen again. Not only are we sending all of our money to buy barrels of oil from Saudi Arabia, we are sending our young men and women, our brothers and sisters over there to risk their lives for those barrels of oil that we have coming back. I mean, this is critical for the national security of our Nation.

Mr. CONNOLLY of Virginia. And if I might interject just one thing, Mr. POLIS, because when you said that, I am reminded of what we went through just 1 year ago this very summer, where the volatility of the price of gasoline really hit the pocketbook of the average American consumer. You want to talk about cost—it affected people's choices. If affected whether they could take that vacation. It affected their commutes. It affected discretionary travel in terms of shopping or seeing movies or even seeing friends and relatives because the cost of gasoline had become almost prohibitive for so many of our citizens. That's the cost, too, if we do nothing.

Mr. POLIS. I mean, wind and solar, they don't fluctuate like that. The quantities are there. I mean, absent a bill like this, we could very well see $5 a gallon, $6 a gallon of gas.

□ 2130

I saw oil again hit a peak today. It was up over $80 a barrel. The dollar is weakening. Why is the dollar weakening? Because global investors are losing confidence in our currency. We can restore that confidence by being the centerpiece of this green revolution.

Mr. TONKO. Representative POLIS, I believe that volatility, that unpredictable nature of what we have to pay for this import of oil or gasoline should really drive our thinking. And I firmly believe, with every ounce of my being, that this is the moment for America. This is our moment, a golden opportunity to turn green. And we can grow an economy and really respond to the environment that needs to be nurtured by us, and we can utilize our energy resources in an efficient way by having this American power that will power America. And this is our moment, and we can't walk away from it.

Mr. POLIS. Our time is soon coming to an end. Do you have any closing thoughts, Mr. HEINRICH?

Mr. HEINRICH. Just to thank my friend from New York for really closing, I think, on the issue we need to think about. This is about independence. It's about seizing the moment. And it's about providing the good jobs of tomorrow for the next generation. For my sons who are 6 and 2½, I want them to grow up in this country with the same opportunities that I had and more. And it's going to be up to us to be able to pass this legislation to be able to provide those kinds of opportunities for the future generations of our Nation.

Mr. POLIS. When people hear the American Clean Energy and Security Act, when they hear cap-and-trade, when they hear these, this is what they really mean, a lot of things we talked about here today. We are talking about the future of the American economy. We're talking about creating green jobs. We're talking about saving American households $750 a year within 10 years and $3,900 a year within 20 years. We are talking about creating an immense growth sector, making America the center of this technology, exporting this technology to some of the very same countries that we rely upon today for importing either manufactured products or energy-related products.

And, most importantly, we are talking about ending the cost of inaction. We are talking about completely reducing a lot of these hidden costs and overt costs that we are paying every day when you fill up your tank with gas; sending our men and women overseas; importing products from overseas; sending our jobs overseas; and, of course, climate change, which is having an effect on farmers across our country as well as everybody else.

So by passing this American Clean Energy and Security Act, which our SEEC coalition, Sustainable Energy and Environmental Coalition, is heavily involved with here in the United States Congress, can be the single most important act that we take this term in Congress to help make sure that America has a strong economy throughout the rest of this century and that the dollar regains its strength, that we create jobs here in our country, and we also save American taxpayers and families money along the way.

So when people hear about this debate and they hear about costs, they need to realize the costs of inaction are greater, and they need to realize that the benefits of taking the right action now, and the right action is in this bill, will be a great testimony to America's success and ingenuity for the next generation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILL (at the request of Mr. HOYER) for today after noon on account of family reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BERKLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PAULSEN, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, June 11.

Mr. POE of Texas, for 5 minutes, June 17.

Mr. JONES, for 5 minutes, June 17.

Mr. MORAN of Kansas, for 5 minutes, June 17.

Mr. DUNCAN, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. OLSON, for 5 minutes, June 11.

Mr. GOHMERT, for 5 minutes, today and June 11.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, June 11.

ADJOURNMENT

Mr. CONNOLLY of Virginia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, June 11, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

2091. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metconazole; Pesticide Tolerances [EPA-HQ-OPP-2007-0514; FRL-8408-6] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2092. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2009-0166; FRL-8409-8] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2093. A letter from the Performing the Duties of the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting the Department's report on Joint Officer Management, pursuant to 10 U.S.C. 667; to the Committee on Armed Services.

2094. A communication from the President of the United States, transmitting the legislative proposal entitled, ''Statutory Pay-As-You-Go Act of 2009'', or ''PAYGO'', together with a sectional analysis; (H. Doc. No. 111—46); to the Committee on the Budget and ordered to be printed.

2095. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Extended Permit Terms for Renewal of Federally Enforceable State Operating Permits [EPA-R05-OAR-2008-0031; FRL-8899-3] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2096. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky; Section 110(a)(1) Maintenance Plans for the 1997 8-Hour Ozone Standard for the Huntington-Ashland Area, Lexington Area and Edmonson County; Withdrawal of Direct Final Rule [EPA-R04-OAR-2007-1186-200821(w); FRL-8900-4] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2097. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plans Required for the 1997 8-Hour Ozone national Ambient Air Quality Standard; North Carolina and South Carolina [EPA-R04-OAR-2009-0043; FRL-8901-8] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2098. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementations Plan, North Coast Unified Air Quality Management District [EPA-R09-OAR-2008-0668; FRL-8780-1] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2099. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, North Coast Unified Air Quality Management District [EPA-R09-OAR-2008-0891, FRL-8782-7] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2100. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan, Santa Barbara County Air Pollution Control District [EPA-R09-OAR-2009-0083; FRL-8900-2] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2101. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2008-0839; FRL-8783-9] received May 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2102. A letter from the Secretary, Department of Transportation, transmitting the results of the Freight Intermodal Distribution Pilot Grant Program, pursuant to 23 U.S.C. 103 Public Law 109-59, section 1306(f); to the Committee on Foreign Affairs.

2103. A letter from the Secretary, Judicial Conference of the United States, transmitting a Judicial Conference determination that United States Judge Samuel B. Kent of the Southern District of Texas, has engaged in conduct for which consideration of impeachment may be warranted, pursuant to 28 U.S.C. 355(b)(1)—(2); to the Committee on the Judiciary.

2104. A letter from the Acting Administrator, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for a single emergency declaration specified in subsection 503(b)(1), 42 U.S.C. 5193(b)(1), FEMA-3302-EM, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

2105. A letter from the Secretary, Department of Transportation, transmitting the 2008 report on the Transportation Infrastructure Finance and Innovation Act of 1998, pursuant to Public Law 109-59, section 1601(h); to the Committee on Transportation and Infrastructure.

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:

[Omitted from the Record of June 9, 2009]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 484. Resolution expressing support for designation of June 10th as ''National Pipeline Safety Day'' (Rept. 111–144, Pt. 1). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[Omitted from the Record of June 9, 2009]

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. House Resolution 484 referred to the House Calendar and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. THORNBERRY:

H.R. 2784. A bill to establish a loan repayment program for qualifying physicians and nurse practitioners participating in the Medicare Program; to the Committee on Energy and Commerce.

By Mr. THORNBERRY:

H.R. 2785. A bill to reduce the amount of paperwork and improve payment policies for health care services, to prevent fraud and abuse through health care provider education, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 2786. A bill to amend the Internal Revenue Code of 1986 to improve the ability of medical professionals to practice medicine and provide quality care to patients by providing a tax deduction for patient bad debt; to the Committee on Ways and Means.

By Mr. THORNBERRY:

H.R. 2787. A bill to provide grants to States for health care tribunals, and for other purposes; to the Committee on the Judiciary.

By Mr. CALVERT:

H.R. 2788. A bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California; to the Committee on Natural Resources.

By Mr. FALEOMAVAEGA:

H.R. 2789. A bill to confer certain Federal jurisdiction on the High Court of American Samoa, and for other purposes; to the Committee on the Judiciary.

By Mr. EHLERS:

H.R. 2790. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Education and Labor.

By Mr. FALEOMAVAEGA (for himself, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. PIERLUISI, and Mr. SABLAN):

H.R. 2791. A bill to permit each of the territories of the United States to provide and furnish a statue honoring a citizen of the territory to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall; to the Committee on House Administration.

By Mrs. DAVIS of California (for herself and Mr. GEORGE MILLER of California):

H.R. 2792. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require individual account plans which permit participants and beneficiaries to direct the investment of assets in their individual accounts to include in pension benefit statements appropriate points of comparison to demonstrate relative performance of investment options under such plans; to the Committee on Education and Labor.

By Mr. KLINE of Minnesota (for himself, Mr. WILSON of South Carolina, and Mrs. BACHMANN):

H.R. 2793. A bill to require a report to the Congress from the Presidential Task Force on the Auto Industry regarding closings of vehicle dealerships in connection with the bankruptcies of Chrysler Corporation and General Motors Corporation, and to suspend imposition of withdrawal liability to multiemployer plans in connection with the closing of such dealerships (and to suspend the requirement for payment of existing withdrawal liability in connection with such closings) until 60 days after submission of such report; to the Committee on Education and Labor, 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. FUDGE:

H.R. 2794. A bill to amend the Truth in Lending Act to prohibit prepayment penalties, and for other purposes; to the Committee on Financial Services.

By Mr. MCGOVERN (for himself, Mrs. EMERSON, and Mr. MOORE of Kansas):

H.R. 2795. A bill to address global hunger and improve food security through the development and implementation of a comprehensive governmentwide global hunger reduction strategy, the establishment of the White House Office on Global Hunger and Food Security, and the creation of the Permanent Joint Select Committee on Hunger, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Agriculture, and Rules, 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. LATOURETTE (for himself, Mr. GERLACH, Mr. KUCINICH, Mr. LATTA, Mr. LOBIONDO, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCKEON, Mr. NUNES, Mr. SIMPSON, Mr. TIBERI, Mr. TURNER, Mr. WHITFIELD, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. THOMPSON of Pennsylvania, and Mrs. BACHMANN):

H.R. 2796. A bill to restore the economic rights of automobile dealers, and for other purposes; to the Committee on Financial Services.

By Mr. TURNER (for himself and Mr. MARSHALL):

H.R. 2797. A bill to strengthen the United States commitment to transatlantic security by implementing the principles outlined in the Declaration on Alliance Security signed by the heads of state and governments of the North Atlantic Treaty Organization in Strasbourg and Kehl on the occasion of the 60th anniversary of the Alliance; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCURI (for himself and Mr. MAFFEI):

H.R. 2798. A bill to increase securities protection coverage in the event of stolen or missing assets, and for other purposes; to the Committee on Financial Services.

By Mr. BOOZMAN:

H.R. 2799. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service; to the Committee on Financial Services.

By Mr. BURGESS:

H.R. 2800. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COBLE:

H.R. 2801. A bill to amend the Internal Revenue Code of 1986 to expand and extend the first-time homebuyer credit; to the Committee on Ways and Means.

By Mr. DELAHUNT:

H.R. 2802. A bill to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other

purposes; to the Committee on Natural Resources.

By Mr. FATTAH (for himself, Ms. SCHWARTZ, and Mr. BRADY of Pennsylvania):

H.R. 2803. A bill to amend the Richard B. Russell National School Lunch Act to improve paperless enrollment and efficiency for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas:

H.R. 2804. A bill to amend title XXI of the Social Security Act to require 12-month continuous coverage under the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 2805. A bill to amend title XIX of the Social Security Act to require 12-month continuous coverage for children under Medicaid; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Washington:

H.R. 2806. A bill to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. KIND (for himself and Mr. JONES):

H.R. 2807. A bill to sustain fish, plants, and wildlife on America's public lands; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself, Mr. SAM JOHNSON of Texas, Mr. RADANOVICH, Mr. SOUDER, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. PAUL, Mr. SESSIONS, Mr. MARCHANT, Mrs. BACHMANN, Mr. MACK, Mrs. MYRICK, Mr. AKIN, Mr. BRADY of Texas, Mr. FLEMING, Mr. BUYER, Mr. COFFMAN of Colorado, Mr. ROONEY, and Mr. PAULSEN):

H.R. 2808. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Education and Labor.

By Mr. LAMBORN (for himself and Mr. SMITH of Texas):

H.R. 2809. A bill to amend the Wilderness Act to allow recreation organizations consisting of hikers or horseback riders to cross wilderness areas on established trails, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI:

H.R. 2810. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers; to the Committee on Energy and Commerce.

By Mr. MEEK of Florida:

H.R. 2811. A bill to amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal; to the Committee on the Judiciary.

By Mr. ORTIZ (for himself, Mr. HINOJOSA, Mr. GONZALEZ, Mr. REYES, Mr. GRIJALVA, and Mr. RODRIGUEZ):

H.R. 2812. A bill to establish certain standards for the adjudication of United States passport applications, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PASCRELL (for himself and Mr. DOGGETT):

H.R. 2813. A bill to establish a national knee and hip replacement registry; 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. PITTS:

H.R. 2814. A bill to immediately repeal the income limitation on conversions to Roth IRAs; to the Committee on Ways and Means.

By Mr. ROONEY (for himself, Mr. LARSEN of Washington, and Mrs. MYRICK):

H.R. 2815. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary, 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. TIERNEY (for himself, Mr. KUCINICH, and Ms. BALDWIN):

H.R. 2816. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE:

H. Res. 525. A resolution expressing condolences to the families, friends, and loved ones of the victims of the catastrophic explosion at the ConAgra Foods plant in Garner, North Carolina, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. NORTON (for herself and Mr. CLAY):

H. Res. 526. A resolution recognizing the 70th anniversary of John Mercer Langston Golf Course; to the Committee on Oversight and Government Reform.

By Mr. TANNER (for himself, Mr. SHIMKUS, Mrs. EMERSON, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. BOOZMAN, Mr. MILLER of Florida, and Mr. MELANCON):

H. Res. 527. A resolution commending the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security; to the Committee on Foreign Affairs.

By Mr. TANNER (for himself, Mr. SHIMKUS, Mrs. EMERSON, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. BOOZMAN, Mr. MILLER of Florida, and Mr. MELANCON):

H. Res. 528. A resolution commending the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of Rule XXII,

71. The SPEAKER presented a memorial of the Seventy-fifth Legislative Assembly of Oregon, relative to Senate Memorial 1 urging the United States Congress to pass legislation directing an agency of the federal government to establish a measure of poverty for use in the determination of eligibility for the Supplemental Nutrition Assistance Program and other anti-poverty programs that truly reflects economic deprivation based on current costs for housing and basic needs, current patterns of household consumption and the prevalence of families with two parents working outside of the home; to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. POSEY.
H.R. 22: Mr. WOLF.
H.R. 52: Mr. ROTHMAN of New Jersey.
H.R. 55: Mr. SESTAK.
H.R. 197: Mr. SHADEGG, Mr. LUCAS, Mr. COBLE, and Mr. BUYER.
H.R. 237: Mr. YOUNG of Florida.
H.R. 270: Mr. SMITH of New Jersey and Mr. BOOZMAN.
H.R. 272: Mr. BOCCIERI.
H.R. 275: Mr. RUSH, Mr. HOLT, Mr. CONNOLLY of Virginia, Mr. BOCCIERI, Mr. BLUMENAUER, Mr. MCNERNEY, Mr. LAMBORN, and Mr. MILLER of Florida.
H.R. 406: Mr. GRAYSON.
H.R. 422: Mr. DELAHUNT, Mr. MURPHY of New York, and Ms. MARKEY of Colorado.
H.R. 442: Mr. LUCAS, Mr. SHADEGG, and Mr. BUYER.
H.R. 450: Mr. BARRETT of South Carolina.
H.R. 512: Mr. HOLT.
H.R. 574: Ms. DEGETTE.
H.R. 621: Mr. COSTELLO, Mr. YOUNG of Florida, Mr. MORAN of Virginia, Mr. WHITFIELD, and Mr. LUCAS.
H.R. 646: Mr. ROHRABACHER and Mr. KILDEE.
H.R. 702: Mr. GRAYSON.
H.R. 704: Mr. GINGREY of Georgia.
H.R. 708: Mrs. SCHMIDT.
H.R. 764: Mr. FRANKS of Arizona, Mr. MCCLINTOCK, and Mr. KING of New York.
H.R. 855: Mr. SCOTT of Virginia.
H.R. 868: Ms. MCCOLLUM.
H.R. 932: Mr. OBERSTAR.
H.R. 936: Mr. PASTOR of Arizona.
H.R. 1011: Ms. JACKSON-LEE of Texas.
H.R. 1021: Mr. MICHAUD.
H.R. 1024: Mr. MILLER of North Carolina, Ms. SCHWARTZ, and Mr. BRADY of Pennsylvania.
H.R. 1032: Mr. YOUNG of Alaska, Mr. ELLISON, and Mr. HARPER.
H.R. 1034: Mr. ROGERS of Alabama and Mr. NYE.
H.R. 1064: Mr. EHLERS, Mr. ORTIZ, Mr. COOPER, and Mr. ABERCROMBIE.
H.R. 1066: Mr. DOYLE.
H.R. 1067: Mr. MCCOTTER.
H.R. 1071: Mr. MCCAUL and Mr. FILNER.
H.R. 1074: Mr. LUCAS, Mr. MCCOTTER, Mr. POSEY, Mr. SHADEGG, and Mr. BUYER.
H.R. 1101: Mrs. CAPPS, Mr. WALDEN, Mr. INSLEE, and Ms. DEGETTE.
H.R. 1147: Mr. HILL, Mr. DOGGETT, Mr. WELCH, and Mr. DEAL of Georgia.
H.R. 1179: Mr. CARTER, Mr. NUNES, and Mr. KRATOVIL.
H.R. 1185: Ms. SCHWARTZ.
H.R. 1189: Mr. BILIRAKIS.
H.R. 1207: Mr. MCGOVERN, Mr. MCINTYRE, Mr. DREIER, Mr. BOEHNER, Mr. PERLMUTTER, Mr. LEE of New York, Mr. LOEBSACK, and Mr. GARY G. MILLER of California.
H.R. 1213: Ms. DEGETTE.
H.R. 1242: Mr. CONYERS.
H.R. 1322: Mr. PAYNE, Mr. GRAYSON, Mr. DELAHUNT, and Mr. REYES.

H.R. 1330: Mr. MASSA, Ms. DELAURO, Mrs. CHRISTENSEN, and Mrs. LOWEY.
H.R. 1362: Mrs. BIGGERT, Mr. MILLER of North Carolina, and Mr. YOUNG of Florida.
H.R. 1392: Mr. COSTA and Ms. WASSERMAN SCHULTZ.
H.R. 1402: Mr. SCOTT of Virginia.
H.R. 1410: Mr. COHEN and Mr. DELAHUNT.
H.R. 1422: Mr. ROTHMAN of New Jersey and Mr. FLEMING.
H.R. 1430: Mr. ALEXANDER.
H.R. 1431: Mrs. LUMMIS.
H.R. 1441: Mr. BUCHANAN.
H.R. 1454: Mr. ROSS and Mr. SMITH of Nebraska.
H.R. 1458: Mrs. MCCARTHY of New York, and Mr. CASSIDY.
H.R. 1479: Ms. MOORE of Wisconsin and Mr. HINCHEY.
H.R. 1521: Mr. MILLER of Florida, Mr. ROTHMAN of New Jersey, Mr. CAO, and Mr. YOUNG of Florida.
H.R. 1544: Mr. RYAN of Ohio.
H.R. 1548: Mr. ALEXANDER, Mr. DANIEL E. LUNGREN of California, Mr. LEE of New York, and Ms. SPEIER.
H.R. 1600: Mr. SNYDER.
H.R. 1612: Mr. PIERLUISI, Mr. HONDA, Mr. EHLERS, Ms. KAPTUR, Mr. ABERCROMBIE, and Mr. MICHAUD.
H.R. 1616: Mr. COHEN and Mr. VAN HOLLEN.
H.R. 1655: Ms. CLARKE.
H.R. 1681: Mr. COHEN and Mr. MINNICK.
H.R. 1684: Mr. POE of Texas and Mr. SHADEGG.
H.R. 1695: Mr. PASTOR of Arizona, Mr. BOOZMAN, Mr. MCGOVERN, Mr. WOLF, Ms. SCHWARTZ, Ms. BORDALLO, Mr. RODRIGUEZ, and Mrs. MALONEY.
H.R. 1700: Mr. KLEIN of Florida and Mr. MCGOVERN.
H.R. 1702: Mr. DELAHUNT.
H.R. 1708: Ms. DEGETTE.
H.R. 1718: Mr. SCHOCK and Mr. FILNER.
H.R. 1721: Mr. LOEBSACK.
H.R. 1737: Mr. REHBERG.
H.R. 1751: Mr. RODRIGUEZ and Ms. BERKLEY.
H.R. 1763: Mr. DEAL of Georgia.
H.R. 1799: Mr. MASSA.
H.R. 1826: Ms. KOSMAS, Ms. MARKEY of Colorado, and Mr. TEAGUE.
H.R. 1835: Mr. PAULSEN, and Mr. EDWARDS of Texas.
H.R. 1843: Mr. PAYNE and Ms. KILPATRICK of Michigan.
H.R. 1844: Mr. ARCURI.
H.R. 1873: Mr. HASTINGS of Florida.
H.R. 1879: Mr. BOOZMAN.
H.R. 1881: Mr. GONZALEZ.
H.R. 1932: Ms. DEGETTE.
H.R. 1941: Mrs. NAPOLITANO.
H.R. 1944: Mr. NUNES.
H.R. 1970: Mr. HOLDEN, Mr. BOYD, Mr. BERMAN, Mr. SKELTON, and Mr. CARNEY.
H.R. 1977: Mr. CRENSHAW.
H.R. 2001: Mr. GRAYSON.
H.R. 2006: Mr. GRAYSON.
H.R. 2017: Mr. MCCLINTOCK, Ms. ROS-LEHTINEN, and Mr. MCINTYRE.
H.R. 2028: Mr. PAULSEN.
H.R. 2038: Mrs. BACHMANN and Mr. QUIGLEY.
H.R. 2097: Mr. HIGGINS, Mr. RAHALL, Mrs. MCMORRIS RODGERS, Mr. MATHESON, and Mrs. BACHMANN.
H.R. 2103: Mr. COHEN and Mr. EHLERS.
H.R. 2112: Mr. TONKO, Mr. CARNEY, and Mr. FRANK of Massachusetts.
H.R. 2119: Mr. HENSARLING and Mr. BARRETT of South Carolina.
H.R. 2140: Mr. GUTHRIE.
H.R. 2149: Mr. HARPER and Mr. MEEKS of New York.
H.R. 2206: Mr. KRATOVIL, Mr. BOUCHER, Mr. CONNOLLY of Virginia, Mr. PUTNAM, and Mr. HINOJOSA.
H.R. 2269: Mr. AL GREEN of Texas.
H.R. 2288: Mr. MATHESON.
H.R. 2289: Mr. WATT.
H.R. 2298: Mr. RUPPERSBERGER.
H.R. 2300: Ms. JENKINS, Mr. BONNER, Mr. SOUDER, Mr. PENCE, and Mr. LINDER.
H.R. 2329: Mr. ACKERMAN.
H.R. 2332: Mr. COHEN and Ms. SCHWARTZ.
H.R. 2363: Mr. RUPPERSBERGER.
H.R. 2365: Mr. GRAYSON.
H.R. 2372: Mr. PITTS, Mr. ISSA, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Mr. MARCHANT, Mr. HERGER, Mr. HENSARLING, and Mr. LAMBORN.
H.R. 2373: Mr. MILLER of North Carolina, Mr. MICHAUD, Mr. CHAFFETZ, Mr. WOLF, and Mr. LOBIONDO.
H.R. 2378: Mr. MILLER of North Carolina, Mr. MASSA, and Mr. SHERMAN.
H.R. 2390: Mr. GRIJALVA.
H.R. 2393: Mr. FLEMING and Mr. BLUNT.
H.R. 2413: Mr. ROGERS of Alabama.
H.R. 2414: Mr. RANGEL.
H.R. 2424: Mr. PAUL.
H.R. 2426: Mr. MARKEY of Massachusetts and Mr. FATTAH.
H.R. 2427: Mr. BOREN.
H.R. 2452: Mr. NUNES.
H.R. 2456: Mr. GRAYSON.
H.R. 2460: Mr. WEXLER, Ms. ROYBAL-ALLARD, Mr. SCHAUER, and Ms. MATSUI.
H.R. 2474: Ms. ZOE LOFGREN of California.
H.R. 2480: Mrs. MYRICK, Mr. MCGOVERN, and Ms. WASSERMAN SCHULTZ.
H.R. 2499: Mr. CLAY, Mr. LATOURETTE, Mrs. LOWEY, Mr. BILIRAKIS, Mr. DAVIS of Alabama, and Mr. MEEKS of New York.
H.R. 2510: Mr. MCGOVERN, Mr. HOLT, and Mr. SESTAK.
H.R. 2527: Mr. GRAYSON.
H.R. 2539: Mr. SOUDER and Mr. NEUGEBAUER.
H.R. 2548: Mr. INSLEE.
H.R. 2559: Mr. MCNERNEY.
H.R. 2560: Mrs. CAPPS.
H.R. 2583: Mr. STARK.
H.R. 2608: Mrs. BACHMANN, Mr. CAMPBELL, Mrs. BLACKBURN, Mr. WESTMORELAND, Mr. SHIMKUS, Mr. AKIN, Mr. BRADY of Texas, and Mrs. LUMMIS.
H.R. 2626: Mr. PLATTS.
H.R. 2669: Mr. TOWNS.
H.R. 2685: Mrs. CAPPS, Mr. POLIS, and Mr. SABLAN.
H.R. 2689: Mrs. KIRKPATRICK of Arizona and Mr. SESTAK.
H.R. 2692: Mrs. BLACKBURN.
H.R. 2706: Ms. FALLIN, Mr. GARRETT of New Jersey, Mr. PRICE of Georgia, Mrs. BACHMANN, Mr. LATTA, Mr. WILSON of South Carolina, Mr. POE of Texas, Mr. PITTS, Mr. LUCAS, Mr. BROUN of Georgia, Mr. BONNER, Mrs. BLACKBURN, Mr. COLE, Mr. CHAFFETZ, Mr. FORBES, Mr. FRANKS of Arizona, Mr. SHADEGG, Ms. FOXX, Mr. KING of Iowa, Mr. HENSARLING, Mr. WAMP, and Mr. HERGER.
H.R. 2709: Mr. PASTOR of Arizona and Mr. RANGEL.
H.R. 2715: Mr. DUNCAN and Mr. GOODLATTE.
H.R. 2733: Mrs. BACHMANN, Ms. FOXX, and Mr. ROHRABACHER.
H.R. 2737: Ms. GRANGER.
H.R. 2743: Mr. DEAL of Georgia, Ms. KILROY, Mr. CAO, Mr. KANJORSKI, Mr BISHOP of Utah, Mr. BISHOP of Georgia, Mr. ROGERS of Alabama, Mr. DAVIS of Kentucky, Mr. MORAN of Kansas, Mr. JACKSON of Illinois, Mr. SMITH of Nebraska, Mrs. NAPOLITANO, Mr. GERLACH, Mr. CUELLAR, Mr. FOSTER, Mr. WITTMAN, Mr. CONNOLLY of Virginia, Mr. HODES, Ms. GIFFORDS, Mr. SPACE, Mr. ORTIZ, Mr. JONES, Mr. PERRIELLO, Mr. HINCHEY, Mrs. BACHMANN, Mr. FRELINGHUYSEN, Mr. ROTHMAN of New Jersey, Ms. JENKINS, Mr. CAMPBELL, Mr. COSTELLO, Mr. WEINER, and Mr. LARSEN of Washington.
H.R. 2750: Mr. LATTA.
H.R. 2777: Mr. ENGEL.
H. Con. Res. 59: Mr. GOODLATTE.
H. Con. Res. 102: Ms. KILPATRICK of Michigan, Ms. ROYBAL-ALLARD, Mr. MORAN of Virginia, Mr. RODRIGUEZ, Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, Ms. HIRONO, Mr. SABLAN, Ms. CLARKE, Mr. DAVIS of Illinois, Ms. RICHARDSON, Mr. WATT, Mr. CLYBURN, Mr. CLEAVER, Mrs. NAPOLITANO, Mrs. CAPPS, Ms. KILROY, Mr. SCOTT of Virginia, and Ms. EDWARDS of Maryland.
H. Con. Res. 105: Mr. ETHERIDGE and Mr. DOYLE.
H. Con. Res. 108: Mr. STARK.
H. Con. Res. 110: Mrs. BIGGERT.
H. Con. Res. 131: Mr. GINGREY of Georgia, Mr. LATHAM, Mr. ROHRABACHER, Mr. WOLF, Mr. ROYCE, Mr. BUCHANAN, Mr. KINGSTON, Mr. YOUNG of Florida, Mr. FRELINGHUYSEN, Mr. LOBIONDO, Mr. TIAHRT, Mr. LEE of New York, Mr. HELLER, Mr. SAM JOHNSON of Texas, Mr. AUSTRIA, Mrs. MCMORRIS RODGERS, Mr. BURGESS, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, Ms. GRANGER, Mrs. EMERSON, Mr. YOUNG of Alaska, Mr. HALL of Texas, Mr. COBLE, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HOEKSTRA, Mrs. BONO MACK, Mr. MACK, Mr. THORNBERRY, Mr. FLAKE, and Mr. PUTNAM.
H. Con. Res. 146: Mr. COHEN, Mr. MORAN of Virginia, and Ms. WOOLSEY.
H. Res. 57: Mr. BACA.
H. Res. 69: Mr. CASTLE.
H. Res. 89: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 100: Mr. CAMPBELL.
H. Res. 159: Mr. TONKO, Mr. YARMUTH, and Mr. WELCH.
H. Res. 175: Mrs. BIGGERT.
H. Res. 239: Mr. GRAYSON.
H. Res. 252: Mr. MCCARTHY of California and Mr. MATHESON.
H. Res. 285: Mr. HASTINGS of Florida.
H. Res. 291: Ms. DEGETTE.
H. Res. 293: Mr. MCDERMOTT.
H. Res. 366: Mr. MURPHY of Connecticut, Ms. SCHAKOWSKY, Mr. MACK, and Mr. HARPER.
H. Res. 407: Mr. SCOTT of Virginia, Mr. JACKSON of Illinois, Mr. TOWNS, Mr. FRANK of Massachusetts, and Mr. SMITH of New Jersey.
H. Res. 419: Ms. NORTON and Mr. MEEK of Florida.
H. Res. 433: Mr. CARSON of Indiana, Ms. KILROY, Mr. BERMAN, Mrs. MALONEY, Mr. HONDA, Mr. SERRANO, and Mr. LARSON of Connecticut.
H. Res. 445: Mr. ROONEY, Ms. FALLIN, Mr. THORNBERRY, Mr. MASSA, Mr. BOSWELL, Mr. DENT, Mr. BROUN of Georgia, Ms. GRANGER, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. CULBERSON, and Mr. SAM JOHNSON of Texas.
H. Res. 467: Mr. JORDAN of Ohio and Mr. BOCCIERI.
H. Res. 480: Ms. SCHAKOWSKY.
H. Res. 499: Mr. WALZ, Mr. OBERSTAR, Mr. KLINE of Minnesota, Mr. ELLISON, Mr. PAULSEN, Mrs. BACHMANN, and Mr. PETERSON.
H. Res. 507: Mr. BRALEY of Iowa, Ms. CLARKE, Mr. LARSEN of Washington, Mr. DAVIS of Alabama, Mr. WITTMAN, Mr. COHEN, Ms. SUTTON, Mr. KAGEN, Mr. CARNAHAN, Mr. HASTINGS of Florida, Mr. FOSTER, Mr. HODES, Mr. CARDOZA, Mr. LARSON of Connecticut, Mr. ETHERIDGE, and Mr. FARR.
H. Res. 509: Mr. GRAYSON.
H. Res. 519: Mr. OBERSTAR, Ms. SHEA-PORTER, Mr. MANZULLO, Mr. HINCHEY, Mr. PETERSON, Mr. HIGGINS, and Mr. BROWN of South Carolina.

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:

Amendment No. 1 to be offered by Rep. ILEANA ROS-LEHTINEN of Florida, or a designee, to H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, a Senator from the Commonwealth of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, to whom all thoughts are revealed and all desires known, we pray for this large Senate family. Lord, you know the secret needs of each person on Capitol Hill, those who are hurting or feel frustrated, discouraged, or exhausted. You know who has stopped loving and those who are experiencing estrangement in important relationships. You know also when guilt is corroding a soul.

Today, we ask You to bless all those who need Your love and healing, providing them with the grace and renewal only You can give. Lord, do in their lives exceedingly, abundantly, above all that they can ask or imagine, according to Your power working in and through them.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 10, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each. The Republicans will control the first 30 minutes and the majority will control the second 30 minutes.

Following morning business, the Senate will resume consideration of the tobacco legislation. There will then be up to 1 hour for debate only, with the time equally divided and controlled between the two leaders or their designees. This morning, we hope to reach an agreement to dispose of the pending Lieberman amendment and several additional amendments. Upon the use or yielding back of the debate time on the bill—that is 1 hour—and disposition of the Lieberman amendment, the substitute amendment will be agreed to and the Senate will proceed to a cloture vote on the underlying tobacco bill; therefore, Senators should expect a vote at around 11:30.

NOMINATIONS

Mr. REID. Mr. President, we have 25 nominations the Republicans have held up. They are important. I was visited by Secretary Salazar regarding Hilary Tompkins, who is somebody he needs. She would be a lawyer for the Interior Department. She has a great education and background. That was cleared yesterday, and then the Republicans said no.

We have numerous people. For the Sentencing Commission, there is William Sessions of Vermont. We hear that is being held up because Senator LEAHY is from Vermont and they don't like the way Chairman LEAHY is handling the Judiciary Committee. That is what we have been told. We also have Harold Koh. I heard on Monday, day before yesterday, from Secretary Clinton that this is somebody she needs very badly. Mr. Koh is going to be the lawyer for the State Department. We have a number of people under the auspices of the judiciary, and we can go through these. We have somebody who is going to help run the Department of Homeland Security, Rand Beers, who is well-qualified and a good person. The topper of them all is LTG Stanley McChrystal to be the man who runs Afghanistan.

I hope people will search their consciences and try to get these done. I cannot file cloture on every one of these. So that people watching this will understand our Senate procedure, it takes days for us to do that. With 25 nominations held up, it would take all summer—until we finish the July recess and beyond that—for us to get this done, filing cloture on every one of these. I hope it doesn't come to that.

HEALTH CARE

Mr. REID. Mr. President, in a single word, the health debate is about ''choices.'' Will our country choose to tell parents they cannot take their child to the doctor because insurance is not in existence or is prohibitively expensive? Will we choose to tell small

businesses they have to lay off employees because they cannot afford skyrocketing health care premiums? As was outlined by Senator DURBIN yesterday, a small businessman he talked about was dealing with the travails of trying to maintain health insurance for his employees. Will we choose real, meaningful health care reform that assures everybody the quality care they deserve?

There is another way this debate is about choice. Democrats are committed to ensuring all Americans can choose their doctors, hospitals, and health plans. No matter what the Republicans claim, this government has no intention of choosing any of these things for you or meddling in any of these relationships. We have said that time and again. If you like the coverage you have, you can choose to keep it or you can change if you desire.

Like most Americans, we believe there should be more choice and more competition to lift the heavy weight of crushing health care costs. Today, 18 cents of every dollar spent in America is on health care. If we don't do something about this legislatively, by 2020 it will be more than 35 percent of every dollar spent in America. If we leave it up to private insurance companies, which are more interested in keeping their profits than keeping us healthy, that won't happen. One of the best ways to do that—that is, to give people choice and competition—is to pass the health care legislation.

Third, the Republicans have a choice in this debate. They can choose to work with us or against the interests of the American people. From the start, we have reached out to Republicans in this debate. Senator BAUCUS has done everything he can to get a bipartisan bill. He still believes he can do that. I hope that is the case. Senator DODD, filling in for Senator KENNEDY, has done the same. He has reached out to Ranking Member ENZI and others on the committee to try to come up with a bipartisan bill. That bill was given to us yesterday.

Again, from the start, we have reached out to Republicans. We have let them know we would rather write this bill with them. That is what we want to do. Republicans, so far, have made it quite clear what they are against. We remain interested to learn what they are for. Democrats continue to save for our Republican colleagues a seat, or seats, at the table, and we sincerely hope they will take those seats.

Last year, the American people made their choice clear. In no uncertain terms, they rejected the Republican status quo. Those with coverage know their health care bills are higher because of tens of millions of Americans who are uninsured. They know they should not have to go bankrupt or lose their home just to afford to stay healthy or care for a loved one.

I am sure we will disagree in the debate at times, and that is fine. We welcome an open and honest debate on the issue. We welcome a dialog.

One choice we do not have is to wait. We don't have a choice to wait. Health care is not a luxury. It should not be a luxury. We cannot afford another year in which about 50 million of us have to choose between basic necessities and lining the pockets of big insurance companies just to stay healthy.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, Americans are increasingly frustrated with the U.S. health care system as we know it. They expect real reform, not just the promise of reform that never seems to come or the illusion of reform that ends up destroying what is good about the current system and replacing it with something that is actually worse.

Americans don't think basic medical procedures should break the bank, and they don't understand why millions of Americans have to go without basic care in a nation as prosperous as our own. Still, many Americans are quite happy with the health care they currently have, and they don't want to be forced into a government plan they don't like.

So the need for reform is not in question. The real question is what kind of reform—the kind that makes care more affordable and accessible or the kind that makes existing problems worse.

One thing most people like about health care in the U.S. is the quality of cancer care that's available here. Far too many Americans die from cancer. Yet for all the problems we have, the fact is, America boasts some of the highest cancer survival rates in the world. And that is not the kind of thing Americans want to see change. But it could very well change if the U.S. adopts a government-run health care system along the lines of the one some are proposing.

A recent study comparing U.S. cancer survival rates with other countries found that, on average, U.S. women have a 63 percent chance of living at least 5 years after a cancer diagnosis compared to a 54 percent rate for women in Britain. As for men, 66 percent of American males survive at least 5 years while 45 percent of British men do.

Just as important as treatment is early detection. And here again, the U.S. routinely out performs countries with government-run health care systems. According to one report, 84 percent of women between the ages of 50 and 64 get mammograms regularly in the United States—far higher than the 63 percent of women in the United Kingdom. Access to preventive care is extremely important and, frankly, when it comes to breast cancer, preventive care is something we do quite well in the U.S.

These are the kinds of things Americans like about our system, and these are the kinds of things that could change under a government plan. Americans don't want to be forced off their existing plans, and they certainly don't want a government board telling them which treatments and medicines they can and cannot have.

It is no mystery why Americans have higher cancer survival rates than their counterparts in a country such as Great Britain. Part of the reason is that Americans have greater access to the care and the medicines they need. And they don't want that to change. All of us want reform but not reform that denies, delays, or rations health care. Instead, we need reform that controls costs even as it protects patients.

Some ways to do this would be by discouraging the junk medical liability lawsuits that drive up the cost of practicing medicine and limit access to care in places such as rural Kentucky; through prevention and wellness programs that reduce health care costs, such as programs that help people quit smoking, fight obesity, and get early diagnoses for disease; and we could control costs and protect patients by addressing the needs of small businesses without imposing mandates or taxes that kill jobs.

All of us want reform, but the government-run plan that some are proposing for the U.S. isn't the kind of change Americans are looking for. We should learn a lesson from Canada. At a time when some in the U.S. want government-run health care, Canada is instituting reforms that would make their system more like ours.

According to Canadian-born doctor David Gratzer, the medical establishment in Canada is in revolt, with private sector options expanding and doctors frustrated by government cutbacks that limit access to care. The New York Times reported a few years ago that private clinics were opening in Canada at the rate of about one a week—private clinics. Dr. Gratzer asked a simple question: Why are Americans rushing into a system of government-dominated health care when the very countries that have experienced it for so long are backing away? Many Americans are beginning to ask themselves the very same thing.

SOTOMAYOR NOMINATION

Mr. MCCONNELL. Mr. President, Senator LEAHY's decision to rush Judge Sotomayor's confirmation hearing is, indeed, puzzling. It risks resulting in a less-informed hearing, and it breaks with years of tradition in which bipartisan agreements were reached and honored over the scheduling of hearings for Supreme Court nominees. It damages the cordiality and good will the Senate relies on to do its business. These kinds of partisan maneuvers have always come with consequences. This time is no different.

The explanations that some of our friends offered yesterday to justify a rushed hearing were almost as remarkable as the decision itself and the partisan way in which it was handled. Some said Republicans proposed unreasonable hearing dates. Yet no one can cite the time and place when any of these supposed requests were made.

But blaming Republicans for statements they never made was not as ludicrous as the claim that Judge Sotomayor's long judicial record is somehow reason to rush the review process. Not only is this counterintuitive—why should it take less time to read more cases?—it also flies in the face of every statement our Democratic friends made on the topic after the nomination of the last two Supreme Court nominees.

Time and time again, they told us the Senate was not a rubberstamp and that hearings for Judge Alito and Judge Roberts could not be rushed. As Senator LEAHY put it at the time:

We want to do it right. We don't want to do it fast.

Republicans respected these requests because we recognized the importance of a thorough review. On the Alito nomination, for instance, Senators had 70 days to prepare for a hearing on a nominee who, as Senator LEAHY noted at the time, had handled some 3,500 cases on the Federal bench. Judge Sotomayor has handled over 3,600 cases, so it stands to reason we would have as much time to review her record as we did Judge Alito's. But for some reason, the old standard has been thrown out as new reasons have emerged for rushing the process on this nominee.

As Senator SESSIONS informed us yesterday, the questionnaire Judge Sotomayor filled out suffers from significant omissions. For example, she failed to produce numerous opinions from cases in which she was involved as a district attorney.

In addition, she failed to produce a memorandum from her time with the Puerto Rican Legal Defense Fund that opposed the application of the death penalty. When this omission was brought to the judge's attention, I understand the White House then provided this memorandum, saying it was an oversight. But in the rush to complete the questionnaire in order to garner a talking point, you are prone to these sorts of mistakes. This, of course, counsels the Senate to have a thorough, deliberative process, not a rush to judgment in order to meet an arbitrary deadline.

When it came to Republican nominees such as Judge Roberts and Judge Alito, our Democratic friends wanted to review the record, and Republicans worked in a bipartisan fashion to come to a consensus on a fair process that respected the minority's rights. Yet when it comes to a Democratic nominee, our friends want to deny Republicans the same rights. They want the shortest confirmation timeline in recent memory for someone with the longest judicial record in recent memory. Let me say that again.

They want the shortest confirmation timeline in recent memory for someone with the longest judicial record in recent memory.

This violates basic standards of fairness, and it prevents Senators from carrying out one of their most solemn duties—a thorough review of the President's nominee to a lifetime position on the highest Court in the land. The decision to short circuit that process is regrettable and completely unnecessary.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Nevada.

GUANTANAMO

Mr. ENSIGN. Mr. President, as we are confronted with the news this week of the first of what may be many deadly terrorists being transferred to American soil, I am still left to wonder what the administration's plan is for the detention facility at Guantanamo Bay.

I recently had the privilege of visiting Guantanamo Bay. I traveled down there with Senators BROWNBACK, BARRASSO, and JOHANNS. I would like to start out by saying how proud I am of the job our men and women in uniform who are stationed down there are doing. ADM Dave Thomas and his staff are doing an outstanding job, and their efforts need to be recognized. These are the kinds of individuals who make America great and who keep us safe.

This is the type of facility where you do not have a true understanding of how well run it is until you go down there and see it in person for yourself. I would actually encourage our President to go down and see firsthand what Guantanamo Bay is like, what the facility is like, how the prisoners are treated down there, and how well our service men and women in uniform are preforming.

As we are all aware, 6 months ago, President Obama set an arbitrary timeline of January 2010 to close Gitmo. It is now mid-June, and it appears he is no closer now than he was back in January of this year in identifying what his plan is. We still have seen little more than political rhetoric and no concrete plan of how to deal with the prisoners currently being housed at Gitmo.

My question to the administration is: Why are we rushing to close this world-class facility without first having a plan in place? The administration should work with Congress on a bipartisan basis to first come up with a plan, if a plan is even possible, and then proceed from there.

Included in this population are critical figures involved in the 9/11 attacks on the United States and the bombings of a U.S. warship, the USS *Cole*, and also terrorists captured from the battlefield in Afghanistan. As I stated earlier, one of the most deadly terrorists who was formerly at Gitmo and is directly responsible for the deaths of 224 individuals is now in the United States.

On our trip, we were able to see the security measures that have been put in place to keep these evil individuals from escaping or doing harm. These individuals do not view this war we are in as over. A document that was found in an apartment of an al-Qaida operative in Manchester, England, appropriately entitled the ''Manchester Document,'' lays out how terrorists should act if captured.

According to the Manchester Document, if an individual is detained, he should ''insist on proving that torture was inflicted on him. . . .'' Whether it was or not, they want to use the press. They want to try to show that torture was used on them.

According to this document, they want to ''take advantage of visits from outsiders to communicate with brothers outside the prison and exchange information that may be helpful to them in their work outside the prison. . . .'' They are to ''master the art of hiding messages . . . and provide information about the enemy's strengths and weaknesses, movements of the enemy and its members.''

The terrorists practice this doctrine on a daily basis. In addition, on a regular basis, they abuse our troops down at Guantanamo Bay. It is not the other way around.

A spokesman for the Pentagon stated that 14 percent of the over 500 who were released from Guantanamo Bay have returned to some sort of terrorist activity—14 percent. Some people say: Boy, that is a very low recidivism rate. But if we think about it, these are mass murderers and evil individuals. These are people who want to set out to destroy our country, our way of life, and kill as many Americans as they can. Do we want to transfer or release some of these individuals even if only 14 percent of them return? The lives of American troops are at stake.

By the way, the people who were released early, the over 500, those are the people we actually thought were safe. The people who are still there are the most dangerous and deadly.

One of the people who was transferred detonated a car bomb in Iraq.

Another is now a leading al-Qaida operative in Yemen. As I said before, these were supposedly the safe ones.

What would happen if those currently at Gitmo returned to the battlefield?

This document and the actions of those detained at Guantanamo Bay illustrate what some in this Congress seem to have forgotten. We, as a nation, are still at war. They are trying to kill Americans and destroy our very way of life. The prisoners at Gitmo realize this. Our troops realize this. It is time that we in Washington, DC, wake up and realize it as well.

The facilities at Gitmo are state of the art and are some of the most impressive I have ever seen. After touring the facilities down there, I believe it would be next to if not impossible to recreate those facilities in the United States, partially because of the physical location of the facility.

Guantanamo Bay is also the appropriate place to conduct military commissions. The privacy and seclusion of the unique courtroom facilities that have already been built there allow classified information to be protected and allow privacy for the 9/11 families who are grieving and have chosen to watch the proceedings down there. Too often, we forget about those individuals, the families of the 9/11/01 victims.

Transferring these hardened terrorists to facilities in the United States would make each of the facilities where they are transferred to, and the communities in which they are situated, terrorist targets. Let me repeat that.

Transferring these hardened terrorists to facilities in the United States would make each one of the facilities they are transferred to and the communities in which they are situated terrorist targets.

Would you like to own a small business, a gas station or a convenience store around one of these prisons that house terrorists? I know I wouldn't.

Another observation that struck me while I was down at Guantanamo Bay was the care and treatment of the detainees. Every—every—effort is made to ensure their religious rights are respected. During my visit to the facility, we even paused as part of our tour out of respect for prayer time of the detainees.

In addition, there are various programs and resources to provide detainees with instructional training and social recreation. Listen to these statistics.

Available to the detainees are over 13,000 books for them to read, 910 magazines, and various newspapers in different languages that are distributed weekly. They have access to a vast collection of DVDs for the detainees. It is almost like they have Netflix down there. They also have satellite television, including Al-Jazeera. Detainees are permitted quarterly phone calls to family members and have received or sent over 22,000 pieces of mail, including privileged attorney-client mail. Finally, we offer literacy classes, second language classes, and art classes for the detainees. These detainees are provided better health care than a lot of Americans are.

Does any of this sound like abuse? Does any of it sound like abuse?

In his first 6 months, President Obama has had to make some tough decisions. Some of these decisions, such as his Afghan policy, I publicly supported. He needs to realize, though, that on this issue of transferring these hardened terrorists to the United States there is strong bipartisan opposition. If the President were to go down to Gitmo, tour the facilities, and to be completely honest with himself, I believe he would come to the same conclusion I did. In the end, there are no superior alternatives to Guantanamo Bay.

The administration must answer this question: How does closing Guantanamo, especially without a plan, make the American people safer?

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Arizona.

HEALTH CARE REFORM

Mr. KYL. Mr. President, I commend my colleague from Nevada for his remarks and I want to associate myself with them.

I want to speak to health care and the reform that we are attempting to achieve here in Washington. Little disagreement exists about the need for health care reform. A routine trip to the doctor's office can be surprisingly expensive, and many fear if they lose their jobs or even if they switch jobs, they will be left without health care. Others who are unemployed may be wondering how they can afford to see a doctor at all. So the question is, How can we reform health care so that everyone has access to high quality care without changing what works for millions of Americans?

President Obama wants to centralize power in Washington, to change the way health care is obtained by all. He would create what he calls a public option. This would not be an insurance program run by the public but one run by the Federal Government; that is to say, bureaucrats here in Washington, and I believe it would result in a one-size-fits-all government system that would depend upon complex rules and financing schemes, some kind of Federal health board and, of course, higher taxes. It would also inevitably create waiting lists for treatment and denial of care for many. Why? Because the Federal Government resources are not unlimited, so health care for some will have to be delayed or denied to keep spending in check.

The plan the senior Senator from Massachusetts has put forward would create a medical advisory council to determine what treatments people should get and when they should be treated. The goal of this medical advisory council, again, would be to control spending, not to ensure that everyone gets care when they need it. It could tell Americans when they can get their treatment and what medications they can and cannot have. The plan of the Senator from Massachusetts would also offer subsidies to those whose incomes reach 500 percent above the poverty line.

President Obama has said that if new government-run health care is created, you won't have to use it if you prefer your current plan. That is not the way the legislation is being written. The way the legislation is being written in the Finance Committee is that after your contract expires—and it is usually an annual contract—your insurance is gone, and your insurance company must begin to abide by a new set of Federal rules and regulations. That means you will not have the same policy you had before.

Moreover, the government-run care would quickly crowd out other insurers. Employees who have insurance through their company could be forced into the government plan if their employer decides it is simpler or cheaper to pay a fine to the Federal Government and eliminate the coverage. The company might reason: Why bother doing the paperwork when we can tell people to get on the government-run plan? That is exactly what the health experts say will happen.

The Lewin Group has estimated that 119 million people will shift from a private plan that they currently have onto this new government-run plan if it is created. That would affect two-thirds of the 170 million Americans who currently have private insurance, all but ending private insurance in this country.

First, we have the takeover of the auto companies and banks and AIG and student loans and now health care. That is apparently the agenda at play here.

Republicans believe that health care reform should make health care affordable and portable and accessible. That last point is often overlooked. Health care needs to be accessible. People need to get the care they need when they need it, and what the doctor prescribes for them rather than what a bureaucrat says they can have. Access to health care does not mean access to a waiting list. Individuals and families, not the Federal Government, should control decisions about their health care. The principles of freedom and choice should apply here. The government should not eliminate your choices and get between you and your doctor.

I am not sure why some are embracing government-run insurance when those programs have created so many problems in Canada and the United Kingdom. Many people think that Canadians and Europeans get the same quality of health care Americans get but pay less. That is not true. The stories you hear from individuals in those

countries about months- and years-long waiting lists and denial of care are not cherry-picked scare stories. They are commonplace. People often have to wait months for an MRI or a dental procedure or a hip replacement that they urgently need.

According to a new study by the Fraser Institute, which is a Canadian-based think tank, the average wait time for treatment from a specialist in Canada is 18.3 weeks. That is the average waiting time. Stop and think for a moment. You may have had your physician say, I think you have something very drastically wrong with you and I think you need to see a specialist to confirm whether that diagnosis is true, but you are going to have to wait on average 18 weeks for the specialist to see you.

Some people then say, well, at least everybody in Canada has a doctor. That is also not true. That same study reports that 1.7 million Canadians—and that is out of a country with a population of 33 million—were unable to see a family physician in the year 2007. Let me repeat: 1.7 million people couldn't even see a family doctor, and that number does not include those who have a doctor and are on a waiting list, so add the wait times. The bottom line is that having a government-run plan does not guarantee that everyone will have access to a doctor or to medical care. Indeed, it chokes access.

There are some Canadian doctors who are taking action because of this. Private hospitals are sprouting up all over Canada. Dr. David Gratzer, who is a physician, recently wrote an article in the Wall Street Journal about the story of another physician, Dr. Brian Day of Vancouver. Dr. Day, who is an orthopedic surgeon, grew tired of the government cutbacks that reduced his access to an operating room, while at the same time increasing the number of people waiting to see him. So he opened a private clinic, the Cambie Surgery Center, which employees more than 100 doctors. Public hospitals send him patients because they are too busy to treat them. The New York Times has reported a private clinic is opening each week in Canada.

Think about that. This is in response to a wonderful health care system? No, it is in response to a health care system that denies care to patients.

Opening a private clinic that gives health care access to more people, of course, is a noble thing to do, and I commend Dr. Day, but the success of these clinics also shows that many people who can get out of government-run health care will do so.

Americans do not deserve or want health care that forces them into a government bureaucracy that will delay or deny their care and force them to navigate a web of complex rules and regulations. They want access to high-quality care for their own families and for their neighbors. They want to pick their own doctors, and they do not want Washington to dictate what care they can and cannot get for their families.

On a personal note, none of us in the Senate or in the gallery or anybody who may be watching us, I suspect, cares more about anything in the world—other than perhaps their own freedom—than the health of their family. If there is a health emergency right now, we will all drop anything we are doing to provide whatever health care is needed for our family. We don't want anybody to stand in the way of that. But the bottom line is that it is inevitable; when government wants to control the cost of providing health care, and it has control, what it will do is to either deny information to people about what options are available, as happens in Germany, for example; delay the care, which is frequently what happens in Canada; or what frequently happens in Great Britain, where they have a board that makes these decisions, they deny the care altogether because it is simply too expensive for what they consider the value you get out of it. For example: If you are over a certain age, then you are not likely to have an operation such as a hip operation or a knee operation. There are other restrictions that apply as well.

We don't want that in America. We don't want the government in Washington saying that because we want to save money, you can't get care. I would also remind folks that the alternative that is being created in Canada—these private clinics—is not available under the one government-run program we have in America—the Medicare system. We also have a veterans' care system. But under Medicare, there is no alternative. You can't have private care. If you are on Medicare, and you go to a doctor who serves Medicare patients, it is against the law for him to treat you and then charge you individually for that. Under Medicare, it is either Medicare or no care. That is the law.

I know because I tried to get it changed. We tried to get something called private contracting, which would be the same as that alternative in Canada—the private clinic. We tried to get that for Medicare, so that if you were not satisfied with what Medicare gave you, and you wanted to speed it up or get a private doctor, even if he charged you whatever amount he charged you, you would have the right to do that. No. What Congress did was to say—in the middle of the night, in a conference committee—that you cannot do that. Only if a doctor says in advance, I will not treat Medicare patients for at least 2 years is he able to provide that care to you.

So we have a perverse incentive. If you want to take care of people outside of Medicare, you have to agree not to treat Medicare patients. And since we have so many physicians deciding not to take Medicare patients, that is the wrong incentive. We should be encouraging them to take more Medicare patients and at least allow the option that people in Canada have.

The bottom line is, Washington-run health care is not a good idea, and Republicans are not going to support legislation that includes Washington-run insurance companies or that gets in between the physician and the patient and interferes with that important relationship to deny or delay care.

The PRESIDING OFFICER. The Senator from New Mexico.

NOMINATION OF HILLARY TOMPKINS

Mr. BINGAMAN. Mr. President, I come to the floor today, as I did on June 2, to urge quick action on the nomination of Hillary Tompkins to be the Solicitor in the Department of the Interior. That is an important job in this country and in the Department of the Interior, and the President has chosen well in choosing Miss Tompkins to be the Solicitor. She has broad experience in natural resource issues. She is extremely well qualified in all respects. She was chief counsel to the Governor of New Mexico, Governor Richardson, until recently, where she demonstrated her ability to lead a team of lawyers in that position and to provide sound legal counsel. So it is unclear to me why anyone would be objecting to her being approved as our Solicitor.

When I came to the floor on June 2, about 8 days ago, and talked about this subject, I asked unanimous consent that we proceed to executive session, that her nomination be confirmed, and that we advise the President of our action and the Senate go back to other business. Senator MCCONNELL, on behalf of the Republican Members in the Senate, objected and said that—I think his specific response was they were still working on this. Let me quote him. He said:

> We have not been able to get that nomination cleared yet on this side, but we will be consulting with the Republican colleagues, and at some point let him know whether it is possible to go forward.

I assume the word ''him'' in that quote refers to me. At any rate, he objected. That was disappointing. But I am even more disappointed to announce or to call attention to the fact that we still are not able to clear Miss Tompkins for this important position. I think it is unfair to her, I think it is unfair to our former colleague, now Secretary of the Interior Salazar, who needs a capable person in this position. We should not be standing in the way of that occurring. I think his ability to serve the people of the country will be improved by having a good solicitor in that office and we should get on with the job of confirming that nomination.

At the time I was urging action on her nomination before, I was advised that there were two Senators who had objections. Senator COBURN had put a hold on the nominee because of concerns of one kind or another—I don't know the specifics—and I believe Senator BUNNING had concerns as well. I have now been advised that both of

those Senators have withdrawn their holds and are now satisfied.

Senator BUNNING had written a letter to Secretary Salazar raising concerns about coal mining and mountaintop-removal-related issues. Secretary Salazar responded to that letter on June 4. As I understand it, Senator COBURN also wrote. His letter was to Miss Tompkins, raising questions about whether she was in fact committed to enforcing the law when she was the Solicitor. She wrote him back and said she is clearly committed to enforcing the law, which of course would be part of her oath of office.

Based on those exchanges of letters, I am informed that both Senator BUNNING and Senator COBURN are satisfied that her nomination can go forward at this time.

Mr. President, I ask unanimous consent to have printed in the RECORD the correspondence between those two Senators and Secretary Salazar and the nominee Hillary Tompkins, following my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. Those concerns have been resolved. I am not clear as to what the continued problem is, why we cannot get this nomination cleared. I raise it at this point. I put people on notice, or the Senate on notice, if we are not able to get it cleared I will once again come to the floor and ask unanimous consent later this week for us to proceed to executive session and to confirm that nomination.

I think this is a highly irregular process to just hold someone hostage for some totally unrelated concern which she has no ability to control. If there were some problem with this nominee, if there were some objection to her qualifications, clearly that would be a different matter. But as far as I know there is no objection to her qualifications. There is no problem with this nominee or any statements she has made or any action she has taken. On that ground, I think we need to move quickly to confirm her nomination. I hope my colleagues will agree and will allow that to happen later today.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, June 3, 2009.

HILARY TOMPKINS,
Department of the Interior,
Washington, DC.

DEAR MS. TOMPKINS, As you know, on May 22, 2009, President Obama signed into law the Protecting Americans from Violent Crime Act. This act was overwhelmingly approved in a bipartisan fashion in both the Senate and the House of Representatives as an amendment to the Credit Card Accountability Responsibility and Disclosure Act of 2009, and will take effect in February, 2010.

The act states, ''The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.''

Forty-eight states protect the rights of their residents to carry a concealed weapon. Properly implemented, the Protecting Americans from Violent Crime Act should, for the first time, also protect the individual's right to carry and possess firearms in all national parks and wildlife refuges, in accordance with state and federal law.

As Solicitor of the Department of the Interior, will you commit to ensuring the law is implemented in a way that robustly protects the rights of law-abiding gun owners, as Congress clearly intended? Will you also commit to vigorously defend this law against hostile litigation?

Thank you for your desire to serve our great country. I look forward to receiving your response by Friday, June 5, 2009.

Sincerely,

TOM COBURN,
U.S. Senator.

June 5, 2009.

Hon. TOM COBURN, M.D.
U.S. Senate,
Washington, DC.

DEAR SENATOR COBURN: Thank you for your letter of June 3, 2009, containing questions to me that relate to the Protecting Americans from Violent Crime Act, which was included in Public Law 111–24 and will take effect in February 2010.

Following the enactment of Public Law 111–24, the Secretary announced that the Department would follow Congress's directive and implement the new law when it takes effect. If confirmed as Solicitor, I will be dutybound to uphold and defend the Constitution and laws of the United States, including this particular law.

With regard to defending this law against legal challenges, the Attorney General of the United States is charged by statute with representing the United States in all legal matters. If confirmed, I will commit to working closely with the Department of Justice in connection with any defense of this Act and all other federal laws.

Sincerely,

HILARY C. TOMPKINS.

U.S. SENATE,
Washington, DC, June 4, 2009.

Mr. KEN SALAZAR,
Secretary, Department Of Interior,
Washington, DC.

DEAR MR. SALAZAR: I am writing to express my continued concern about the Department of Interior's decision to reverse its stream buffer zone policy and ask the Department of Justice to file a plea with the U.S. District Court requesting that the current rule be vacated. Coal mining is a top energy issue to the Commonwealth of Kentucky and consequently I have an extreme interest in the stream buffer zone rule.

Aside from striking a balance between environmental protections, the now abandoned rule clarified a long standing dispute over how the Surface Mining law should be applied. Issuance of the rule represented the culmination of a seven year process that was thorough and well vetted. While I appreciate the comments that you and other members of the Department of the Interior have made regarding the importance of the role of our coal mining communities in our national energy landscape, I also believe that nearly a decade of examination of this issue should not be overturned lightly.

I respectfully ask for your full commitment to work with me as DOI determines how it will resolve the stream buffer zone matter. I further ask for a prompt written reply to this request. I appreciate your consideration and look forward to hearing from you. Please feel free to contact Sarah Timoney, of my staff, at 202–224–4343 should you have any questions.

Best personal regards,

JIM BUNNING,
United States Senator.

THE SECRETARY OF THE INTERIOR,
Washington, June 4, 2009.

Hon. JIM BUNNING,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUNNING: Thank you for your letter dated June 4, 2009. regarding the lawsuit surrounding the Office of Surface Mining Reclamation and Enforcement's Stream Buffer Zone regulation.

The matter is currently in litigation. We have asked the Court to take action that will allow the 1983 Reagan Administration rule to continue in force in all of the states that have delegated authority under the Surface Mining Control and Reclamation Act. Kentucky. along with most states, currently follows the 1983 rule.

I will ensure that there is an opportunity for public input on the potential development of a comprehensive new stream buffer zone rule that would update and clarify the 1983 rule. We will keep you informed of our progress in this matter and welcome your suggestions.

As I have said many times, we must responsibly develop cOnventional energy sources, including coal. in order to achieve greater energy independence. I look forward to working together to achieve these goals.

Sincerely,

KEN SALAZAR.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

NATIONAL PIPELINE SAFETY DAY

Mrs. MURRAY. Mr. President, this morning I rise to remind all of us of a promise our government has made to the American people. It is an unspoken trust that certain things in our lives and communities are taken care of, that we don't have to think much about because we trust our government to keep us safe.

I think most Americans turn on the tap each day and expect the water they drink to be safe, and they probably do not think a lot about it. We expect if there is an emergency we will be able to pick up the phone and dial 9–1-1 and someone will answer and send help to us.

That is exactly what the people who lived in Bellingham, WA, used to think about oil and gas pipelines, if they thought about them at all. But all of our senses of safety and innocence were shattered 10 years ago today when tragedy struck for three families, and an entire community came together to

grieve and to learn and eventually stand up and say: Never again.

June 10, 1999, was a quiet sunny day in Bellingham, WA. For a lot of the students there it was the last day of school for the year. That should have been how it remained—as a day when kids played and celebrated about the coming of summer. Unfortunately, due to a series of mistakes and neglectful actions, it is now remembered as a day of fear and loss that the community still grieves.

Ten years ago today, around 3:30 in the afternoon on the west coast, a gasoline pipeline that ran through Bellingham, underground and near Whatcom Falls Park, ruptured, releasing more than a quarter of a million gallons of gasoline into Whatcom Creek. That gas ignited, sending a huge fireball racing down the entire creek, destroying everything in its path for more than a mile. It created this huge plume of smoke that rose more than 20,000 feet into the air.

The photo behind me was taken just moments after that explosion. Minutes before this, it was just a quiet creek, and this is what it looked like. That dramatic explosion took the lives, tragically, of three young people. Stephen Tsiorvas and Wade King were playing along the banks of the creek when this tremendous fireball ran across the water and set everything around them ablaze. They were both badly injured, and Stephen threw Wade into the creek and jumped in himself to try to soothe their burns. The boys were burned over 90 percent of their bodies and both died the next day. They were both just 10 years old.

The same afternoon, the same time, 18-year-old Liam Wood, who had just graduated from high school 5 days earlier, was fly fishing along this creek. He was overcome by the fumes, lost consciousness, and drowned. Stephen, Wade, and Liam were innocent victims of a horrific accident. But it was an accident that could have been and should have been prevented.

Pipeline networks stretch across the entire country. They run under our homes, they run by our schools, and our offices. Most people do not even know they are there. In fact, former Bellingham Police Chief Don Pierce, who was on this scene that day back in 1999, was recently quoted as he said:

> As I was standing there none of it made any sense because creeks don't catch on fire. I don't think I knew that there was a gas pipeline that ran under there.

The chief of police didn't know there was a gas pipeline underneath.

Nationwide, the Office of Pipeline Safety oversees more than 2.3 million miles of pipeline that transports hazardous liquids and natural gas under communities across the country. They perform a very important service, bringing oil and essential products to our homes and businesses.

Prior to this accident in Bellingham, WA, I rarely heard about them myself and, like most Americans, I just assumed they were safe. At first I thought the Bellingham explosion was a fluke, something that never happens. Then, when I started to investigate this issue, I was astonished by what I learned. It turned out that what happened in Bellingham that day was not an isolated occurrence. In fact, it was not even rare.

According to the Office of Pipeline Safety, from 1986 until the time of this accident in 1999, there had been more than 5,500 incidents resulting in 310 deaths and 1,500 injuries.

Not only had these accidents destroyed families, they had destroyed the environment. At that time, 6 million gallons of hazardous liquid were being released by these incidents every year—6 million gallons. That is like having an oil spill the size of the Exxon Valdez disaster every 2 years. The environmental damage was estimated to cost $1 billion.

In addition to this horrific loss that was sustained by these three Bellingham families, this explosion caused massive environmental damage. In fact, I had been scheduled to be at this exact site just a few weeks later to dedicate a great, newly restored, salmon spawning ground. When I went there and saw the damage after the explosion, I was shocked. That blast had destroyed all the plant and animal life in the creek, and a once very lush and diverse habitat had been burned to ashes.

Again, our community was not unique. At that time, on average, our Nation was suffering one pipeline accident every single day. While Bellingham may not have been unique in our tragedy, we were one of a kind in our response. Today, 10 years after the unthinkable happened, the story of the Bellingham natural gas explosion is also a story of how a community came together to tackle a nationwide problem and protect other Americans from coast to coast. As we together learned about the problems with inspection and oversight of our national pipeline system, the community channeled their grief into action.

Through research, I found out there were inadequate laws, insufficient oversight, too few inspections, and not enough trained inspectors, as well as a lack of awareness about these pipeline dangers. I learned one of the most important public safety offices, the Office of Pipeline Safety, was underfunded and neglected.

I asked the inspector general of the Department of Transportation to investigate the Office of Pipeline Safety and provide recommendations for how we could make this system work better, and I got to work writing a bill to improve pipeline safety in America.

It turned out to be a very long, hard fight to convince Congress this was something we had to do something about. The people of Bellingham stood with me every single step of the way. The parents of the young victims who were tragically lost on this date came to Washington, DC, to testify. So did Bellingham Mayor Mark Asmundson, and Carl Weimer, who is now head of the Pipeline Safety Trust.

That trust came into being thanks to the efforts of families and a group called SAFE Bellingham, that had organized to fight for the better pipeline safety and accident prevention measures.

So together with them and the great support of colleagues here in the Senate—Senator JOHN MCCAIN took a tremendous lead as chair of the committee, and I thank him for that; former Senators Slade Gorton and Fritz Hollings came together; Senator CANTWELL; Congress Members Jack Metcalf, RICK LARSEN; many others—together we worked very hard and passed and President Bush finally signed into law our legislation in 2002 to give the Office of Pipeline Safety the resources and the muscle it needed to keep Americans safe. That law improved the training of pipeline personnel. It raised the penalty for safety violations. It invested in new technology that was badly needed so we could improve pipeline safety. It improved the inspection practices and, importantly, expanded authority to our States to conduct their own safety activities.

So children today in every corner of our State are safer because the people of Bellingham stood up and said: We do not want this to happen ever again.

But I am here today to remind us, 10 years later, that the work is not done. While our law has greatly reduced the number of pipeline tragedies, there still are accidents every year. That is why I am on the floor today to introduce a Senate resolution designating June 10 as National Pipeline Safety Day. I am introducing this resolution to remind all of our communities to remain vigilant and to encourage their State and local governments to continue to promote pipeline safety and to create public awareness of the pipelines that run under and through every one of our communities.

For me, this 10-year anniversary is a reminder of a day of terrible pain we must never forget. But it is also a reminder that we cannot just assume someone else is taking care of things. We cannot slip back to where we were before. We have to stay vigilant and continue to work to improve the safety of our pipeline system. That is the best way we can continue to celebrate and honor Steven, Wade, and Liam.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 181 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

> A resolution (S. Res. 181) designating June 10, 2009, as ''National Pipeline Safety Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. I ask unanimous consent that the resolution be agreed to,

the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 181

Whereas there are more than 2,000,000 miles of gas and hazardous liquid pipelines in the United States that are operated by more than 3,000 companies;

Whereas gas and hazardous liquid pipelines play a vital role in the lives of people in the United States by delivering the energy needed to heat homes, drive cars, cook food and operate businesses;

Whereas, during the last decade, significant new pipelines have been built to help move North American sources of oil and gas to refineries and markets;

Whereas, on June 10, 1999, a hazardous liquid pipeline ruptured and exploded in a park in Bellingham, Washington, killing 2 10-year-old boys and a young man, destroying a salmon stream, and causing hundreds of millions of dollars in damage and economic disruption;

Whereas, in response to the pipeline tragedy on June 10, 1999, Congress enacted significant new pipeline safety regulations, including in the Pipeline Safety Improvement Act of 2002 (Public Law 107-355; 116 Stat. 2985) and the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (Public Law 109-468; 120 Stat. 3486);

Whereas, during the last decade, the Pipelines and Hazardous Materials Safety Administration of the Department of Transportation, with support from a diverse group of stakeholders, has instituted a variety of important new rules and pipeline safety initiatives, such as the Common Ground Alliance, pipeline emergency training with the National Association of State Fire Marshals, and the Pipelines and Informed Planning Alliance;

Whereas, even with pipeline safety improvements, in 2008 there were 274 significant pipeline incidents that caused more than $395,000,000 of damage to property and disrupted the economy;

Whereas, even though pipelines are the safest method to transport huge quantities of fuel, pipeline incidents are still occurring, including the pipeline explosion in Edison, New Jersey, in 1994 that left 100 people homeless, the butane pipeline explosion in Texas in 1996 that left 2 teenagers dead, the pipeline explosion near Carlsbad, New Mexico, in 2000 that killed 12 people in an extended family, the pipeline explosion in Walnut Creek, California, in 2004 that killed 5 workers, and the propane pipeline explosion in Mississippi in 2007 that killed a teenager and her grandmother;

Whereas the millions of miles of pipelines are still ''out of sight'', and therefore ''out of mind'' for the majority of people, local governments, and businesses in the United States, a situation that can lead to pipeline damage and a general lack of oversight of pipelines;

Whereas greater awareness of pipelines and pipeline safety can improve public safety;

Whereas a ''National Pipeline Safety Day'' can provide a focal point for creating greater pipeline safety awareness; and

Whereas June 10, 2009, is the 10th anniversary of the Bellingham, Washington, pipeline tragedy that was the impetus for many of the safety improvements described in this resolution and is an appropriate day to designate as ''National Pipeline Safety Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates June 10, 2009, as ''National Pipeline Safety Day'';

(2) encourages State and local governments to observe the day with appropriate activities that promote pipeline safety;

(3) encourages all pipeline safety stakeholders to use the day to create greater public awareness of all the advancements that can lead to greater pipeline safety; and

(4) encourages individuals throughout the United States to become more aware of the pipelines that run through communities in the United States and to encourage safe practices and damage prevention relating to gas and hazardous liquid pipelines.

Mrs. MURRAY. I thank my Senate colleagues.

I remind all of us as Americans that we have to be vigilant about what is around us, and when we are, we can make a difference in the lives of many people. The tragedy that occurred in Bellingham, WA, 10 years ago today will remain with me always and with the families of Bellingham and everyone else. But if we do our work and we remain vigilant and we fund the Office of Pipeline Safety and we insist on strong protections, we can protect families in the future. That is what is important about today.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HEALTH CARE

Mrs. MURRAY. Earlier this morning and, in fact, for the past several days, I have been interested to hear the comments from several of our Republican counterparts on the issue of health care. They are talking about Canada. Now, that is interesting. I appreciate that. Coming from a State close to Canada, we are very interested in what Canada does. But the discussion about what Canada does with its health care system has no bearing on what we are trying to do here in the Senate and Congress to reform the American health care system.

I guess, and I am only guessing, they want to talk about Canada because they do not want to talk about their real priority. Their real priority in coming out and inflating a discussion that should not even exist because it is not what we are talking about is simply because they want to protect the status quo. They want to protect the status quo in our health care system today. So they are out here talking about Canada. Well, that is not an option.

Let me tell you what we are doing because this is a very important discussion and a very important piece of legislation we are beginning our work on in the Senate. The status quo is not acceptable. This is an extraordinary moment of opportunity for real reform in health care. We here in the Senate are working very hard to come up with legislation that will reduce the cost for our families, for our businesses, and for our government.

Like all of my colleagues, I go home every weekend and I hear from individual families and people, from community leaders and businesses that the status quo is not acceptable. They will not tolerate a debate here in the Senate that goes for the status quo.

We here in the Senate are working on legislation that will protect people's choice of doctors, will protect their choice of hospitals, will protect their choice of insurance plan. If you like what you have today, that will be what you have when this legislation is passed. And that is very important. We are also working as a goal to assure that affordable, high-quality health care is available for every American. That is not the case today. Our work really builds on the existing employer-based system we have. We strengthen it. Again, if you like what you have, you will be able to keep it. Let me say this again: If you like what you have, when our legislation is passed and signed by the President, you will be able to keep it. But if you do not like what you have today in terms of your health care or if you do not have any health care insurance at all, we are going to provide new options for you so you have better health care.

Health care reform is not a luxury, it is an imperative today. Our health care system puts far too many Americans into crisis, and reforming it is an urgent necessity that demands our immediate attention. If we are going to restore the economy and secure our Nation's fiscal future, now is the time to make health care more affordable for American families and business and government at every level. Doing nothing is not an option.

As we move forward on this debate, I remind all of us, do not be distracted by superfluous arguments that do not apply to the bills we are discussing.

The bill on which we are going to move forward in the Senate makes sure that if you like what you have today, you are going to be able to keep it. But as you and I both know, Mr. President, too many people cannot afford their health care today or they are unable to get health insurance because their insurance company says: You have too many problems, we are not going to insure you, or they do not have insurance at all. We want to make sure health care is available to every American.

I am very proud of the effort that is going on as we speak. The health care committee is meeting today with our Republican colleagues to walk through our ideas we have now been putting together and get their input and ask for their options. We hope to work with

them side by side, and we are giving them every opportunity to do so, because health care has to work for all Americans.

So despite the rhetoric we heard on the floor this morning about Canada, which I love—Canada is a great country—that is not what we are doing here. We are moving forward on health care reform that is drastically needed. The status quo is not an option. Doing nothing is not an option. Stopping us from moving forward is not an option. This is an issue we are having the courage to take up and move forward on because America needs us to do that.

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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

Mr. DURBIN. Mr. President, we are considering a bill that would allow the Food and Drug Administration to regulate one of the most deadly substances for sale in America, tobacco, a substance responsible for 400,000 deaths, more than HIV/AIDs, for example, each year, more deaths than illegal drug use, alcohol use, motor vehicle accidents, suicides and murders combined, a substance responsible for $100 billion in health care costs every single year. I am glad we have finally reached this point. I hope we can pass this bill with a strong bipartisan vote. This moment has been coming for 20 years. There are Senators who deserve credit for where we are today in coming to this moment in history, none more than Senator TED KENNEDY. Senator KENNEDY has been our leader on this issue. Unfortunately, his personal health struggle prevents him from joining us regularly, and he may not be here for the vote today, but we wouldn't have reached this point without him. His dogged determination to reduce the number of tobacco-related deaths and illnesses in America has brought us to this moment in history. We will be voting with him in mind, as we should.

I thank Senator CHRIS DODD, who once again has stepped in, in an extraordinary way, as he did with credit card reform, passing a bill that had been decades in the making. Senator DODD, at the last moment, has been called in by Senator KENNEDY and has done a spectacular job to move this bill forward. I am hoping we can pass it and get it enacted into law. It will save lives. But we can't blame tobacco for all the faults in our health care system. There are many parts that need to be addressed.

The United States spends about 17 percent of its GDP, gross domestic product, on health care. This amounts to $7,400 per person on health care each year. We spend more than twice as much as any other country on Earth when it comes to health care. As of 2006, health spending in the United States was 90 percent higher than any other industrialized country. Health insurance premium increases consistently outpace inflation and the growth in family earnings. About 30 percent of America's poor people spend more than 10 percent of their income on health care. Since the beginning of this decade, health insurance premiums have gone up by 78 percent. Everybody knows this. No matter who one works for—private business, public entity—we know the cost of health insurance keeps skyrocketing. Wages have only gone up 15 percent in that period. People and families cannot keep up. Overall, 46 million Americans have lost their insurance. Many lose their insurance for periods during the course of a year because of changing jobs and losing jobs.

With the amount of money our country dedicates to health, the facts don't line up. Yesterday my colleague from Arizona, the Senate Republican whip, JON KYL, spoke about the problems with our health care system. I am glad he agreed there are problems to address. I need to clarify at least my view as to some of the things he said. Democrats in Congress are committed to working with President Obama to ensure that Americans can keep the health care they have, if that is their choice. Yesterday, Senator KYL said:

> If you are an employee of a small business, for example, when your insurance contract runs out—and those contracts are usually 1 year or 2 years—the bottom line is, even though you may like it, at the end of the next year, when the contract runs out, you don't get to keep it.

That is not accurate. I have to say Senator KYL is saying something that doesn't reflect the position of the President, nor any Democrat I know in Congress. We believe—and we stand by this—if you like your current health insurance plan, you will be able to keep it, plain and simple, straightforward.

Senator KYL alluded to specific frustrations felt by small business owners across the country. Believe me, I understand that issue better than some. I have been working with Senator BLANCHE LINCOLN of Arkansas, Senator SNOWE of Maine, and Senator KLOBUCHAR of Minnesota to come up with a plan so small business owners will be able to afford health insurance. I am happy to say that, at least at this moment, there is an indication the Finance Committee is considering our bill as part of their overall work product. As important as keeping your health plan, if you like it, if you are a small business owner, you find health premiums have increased 200 percent because you had one sick employee or one sick baby born to a family of one of your employees, we want to make sure you are no longer subject to the unfair practice of raising premiums for that situation. In today's system, at the end of the contract, small businesses are at the mercy of insurance companies that are in it for profit.

Earlier this week, I talked about a small businessman in Springfield, my hometown, who, in a span of just a few years, has seen his insurance premiums increase by 500 percent, though he has never turned in a claim. He has been forced to change his health care plan repeatedly. Because he is a small business owner, he has no bargaining power. What we are trying to do is ensure Americans are protected from this kind of price increase and that promised services are there when they need them.

My colleagues on the other side of the aisle continue to raise tactics of fear and concern to steer us away from the real issues at hand. Yesterday the Senator from Arizona talked about ''a new regime of regulation for the insurance companies.'' He expressed concern that Democrats in Congress are trying to control what health insurance companies are doing. If the Senator is talking about trying to take under control some of the practices of health insurance companies today, I would say it is long overdue. People know what happens when their health insurance premiums go up dramatically, even though they haven't turned in a claim. Folks know when health insurance companies say they are going to exclude preexisting conditions and your health insurance policy is virtually worthless because the problems you face in life can't then be covered. Folks know what it is to call that health insurance company and bargain or argue with some clerk over coverage. Changing those things, if that is what regulation is all about, is long overdue. It is time that customers, consumers, families, and businesses had a fighting chance when it came to health insurance companies.

We will hear plenty of speeches in the Congress in opposition to health care reform from a lot of people who are speaking for the health insurance companies. Why don't they come up and say it. If they want to come to the floor and say: We like the current system; we don't believe it needs to be changed; we don't believe there is a crisis facing us in terms of cost; we believe that health insurance companies are doing a great job and shouldn't have to change their ways, let that be their position. But it is a position that is indefensible with the vast majority of the American people. They understand we should be focusing on the best interests of patients and families, not the best interests of health insurance companies, nor the best interest of the Federal Government.

The bottom line is, we have to come up with health care reform which starts to reduce the cost of health care, making it more affordable, preserving quality, creating incentives for good health care outcomes, and focusing on

the family and the patient, not on the government agency.

I am encouraged my colleague from Arizona raised the issue of insurance contracts, given his concern with small businesses and access to health care. I think he would want attention paid to what insurance companies are doing to these small businesses. Earlier this year, the GAO released a report showing how little competition there is and what a tough time small businesses have to find health insurance. The medium market share of the largest carrier of the small group market was about 47 percent, ranging from 21 percent in Arizona to about 96 percent in Alabama. This leaves American small businesses with few choices. We want to change that. Those who come to the floor of the Senate defending the health insurance companies and saying they want no change in the health care system have to defend the indefensible. How do they explain what small businesses and families are facing now when they are trying to find affordable, quality health insurance?

If my colleague from Arizona wants to help small businesses, let him join us in the bipartisan bill Senators LINCOLN, SNOWE, KLOBUCHAR, and I are offering, the SHOP Act. By doing so, he will be working with us in committees to make a positive change.

I also wish to clarify one thing. Time and again, Senator MCCONNELL, on the Republican side, and Senator KYL have come to argue against government health care. They talk about it in the most general terms. What they are actually arguing against is a public option. What we hope to see come from all this debate about health care reform is lots of opportunities for America's families and businesses to shop for health insurance from private insurance companies but to have, in some circumstances, the option of a government-run plan they can choose, if they wish—voluntary choice. Of all the criticism heard on the floor about government health insurance, I have yet to hear Senator MCCONNELL or Senator KYL criticize Medicare. Why? Because 40 million Americans count on it. They know that were it not for Medicare, they couldn't afford health insurance. People live a whole lifetime without health insurance protection. Finally, when they hit age 65, they have Medicare, and they thank the Lord for that day.

Medicare does a great job. Medicare is a proven success. For over 40 years, Medicare has provided quality care to America's seniors and disabled, and we have seen the longevity, the life expectancy of seniors increase every year and their independence increase because they don't end up with a mountain of health debt to pass on to their children or have to exhaust their savings. If the Senator from Kentucky and the Senator from Arizona want to come to the floor and argue against Medicare, I welcome the debate. I wish to be here when they say that government health insurance program has failed us. It has not. It has worked. To create a public option for those across the country as part of health care reform is long overdue. We need to build on and improve Medicare, and we can do that.

We also have to make sure our health care system is based on science and the best outcomes, that we encourage preventive care, that we see those elements in our society where people can do things to make their own health care better.

Time and again you will hear the Republicans come to the floor as if they are part of the Travel Channel. They do not want to talk about America and the problems we face. They want to talk about England, New Zealand, Australia, Canada. They do not want to talk about the United States of America.

Well, it is time for them to come home and recognize that we can improve our health care system, letting Americans keep the health insurance they have if they want to keep it, making sure we start to bring costs down, making quality health insurance available, giving families the peace of mind that the cost of health insurance is not going to go through the roof and beyond their means. That is part of this debate.

Democrats are working to ensure Americans have real choice when it comes to their health care.

My colleague from the other side of the aisle referred to the public option as government-run insurance. He believes that the insurance industry is already regulated enough and that a public option is unnecessary.

I can tell the Senator that when I am receiving hundreds of letters and phone calls from constituents who cannot afford health insurance and who are seeing their premiums increase at alarming rates then I know our current health care insurance industry is not working for everybody.

In fact, according to a survey by the Kaiser Family Foundation, two-thirds of Americans support a public health insurance option similar to Medicare to compete with private health insurance plans.

Republicans want to preserve a broken system—one with escalating costs and no guarantee that policies won't be cancelled.

Rather than help insurance companies, Democrats want to put American families first and help those struggling with high health care costs.

A public option for health insurance offers the American people the security that the government is looking out for their best interests—just like Medicare does for our seniors.

My colleague is correct in that the Medicare Program needs some changes. I hope he will be supportive of the changes we will include in the health reform package.

Yes, we need to streamline the Medicare Program, restructure the delivery of care, and emphasize quality. We will do it and save costs. But we should build on what works, and despite what my colleague says, Medicare works.

According to a study by the Commonwealth Fund, 61 percent of elderly Medicare beneficiaries said they had received excellent or very good care, compared to only half of those with employer-sponsored healthcare.

This health care debate is Congress's opportunity to improve what we have and cut costs for the future.

Comparative effectiveness research will help us do just that. Senator KYL claims that the government may misuse comparative effectiveness research as a tool to ration or deny health care. His use of the word ''rationing'' is only a veiled attempt to defend the status quo no matter how ineffective.

Comparative effectiveness is a tool to expand Americans' access to high-quality health care, not restrict it. When we know which treatments are more effective than other treatments, people will want the best and avoid what is ineffective. But we need this research in order to distinguish the best from the not so good.

Our health care system rations care today based on ability to pay. If we reform our health system and identify which treatments are most effective, we can reduce that hidden rationing by making health care more affordable for everyone.

We need to learn what works and empower providers and patients to use that information. That is rationing— is a sensible component of the effort to build a high-quality, value-based, results-oriented health system.

We have serious problems in our health care system. This is America, and America needs a uniquely American solution to our Nation's health care problems. This is what Senate Democrats are committed to enacting.

Mr. KYL told some tragic stories of individuals in Canada and Britain whose experience with their country's health care system was not what we would define as quality health care.

I am sure we would like to think my colleagues on the other side of the aisle are sincerely concerned with the quality of health care around the globe, but I am more inclined to believe that this is their scare tactics trying to cloud the important issues once again.

In fact, Mr. KYL is following the specific instructions of Republican political consultant Frank Luntz.

Here it is, on page 2, talking point No. 5 from a memo given to my Republican colleagues to guide their way of framing the health care debate:

(5) The healthcare denial horror stories from Canada & Co. do resonate, but you have to humanize them. You'll notice we recommend the phrase ''government takeover'' rather than ''government run'' or ''government controlled.'' It's because too many politicians say ''we don't want a government run healthcare system like Canada or Great Britain'' without explaining those consequences. There is a better approach. ''In countries with government run healthcare,

politicians make your healthcare decisions. They decide if you'll get the procedure you need, or if you are disqualified because the treatment is too expensive or because you are too old. We can't have that in America.''

This debate is not about talking points or messaging or even other countries. Countries such as Canada and Britain have government-run healthcare and each has their unique set of good and bad aspects to the system. But, what we need to focus on is the people in our country. In our system today, insurance companies make the decisions and decide for people if they can get the procedure they need, or if they are disqualified because the treatment is too expensive. We can do better than that in America.

Patients and their doctors make the best decisions for a patient's health and wellbeing.

Every Senator in this Chamber can agree: Our health care reform efforts should be patient-centered.

I hope my colleagues on the other side of the aisle will work with Democrats to ensure a strong health care package for the American people.

Mr. President, I see two of my colleagues are on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. First, Mr. President, I wish to thank my colleague and friend from Illinois for his outstanding words once again on health care, and on the fact that we need some kind of check on the insurance companies. Our colleagues offer none. They just point to Canada and England, as he mentioned, which is a totally different system than we are focusing on.

Second, I wish to thank my colleague from Oregon, who is doing a great job in his first year in the Senate, for his generosity so I could speak for a brief moment and share with my colleagues some words about an act of bravery that occurred in my State yesterday.

TRIBUTE TO KEN MITCHELL

Mr. SCHUMER. Mr. President, as the Senate right now debates some of the biggest national issues of our time, it is important to sometimes take a step back and look to some of the great acts that are happening every day in our towns, cities, and States. So I wish to call attention to an act of personal heroism—and that is the appropriate word; this man is a true hero—that took place in my home State of New York.

Yesterday morning, at the South Orangetown Middle School in Blauvelt, NY—a town in Rockland County about 45 minutes from New York City—a disgruntled man with a gun stormed into the office of the school superintendent. He grabbed the superintendent, Ken Mitchell, by the necktie and started threatening him and making demands. At least three gunshots were fired.

This is the kind of situation that would have scared most everyone. But, as we have learned now, Ken Mitchell is no ordinary person.

With his safety and the safety of his students on the line, he showed remarkable courage and wrestled the gunman down to the ground. He was able to grab the gun, kick it out of the way, and get the gunman pinned on the ground.

Usually when a SWAT team arrives at the scene of a crime, they are the ones to do the serious crime fighting. But this time, by the time they got there, they walked in on the school superintendent, who had already disarmed and pinned to the ground the dangerous criminal. To top it all off, Superintendent Mitchell even recognized one of the SWAT team members he had once coached as a kid on the local hockey team.

According to people on the scene, Mr. Mitchell was ready to get back to his office. As his brother-in-law said: ''his tie wasn't even messed up''—just another day on the job for another great New Yorker.

It should be no secret to anyone that this incident could very quickly have turned into something unspeakable. While the headlines today are ones of praise, they could have easily been ones of grief. And praise God they were not.

But as one of New York's Senators, I want to rise publicly and congratulate Ken Mitchell for his act of bravery and heroism. As a parent myself, I know what it is like to send kids off to school in the morning and hope and pray they will come back home safely.

It is people such as Ken Mitchell who make it easy for parents to know their kids are in good hands when they wave goodbye on the schoolbus and send Johnny or Jill off to school.

Ken Mitchell is a reminder that every minute of every day Americans are engaging in personal, quiet acts of heroism and bravery about which we should all be grateful. I am proud he is from my State. And I am proud that, if even for one moment, I can give him some of the recognition he deserves.

I am sure Superintendent Mitchell is back at work right now as if nothing happened. However, Superintendent Ken Mitchell, on behalf of all New Yorkers, all Americans, and parents everywhere, we say thank you. It is Americans like you that make us proud.

Mr. President, I yield the floor and once again thank my colleague from Oregon for yielding.

The PRESIDING OFFICER. The Senator from Oregon.

HEALTH CARE REFORM

Mr. MERKLEY. Mr. President, in the coming weeks we are going to be taking up what is probably one of the most vexing policy challenges of the last 50 years: how to reform our health care system and provide affordable, accessible health care to every single American. The goal could not be more straightforward: to guarantee access for every American—and the stakes could not be higher.

Our small businesses are collapsing under the weight of health insurance premiums. Last month, Oregon's largest insurer announced that the small business premium was going up 14.7 percent. That is on top of a 26-percent increase the previous year.

Large employers have the challenge as well. In a global economy, our broken health care system is a major competitive disadvantage. A greater share of the price of each car in the United States goes to health care than goes to steel. Mr. President, $1,500 of the cost of a car goes to health care, while across the border in Canada that price is zero. If we are going to compete in the world, we need a competitive, cost-effective health care system.

Of course, the biggest impact of our expensive, ineffective health care is most acutely felt around the kitchen table by our working families. With unemployment skyrocketing, virtually every family is reminded of how tenuous its connection is to health care—just one pink slip away from losing health care for their family.

Even those with insurance find health costs out of reach. Nearly half of the personal bankruptcies are by folks who have health insurance but who still could not manage all the health care costs because of when they became ill.

So this is what it boils down to: Working families in America, if they have health care, are concerned about the copays, they are concerned about being underinsured, and they are concerned about losing their insurance with the loss of a job. Those working families without health care are worried about getting sick and how they are going to get well if they are already sick.

This does not have to be the case. Health care is already devouring a large portion of our economy—18 percent of our gross domestic product—driving long-term Federal deficits and crowding out important State investments in education, in infrastructure, in social services, and pretty much everything else, and it is only projected to get worse as our population ages and health care inflation runs rampant year after year.

Put simply, if we do not reform our health care system, our economy will not thrive. That is a stark choice. Our economy and health care are tied together.

I know none of this is news to the Presiding Officer or to any Members of this esteemed Chamber. In fact, since President Truman, 60 years ago, called for health care for every working American as a national priority, we have been struggling to achieve that goal, and we have not yet gotten there. We have been periodically trying to fix up a fragmented, expensive, unfair system. But the fear of change has always overtaken the sense of possibility.

Those stakes and that history make it all the more critical that we seize this moment to meet the challenge President Obama has laid out for us and that we deliver on health care reform. This is the year—2009 is the year. This is the year to deliver on the promise to give every American access to affordable health coverage, to ensure that our economy has the same potential to be the engine of prosperity and opportunity and employment in this century that it was in the last century.

To make this happen, we have to find ways to make our health care system more affordable. We need to spend our health care dollar in smarter ways so we can put money back in the pockets of Americans and make our businesses more competitive.

The good news is we have lots of examples of how to do this right now. Extensive research has documented that the regions of our country which spend the most per person on Medicare, that is, 60 percent more than the regions with the lowest expenditures on health care, do not end up with better health care. The lowest spending regions actually have the same or better health care outcomes after adjusting for health histories, ages, and occupations. Plus, the beneficiaries are more satisfied.

So if we could take the practices and change them in the high-cost regions to match the low-cost regions, we would save, in Medicare alone, hundreds of billions of dollars.

Our job in this health care reform effort is to change some of the rules of the road so they encourage and enable all providers to act more like the high performers, those providing and delivering high quality, lower cost health care.

That is why this legislation needs to get us to start spending our health care dollars more wisely, investing more in prevention, investing in chronic disease management, building a research base about what works and what financial incentives are necessary to utilize those practices, rewarding care delivery built around coordination and efficiency rather than fragmentation and volume. We know these things work, and we need to make them the norm, not the exception.

We cannot stop the bleeding in our health care system costs without also doing something about the convoluted and broken health insurance marketplace. The first thing we need to do is to end the insurance company practices that penalize you if you are old or you are sick or you have ever been sick.

I am outraged when I hear stories from Oregonians about being turned away because of their preexisting conditions or their potential propensity toward certain diseases. The folks who need health care the most are being turned away the most, and that is not a health care system.

We have 50 million Americans without health care. That is what this conversation is about: taking that 18 percent of our gross domestic product we spend currently and finding a way to provide good quality coverage to every single American—not leaving out 50 million Americans.

Those are reforms that anyone can get behind. But I understand as we talk about other changes to how people get insurance, folks can get nervous. They can worry about the system changing in ways that are not beneficial to them. That is why I keep coming back to this point: We are going to provide the health care system we have for the people who have it, but we are going to improve it, we are going to improve it by making it more cost effective, so we can also provide health care to the 50 million who do not have coverage.

With these reforms, our citizens will have more choices. And choice in health care options is good. Instead of leaving individuals and small groups at the mercy of insurance companies providing expensive plans with very high administrative costs, those individuals and those small businesses will be able to participate in a marketplace that groups them together with millions of other Americans so they can benefit from the larger pool of health care participants.

This marketplace will resemble something very close to the list of options Federal employees have. When you become a Federal employee, you have an option of this plan or this plan or this plan. Well, that is what we are going to do. We are going to provide a list of plans citizens can choose from, being part of a larger pool. We are going to provide a list of plans small businesses can choose from and benefit from, being a part of a larger pool of the insured.

This is a structure we are familiar with as Members of Congress. What works for Members of Congress, what works for Senators will work for working Americans. These plans give apples-to-apples comparisons so citizens can pick the plan that fits their family the best. It will ensure minimum standards so our workers are not ripped off, and the access to the marketplace will come with premium assistance so strapped consumers can get help affording the premiums to obtain health care.

Given the track record of inefficiencies and cherry-picking by private insurers, I think it is imperative that consumers have multiple choices, including a public option. Public option is simply a way to describe what we are already providing to our seniors throughout this Nation: A public, organized plan, a very efficient plan.

Administrative costs of Medicare are around 2 percent, while the administrative costs for the individual applicants to the health care system for our small businesses is 30 percent. Why not let our individuals, why not let our small businesses benefit from a 30-percent improvement in the use of the health care dollar? This public option would compete on a level playing field with private plans, it would further expand choices for consumers, it would be a tool for keeping costs low, and it should be a part of any package we put forward.

One would think all of us in this room, hearing from our constituents in every corner of our States, would understand this whole conversation is about addressing one of the highest stress factors for working families in every part of this Nation, but there are opponents of this reform. My colleagues across the aisle hired a consultant, Frank Luntz, to prepare a plan to torpedo health care. This plan came out in April. This 25-page document is about how to kill any plan that is put forward. This goes on to say it doesn't matter what the specifics of the plan are, adopt language that attacks it and present it as the opposite of what it is. Because what this document says is that Americans want this health care reform, so you can't fight it head-on, you have to recharacterize it, reframe it.

What does this plan that has been put out to kill health care say? It says: Time is on our side. If we can slow the process down, we can kill it. Well, all windows of opportunity are open for a certain period of time and then they close, so I suppose that is smart advice if you want to kill health care, but if you want to do something for the 50 million Americans without health care, then we need to move forward quickly with health care reform.

This Republican document about how to kill health care says: Say the plan is centered around politicians. Say it is about bureaucrats. Say it is about Washington, DC.

Well, I am not sure what there is about providing health care options to 50 million working Americans who struggle every day to address the cost of health care, and often end up in personal bankruptcy, and forgo all kinds of other opportunities so their child can go to the doctor. That has nothing to do with bureaucrats. That has nothing to do with Washington. That has everything to do with family values and strengthening the foundation of our families.

This document about how to kill health care says: Bring in denial and horror stories from Canada or other parts of the world to suggest to people they will lose their relationship with their doctor; that somehow they will be jerked out of the arrangement they have found to be so satisfactory. Scare them. Scare the citizens of the United States.

Well, I can tell my colleagues that what is scaring the citizens of the United States is they can't afford their health care, and they want us to do something about it. Bringing up false horror stories that have no bearing on the plan before us to scare our citizens and make them worry even more is not responsible. What is responsible is to do something about a broken health care system.

This document has lots more about how to kill health care. It says: Take this and say this will destroy the personalized doctor-patient relationship. Take this and say this will create waste, fraud and abuse, and so on and so forth; every poll-tested set of words designed to decrease support and scare people into forgoing this once-in-a-decade opportunity or pass this once-in-a-generation opportunity we have to change the health care system.

One may think I am raising this document before my colleagues—this plan for how to kill health care—and that maybe it doesn't have any bearing on the real debate, but it absolutely does. These talking points are being echoed in this very Chamber—in this very Chamber—in order to kill health care.

Let's see. Here we go: Frank Luntz's memo—that is this memo on how to kill health care that came out in April—it says: Talking point No. 5: Health care denial horror stories from Canada and other countries do resonate, but you have to humanize them. You will notice we recommend the phrase ''government takeover'' rather than ''government-run'' or ''government-controlled.'' Why? Because government takeover sounds even scarier.

So what do we hear on the floor of this Chamber from our minority leader recently? I quote: ''Americans are concerned about a government takeover of health care, and for good reason.'' It goes on.

So recognize that is a point that is coming from a document about how to kill health care, not a responsible debate about the plan we have in front of us.

Let's take a look at another example in Frank Luntz's memo. His memo, talking points Nos. 3 and 4: Time is a government health care killer. Nothing else turns people against a government takeover of health care than the expectation that this plan will result in delayed and denied treatment. The arguments against the plan—now, note that this is about a plan that wasn't written; it is about any plan put forward. The arguments against this plan must also center around politicians, bureaucrats, and Washington. Note the emphasis on saying the plan will result in delays and denied treatment.

What have we heard on the floor of this Chamber from the minority leader? We have heard recently:

Americans don't want to be forced by bureaucrats—

That comes right out of these talking points—

to give up their private health care plan to be pushed into a Washington-run government plan.

Right out of those talking points. They don't want to wait 2 years for surgery, and they don't want to be told they are too old for surgery.

All of this straight out of this roadmap.

My friends, in the face of 50 million Americans without health care and with working Americans in every one of our States going bankrupt as they struggle with health care expenses, it is irresponsible to utilize a roadmap of rhetoric that comes from polling about how to scare people. That is irresponsible. What we need to do is lay out a plan on how we can create affordable, accessible health care for every single American, addressing one of the biggest factors that degrades the quality of life for our citizens across this Nation.

We have a unique opportunity. We have an opportunity because small business wants help with those 26-percent increases and those 14.7-percent increases in premiums they are having to pay and they are not able to continue paying them. Large businesses are asking for help to become cost competitive so we can restore manufacturing in our Nation and put people to work and rebuild the middle class and have successful international corporations operating out of America. Families around the kitchen table are asking for help today. They know how they have struggled. They know if they have health care they might lose it next week when they lose their job. They know if they have health care, they might not be able to make the copays if they have something serious happen with their child. They know if they don't have health care, they are going to have to forgo virtually everything else or perhaps forgo the treatment itself because they won't be able to afford to make those payments to the doctor or to the hospital.

This is the moment when families and small businesses and large businesses are coming together to paint a new vision to improve the quality of life and to strengthen the foundation of our families. Let us seize this moment.

I thank the Chair. I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the period for morning business be extended until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. JOHANNS. I thank the Chair.

(The remarks of Mr. JOHANNS pertaining to the introduction of S. 1223 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. JOHANNS. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DURBIN. Madam President, after the close of morning business, we will return to the Family Smoking Prevention and Tobacco Control Act. This is a piece of legislation which has been in the making for two decades or more which would finally say that tobacco is going to be regulated, as it should have been a long time ago.

For the longest time, the tobacco lobbyists were the most powerful lobby on Capitol Hill, and they managed to create an exemption in virtually every law so that no Federal agency could take a look at them and regulate them and basically know what we know about every product and service offered in America. They said: Well, the Food and Drug Administration shouldn't have any authority. The tobacco lobby argued: We are not really food and we are not really a drug. So they managed to wiggle their way through the Federal statute book and at the end of the day have virtually no regulation or oversight. Unfortunately, while they have been doing that, 400,000 Americans have been dying every year of tobacco-related disease. It is the No. 1 preventable cause of death in America today. It is a product which is sold legally and a product which kills with lethality. That is a fact.

We know from experience that the tobacco industry has a tough assignment. What kind of business can survive that loses 400,000 of its customers every year, customers who die because of addiction to tobacco-related products? They needed a marketing campaign. The problem was, if you tried to market tobacco products to adults, most of them had the good sense to say: That is not a smart thing to do; I am going to stay away from tobacco. So they had to change their marketing strategy. If you couldn't market to adults, you know the kids may be vulnerable, and that is where they went, with a vengeance, with the idea of addicting children to tobacco early in life, because, of course, tobacco products, with nicotine, are addictive. To some, it is a very strong addiction. They fight for a lifetime, with patches and a doctor's care and hypnosis and anything they can think of. Some people can shake it and move away from it; others spend a lifetime addicted. So the tobacco companies went after the kids. They knew if they could get their products in the hands of children, and children would try them, they would become the next generation of smokers and ultimately a future generation of victims of tobacco. So this deadly cycle began by the tobacco companies, and the Federal Government took a hands-off attitude.

Back in the 1960s, we created a little warning label on tobacco cigarettes. You see it on billboards. It is so small,

people don't notice it. It has become so commonplace, nobody even registers with the message it delivers.

For the longest time, we have argued that tobacco should be regulated, that the products that are sold in America should have an agency with oversight keeping an eye on them. The tobacco companies fought it off year after year.

Finally, with this new President, with this new Congress, we have reached the moment where we have a chance to pass this important legislation. This is a bill that will protect children and will protect America, and it will reduce tobacco use. The House passed their version last month with a wide majority, and now it is time for the Senate to act. Every day that we don't act, 3,500 American kids—children—will light up for the first time. That is enough to fill 70 schoolbuses of kids who will try cigarettes every single day for the first time. A thousand of those 3,500 will then become regular smokers. The addiction will begin.

Tobacco companies spend nearly $40 million every day to lure this new generation of customers with blatant deceptive advertising—promotions of candy-flavored cigarettes and advertising that is aimed directly at kids—all the while they are loading their products not just with tobacco leaf but with chemicals. They put in extra nicotine, incidentally. If there isn't enough nicotine naturally occurring in tobacco, they load it up so that your addiction becomes stronger, your craving grows, and your body demands more and more tobacco. It is time we put a stop to this marketing and give the Food and Drug Administration the authority to regulate this industry.

There are 43 million Americans who smoke today. People often say to me: Well, why don't we just ban this product? If I thought that would end smoking in America, I might consider it. But we know better. With 43 million Americans currently addicted, they are not going to quit cold turkey tomorrow. A black market would emerge, and then the next thing you know the underground economy would be sustaining tobacco. That would not be the result we are looking for.

In my home State of Illinois, about one out of five kids smokes. That means that every year 65,000 kids in Illinois try a cigarette for the first time, and almost 20,000 become regular daily smokers. These kids consume 34 million packs of cigarettes a year. There are 8.6 million people in the United States who currently suffer from tobacco-related disease. It is responsible for 90 percent of lung cancer deaths, one-third of all cancer deaths, and one in five deaths from cardiovascular disease. Approximately half of all continuing smokers will die prematurely as a result of the disease. Sadly, in Illinois, 317,000 kids alive today will eventually die from the smoking addiction which they started as kids.

Here is what the bill does. We put teeth in the law to restrict the marketing and sale of tobacco products to kids. We require tobacco companies to disclose the ingredients on their products. We require the Food and Drug Administration to evaluate any health claims for scientific accuracy and public health impact. We give the FDA the power to require companies to make changes to tobacco products to protect public health. And we require larger, stronger warning health notices on tobacco products. These are commonsense reforms that will start to reduce the terrible toll tobacco has taken on families all across this Nation. The FDA is the right agency to do this. It is the only agency that can bring together science, regulatory expertise, and the public health mission to do the job. Through a user fee on tobacco companies, the bill gives the agency the money it needs to conduct its new responsibilities.

This is a strong public health bill, and it is a bipartisan bill. After more than 10 years of effort, we have never been so close to giving the FDA the authority it needs to regulate tobacco. I urge my colleagues to resist any amendments that will weaken this bill or add provisions that might stop it from becoming a law. FDA regulation of tobacco products is long overdue.

I can recall arriving on Capitol Hill as a new Congressman years and years ago. In the first orientation meeting we had as new Democratic Congressmen, one of the older Members of the House came in, closed the door, and said: I want to tell you something. When tobacco issues come up, we vote with the tobacco companies. That is for your friends in tobacco-producing States. You give them a helping hand, and someday they may give you a helping hand. That is the way it works.

Well, that was one of the first things we were told about being a Member of Congress; tobacco was that important on the political agenda. Certainly for some Members from tobacco-producing States, it may have been the most important thing that brought them to Capitol Hill. However, over the years, some of us wandered off of this agenda. I offered an amendment to ban smoking on airplanes and had the opposition of all of the leaders in the House of Representatives, Democrat and Republican. But it turned out that so many Members of the House flew in airplanes and couldn't stand this fiction of smoking section and nonsmoking section that they supported my amendment. So over 20 years ago we banned smoking on airplanes.

FRANK LAUTENBERG was my champion over here in the Senate and together we started a Federal policy that I might say kind of tipped one domino over and people started saying if secondhand smoke is dangerous on airplanes it is dangerous in other places.

That movement has grown in intensity. We have seen the kind of leadership at local and State levels that has continued to make it a potent force. But today is our chance. As I mentioned earlier, I am sure Senator DODD will join me saying we wish one of our colleagues were with us here today, and that is TED KENNEDY, who is home recuperating. TED KENNEDY was our champion and inspiration for years on this issue. He hung in there and fought for this when a lot of people gave up. TED never gave up. When it came to the issues in his heart and soul, he fought as long as he possibly could.

We continue that fight today and he handed the banner to Senator DODD, who has done an extraordinarily good job on this bill. He has been called into action in the Senate repeatedly. Just a few weeks ago we passed the Credit Card Reform Act after more than 20 years of trying. We finally got it done. It was a dramatic change in the law to protect consumers and families across America.

Today, with the passage of this—at least the movement of this bill forward toward passage this week—we are going to be able to protect millions of children and Americans from deadly tobacco-related disease.

I thank Senator DODD for his leadership. I commend this bill to our colleagues. This is our moment in history. Let's not miss it. Let's seize this opportunity to create protection for a lot of young people who will otherwise find you are compromised by this deadly tobacco product.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and 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, and for other purposes.

Pending:

Dodd amendment No. 1247, in the nature of a substitute.

Schumer (for Lieberman) amendment No. 1256 (to amendment No. 1247), to modify provisions relating to Federal employees retirement.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, as I understand it, we are going to have a vote at 12:30. I ask unanimous consent the time between now and 12:30 be equally divided between the minority and majority.

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

(At the request of Mr. DODD, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Madam President, later today, the Senate will vote to approve legislation that should have been enacted years ago—authority for the FDA to regulate tobacco products, the most lethal of all consumer products.

It has been a long and arduous path with many political obstacles. Fortunately, the legislative journey is nearing a successful conclusion. The House of Representatives overwhelmingly passed a nearly identical bill earlier this spring. In May, the Senate HELP Committee approved the FDA Tobacco bill with the support of a strong bipartisan majority. On Monday, 61 Senators voted to invoke cloture on the committee-passed bill. President Obama is anxiously waiting to sign it into law. Passage of the legislation is much more than a victory for those of us who have long championed this cause. It is a life saving act for the millions of children who will be spared a lifetime of addiction and premature death.

The need to regulate tobacco products can no longer be ignored. Used as intended by the companies that manufacture and market them, cigarettes will kill one out of every three smokers. Yet the Federal agency most responsible for protecting the public health is currently powerless to deal with the enormous risks of tobacco use. Public health experts overwhelmingly believe that passage of H.R. 1256 is the most important action Congress can take to protect children from this deadly addiction. Without this strong congressional action, smoking will continue at its current rate, and more than 6 million of today's children will ultimately die from tobacco-induced disease.

Smoking is the number one preventable cause of death in America. Nationally, cigarettes kill well over 400,000 people each year. That is more lives lost than from automobile accidents, alcohol abuse, illegal drugs, AIDS, murder, and suicide combined.

The American Cancer Society, the American Heart Association, the American Lung Association, the American Medical Association, the Campaign for Tobacco-Free Kids and eighty-six other national public health organizations speak with one voice on this issue. They are all supporting H.R. 1256 because they know it will give FDA the tools it needs to reduce youth smoking and help addicted smokers quit.

A landmark report by the Institute of Medicine, released 2 years ago, strongly urged Congress to ''confer upon the FDA broad regulatory authority over the manufacture, distribution, marketing and use of tobacco products.''

Opponents of this legislation argue that FDA should not be regulating such a dangerous product. I could not disagree more. It is precisely because tobacco products are so deadly that we must empower America's premier public health protector—the FDA—to combat tobacco use. For decades the Federal Government has stayed on the sidelines and done next to nothing to deal with this enormous health problem. The tobacco industry has been allowed to mislead consumers, to make false health claims, to conceal the lethal contents of their products, to make their products even more addictive, and worst of all—to deliberately addict generations of children. The alternative to FDA regulation is more of the same. Allowing this abusive conduct by the tobacco industry to go unchecked would be terribly wrong.

Under this legislation, FDA will for the first time have the needed power and resources to take on this challenge. The cost will be funded entirely by a new user fee paid by the tobacco companies in proportion to their market share. Not a single dollar will be diverted from FDA's existing responsibilities.

Giving FDA authority over tobacco products will not make the tragic toll of tobacco use disappear overnight. More than 40 million people are hooked on this highly addictive product and many of them have been unable to quit despite repeated attempts. However, FDA action can play a major role in breaking the gruesome cycle that seduces millions of teenagers into a lifetime of addiction and premature death.

What can FDA regulation accomplish?

It can reduce youth smoking by preventing tobacco advertising which targets children. It can help prevent the sale of tobacco products to minors. It can stop the tobacco industry from continuing to mislead the public about the dangers of smoking. It can help smokers overcome their addiction. It can make tobacco products less toxic and less addictive for those who continue to use them. And it can prohibit unsubstantiated health claims about supposedly ''reduced risk'' products, and encourage the development of genuinely less harmful alternative products.

Regulating the conduct of the tobacco companies is as necessary today as it has been in years past. The facts presented in the Federal Government's landmark lawsuit against the tobacco industry conclusively demonstrate that the misconduct is substantial and ongoing. The decision of the Court states: ''The evidence in this case clearly establishes that Defendants have not ceased engaging in unlawful activity . . . Defendants continue to engage in conduct that is materially indistinguishable from their previous actions, activity that continues to this day.'' Only strong FDA regulation can force the necessary change in their corporate behavior.

We must deal firmly with tobacco company marketing practices that target children and mislead the public. The Food and Drug Administration needs broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

The tobacco industry currently spends over thirteen billion dollars each year to promote its products. Much of that money is spent in ways designed to tempt children to start smoking, before they are mature enough to appreciate the enormity of the health risk. Four thousand children have their first cigarette every day, and 1,000 of them become daily smokers. The industry knows that nearly 90 percent of smokers begin as children and are addicted by the time they reach adulthood.

Documents obtained from tobacco companies prove, in the companies' own words, the magnitude of the industry's efforts to trap children into dependency on their deadly product. Studies by the Institute of Medicine and the Centers for Disease Control show the substantial role of industry advertising in decisions by young people to use tobacco products.

If we are serious about reducing youth smoking, FDA must have the power to prevent industry advertising designed to appeal to children wherever it will be seen by children. This legislation will give FDA the authority to stop tobacco advertising that glamorizes smoking to kids. It grants FDA full authority to regulate tobacco advertising ''consistent with and to the full extent permitted by the First Amendment.''

FDA authority must also extend to the sale of tobacco products. Nearly every State makes it illegal to sell cigarettes to children under 18, but surveys show that many of those laws are rarely enforced and frequently violated. FDA must have the power to limit the sale of cigarettes to face-to-face transactions in which the age of the purchaser can be verified by identification. This means an end to self-service displays and vending machine sales. There must also be serious enforcement efforts with real penalties for those caught selling tobacco products to children. This is the only way to ensure that children under 18 are not able to buy cigarettes.

The FDA conducted the longest rulemaking proceeding in its history, studying which regulations would most effectively reduce the number of children who smoke. Seven hundred thousand public comments were received in the course of that rulemaking. At the conclusion of its proceeding, the Agency promulgated rules on the manner in which cigarettes are advertised and sold. Due to litigation, most of those regulations were never implemented. If we are serious about curbing youth smoking as much as possible, as soon as possible; it makes no sense to require FDA to reinvent the wheel by conducting a new multiyear rulemaking process on the same issues. This legislation will give the youth access and advertising restrictions already developed by FDA the force of

law, as if they had been issued under the new statute. Once they are in place, FDA will have the authority to modify these rules as changing circumstances warrant.

The legislation also provides for stronger warnings on all cigarette and smokeless tobacco packages, and in all print advertisements. These warnings will be larger and more explicit in their description of the medical problems which can result from tobacco use. Each cigarette pack will carry a graphic depiction of the consequences of smoking. The FDA is given the authority to change the warning labels periodically, to keep their impact strong.

The nicotine in cigarettes is highly addictive. Medical experts say that it is as addictive as heroin or cocaine. Yet for decades, tobacco companies vehemently denied the addictiveness of their products. No one can forget the parade of tobacco executives who testified under oath before Congress that smoking cigarettes is not addictive. Overwhelming evidence in industry documents obtained through the discovery process proves that the companies not only knew of this addictiveness for decades, but actually relied on it as the basis for their marketing strategy. As we now know, cigarette manufacturers chemically manipulated the nicotine in their products to make it even more addictive.

An analysis by the Harvard School of Public Health demonstrates that cigarette manufacturers are still manipulating nicotine levels. Between 1998 and 2005, they significantly increased the nicotine yield from major brand-name cigarettes. The average increase in nicotine yield over the period was 11 percent.

The tobacco industry has a long dishonorable history of providing misleading information about the health consequences of smoking. These companies have repeatedly sought to characterize their products as far less hazardous than they are. They made minor innovations in product design seem far more significant for the health of the user than they actually were. It is essential that FDA have clear and unambiguous authority to prevent such misrepresentations in the future. The largest disinformation campaign in the history of the corporate world must end.

Given the addictiveness of tobacco products, it is essential that the FDA regulate them for the protection of the public. Over 40 million Americans are currently addicted to cigarettes. No responsible public health official believes that cigarettes should be banned. A ban would leave 40 million people without a way to satisfy their drug dependency. FDA should be able to take the necessary steps to help addicted smokers overcome their addiction, and to make the product less toxic for smokers who are unable or unwilling to stop. To do so, FDA must have the authority to reduce or remove hazardous and addictive ingredients from cigarettes, to the extent that it is scientifically feasible. The inherent risk in smoking should not be unnecessarily compounded.

Recent statements by several tobacco companies make clear that they plan to develop what they characterize as ''reduced risk'' cigarettes. Some are already on the market making unsubstantiated claims. This legislation will require manufacturers to submit such ''reduced risk'' products to the FDA for analysis before they can be marketed. No health-related claims will be permitted until they have been verified to the FDA's satisfaction. These safeguards are essential to prevent deceptive industry marketing campaigns, which could lull the public into a false sense of health safety. Only by preventing bogus claims will there be a real financial incentive for companies to develop new technologies that can lead to genuinely and verifiably safer products.

This legislation will vest FDA not only with the responsibility for regulating tobacco products, but with full authority to do the job effectively. It is long overdue.

Voting for this legislation today is the right thing to do for America's children. They are depending on us. By passing this legislation, we can help them live longer, healthier lives. I know that the Senate will not let them down.●

Mr. DODD. There are over 1,000 organizations that support H.R. 1256. I ask unanimous consent that some of these letters of support be printed in the RECORD.

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

MARCH 26, 2009.

Hon. HENRY WAXMAN
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN WAXMAN: We are writing to endorse the ''Family Smoking Prevention and Tobacco Control Act,'' which you introduced on March 3, 2009. If enacted, this legislation will make a significant contribution in our national campaign to reduce the harm caused by tobacco and to protect our children and public health.

As you are aware, in the next 365 days, more than 400,000 Americans will die prematurely from tobacco use and more than 450,000 children, 12 to 17 years old, will become regular, daily smokers and part of the next generation of grim statistics. This year, under your leadership, the United States Congress has an opportunity to bring about fundamental change by enacting your legislation to regulate tobacco products and their marketing.

The ''Family Smoking Prevention and Tobacco Control Act'' is the kind of tobacco regulation that makes sense and that is long overdue. It would prevent the tobacco companies from marketing to children. It would require disclosure of the contents of tobacco products, would authorize FDA to require the reduction or removal of harmful ingredients, and would require FDA to promptly address the complex issues raised by menthol tobacco products. It would prohibit terms like ''light'' and ''low tar'' which have been used to mislead smokers into thinking that those tobacco products are less harmful. And it would force the tobacco companies to scientifically prove any claims about ''reduced risk'' products.

Some have questioned whether FDA can take on this important new task and whether it will have sufficient resources. Having thoroughly studied this issue, we believe that the bill gives the FDA the resources it needs to do the job properly; and, without question, the FDA is the right agency to implement this new regulation because it has a public health mandate and the necessary scientific and regulatory experience.

The Congress can change the course of this public health crisis by voting to enact your legislation to provide FDA with authority over tobacco products. This is a strong bill and would significantly advance the public health.

Sincerely,

DONNA E. SHALALA,
Former Secretary of Health and Human Services.
DAVID KESSLER,
Former Commissioner of the Food and Drug Administration.
DAVID SATCHER,
Former Surgeon General.
TOMMY G. THOMPSON,
Former Secretary of Health and Human Services.
JULIE L. GERBERDING,
Former Director of the Centers for Disease Control and Prevention.
RICHARD H. CARMONA,
Former Surgeon General.

AMERICAN CANCER SOCIETY,
CANCER ACTION NETWORK,
Washington, DC, May 18, 2009.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the volunteers and supporters of the American Cancer Society Cancer Action Network (ACS CAN), the advocacy affiliate organization of the American Cancer Society, we thank you for your leadership on The Family Smoking Prevention and Tobacco Control Act, S. 982. We fully support this legislation to give the U.S. Food and Drug Administration long-needed authority to regulate the production, marketing and sale of tobacco products.

Every year, more than 400,000 Americans die from causes related to the use of tobacco products. The annual direct health care cost from tobacco use is $96 billion. Every day 3,500 kids smoke their first cigarette and each day 1,000 young people become regular smokers, one-third of whom will die prematurely as a result.

More than 1.4 million Americans will be diagnosed with cancer this year and more than 550,000 will lose their battle with the disease. There will be 159,000 lung cancer deaths this year. Smoking is responsible for 87 percent of the deaths from lung cancer.

Despite the overwhelming evidence of harm to public health and costs to the health care system, tobacco products remain virtually unregulated. In the absence of government intervention, the tobacco industry continues to market its deadly products to children, deceive the general public about the harm they cause, and fail to take any meaningful action to make their products less harmful or less addictive.

Your legislation would begin commonsense oversight of the industry by giving FDA the necessary authority and resources to regulate the manufacturing, marketing, labeling, distribution and sale of tobacco products. The bill will give FDA authority to prevent tobacco advertising that targets children, prevent the sale of tobacco products to minors, identify and reduce the toxic constituents of tobacco products and tobacco smoke, and regulate industry health claims about the risks of tobacco products.

This is strong and effective legislation broadly supported by the public health community. We assure you that ACS CAN will work vigorously to protect the approach you have taken and to see it enacted into law this year.

Thank you again for your commitment to this critically important and long overdue legislation.

Sincerely,

DANIEL E. SMITH,
President.

AMERICAN LUNG ASSOCIATION,
Washington, DC, May 14, 2009.

Senator EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: The American Lung Association commends the Senate Committee on Health, Education, Labor and Pensions for considering S. 982, the Family Smoking Prevention and Tobacco Control Act. Your legislation would finally give the U.S. Food and Drug Administration (FDA) authority over tobacco products.

This legislation will provide the FDA with the authority to stop the tobacco companies from advertising to children, making misleading health claims about their deadly products and from manipulating their products to make them increasingly more addictive. FDA authority over manufactured tobacco products will finally allow our nation to begin to take significant steps to reduce the tobacco-caused death toll that claims more than 392,000 American lives each year and results in $193 billion annually in health care costs and lost productivity.

The American Lung Association is grateful to you for your leadership and we look forward to working with you to ensure its passage by the Senate in June.

Sincerely,

CHARLES D. CONNOR,
President and CEO.

Chicago, IL, May 11, 2009.

Hon. EDWARD M. KENNEDY,
Chairman, Health, Education, Labor, and Pensions Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the physician and medical student members of the American Medical Association (AMA), I am writing to express our strong support for S. 982, the ''Family Smoking Prevention and Tobacco Control Act,'' and to urge the Senate Health, Education, Labor and Pensions (HELP) Committee to approve S. 982 during its mark up of the bill. This legislation would give the Food and Drug Administration (FDA) the authority to regulate the manufacture, sale, distribution, and marketing of tobacco products. The AMA firmly believes that Congress must act this year to protect the public's health by passing the Family Smoking Prevention and Tobacco Control Act.

Cigarette smoking remains the leading preventable cause of death and disease in the United States. Each year, tobacco use kills more than 400,000 Americans and costs the nation nearly $100 billion in health care bills. As physicians, we see daily the devastating consequences of tobacco use on our patients' health. Patients suffer from preventable diseases including cancer, heart disease, and emphysema that develop as a result of the use of a single product—tobacco. The evidence is overwhelming concerning the health risks of using tobacco products, particularly when used over decades.

Ninety percent of all adult smokers begin while in their teens, or earlier, and two-thirds become regular, daily smokers before they reach the age of 19. Each day, approximately 4,000 kids will try a cigarette for the first time, and another 1,000 will become new, regular, daily smokers. As a result, one-third of these kids will die prematurely. Despite their assertions to the contrary, the tobacco companies continue to market their products aggressively and effectively to reach kids, who are more susceptible to cigarette advertising and marketing than adults. Congressional action to provide the FDA with strong and effective regulatory authority over tobacco products is long overdue.

We applaud you for your leadership on strong FDA regulation of tobacco and other critical public health issues. The AMA looks forward to working with you and your colleagues to enact S. 982 and its companion in the House, H.R. 1256, into law.

Sincerely,

MICHAEL D. MAVES.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, May 13, 2009.

Hon. EDWARD KENNEDY,
Senate Committee on Health, Education, Labor and Pensions, Senate Dirksen Office Building, Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the American Public Health Association (APHA), the oldest and most diverse organization of public health professionals and advocates in the world dedicated to promoting and protecting the health of the public and our communities, I write in strong support of S. 982, the Family Smoking Prevention and Tobacco Control Act, legislation that would give the Food and Drug Administration (FDA) the authority to regulate tobacco products. In April, the House of Representatives passed this legislation by an overwhelming bipartisan majority and we are hopeful the Senate will move quickly to pass the bill.

According to the Centers for Disease Control and Prevention (CDC), tobacco use is responsible for about 438,000 deaths each year in the United States. In addition to this staggering statistic, tobacco use costs more than $96 billion each year in health care expenditures, and an additional $97 billion per year in lost productivity. Furthermore, 3,600 kids between the ages of 12 and 17 years initiate cigarette smoking every day. In spite of this, tobacco products remain virtually unregulated. For decades, the tobacco companies have marketed their deadly products to our children, deceived consumers about the harm their products cause, and failed to take any meaningful action to make their products less harmful or less addictive. Your bill would finally end the special protection enjoyed by the tobacco industry and protect our children and the nation's health instead.

This legislation meets the high standard established by the public health community for FDA tobacco regulation. Importantly, the bill would create FDA authority to effectively regulate the manufacturing, marketing, labeling, distribution and sale of tobacco products, including the authority to:

Stop illegal sales of tobacco products to children and adolescents

Require changes in tobacco products, such as the reduction or elimination of harmful chemicals, to make them less harmful and less addictive

Restrict advertising and promotions that appeal to children and adolescents

Prohibit unsubstantiated health claims about so-called ''reduced risk'' tobacco products that discourage current tobacco users from quitting or encourage new users to start

Require the disclosure of tobacco product content and tobacco industry research about the health effects of their products

Require larger and more informative health warnings on tobacco products.

Study and address issues associated with menthol tobacco products

We thank you for your continued leadership on this and other important public health issues. We look forward to working with you to ensure the legislation is passed by the Senate and signed by the president this year.

Sincerely,

GEORGES C. BENJAMIN,
Executive Director.

CAMPAIGN FOR TOBACCO-FREE KIDS,
Washington, DC, May 14, 2009.

Senator EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: We are very pleased that the Senate Committee on Health, Education, Labor and Pensions will next week undertake consideration of S. 982, the Family Smoking Prevention and Tobacco Control Act, your legislation to give the U.S. Food and Drug Administration (FDA) authority over tobacco products. On April 2nd, the House passed this legislation with a solid bipartisan vote of 298–112. We look forward to its passage by the Senate in the near future.

Tobacco use remains the leading cause of preventable death in the U.S., killing more than 400,000 Americans each year and costing our health care system an estimated $96 billion annually. More than 1,000 kids become regular, daily smokers each day—and one-third of them will ultimately die from their addiction. Amazingly, tobacco products are virtually unregulated by the federal government. Tobacco products are exempt from basic health regulations that apply to other consumer products such as drugs, medical devices and foods. This special protection allows tobacco companies to market their deadly and addictive products to children, mislead consumers about the dangers of their products, and continue to manipulate ingredients in order to make them more addictive and attractive to children.

There are more than 1,000 national, state and local organizations that support this legislation (the full list of supporting organizations can be seen at: http://www.tobaccofreekids.org/reports/fda/organizations.pdf) and both the President's Cancer Panel and the Institute of Medicine support Congress giving the FDA the authority to regulate the manufacture and marketing of tobacco products.

We applaud your leadership on this important public health legislation and look forward to working with you to ensure its passage by the full Senate.

Sincerely,

MATTHEW L. MYERS,
President.

AMERICAN ACADEMY OF PEDIATRICS,
Elk Grove Village, IL, April 29, 2009.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the 60,000 pediatricians, pediatric medical subspecialists and pediatric surgical specialists of the American Academy of Pediatrics

(AAP), I would like to express our support for the Family Smoking Prevention and Tobacco Control Act (H.R. 1256), legislation to protect child health by providing the Food and Drug Administration (FDA) with strong authority to regulate tobacco products. The bill made historic progress this year, passing in the House early in the session by an overwhelming bipartisan majority of 292–112. We urge the Senate to take up and approve FDA tobacco legislation as soon as possible and oppose the alternative offered by Senators Burr and Hagan.

It is estimated that more than 3 million US adolescents are cigarette smokers and more than 2,000 children under the age of 18 start smoking each day. If current tobacco use patterns persist, an estimated 6.4 million children will die prematurely from a smoking-related disease. Smoking and exposure to second-hand smoke among pregnant women cause low-birth weight babies, preterm delivery, perinatal deaths and sudden infant death syndrome. Other effects may include childhood cancer, childhood leukemia, childhood lymphomas and childhood brain tumors. Well over 30,000 births per year in the United States are affected by one or more of these problems.

The Family Smoking Prevention and Tobacco Control Act will provide the FDA with broad new authority and resources to regulate the manufacture, marketing, labeling, distribution and sale of tobacco products, including advertising. The marketing provisions include banning advertising near schools and tobacco sponsorship of sporting events. The bill would require tobacco company disclosure of cigarette constituents as well as larger and stronger health warnings on cigarette packs. It would also give the FDA the authority to regulate the amount of nicotine in cigarettes, ban flavored cigarettes, and prevent the marketing of products labeled as ''reduced harm.'' This enhanced power can reduce tobacco use by adolescents and young adults, thus limiting the number of people exposed to tobacco's health-compromising and life-threatening risks.

The Academy opposes the alternative tobacco regulation legislation offered by Senators Burr and Hagan titled the Federal Tobacco Act of 2009 (S. 579). It does not provide the protections necessary to protect children from the harms of tobacco. Rather than place tobacco regulatory authority in the FDA, S. 579 would create a new and untested bureaucracy to do the job. The bill does not contain the strong marketing or labeling provisions necessary to prevent our nation's youth from starting a lifelong addiction to tobacco. The Federal Tobacco Act would also mistakenly assure tobacco users of the safety of so-called ''reduced-risk'' tobacco products, give the tobacco industry a voice in scientific decision making, and prevent mandating meaningful changes in tobacco product ingredients. We urge the Senate to oppose this alternative and swiftly pass FDA tobacco legislation.

Thank you for your dedication to the health and well-being of children. We look forward to working with you to pass this important legislation.

Sincerely,

DAVID T. TAYLOE, Jr.,
President.

Mr. DODD. Let me take a couple of minutes. I know my colleague and friend from Wyoming, Senator ENZI, is coming to the floor as well. I think Senator COBURN is going to be here to make a point of order. I will keep an eye out so I do not exceed the time.

I want to point out to my colleagues that this is now down to the last few votes on this matter. I had hoped we would have been able to consider some of the other amendments that were being offered. But as my colleagues, I think, are probably aware, one of the amendments to be considered was an amendment offered by my colleague Senator LIEBERMAN. There was objection to that amendment coming up. As a result, we could not reach an agreement on allowing time for the other amendments to be considered, amendments offered by Senator ENZI, Senator BUNNING, Senator COBURN, and Senator HAGAN.

In fact, an amendment offered by Senator ENZI—he and I reached an agreement on that. It is regrettable that we weren't able to get to it. I hope we can fix it at another time. That is an example of what happened when we couldn't get unanimous consent to go forward. Nonetheless, I hope the substitute will be adopted, cloture will be invoked, and we can schedule a vote for final passage, as I believe we will, in the next day.

This is important. A lot of work has been done on this bill. As Senator DURBIN, our friend from Illinois, pointed out, this is work that has gone on for decades between Republicans and Democrats. It is a bipartisan bill. We spent 2 days on markup, considering amendments, adopting some, accepting some. That brought us to the position we are in today with this legislation.

As I have said over and over again over the last number of weeks as we have considered this bill, this is an unprecedented action we will be taking, an historic moment in many ways. For the first time ever in the history of our country, the 100-year-old regulatory agency, the Food and Drug Administration, which regulates all the food and products we ingest and consume as Americans, will now for the first time be allowed to regulate tobacco products.

The FDA, the Food and Drug Administration, as I pointed out, not only regulates the food we humans consume but also pets—cat food, dog food, bird feed, hamsters—all those products have to be approved by the FDA. One product we have not been able to legislate because of opposition from the tobacco industry is tobacco products. We are about to change that. My hope is with a vote today and tomorrow, and then agreement with the House, the President will be in a position to sign the legislation that will, first, give the Food and Drug Administration the opportunity to regulate these products and, as important, to determine and set guidelines and regulations dealing with the sale and marketing to young people.

It has been said, I know, over and over again, maybe not often enough, 3,000 to 4,000 children begin smoking every day in America. Every day we delay having the FDA take on this responsibility and begin controlling the marketing and sale of these products, we run the risk of more and more children starting the habit. We know that of that 3,000 to 4,000 who start smoking every day, 1,000 of them end up becoming addicted to the products. One in five high school students in my State of Connecticut today smoke. I suspect those numbers are probably fairly uniform across the country. Of that number I have mentioned, the thousand who become addicted, about one-third that number will die from smoking-related illnesses. Four hundred thousand people every year lose their lives as a result of tobacco-related illnesses.

Again, this is a self-inflicted wound. Obviously we have known this for a long time. The Surgeon General has warned for years, every scientific study that has been done has cautioned about what happens if people develop the habit of smoking and the dangers associated with it. We talk about loss of life but there are also those who become debilitated through the contraction of various diseases associated with smoking.

I apologize for making this case with numbers, but it is so important my colleagues understand where we are and how important this vote is, to be able to do this. We are now already beginning the debate about health care in the country. That debate is going to go on for the next number of months. A major feature of the health care debate is prevention, to try to prevent people from getting the diseases that cost them and their families and our country so much. What better way to take a step toward prevention than to deal with an issue like smoking and tobacco products, which causes so many deaths in our country, so many illnesses.

In fact, if you take suicides, murders, AIDS, alcohol-related deaths, automobile accidents, drug-related deaths, and combine all of them, they do not equal the number of fatalities that occur every year as a result of the use of tobacco products.

If we are truly interested in making real headway on prevention, what better way than to begin to deal with the issue of marketing and sale of tobacco products to young people. That is what a major part of this bill does.

We also provide help to the producing States because we recognize that for farmers in these States, this will be a major adjustment for them economically. This bill accommodates that as well.

I say to my friends on the other side, particularly, those who have offered—want to offer some of these amendments, we didn't have a chance to consider some of them, but I want them to know it was not objection on this side to that at all. There were objections to the Lieberman amendment going forward that created this problem. But, nonetheless, the work that has been done on this bill I think is deserving of our support. It is worthy of our unanimous adoption.

As I said over and over again, if you were to collect all of the adult smokers in the country—and 90 percent of adult

smokers began as children, by the way—but if you asked all of them their opinion on whether we ought to do something about marketing these products to children, I would be willing to venture a guess that 98 percent of adult smokers, if they could speak with one voice today, would tell us to pass this bill. The last thing a parent who smokes wants is their children to start smoking. They know the hazards, they know the damage, they know the heartache that comes with the illnesses associated with these products.

On behalf of all parents in the country, smokers and nonsmokers, let us adopt this legislation and take a major step in dealing with the dreaded health problems associated with tobacco products.

I see my colleague from Wyoming so let me stop here and give him the remainder of the time he needs to comment on this. I thank him and his staff who have been working on this. I am a late arrival. He worked with Senator KENNEDY on this problem long before I was directly involved with it. I thank him for his work.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Senator from Connecticut, Senator DODD, who is working as chairman on this committee, for his passion, enthusiasm, and for listening to us. We do have a few things that are in the bill, but there are several other things that ought to be considered. We want the bill to be as good as possible. When we do cloture, we cut off that possibility.

I have a couple amendments that I think, if they were addressed—I know one is kind of accepted on both sides, but we cannot get them in. That is a frustration. We should not be having frustrations on something as important as this bill. It is important that we stop kids from starting smoking and that we get people already smoking to stop smoking. It is adding to the health care bills of all of us. It is a cost shift we are experiencing. It is not good for their health. Then there are family members who are having secondary smoke. People do not realize the problems they are giving to their family members by doing that.

I do oppose cloture today. There are several amendments I would like to offer. They are all germane amendments. I am glad they were germane amendments. We have been trying to reach an agreement on offering these amendments but it has been without any success, and if we invoke cloture we will not have a chance to consider any of these amendments.

I hope we have a way to give these amendments serious consideration. If we cannot, I have to oppose cloture and I ask my colleagues to do the same. I think we can get it worked out in a relative hurry but not unless the train stops for a moment, a little hesitation here.

I want to get this bill done. I am hoping we can complete it. But I think there are some important points that have to be made on it.

I yield the floor.

CHARACTERIZING FLAVOR

Mr. LAUTENBERG. Madam President, recent attempts by the tobacco industry to sell and market candy-flavored cigarettes are a real threat to our Nation's children. With flavors such as cherry, grape, and strawberry, these cigarettes are intended to get our children addicted to a deadly product that kills more than 400,000 people a year. The Family Smoking Prevention and Tobacco Control Act section 907 prohibits the use in cigarettes of flavors, herbs, spices, such as strawberry grape, orange, clove and cinnamon, when used as a ''characterizing flavor'' of the tobacco product or smoke. I applaud you along with Senator KENNEDY for prohibiting these products.

Mr. DODD. As you know, most new smokers start as children. Every day, approximately 3,500 kids will try a cigarette for the first time, and another 1,000 will become new, regular daily smokers. We should do everything possible to protect our children from the dangers of smoking.

Mr. LAUTENBERG. However, it is my understanding that the language in section 907 is not meant to prohibit the use of any specific ingredient that does not produce a ''characterizing flavor'' in a cigarette or its smoke; is that correct?

Mr. DODD. The Senator from New Jersey is correct. While the term ''characterizing flavor'' is undefined in the legislation, it is intended to capture those additives that produce a distinguishing flavor, taste, or aroma imparted by the product. Nothing in this section is intended to expressly prohibit the use of any specific ingredient that does not fall into this category.

Mr. LAUTENBERG. I thank the Senator for this clarification.

Mr. LEVIN. Madam President, I am pleased the Senate is taking up the Family Smoking Prevention and Tobacco Act which will save hundreds of thousands of lives and more than $155 billion in health care costs every year. Currently, there are more than 44 million smokers, of which 90 percent began smoking before the age of 18. Tobacco is a product that is responsible for 440,000 deaths each year, is the leading cause of preventable death, and yet, is not regulated.

The Family Smoking Prevention and Tobacco Control Act will go a long way in regulating tobacco products, and will make it less likely that a child will establish a dependence on tobacco products. In the United States alone, every day approximately 3,000 minors take up smoking. Simply reducing the use of tobacco by these minors by even 50 percent will prevent more than 10 million children from becoming habitual smokers, saving over 3 million of them from premature death due to tobacco related disease.

It is critical that the FDA gain regulatory authority over tobacco related products, in order to ensure that consumers are better informed of the possible risks, addictive qualities, and adverse health effects of these products. In addition, this legislation will create more transparency and, as in many other consumable goods, tobacco manufactures will be required to list all ingredients included in their tobacco products. This bill also gives the FDA the ability to set quality criteria for tobacco products, prohibit cigarettes containing any flavoring other than tobacco or menthol, as well as require the FDA approval for all labels before being put on the market.

In 2005, cigarette manufactures spent more than $13 billion to attract new users, retain current users, and increase consumption. Children especially are exposed to tobacco advertising, seeing tobacco use glorified in movies, and advertisements and sponsorship of sporting events. This advertising misleads users, children and adults, to believe products are healthy, for example, ''light'' or ''low-tar'' designations. Our Nation stands to benefit greatly from this legislation, both in quality of life and revenue saved. The diseases and deaths caused by smoking are preventable, and every person has a stake in the issue, whether they smoke or not.

I was disappointed in 1998 when the Fourth U.S. Circuit Court of Appeals decided in Brown & Williamson Tobacco Corporation v. Food and Drug Administration, FDA, that the FDA did not have the authority under existing law to regulate tobacco as an addictive drug, and I am pleased the Family Smoking Prevention and Tobacco Control Act will take steps to address this lack of regulation. This bill has the support of over 1,000 organizations and deserves our support.

Mr. CARDIN. Mr. President, I regret that the Senate was unable to reach an agreement with regard to consideration of the amendment which Senators LIEBERMAN, AKAKA, COLLINS, and VOINOVICH offered to H.R. 1256. The amendment, which was ruled nongermane, reformed several Federal employee retirement provisions. It made changes to benefit computation rules for certain Federal employees, including the ability to count sick leave and part-time service, and it authorized Federal agencies to reemploy Federal pensioners on a part-time basis.

I cosponsored this amendment. Its importance particularly resonates with me as a large number of Federal employees work and reside in my home State of Maryland. But that is not why I cosponsored it. I cosponsored the amendment because it was the right thing to do for all of America's Federal employees.

The Lieberman amendment would have extended to employees under the Federal Employees' Retirement System certain benefits which already apply to employees under the older Civil Service Retirement System. This bipartisan amendment had the potential to affect the lives of hundreds of

thousands of Federal employees who work hard every day, many at modest pay grades, only to find that their benefits do not mirror those of their colleagues in the same positions.

We had an opportunity to send an important message to America's Federal workers by bringing up this amendment. We had an opportunity to give them additional incentives to continue the missions they pursue on behalf of all of us, to demonstrate that Congress still cares about doing what is right and fair. I regret we were unable to consider this amendment because of the objections of a minority of Senators.

I commend Senator LIEBERMAN and the other Senators who worked so diligently on this amendment. We will have other opportunities. I pledge my continued support for America's Federal employees, just as they continue to work for America each and every day.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, on behalf of Senator LIEBERMAN I ask unanimous consent, notwithstanding rule XXII, that I be permitted to call up amendment No. 1290 and that the amendment be modified with the changes at the desk; that once this modification is made, amendment No. 1256 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object. I make a point of order that the pending Lieberman amendment is not germane.

The PRESIDING OFFICER. Objection is heard. The point of order is well taken. The amendment falls.

Under the previous order, the substitute amendment is adopted.

The amendment (No. 1247) was agreed to.

Mr. DODD. The pending matter will be a vote at 12:30, in a few minutes, on the cloture motion, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. We will go to the vote right away. I appreciate the comments of my friend from Wyoming. I wish the RECORD to note there were no objections on this side to any of the amendments being offered, the germane amendments. My friend from Wyoming is absolutely correct. I regret that, that we didn't have an opportunity to debate those, but let me say there may be a time and opportunity for us to deal with these on other vehicles as well, but my hope is we can invoke cloture and move forward.

I am prepared to yield back the time and proceed to the vote.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which 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 Calendar No. 47, H.R. 1256, Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Christopher J. Dodd, Robert P. Casey, Jr., Debbie Stabenow, Blanche L. Lincoln, Patty Murray, Ron Wyden, Jack Reed, Sheldon Whitehouse, Maria Cantwell, Roland W. Burris, Richard Durbin, Mark Udall, Edward E. Kaufman, Tom Harkin, Benjamin L. Cardin, Bill Nelson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived. The question is, Is it the sense of the Senate that debate on H.R. 1256, Family Smoking Prevention and Tobacco Control Act, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 30, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—67

Akaka	Grassley	Murray
Baucus	Gregg	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Hutchison	Pryor
Bennet	Inouye	Reed
Bingaman	Johanns	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Udall (CO)
Cornyn	Lincoln	Udall (NM)
Dodd	Lugar	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Gillibrand	Murkowski	

NAYS—30

Alexander	Crapo	Martinez
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Hagan	Sessions
Burr	Hatch	Shelby
Chambliss	Inhofe	Vitter
Coburn	Isakson	Voinovich
Cochran	Kyl	Wicker

NOT VOTING—2

Byrd	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Connecticut.

Mr. DODD. Madam President, I wish to thank my colleagues. This is, again, a strong bipartisan vote on this issue, and it allows us now to get to the final passage. We have had about, I think, three cloture votes on this bill. If we followed the regular order, the vote would occur at 6:05 a.m. tomorrow morning. I am sure the leader will not make us do that, but that may be the price you pay for all the cloture votes we have had to go through. But sometime tomorrow the vote will occur, and the leadership will obviously decide when.

Let me again thank Senator ENZI and his staff and Senator KENNEDY and his staff. They have gone back many years. I am a place-holder on this. I hope our friend from Massachusetts is watching this because he battled 10 years to get us to this point.

If we can make a dent in those 3,000 to 4,000 kids who start smoking every day—the estimates are 11 percent will not start smoking because of what we are about to do on this bill. If we can make a difference in those 400,000 who lose their lives every year and those who contract emphysema and related illnesses, this may be the most important prevention step we take in the short term on our health care efforts.

So for my colleagues on both sides of the aisle who have made this possible, this is a moment they can take great satisfaction in having made a significant contribution to the well-being of Americans. I thank all of them for that and urge a strong vote tomorrow for the passage of the legislation. Then we will work out—and we may not have to work out differences with the House—but if we do, we will then send this bill to the President for his signature, hopefully in the next few days. For the first time in the history of our country, the Food and Drug Administration will be able to regulate tobacco products, and that is a major achievement for our country's children.

With that, Madam President, I thank my colleagues again and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. DODD. Madam President, I withhold that request.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I ask unanimous consent to be able to speak as in morning business for 20 minutes.

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

SAFE COMMISSION ACT

Mr. VOINOVICH. Madam President, I rise today to again call attention to the irresponsible and reckless fiscal path we find ourselves on as a nation and to urge my colleagues to act now to take the first step toward meaningful, comprehensive tax and entitlement reform through the enactment of the Securing America's Future Economy Commission Act, which I introduced with Senator JOE LIEBERMAN.

I urge my colleagues to take the time to read a recent letter from Senator

LIEBERMAN and I urging their support of this legislation.

The SAFE Commission has broad bipartisan support outside of Congress, including the Peter G. Peterson Foundation, the Business Roundtable, the Concord Coalition, the National Federation of Independent Business, the Brookings Institution and the Heritage Foundation—I think if you get the Concord Coalition and the Heritage Foundation to support a piece of legislation, it has to be pretty bipartisan and fair—and also the Committee for a Responsible Federal Budget. All of these organizations back the SAFE Commission concept as the way to tackle tax reform and our entitlement crisis.

I say to the Presiding Officer, as you may know, recently Chinese Prime Minister Wen Jiabao publicly voiced his concern about the security of the ''huge amount of money'' China has invested in the United States, saying, ''To be honest, I am definitely a little worried.'' He then went on to call on the United States to ''maintain its good credit, to honor its promises and to guarantee the safety of China's assets.'' I hope this frightens you as much as it frightens me. China is the largest foreign creditor of the United States, holding an estimated $1 trillion in U.S. Government debt. Though it may be unlikely due to the complex interdependent relationship we have with China, if China were to call in that debt, sell off its holdings, or direct its foreign investments away from the United States, the impact on our economy and our national security would be devastating. I have been saying for years that we cannot allow countries that control our debt to control our future.

The fact is foreign creditors have provided 70 percent of the funds the United States has borrowed since 2001. As a result, 51 percent of the privately owned national debt is held by foreign creditors—mostly foreign central banks. That is going to be increased significantly because of all the borrowing we are doing. These lenders are starting to express significant concerns about the status of our fiscal situation. To be frank, they should be concerned.

Our spending is out of control. As a result, our debt is skyrocketing. When I arrived in the Senate in 1999, gross national debt stood at $5.6 trillion, or 61 percent of our GDP. The Obama administration recently projected the national debt to more than double to $12.7 trillion by the end of fiscal year 2009. From 2008 to 2009 alone, the Federal debt will increase 27 percent, boosting the country's debt-to-income ratio—or national debt as a percentage of GDP—from 70 percent last year to 89 percent this year.

As shown on this chart, here is where we were back when I came to the Senate in 1999. In 2008, last year, the national debt as a percentage of GDP was 70 percent. Today, it is at 89 percent. You can see we are going to be very close to 100 percent of our GDP on our national debt. I call this the Pac Man that is eating up our revenue—particularly the interest. We are going to pay money that could be used for other things.

Alarmingly, the figures I just mentioned do not count our accumulated, long-term financial obligations. The Peterson Foundation recently pointed out that the Federal Government has accumulated $56.4 trillion in total liabilities and unfunded promises for Medicare and Social Security as of September 30, 2008. That works out—listen to this—to $483,000 per American household or $184,000 for every man, woman, and child in the country to pay for these unfunded obligations. In other words, we have $56.4 trillion in total liabilities and unfunded promises for Medicare and Social Security. It is an unfunded liability. If you look at it per household, it is $483,000 per household, and if you look at it per individual, for every man, woman, and child in the United States, it is $184,000.

To be completely fair to President Obama, our annual deficit and growing national debt have been problems for some time now. And, folks, I have come to the floor of the Senate time and time again to talk about paying down debt, balancing our budget, and so forth.

To my knowledge, President Bush never once mentioned the debt in any one of his State of the Union Addresses to Congress. But under the Obama administration, we have exacerbated the problem with an Omnibus appropriations bill that includes $408 billion in nonemergency funding, a $787 billion stimulus bill, and a 10-year proposed budget where the lowest deficit for a single year is larger than any annual deficit from the end of World War II to President Obama's inauguration.

I know we are going through some tough times. Over the past year, we have been hit by an economic avalanche that started in housing, spread to the financial and credit markets, and then continued onward to every corner of our economy. I know it well. I am a Senator from Ohio. We are spending money to get out of this economic mess, but we cannot allow that to be an excuse to continue our reckless fiscal path. We have to start finding ways to work harder and smarter to do more with less. It does not take an economist to realize our course is unsustainable. I know it, the Obama administration knows it, the American people know it.

The Obama administration knows we can no longer ignore this crisis. Peter Orszag, whom I consider a friend, the Obama administration's OMB Director, has even said:

I don't want to sound like the boy crying wolf, but it is a fact that, given the path that we are on, two things: One is we will ultimately wind up with a financial crisis that is substantially more severe than even what we are facing today if we don't alter the path of Federal spending; and secondly, that if we were on that path in the future and something like we are experiencing today occurred, we would have much less maneuvering room to fight those fires, because we will have already depleted the fire truck.

And I am disappointed that as OMB Director he has forgotten his commitment to entitlement and tax reform he so boldly and loudly called for when he was CBO Director. You would think a change in title would not cause such a memory loss on as important an issue as the financial health of our country. To me, it can only mean one thing: that Peter Orszag's boss, President Obama, must not be serious about addressing the growing national debt or, worse, does not understand our fiscal crisis or, even worse than that, that he just does not care.

Just last Friday, the Washington Post ran an opinion piece taking the administration to task for lacking a plan on just how we start to dig our country out of this financial crisis. The article details Treasury Secretary Geithner's trip to Beijing 2 weeks ago, where he went to reassure China—the world's largest holder of our Treasury debt, as I mentioned—that lending money to the U.S. Government is still a wise thing to do.

Mr. Geithner insisted that:

In the United States, we are putting in place the foundations for restoring fiscal sustainability.

In a moment that all Americans should consider a wake-up call, Mr. Geithner was met with laughter—laughter—when he told a group of Chinese students that their country's assets were very safe in Washington.

Madam President, I ask unanimous consent to have printed in the RECORD this Washington Post article. The title of it is ''No Laughing Matter, Why the U.S. needs to get serious now about long-term budget deficits.''

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

[From the Washington Post, June 5, 2009]

NO LAUGHING MATTER

The Obama administration inherited from its predecessor both a tanking economy and a huge federal budget deficit. Under the circumstances, it cannot be faulted for increasing the deficit in the short run, because a mammoth recession called for fiscal stimulus. Thus, it is neither surprising nor irreversibly dangerous that the total federal debt held by the public looks as if it will reach 57 percent of gross domestic product by the end of fiscal 2009 on Sept. 30—well above the previous four decades' average of about 40 percent. What is more alarming is that, barring major spending cuts or tax increases, President Obama's budget could drive that figure to 82 percent by 2019, according to the Congressional Budget Office.

We are already getting a taste of the problems that could develop if the president and Congress do not address this soon. Since the end of last year, the interest rate on 10-year Treasury notes has gone up from 2 percent to over 3.5 percent. That number is within historical norms; indeed, Treasury rates probably had been artificially depressed during the financial panic of the fall. But the spike, which will cost the government tens of billions of dollars, also reflects mounting investor concern—at home and, especially,

abroad—about the U.S. fiscal situation. If government borrowing costs continue to accelerate, they could kill economic growth for years to come.

It was a sign of the times that Treasury Secretary Timothy F. Geithner had to travel to Beijing this week to reassure China, the world's largest holder of Treasury debt, that lending money to the U.S. government is still a wise thing to do. Mr. Geithner insisted that, ''in the United States, we are putting in place the foundations for restoring fiscal sustainability.'' To be sure, China doesn't have many good alternatives to parking its massive trade surpluses in dollars. But it does have some, including commodities and the debt of more fiscally prudent European governments. In a moment that all Americans should consider a wake-up call, Mr. Geithner was met with laughter when he told a group of Chinese students that their country's assets were ''very safe'' in Washington.

The chairman of the Federal Reserve, Ben S. Bernanke, was considerably more decorous than the Chinese students in testimony before Congress on Wednesday but, in essence, only slightly less skeptical. ''Even as we take steps to address the recession and threats to financial stability,'' he said, ''maintaining the confidence of the financial markets requires that we, as a nation, begin planning now for the restoration of fiscal balance.''

Mr. Bernanke did not say explicitly that there is no such plan in Mr. Obama's budget—at least not according to the CBO, whose estimates of the president's budget show annual deficits lingering indefinitely above 4 percent of GDP. Nor did he point out that Congress has yet to come up with credible financing for the president's desirable but expensive health care proposal. He did not say that Mr. Obama and Congress have done nothing so far to deliver on the president's pledge of entitlement reform. But if the Fed chairman had said those things, he would have been absolutely right.

Mr. VOINOVICH. Madam President, this week, as you know, President Obama announced a plan to reenact statutory pay-as-you-go, pay-go. Now, what is ''pay-go''? Pay-go basically is this: If you want to spend more money, you either have to find other spending you are going to reduce or, in the alternative, you are going to have to raise taxes to pay for it.

Unfortunately, the President's plan exempts things like the 2001–2003 tax cuts, patching the alternative minimum tax, updating physicians' payments in Medicare—and last but not least, modifying the estate tax. These expenses would be exempt from pay-go.

Folks, I believe this is intellectually dishonest. This does not reflect the high standards the President has set for his administration. In my opinion, it is more like the smoke and mirrors of the past that got us into the mess we find ourselves in today.

Maya MacGuineas, president of the Committee for a Responsible Federal Budget, puts it like this:

It is like quitting drinking—

She was referring to the President's pay-go announcement. Here is what she says—

It is like quitting drinking, but making an exception for beer and hard liquor. Exempting these measures from pay-go would increase the 10-year deficit by over $2.5 trillion. That's not fiscal responsibility.

Today, I am reiterating my call for President Obama and Congress to enact the first pillar of meaningful tax and entitlement reform through the enactment of the SAFE Commission Act. I am asking my colleagues and their staffs to step up and look at this legislation and read the ''Dear Colleague'' letter Senator LIEBERMAN and I sent this last week with materials from the Peterson Foundation. Those materials, for a Senator or for staff members, lay out what I am talking about today. In addition, there is a DVD that is called IOUSA that was put together by the Peterson Foundation. I think it takes about an hour to look at it, but I don't know of anything that is out there today that depicts our financial crisis as well as that DVD does.

The SAFE Commission we are talking about would create a vehicle, much like we do for the BRAC process, to take on the tough issues of Social Security, tax reform, and creating, by a vote of 13 out of 20 members—there would be 20 members on the Commission; 2 of them would be from the administration, but it would take 13 out of 20—and if you have 13 out of 20, the recommendations would be fast-tracked through a special process and brought to the floor of both Chambers.

In other words, we would give it expedited procedure and then we would have to either vote up or down, just as we do on the BRAC process. It would break the logjam in Washington and show the American people and the world that we are serious about getting this Nation back on track.

For the life of me, I cannot understand why President Obama doesn't support this concept. I know he is getting a hard time from Speaker PELOSI and from several other Members in the House of Representatives, although STENY HOYER is in favor of the commission approach to solving our entitlement and tax reform crisis. We all know we can't get this done through the regular order of business. We know it. We would not be able to get it done. The proof of it is we haven't been able to do it thus far, so we are going to need the Commission. Everybody understands we are going to need it.

I know the President wants to move on climate change. But he has to know that from a substantive point of view and a political point of view, he is going to have to do something about this long-term financial crisis in which we found ourselves. It would seem to me he could go forward with climate change, he could go forward with health care reform, and get the Commission formed. It will take the Commission at least a year to finish its business.

Think of this: If the Commission is able to get 13 out of 20 members to come back with a bipartisan solution to dealing with tax reform and entitlement reform, that would be wonderful. It would take that issue off the President's plate. In other words, sooner or later, our President and his party are going to have to face up to the fact that the people of America are really worried—and so are the people of the world—about us doing something about tax reform and entitlement reform.

Wouldn't it be great—I mean, if I were the Governor, as I was for 8 years in Ohio, and somebody said: Governor, you know what. You have a real problem. And what we are going to do is, we are going to put a commission together on a bipartisan basis, and we are going to come back with recommendations to get the job done—I would kiss them and say: Wonderful. I could kind of forget about it, except for the two people in the administration who were working on it. If they came back with a bipartisan solution, wow. Get it through Congress and we deal with the substantive problem and we get a big political problem off our plate just before going into the next Presidential election. So I just hope there is some more thought being given by the administration, more thought given by the Congress.

We all say: Oh, yes, we are concerned about the national debt. We have to do something about it. But when you go home, what are you going to point to for the people, your constituents? What are you going to point to and say: I am sincere about this; I want to do something about it. Then they are going to ask you: Well, what did you do? One of the things you can do is say: I supported a bipartisan commission. They are going to go to work during the next year. They are going to come back with recommendations, and this is the way we can deal with the problem that is going to be such a burden on the future of our country.

I came here in 1999, and one of the reasons I came here was to deal with our deficits and with reducing our national debt. I am going to be leaving this place at the end of next year. I have three children, and I have seven grandchildren. I happen to believe that just like the pages who are here today in this room, they are going to have to work a lot harder, work a lot harder than I do in order to maintain the standard of living that I have been able to have because the competition in the world today is a lot keener than it was 15 or 20 years ago. They are just going to have to work harder than they have ever had to work before to maintain the kind of standard of living that we would like to have for them and for my children and grandchildren. But if you think about it, if we don't deal with this problem I am talking about today, we are going to lay on their backs taxes that will break the bank.

So we put them in a position where they are going to have to work harder to maintain a decent standard of living. Then, what we are saying to them is, we are going to let you pay for those things that we weren't willing to do without or pay for on our own. To me, that is absolutely immoral. It is absolutely immoral.

One of the things I would hope is—and I feel like a broken record, but I

would hope that the Holy Spirit would somehow enlighten us to face up to this very serious responsibility, one that if we don't face up to, will have a devastating impact on the future of our country and our children and grandchildren.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. VOINOVICH. Yes, I will.

Mr. VITTER. Madam President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

DRUG REIMPORTATION AND REFORM

Mr. VITTER. Madam President, today I rise to speak on two crucial issues which I had hoped we would not only be debating in the context of this FDA bill currently before the Senate, but actually acting on in that context. So I have to say as I speak about these two issues I am disappointed we are not taking this obvious, major opportunity of acting on a major FDA bill to again not only have me speak, but all of us act together on the crucial issues of, No. 1, the reimportation of prescription drugs; and, No. 2, meaningful generic drug reform so that we get generics to market sooner as a lower cost alternative for American consumers. I wish to touch on each of these in turn.

I was glad to support my friend, the distinguished Senator from North Dakota, and many Democratic and Republican colleagues, in introducing an amendment to the FDA tobacco bill to enact comprehensive reimportation of prescription drugs. This has long been an issue that has truly united, in a sincere bipartisan way, Democrats and Republicans. Many Democrats and many Republicans have agreed. I think at a time when, unfortunately, the partisan divide and sometimes divisive and bitter partisan rhetoric is at an all-time high, it is important to find areas where we can bridge that divide in a meaningful and sincere way.

It is important to work on real issues and real solutions together and bridge that divide. Reimportation is a great example of that.

Now, we have on record a clear majority in the Senate and well over 60 votes for reimportation. We have a clear majority in the U.S. House for reimportation, and we have an administration and a President who are for reimportation, and he is on record in that regard in his service in the U.S. Senate. In addition, we have an important issue that can save all of us and can save our health care system billions of dollars as we go into health care reform. Surely, we need to be talking and acting in ways that can cut costs in health care without endangering the public, without hurting patient care, and this is a great opportunity.

The CBO has estimated that Americans would save about $50 billion—$50 billion with a ''b''—over the next 10 years if reimportation were enacted. So we have a true bipartisan issue which has true consensus support in the Senate, in the House, and in the administration, which can save all of us and our health care system $50 billion. Let's act. Surely, this is a recipe for something we can act strongly on and produce positive results.

So what is going on? Well, I am afraid what is going on is exactly what my colleague, the Senator from Arizona, Mr. MCCAIN, suggested on the Senate floor last week. He stood bravely on the Senate floor and read directly from a lobbyist e-mail, a lobbyist of big PhRMA, the association which represents the biggest pharmaceutical companies, and read a detailed e-mail about how they were going to block and derail this effort of mine and Senator MCCAIN's and Senator DORGAN's and others.

I think seeing that come to pass, seeing this effort successfully blocked from the FDA bill—something that is clearly a major opportunity on which to pass reimportation, a big FDA bill—that has to grow the cynicism of the American public. Americans all across our country have to be out there thinking: OK, what is wrong with this picture? Reimportation unites Democrats and Republicans, a big majority in the Senate, a big majority in the House, the support of the President, saves the system $50 billion, obvious opportunity to pass it on an FDA bill, but, once again, it is cut off. It is blocked from consideration, from moving forward. That has to increase everybody's cynicism, and we have to work beyond that to pass this important legislation for the American people.

I am happy the majority leader has generally said he would find time on the Senate floor for consideration of a reimportation bill. We need to move. We would like a date certain, Mr. Leader, a date certain for that important consideration. After so many years of waiting, after so many years of the big PhRMA lobbyists and others blocking us from that consideration, we would like that debate and that action as soon as possible. It is certainly appropriate as we go into a major debate on health care reform.

I would underscore the same message with regard to the second crucial topic: reform with regard to generic drugs. For many months now, I have been working with several Members, most notably Senator SHAHEEN of New Hampshire, on bipartisan consensus generic drug reform.

Once again, I was very hopeful that this FDA bill on the floor of the Senate now would be a prime opportunity, an obvious opportunity, to pass that consensus bipartisan reform. Once again, that door was closed to us. We are not going to have that opportunity, and I express real disappointment.

But we need to act in that area. I look forward to continuing to work with Senator SHAHEEN, Senator BROWN, and others in that important area. We have been focused on two things, in particular, that can make a huge difference.

First, we need to clear up certain loopholes, quite frankly, in the law that allowed drug companies to make labeling changes when their patent protection is about to run out, when generic was about to be open to go on the market. They were able to make slight labeling changes to extend that protection longer, in my opinion, in a somewhat artificial way. We need to reform the law and clear up those loopholes so that generic can come to market and provide Americans with a lower cost alternative.

Surely the drug companies need a period of protection so they can recoup their enormous investment in research and development. But what they don't need, and what we should not allow, in my opinion, is tweaking the labels at the eleventh hour and extending that protection in an artificial and, in my opinion, unreasonable way. That is a big area of reform I have been working on with Senator SHAHEEN and others.

A second area of needed reform is to elevate the Office of Generic Drugs and its importance within the FDA. We need to give it more stature. We need to have the head of that office report directly to the head of the FDA, the Administrator. We need to fund it properly so that, again, we put the proper emphasis on generic drugs. Generics are a good, safe, lower cost alternative to millions of American seniors and other Americans. They provide that today. But they can provide that lower cost alternative to an even greater extent if we take these commonsense, consensus, bipartisan measures—if we do away with these loopholes that allow last-minute labeling changes to artificially and unreasonably extend a company's patent, and if we elevate the stature of the Office of Generic Drugs within the FDA.

Again, it was an obvious opportunity to do just that in a bipartisan consensus way as we debate and act on this major FDA bill on the floor of the Senate now. I am sorry that door has been closed to us. I am sorry we have lost that opportunity. It is a shame. But we need to move on that issue, just as we need to move on reimportation now in the next few months this year in this body and in the House of Representatives.

We desperately need important health care reform. We need savings in the system to make costs of the overall health care system more reasonable, without sacrificing patient care, without telling seniors they cannot get this treatment or they cannot get that operation. These are commonsense, achievable ways to do that, by stabilizing the cost of prescription drugs. That is one of the most significant costs in our health care system with one of the most significant growth patterns. So let's act on reimportation, let's act on generics reform, let's act in

a bipartisan way, let's act for the best interests of American seniors and all the American people.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 1225 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SANDERS. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). 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.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

CREDIT CARD FAIR FEE ACT

Mr. DURBIN. Mr. President, yesterday I reintroduced the Credit Card Fair Fee Act. This legislation will provide fairness and transparency in the setting of credit card interchange fees.

Several weeks ago, the Senate passed legislation that will crack down on abusive fees and practices that credit card providers impose on consumers and cardholders. It is landmark legislation. It was 20 years in the making. I was pleased to support it and glad it passed.

We also need to take a hard look at the fees and the restrictions credit card providers impose on retailers. Retailers such as the restaurant down on the corner, the grocery store, the shop, these have to be looked at as well.

Currently, banks and credit card companies impose a system of fees and restrictions on retailers that accept their cards as a form of payment. There is a growing recognition that many of these fees and restrictions are anticompetitive and unfair to businesses and consumers.

Many people assume credit cards make their money off the customers who use them in direct payment, interest charges, and penalties. It turns out there is a whole level of fees that is imposed on retailers which, obviously, is passed on to consumers but have a direct impact on sales in America. If we do not address flaws in the system, many businesses will find it hard to make a profit, and the credit card fees cause consumer prices to go up as well. The most flawed element of the current system of merchant fees is the interchange fee. It is a fee merchants pay to card issuing banks on each debit or credit card transaction.

Under the current system, card networks, such as Visa and MasterCard, unilaterally set the rates for these interchange fees. These fees vary from card to card, but they average about 2 percent of the transaction they cover. Card companies don't let their member banks negotiate with merchants over the fee rates, and they prevent merchants from encouraging customers to use cards that carry lower fees.

Yesterday, the Secretary of the Treasury was in before my appropriations subcommittee. It turns out, we accept credit cards for some 200 different agencies in the Federal Government. I asked the Secretary how much we pay in interchange fees to these credit card companies—as we accept credit card payments for everything from taxes to purchases at the Government Printing Office. It turns out it is well over $200 million a year. The GAO did a study in which it was asked whether, in fact, the Federal Government bargains for lower interchange fees because of the volume of business we do. It turns out there is virtually no bargaining allowed, not even with the Federal Government.

If merchants want to accept credit cards, those merchants simply have to abide by the rates, just like the Federal Government, that the card networks set, even when the rates are increased.

In fact, card companies regularly increase their interchange rates. A report by the Federal Reserve Bank in Kansas City found that between 1996 and 2006 Visa and MasterCard interchange rates increased from approximately $1.30 per $100 transaction to $1.80. That is about a 40-percent increase over that 10-year period of time. The rates have gone up even further for cards that have rewards programs. The total amount of interchange fees collected last year was $48 billion, according to estimates of the National Retail Federation. It is a huge increase from 2001, when the figure was $16.6 billion.

Despite these rising fees, many merchants have no real choice but to accept these cards as a form of payment. Consumers use their credit and debt cards for over 40 percent of all transactions. Interchange fees cut into retailer profits and force many merchants to raise consumer prices or go out of business.

As you think about it, what does it mean for the profitability of a company if the business is required to pay the credit card company 2 percent of the sale price on every sale? Well, for some companies that operate on a very tight margin, it can be significant. Best Buy, the large and successful electronics retailer, has a net profit margin of only 2.2 percent. Whole Foods, a well-known grocery store, has a profit margin of 1.4 percent. The food and drugstore retail sector has a profit margin of only 1.5 percent, according to Fortune magazine.

How can these companies continue to be profitable if rising interchange fees paid to credit card companies cut into their already small operating margins? In 2007, the National Association of Convenience Stores reported the entire convenience store industry had profits of $3.4 billion dollars; however, they paid credit card interchange fees of $7.6 billion. Over twice the amount of industry profit was paid to credit card providers.

Of course, it has an impact on smaller businesses. Rich Niemann, a friend of mine, who is coming by my office this afternoon in Washington, runs Niemann Foods, a chain of 65 grocery stores based in Quincy, IL. Every year I meet with him, and every year he asks me for help with interchange fees. Last year, Niemann Foods made $6 million in profits but paid $3 million in interchange fees. Those fee payments are going up every year. He has no ability to negotiate any change in those fee amounts. It is a growing expense he can't control.

Rising interchange fees cause many merchants to raise the price of their goods to cover these interchange fees. I don't want to drive small grocery stores out of business or small convenience stores. We don't want prices to go up for consumers across the board because of nonnegotiable credit card fees. The Credit Card Fair Fee Act will help restore fairness. The goal is simple. It incentivizes companies that provide credit cards and the merchants that accept them to sit down together and negotiate fees and terms both sides can live with.

The bill establishes a framework for negotiations and gives both sides a legitimate voice at the table. Under the bill, merchants would receive limited antitrust immunity to negotiate collectively with the providers of card systems over the fees and terms for access to the system. The bill then motivates the merchants and card providers to work out voluntary agreements. It establishes a mandatory period for negotiations.

If they fail to reach a voluntary agreement, the matter would then go to an arbitration-style proceeding before a panel of judges appointed by the Justice Department and the Federal Trade Commission. The judges would collect and disclose full information about credit card fees and costs and then order a mandatory settlement conference to attempt to facilitate a deal. If that fails, the judges would conduct a hearing where the merchants and card providers would each propose what they think is a fair set of fees and terms. The judges then would select the proposal that most closely represents what would be fairly negotiated in a competitive market. This set of fees and terms would govern access to the card system by merchants for a period of 3 years.

The bill contains safeguards to ensure the judges can only select a set of proposed fees and terms that is fair and pro-consumer. But the ultimate goal is to reach a deal before the process gets to the point where the judges would need to issue a ruling.

This is an archaic element of commerce in America that has a direct impact on consumers, the money we pay

for goods and services, as well as the profit margins of a lot of businesses that are struggling. The credit card companies have been unable to justify their interchange fees in terms of the actual cost of processing credit card payments. It is a profit margin on their side for which they are not accountable.

My legislation is supported by the Merchants Payments Coalition, a coalition of retailers, supermarkets, convenience stores, drugstores, fuel stations, online merchants and other businesses. The coalition's member associations collectively represent about 2.7 million stores nationwide, with approximately 50 million employees.

I ask my fellow colleagues in the Senate to take a look at the legislation. I warn them in advance, if they are interested in looking at this issue of credit cards and interchange fees, be prepared. You are going to hear from every bank that issues a credit card, and they are going to tell you the Durbin legislation is the end of the world. But I hope you will also listen to the merchants and retailers in the States you represent. They will tell you this system is unconscionable and unsustainable.

To have the credit card companies dictate these fees to their retailers all across America is fundamentally unfair. We should have arm's length negotiation. We should also have at the Federal Government level a negotiation to determine what is the best arrangement for taxpayers when it comes to paying these credit card fees to the companies that provide credit cards for transactions with the Federal Government. It is not an unreasonable approach.

I hope my colleagues will take a look at this issue, and I hope they will listen to their merchants and retailers back in their States.

GUANTANAMO

Mr. President, I wish to commend the Obama administration for the progress they have made to date on closing the detention facility at Guantanamo Bay. According to media reports today, the Obama administration has reached a historic agreement with the Government of Palau to transfer 17 Guantanamo detainees to this Pacific island. These 17 detainees are Uighurs from China.

The Bush administration determined that all 17 are not enemy combatants and do not pose any risk to U.S. national security. The Bush administration had determined the Uighurs couldn't be legally returned to China, for fear they would be imprisoned and tortured. A Federal Court looked at all the classified evidence against these 17 Uighurs and found there was no legitimate reason to hold them and ordered them released. The President, this administration, is going to follow that court and follow the law.

I commend President Obama and those working with him for finding a solution to what has been a vexing problem by convincing the Government of Palau to accept Uighur detainees. This is the kind of diplomacy we need to achieve a better standing in the world and a more peaceful and secure situation for the United States.

Something else happened yesterday as well. There was an important development. The administration transferred Ahmed Ghailani to the United States to be prosecuted for his involvement in the 1998 bombings of our Embassies in Kenya and Tanzania. Those bombings killed 224 people, including 12 Americans. I have been to Kenya. I saw the bombed building. It was devastating. It is hard to imagine what happened inside that building and nearby when those bombs were detonated. We know 224 people died, including 12 of our own.

I wish to commend President Obama for his determination to hold Ahmed Ghailani accountable for his alleged crimes. For 7 long years, the Bush administration had failed to convict any of the terrorists who planned the 9/11 terrorist attacks. For 7 long years, only three individuals were convicted by military commissions at Guantanamo. Two of those individuals, incidentally, have been released. President Obama has been clear, it is a priority for his administration to bring to justice the planners of 9/11 and other terrorists who have attacked our country, such as Ahmed Ghailani.

Unfortunately, this issue has become very political and very complicated over the last several months. Some of my colleagues on the other side of the aisle have expressed some things on the Senate floor which I don't think are consistent with the security of the United States. Senator MCCONNELL, the distinguished minority leader, and Senator KYL, the distinguished assistant minority leader, have argued we should not transfer suspected terrorists from Guantanamo to the United States in order to bring them to justice. They have argued we cannot safely hold any of these detainees in prison in the United States, even—one of their arguments—during the course of the trial.

When you look at the failed track record of prosecuting terrorists at Guantanamo, it is pretty clear if Ahmed Ghailani isn't prosecuted in the U.S. courts, there is a good chance he will never be punished for his crimes. President Obama made it clear when he said:

> Preventing this detainee from coming to our shores would prevent his trial and conviction. And after over a decade, it is time to finally see that justice is served, and that is what we intend to do.

Even Senator KYL appears to have softened his position. On the floor of the Senate yesterday, he spoke about Ahmed Ghailani and said:

> Everybody acknowledges that there are some people who need to be tried for serious crimes, in effect, like war crimes, and they should be tried in the United States.

I commend Senator KYL for this statement. I think it is a sensible, reasonable position. But let us acknowledge the obvious: If we are going to try these Guantanamo detainees in the United States, we are going to incarcerate them while we try them. There is no other reasonable alternative. If they are found guilty and face imprisonment, what will we do with them? I am glad Senator KYL acknowledged the obvious. Of course, we have to bring these terrorists to justice, and an American court is the best place to do it.

The U.S. Government frequently brings extremely dangerous individuals to the United States for prosecution. Ramzi Yousef—the mastermind of the 1993 World Trade Center bombings, captured in Pakistan—was brought to trial in the United States, convicted, and is now being held in a Federal supermaximum security prison, a convicted terrorist.

Some of my colleagues on the other side of the aisle continue to argue we should not prosecute Guantanamo detainees in U.S. courts because no prison in America is safe to hold them. Ramzi Yousef was held in the Metropolitan Corrections Center in New York during the course of his trial for over 2 years—safely. My colleagues seem to think American corrections officers are not capable of safely holding terrorists. Republican Senator LINDSEY GRAHAM, who is a military lawyer, said:

> The idea that we cannot find a place to securely house 250-plus detainees within the United States is not rational.

What is the record? Today, our Federal prisons—and this is the most updated number from the Justice Department—hold 355 convicted terrorists, including al-Qaida leaders such as Ramzi Yousef, who masterminded the World Trade Center bombing in 1993. No prisoner has ever escaped from a Federal supermaximum security facility. Clearly, we know how to hold these terrorists safely and securely so no one in America is at risk.

Unfortunately, some on the other side of the aisle continue to argue that we should keep Guantanamo open at all costs. I disagree. I believe, President Obama believes, and I think many Americans believe that closing Guantanamo is an important national security priority. But it isn't just the President—and President Bush, for example—who want to close Guantanamo. Among those military and security leaders calling for the closing of Guantanamo are: GEN Colin Powell, the former Chairman of the Joint Chiefs of Staff and former Secretary of State; Republican Senators JOHN MCCAIN and LINDSEY GRAHAM; former Republican Secretaries of State James Baker and Henry Kissinger and Condoleezza Rice; Defense Secretary Robert Gates, first appointed by President Bush; ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff; and GEN David Petraeus.

Yesterday, Senator KYL made a statement taking issue with some of

my earlier comments about Guantanamo.

Senator KYL asked: ''What is wrong with the prison at Guantanamo?''

Let me respond to Senator KYL's question. What is wrong with Guantanamo is that it is a recruiting tool for al-Qaeda and other terrorists.

That is not just my opinion. That is the opinion of our military leaders, based on their experiences fighting the wars in Iraq and Afghanistan.

Chairman of the Joint Chiefs of Staff Mike Mullen said:

> The concern I've had about Guantanamo is it has been a recruiting symbol for those extremists and jihadists who would fight us. That's the heart of the concern for Guantanamo's continued existence.

General David Petraeus said Guantanamo is, ''a symbol that is used by our enemies to our disadvantage. We're beat around the head and shoulders with it.''

And Defense Secretary Robert Gates said:

> Closing Guantanamo is essential to national security. It has become a rallying cry and recruitment tool for our enemies—endangering the lives of our soldiers in the field, diminishing the willingness of American allies to help wage the fight against al-Qaida and undermining the moral authority of the country.

Of course, Senator KYL is entitled to his point of view and I respect him and count him as a friend. But he offers no evidence to support his view, certainly no evidence that compares with those I have quoted here, starting with Gen. Colin Powell.

Not only is Guantanamo a recruiting tool for terrorists in the Middle East. There is evidence that al-Qaida is actually recruiting terrorists in Guantanamo itself. McClatchy Newspapers conducted an extensive investigation and concluded:

> Instead of confining terorists, Guantanamo often produced more of them by rounding up common criminals, conscripts, low-level foot soldiers and men with no allegiance to radical Islam . . . and then housing them in cells next to radical Islamists.

McClatchy found that, ''Guantanamo became a school for jihad'' and ''an American madrassa.''

Rear Admiral Mark Buzby, the former commander of Guantanamo's detention facility, said, ''I must make the assumption that there's a fully functioning Al-Qaeda cell here at Guantanamo.''

Senator KYL also continues to claim that no one was abused at Guantanamo and that there is no connection between the abuses at Abu Ghraib and Guantanamo. I commend him for his reading of the Senate Armed Services Committee Report.

But the Senate Armed Services Committee issued a bipartisan report that reached a different conclusion. Senator LEVIN, the chairman of the Armed Services Committee, and Senator MCCAIN, the ranking member of the committee, found, ''Secretary of Defense Donald Rumsfeld's authorization of aggressive interrogation techniques for use at Guantanamo Bay was a direct cause of detainee abuse there.''

Senators LEVIN and MCCAIN also concluded, on a bipartisan basis, that there was a connection between the abuses at Abu Ghraib and Guantanamo. They said:

> The abuse of detainees at Abu Ghraib in late 2003 was not simply the result of a few soldiers acting on their own. Interrogation techniques such as stripping detainees of their clothes, placing them in stress positions, and using military working dogs to intimidate them appeared in Iraq only after they had been approved for use in Afghanistan and at GITMO.

And, as I said yesterday, Susan Crawford, a top Bush administration official, concluded that Mohammad Al-Qahtani, the so-called 20th hijacker, could not be prosecuted for his role in the 9/11 attacks because he was tortured at Guantanamo Bay.

For many years, President Bush said that he wanted to close the Guantanamo detention facility, and there were few, if no complaints from the Republican side. But the President never followed through on his commitment.

Now that President Obama has made that same call, we hear this chorus of opposition. I think President Obama has accepted the challenge—the challenge to make certain that these detainees are treated in a responsible way; that those who should stand trial will stand trial for their crimes and war crimes; that those who cannot be brought to article 3 courts in America should be tried before reformed military tribunals that have rules of evidence and procedure more consistent with our values and laws; that some will be returned, like the Uighurs, if they pose no threat, to places where they cannot threaten the United States and that some will be kept in detention because they continue to be a threat to our Nation. That is a responsible course of conduct. It deserves bipartisan support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

THE SECOND ''CAR CZAR'' AWARD

Mr. ALEXANDER. Mr. President, this is the ''Car Czar'' award for Wednesday, June 10, 2009. It is a service to taxpayers from America's new automotive headquarters: Washington DC.

It is the second in a series of ''Car Czar'' awards to be conferred upon Washington meddlers who distinguish themselves by making it harder for the auto companies your government owns to compete in the world marketplace.

On Monday, I presented the very first ''Car Czar'' award to the Honorable BARNEY FRANK of Massachusetts for interfering in the operation of General Motors. Congressman FRANK, who is chairman of the House Financial Services Committee, intervened last week to save a GM distribution center in his Massachusetts congressional district. The warehouse, which employs some 90 people, was slated for closing under GM's restructuring plan. But Mr. FRANK put in a call to GM CEO Fritz Henderson and, lo and behold, the facility has a new lease on life according to the Wall Street Journal. Mr. FRANK, of course, is chairman of the House committee that recently orchestrated paying $62 billion in taxpayer dollars to give the U.S. Treasury 60 percent ownership of General Motors and 8 percent ownership of Chrysler.

Now, for this second ''Car Czar'' award, there are many deserving contenders.

For example, this afternoon the Honorable CHRIS DODD, Mr. FRANK's Senate counterpart, is chairing a Banking Committee hearing featuring two of the administration's chief meddlers in Washington-owned car companies: Mr. Ron Bloom, a senior advisor on the auto industry at Treasury and Mr. Ed Montgomery, White House Director of Recovery for Auto Communities and Workers.

Tomorrow, over in the House, the Financial Services Committee will hold a hearing on salaries of workers in companies the government owns.

Another obvious contender for the award is the administration's new Chief-Price-Fixer for the cost of labor, Mr. Kenneth Feinberg who will review and approve how managers of car companies are paid. According to the New York Times article on June 8, Mr. Feinberg is likely not just to tell Government-owned car companies and banks how much to pay people, it is likely ''everyone else's compensation will be monitored, too.''

But there is time next week to honor all these worthy contenders. Today's ''Car Czar'' award clearly should go to the Members of the Wisconsin and Michigan and Tennessee congressional delegations, each of whom met today in Washington with GM executives, imploring them to build small cars in our home States. In Tennessee's case, of course, we were talking about the Saturn plant in Spring Hill, recently placed on standby.

In other words, I am giving the ''Car Czar'' award today to, among others, myself—the senior Senator from Tennessee.

Now, in my own defense, as Mr. FRANK's spokesman said when Mr. FRANK was caught calling GM about the warehouse in Massachusetts—I was ''just doing what any other Congressman would do'' in looking out for the interests of his constituency. But that is precisely the reason for these ''Car Czar'' awards. As the Wall Street Journal put it, ''. . . that's the problem with industrial policy and government control of American business. In Washington, every Member of Congress now thinks he's a czar who can call ol' Fritz and tell him how to make cars.''

But consider for a moment the implications of all 535 of us in Congress regularly participating in such incestuous behavior. It is one thing, as I did in 1985 as Governor, to argue to General Motors to put the Saturn plant in Tennessee right next to the Nissan plant. That was an arm's length transaction.

It is quite another thing for me as U.S. Senator and a member of the government that owns 60 percent of the company, to urge GM executives to build cars in my State. I can pretend I am making my case on the merits: central location, right to work laws, four-lane highways, hundreds of suppliers, low taxes, a successful Japanese competitor 40 miles away. But my incestuous relationship as owner taints the entire affair.

So I will continue to confer ''Car Czar'' awards—seeking to end the incestuous nature of these meetings and time-wasting hearings—until Congress and the President enact my ''Auto Stock for Every Taxpayer'' legislation which would distribute the Government's stock in GM and Chrysler to the 120 million Americans who paid taxes on April 15. Such a stock distribution is the fastest way to get ownership of the auto companies out of the hands of meddling Washington politicians and back into the hands of Americans in the marketplace. It is also the fastest way to allow the car company managers to design, build and sell cars rather than scurry around Washington—under oath—answering questions and being instructed by their political owners how to build cars and trucks.

Distributing the stock to the taxpayers also may be the fastest way for Congressmen to get themselves re-elected. According to the Nashville Tennessean, an AutoPacific survey reports that 81 of Americans polled agree ''that the faster the government gets out of the automotive business, the better.''

Now, here is an invitation for those who may be listening: if you know of a Washington ''Car Czar'' who deserves to be honored, please email me at CarAward@Alexander.Senate.gov, and I will give you full credit in my regular ''Car Czar'' reports here on the floor of the United States Senate.

And after you write to me, I hope you will write or call your Congressman and Senators and remind them to enact the ''Auto Stock for Every Taxpayer Act'' just as soon as General Motors emerges from bankruptcy. All you need to say when you write or call are these eight magic words, ''I paid for it. I should own it.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE

Mr. CARDIN. Mr. President, I am glad we are now engaged in the health care debate, but this debate is long overdue. I congratulate the Obama administration for taking on the tough issues. This is not an easy subject in order to reach the type of consensus necessary in order to pass major legislation. There are a lot of special interests that are going to make it difficult for us to move forward.

I am proud this administration is taking up this issue because we are in a health care crisis in America. I say that because the cost of health care is not sustainable. We spend twice as much as the next most expensive nation in the world per capita on health care—$2.4 trillion a year, 15 percent of our gross domestic product. Those numbers are increasing dramatically each and every year. The cost of health care is not sustainable.

We had a great deal of discussion here about fiscal responsibility and bringing our budget into balance. President Obama is correct. If we do not deal with the escalating cost of health care, it is going to make it virtually impossible for us to bring our budgets into balance in the future—whether it is a Medicare budget or Medicaid budget or a household's budget. We have to do a better job in reining in the cost of health care. America needs to be competitive internationally. We cannot be competitive internationally unless we find a way to bring down the cost of health care.

Family insurance premiums have gone up threefold in the last 8 years alone—much faster than earnings, three times as fast as earnings. The consequences for Marylanders is that they are going into bankruptcy. You have heard it said that we are only one health incident away from filing bankruptcy in America for many families. They have to make difficult choices: Should I really go see a doctor? Is it really that important, because do I really have the money to lay out? It is not covered by my insurance, or I don't have insurance, what do I do?

We have 46 million Americans today who have no health insurance, and it is very costly in the way they enter the system. They use the emergency rooms. They don't get preventive health care. They spend a lot of money. It increased 20 percent over the last 8 years.

In my State of Maryland, we have 760,000 Marylanders, 15.4 percent of our nonelderly population, without health insurance.

We need to reform our health care system. We need to build on what is right in our health care system and correct what is wrong.

What is right is that we have some of the highest quality health care in the world. I am proud that people from all over the world travel to my own State of Maryland to visit Johns Hopkins University or the University of Maryland Medical Center or NIH in order to get their health care needs met or to train their health care professionals. We want to maintain that edge in America, of leading-edge technology to keep people healthy. We have choice in our health care system. I believe that is good. You can choose the health plan in many cases. You certainly can choose your provider in many cases. That adds competition to quality of care in our system.

We have to correct what is wrong. The first thing we have to correct is the cost. We have to bring the cost down.

The first way to bring down the costs is for everyone to be in the system to deal with the uninsured. I congratulate our committee for coming forward with proposals that will include every American in our health care system. I think that is the prerequisite to health care reform.

Second, the proposals that are coming forward that recognize the advantage of preventive health care. In 1997 we amended the Medicare bill to include preventive health care services. Well, that has kept our seniors healthier, living better lives, and being less costly to the system itself by detecting diseases at an earlier stage. In some cases we can even prevent diseases by preventive health care.

That is what we need to do. It saves money. Preventive health care services cost in the hundreds of dollars. Surgery related to diseases not caught in the early stages are in the tens of thousands of dollars. It makes sense economically.

President Obama is right to invest in health information technology. That will save money. It also manages an individual's care in a much more effective way. So there are a lot of ways we can bring down the cost of health care. But let me talk about one issue that has gotten a lot of attention on this floor by some of my colleagues who seem to be opposing health care reform before we even have a bill before us, and that is the conversation about a public insurance option. I am somewhat bewildered by this discussion because I do not hear too many of my colleagues suggesting that the Medicare system should be done away with.

Now, the last time I checked, Medicare was a public insurance program. So let me differentiate because I think this point has been misleading on this floor.

When there is a government option, it does not mean the government provides the health care; it means it pays for the health care, as it does in Medicare. The doctors our seniors and disabled population go to are private doctors and private hospitals, as it should be. They have choice, as they should. The public insurance option just provides the predictability of a plan that will always be there.

My constituents in Maryland remember all too well the private insurance companies within Medicare who were here one day and gone the next day. Thank goodness they had the public option available to them in order to make sure they had coverage. Well, that is not true in Part D today. We do not have a public insurance option.

That was a mistake. We need a public insurance option, first and foremost, to deal with cost. We have to bring down the cost of health care. We have 46 million people without health insurance today. Are we going to let them try to

figure out what private insurance to go to without the controls on cost? That is going to add to the cost in this country, not bring it down.

We have to at least have a comparison on a fair competition between public insurance and private insurance. I favor private insurance. But I want to have a public insurance option because I want the people of Maryland and around the Nation to have choice, to be able to choose the plan that is best for them.

They can stay in the plan they have now if they are satisfied with it. We want them to, and we encourage them to. But we want them to have a choice. We want the market to work. That is why the public insurance option has become more and more important.

Let me point out the two programs that we recently changed. Medicare Advantage. Well, Medicare Advantage is the private insurance option within Medicare that our seniors have the option, voluntarily, to join.

Well, when Medicare Advantage started, Medicare Plus Choice, it was a savings to the taxpayers because we paid the private insurance company 95 percent of what we paid the fee-for-service companies within the public option, saving money for the system. It made sense.

Well, guess what. Today we are paying the Medicare Advantage plans, the private plans, 112 to 117 percent of what we pay those who are in the traditional public option in Medicare. In other words, every person who picks private insurance costs the system money.

The Congressional Budget Office, which is a nonpartisan objective scorekeeper, says the Medicare Advantage premium we pay over what we would pay if they were in fee for service costs the system $150 billion over 10 years. So the public option is not only to offer choice to the people of our country between a plan that they want and it is available to them, whether it is a private plan or a public plan—remember, the providers are going to be private. This is not who provides the benefits; it is who pays for it, who puts together the plan. It will save the system money.

Part D: There is no public option in Part D. Many of us raised that issue back then, that we could have saved taxpayer money and saved Medicare money if we at least tried to keep the private insurance companies honest by having a public plan where we know what is being charged and paid for prescription drugs. Most of it is the cost of medicine. Why can we not have transparency? Why do we have to pay the high overhead costs of private insurance without the competition of a model that could save the taxpayers money and save our system money?

This is not a government takeover, as some of my colleagues have said. Medicare was not a government takeover. Medicare pays for the private doctors and hospitals so the disabled and seniors can get access to health care in America. I think those who make the arguments, which are basically scare tactics, are not adding to the debate anything that is worthy of this issue. This is a very important issue to the people of our Nation. This is our opportunity to fix our system by improving what is right, building on it, and correcting what is wrong.

But let's strengthen the good parts of our system. Let's strengthen those coverages that people are happy about, the employers who are providing health benefits to their employees, where it is working. But let's correct the runaway costs in our system, and let's provide a reasonable way that those who do not have health insurance can get health insurance.

If we can work together, Democrats and Republicans, this is an American problem. This is about America's competitiveness. This is about American families being able to afford their health care. This is about balancing our budgets in the future so America can continue to grow as the strongest economy in the world. But it starts today in this debate about fixing one of the underpinnings of our economy that is out of whack.

We need universal coverage. We need to have options available that will keep health care affordable for all people in this country and provide quality care for each American. That is what this debate is about.

I applaud our committees that are working on this issue. I applaud all of the Members of this body and the House who are seriously engaging in this discussion.

I think we can all learn from each other. If we work in good faith, we can develop a health care reform proposal that will maintain quality but provide access and affordability to every family in America. That should be our objective. I hope we will all work toward that end.

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. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KAUFMAN. I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

ASME

Mr. KAUFMAN. Mr. President, I rise to congratulate the American Society of Mechanical Engineers on the 125th anniversary of their codes and standards.

As the only serving Senator who has worked as an engineer—indeed, I have a degree in engineering and worked as a mechanical engineer—I was proud to sponsor a resolution acknowledging the lasting impact ASME codes and standards have had on our Nation and on other parts of the world.

Now to non-engineers, codes and standards developed by and for mechanical engineers may sound like a lot of jargon and, candidly, like pretty boring stuff.

But as an engineer, I am proud to say that I believe that the nuts and bolts of how to build things, how to create, how to standardize and grow equipment and industries have been at the very heart of the American economic growth-engine for more than a century.

That kind of nuts and bolts thinking and creativity will be what leads America out of this recession and toward sustained economic growth once again.

So I'm pleased that the Senate has joined me in celebrating a success story of American engineering.

This story begins when ASME was founded in 1880. ASME currently includes more than 127,000 members worldwide.

It is a professional organization which promotes the art, science, and practice of mechanical and multidisciplinary engineering and allied sciences.

One of its chief functions since its founding has been the development of tool and machine part standards, along with uniform work practices to ensure mechanical reliability.

This week, ASME will celebrate its 125th anniversary of codes and standards development.

This is a tribute to the dedicated service of technical experts and engineers, whose efforts resulted in internationally accepted standards—standards that not only enhance public safety but also promote global trade.

Its first published performance test code was entitled ''Code for the Conduct of Trials of Steam Boilers.''

Since then, ASME has developed more than 500 technical standards for pressure vessel technology, electric and nuclear power facilities, elevators and escalators, gas pipelines, engineering drawing practices, and numerous other technical and engineered products and processes.

At present, ASME codes and standards, as well as conformity assessment programs, are used in more than one hundred countries.

Does engineering sound boring to you? Let's hope America's youth don't think so. We need to excite the young minds of thousands and thousands of young Americans about the possibilities of being an engineer, because engineers have always been the world's problem solvers. It is impossible to ignore the effect ASME's codes and standards have had on global development.

During the period of rising industrialization, as machines were expanding in use and complexity on farms and in factories, ASME standards helped to ensure the safety of engineers and workers using these machines.

Today, in our global economy, these codes and standards are continually revised and updated to reflect changes in

technology. As a result, ASME's codes and standards are accepted across the globe and help to advance international commerce. The American Society of Mechanical Engineers has adapted to meet the changes and challenges in the engineering profession. I commend their accomplishments and contributions to the health, safety, and economic well-being of our Nation.

I am pleased that the Senate yesterday approved S. Res. 179.

When I went to college I wanted to be a mechanical engineer, in part because 52 years ago, after Sputnik, the United States was supporting science and engineering on an unprecedented level. America's competitive spirit helped us meet the challenges of those times. Thousands of innovations created myriad new opportunities for growth and development. We can do this again.

The financial crisis should lead to a cultural shift back to the strong foundations of innovation and know-how that have always been the American way. I am glad that the federal government is again investing strongly in supporting the basic scientific, medical, and engineering research that will spur the discovery and innovations to create millions of new jobs and shape a bright American future.

I thank my fellow Senators for joining with me in celebrating one small chapter in the American economic success story, with hope that we can inspire similar successes in the coming years.

BRIAN J. PERSONS

Mr. President, I wish to speak about our excellent Federal workforce.

In my years of government service, I have met so many wonderful people who give so much of themselves for the benefit of us all. That is why I believe it essential for the American people to have confidence in our Federal employees.

Americans need to know that they can place their trust in those charged with carrying out the people's work.

Our government is filled with talented individuals performing their jobs with excellence.

I cannot count—I literally cannot count—the Federal employees who deserve to be praised here in this Chamber, because that number is so great. But I hope to share one story today that is exemplary of our civil servants overall.

The ancient philosophers used to compare the government of a state with that of a vessel at sea.

In order to keep the ship afloat, to keep it headed in the proper direction, it required a captain and crew who were disciplined and responsible. Moreover, everyone on board—down to the lowest rank—had a job to do, and every task was critical.

So it is with government.

Every Federal employee, no matter how large or small one's job, keeps our ship of state afloat and sailing ever onward.

I have not chosen to reference this analogy by chance. Rather, it fits well with the story of a hardworking and accomplished civil servant whom I wish to recognize today.

I spoke earlier about the effect of engineers on our economy and our communities. The Federal employee I honor today has spent more than a quarter of a century working as a civilian engineer for the Navy Department.

Although today Brian Persons has risen to become executive director of the Naval Sea Systems Command, or NAVSEA, he began his public service as a ship architect at the Long Beach Naval Shipyard. A Michigan native and graduate of Michigan State with a degree in civil engineering, Brian went to work in 1981 for the Navy Department, designing and maintaining the ships of our fleet. Brian distinguished himself in the design division at Long Beach, and he was made a supervisory architect within a few years. While there, he worked on overhauls of surface ships, including the great battleships U.S.S. New Jersey and the U.S.S. Missouri. In 1988, when the U.S.S. Samuel B. Roberts struck a mine in the Persian Gulf, the Navy sent Brian to Dubai to provide analysis and repair options.

Although he was only asked to spend a week in the gulf, Brian remained with the stricken vessel for 45 days until it was again seaworthy.

Describing the experience years later, he said:

I am still amazed at the authority I was given to execute this project. I was lucky to have such an opportunity at such an early stage in my career.

I want our Nation's graduates to know that careers in public service are full of opportunities like the one given to Brian.

Federal employees at all levels get to work on exciting and relevant projects every day.

After his superb performance in Dubai, Brian was given a series of challenging jobs in the NAVSEA Commander's Development Program. Just 10 years after he first began his career, the Navy Department promoted Brian to be the director for maintenance and modernization under the assistant secretary for research, development, and acquisition. In this role, which he held for 5 years, he was responsible for overseeing policy on ship maintenance and modernization as well as the Navy's nuclear, biological, and chemical protection programs.

Brian returned to NAVSEA in 1996 and has worked in various roles there over the past 12 years. For his dedicated service in government, Brian was honored with a Meritorious Presidential Rank Award in 2004 and won the prestigious Distinguished Presidential Rank Award last year. This year, he was appointed as executive director of NAVSEA, its most senior civilian executive.

In addition to his work as an engineer and a manager, throughout the years Brian has served as a role model for those working with him, including a number of colleagues from traditionally underrepresented minority groups, whom he has mentored as they sought leadership positions in the Department.

This is truly the kind of service and mentorship we need to promote among engineers and other science professionals. Engineers can play an important role in bettering our communities and promoting education among our students.

I am glad we were able to include funding for service opportunities of this kind in the Serve America Act earlier this year. I call again on my colleagues and on all Americans to join me in recognizing the contributions of Brian Persons and all of the engineers, scientists, and technicians who continue to ensure that our ships of state remain seaworthy and on a forward course.

I honor their service and that of all our hard-working Federal employees.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. 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. WICKER. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

HEALTH CARE REFORM

Mr. WICKER. Mr. President, of all the complex issues the United States will deal with in this Congress, none will be more important than health care reform. Of all the momentous decisions we will make over the next few months, none will be more consequential or long-lasting than the votes we may take regarding the one-sixth of the American economy which comprises our health care system. If we get it right, we could devise a program that makes health care more accessible and affordable, provides health coverage to millions of Americans who are currently without health insurance, relieves Americans from worry about the effect changing jobs will have on their health care, saves lives through an increased focus on prevention and wellness, saves money by curbing the out-of-control growth in government health care programs, keeps patients and families in control of their health care choices, and makes doctors the decisionmakers on treatment options.

We have a great opportunity before us to improve the American health care system, but we run a perilous risk if we do not act wisely and carefully. We can fix our broken health care system by making it more accessible and affordable for Americans, and we can do so without jeopardizing quality, individual choice, and personalized care.

The American people need us to act on this issue, but they do not need or

want us to act rashly. We do not need to enact a Washington takeover or a scheme that would inevitably lead to a government takeover of one-sixth of our gross domestic product.

I recently spoke with a resident of a country that is a major U.S. ally. He espoused the benefits of his country's government health care program, explaining in particular detail how the program works there. But then I posed a question: What happens in your country if you get cancer? He smiled and said: If I get cancer, I am going to the United States. He is going to the United States. It was a very telling answer that points up a profound truth: There are many things we need to fix about American health care, but there are a number of things we do right. There are a number of things right about our system, and we don't need to risk losing those things that today give Americans the highest quality health care system in the world.

Nine out of ten middle-aged American women have had a mammogram—90 percent of American women—compared to less than three-fourths of Canadian women. More than half of American men have had a prostate test compared to less than one in six Canadians. Nearly one-third of Americans have had a colonoscopy compared to less than 5 percent of Canadians. These are statistics we need to be proud of as compared to our Western allies.

In addition to this focus in America on prevention, we also spend less time waiting for care than patients in Canada and the United Kingdom. Canadian and British patients wait about twice as long—sometimes more than a year—to see a specialist. We don't need health care reform that moves us in that direction. Mr. President, 827,429 people today, at this very moment, are waiting for some sort of procedure in Canada, and 1.8 million people in England are waiting for a hospital admission or outpatient treatment. They are having to wait for that in England.

We Americans also have better access to new technologies such as medical imaging than patients in Canada or the United Kingdom. Americans are responsible for the vast majority of all health care innovations. The top five U.S. hospitals—only five top U.S. hospitals—conduct more clinical trials than all the hospitals in any other single developed country. Only the top five outrank any other country in the world in clinical trials. We ought to be proud of that. We ought not to enact any program that would jeopardize that type of innovation.

Since the mid-1970s, the Nobel Prize in medicine or physiology has gone to American residents more often than recipients from all other countries combined. We get results based on our innovation and our research in the United States of America.

All these numbers translate into one very important fact: Americans have a better 5-year survival rate than Europeans for common cancers. For example, in the area of colon cancer, we have a 65-percent, 5-year survival rate in America, compared to only 50 percent in the United Kingdom. For prostate cancer, we have a 93-percent survival rate for 5 years in the United States; only 77 percent in the United Kingdom. In breast cancer, 90 percent of Americans who suffer from breast cancer have a 5-year survival rate; only 82 percent in the United Kingdom. For thyroid cancer that figure is a 94-percent, 5-year survival rate and only 75 percent in the United Kingdom.

Put another way, breast cancer mortality is 52 percent higher in Germany with their government-run system than in the United States, and breast cancer mortality is 88 percent higher in the United Kingdom with their government-run health care system. Prostate cancer mortality is 604 percent higher in the United Kingdom and 457 percent higher in Norway. Is there a genetic predisposition for the people of Norway to die of prostate cancer or of German women to have breast cancer? I don't think so. I think these numbers, these stubborn facts reflect that our American system of innovation and detection and treatment is a good thing, and as we improve and fix our system, we need to be careful to maintain that type of quality.

There are broken parts of our system, to be sure, but my point today is to urge this body to consider the consequences of all the options we will consider. There is no question we need to make health care more affordable and we need to expand access. Republicans support providing affordable access to coverage for every American, and we can do that without a Washington, DC, takeover of health care. What we cannot afford the risk of doing is eroding the quality of care in pursuit of our goals this year. The surest way to destroy quality is to hand the reins of health care over to the Federal Government.

I recently had the opportunity to discuss health care with a member of the British House of Commons. That member of Parliament said: Whatever you do, do not do what we did in the United Kingdom.

A Washington takeover of health care would result in a stifling of innovation. I am convinced it would result in long waits. As we consider a so-called public option, a public plan, we need to ask ourselves: Will it lead, as I believe it will, to a one-size-fits-all Washington takeover of health care and inevitably mean that our citizens will be denied and delayed the health care we need? We need to be careful as we answer that question. I regret to say the plan I see taking shape on the other side of the aisle would result in either a politician or a bureaucrat making your health care decisions instead of you and your doctor. I urge my colleagues to protect innovation and to protect quality.

I am convinced we can protect the doctor-patient relationship and make health care more affordable and accessible for all without jeopardizing the quality I have spoken about this afternoon. I believe all of us in this body want a solution that works for Americans. There is common ground to be found that would continue the opportunity for the United States to be that world leader in quality. Congress and the American people need to pay close attention as we proceed this summer and this fall on one of the most important debates in our time.

Thank you. 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.

OBSTRUCTIONISM

Mr. REID. Mr. President, I wanted to say this to the occupant of the Chair personally, but I will take the opportunity to say it now. The presentation the Senator made on the floor regarding health care was stupendous, terribly impressive. I am going to take much of what the Presiding Officer said today and use it in the information I give people in Nevada and the presentations I am making on the floor. It was very good.

As the health care debate has heated up this week, Republicans have once again rolled out one of their standard, stale talking points: They question the efficiency of our government. When all else fails, all they do is berate the government.

But if Republicans want to have an honest debate about how our government operates, I think one of the first things I would suggest is that they should start looking in the mirror at themselves.

Today, Republicans are wasting more taxpayer time and more dollars for no good reason. The tobacco bill on the floor right now is both responsible and overdue. After making us wait out all the 30 hours of procedural time before even moving to the bill—Mr. President, the 30 hours isn't all of it. To get to that point, you have to file cloture, which takes 2 days, and then we have the 30 hours—a total waste of time. Republicans are now making us wait another 30 hours before we can vote on this bill. So it is 30 hours just to move to it, and then 30 hours once we are on it.

Let me reiterate how important the bill we are wasting time on not doing is to the American people. Every day, 3,500 Americans try a cigarette for the first time, and the vast majority of them are children. Nationwide, 3½ million high schoolers smoke; 3½ million boys and girls in high school smoke. That is more kids than participate in athletics in our schools who are smoking. Tobacco companies make money hand over fist by marketing and selling their poisonous products to our kids.

The bill before the Senate takes smart steps to keep our children and families healthier and keep the tobacco companies honest. It will make it harder for those companies to sell tobacco to children; help those who smoke overcome their addictions; it will make tobacco products less toxic for those who cannot or do not want to stop.

We have tried in good faith since last week to reach agreement with Republicans on amendments to this bill. Our floor staff has given the Republican floor staff a finite list of both Democratic and Republican amendments that we wanted to vote on as we consider the bill. With rare exception, the amendments were germane. If not germane, they were arguably germane. But no. These amendments included three from Senator HAGAN, and one each from Senators COBURN, ENZI, BUNNING, and LIEBERMAN.

Unfortunately, despite repeated efforts to move forward, our Republican colleagues have said no every time.

Republicans are also slowing down our government in another way. In the few short months since President Obama took office, Republicans held up many of his nominees for crucial positions. There are 25 being held up right now, as we speak. Let me give you a few of them. We have had to have cloture votes this year on the Secretary of Labor; the Deputy Attorney General, the No. 2 person for a massive Justice Department; the Deputy Secretary of the Department of the Interior, which is like the Chief of Staff for the Department of the Interior; two members of the Council of Economic Advisers; and, incredibly, America's Ambassador to Iraq, Chris Hill. They held him up for a long time. Every time I spoke to Secretary Gates, he wanted to know where his Ambassador was, somebody to run that country—at least American interests in that country.

Today, they are holding up 25 or more qualified and noncontroversial nominees, including Rand Beers, nominated to be Under Secretary of the Department of Homeland Security, a pretty important position; Cass Sunstein, nominated to head the Office of Management and Budget's Information and Regulatory Affairs division. You could go to any law school in America today and ask them to name the top 10 academics in law schools, and Cass Sunstein's name will be one of the 10 on everybody's list. But he is not good enough for the Republicans to get him cleared; Hilary Chandler Tompkins, nominated to be the Solicitor for the Department of the Interior. That is the lawyer there. They have 70,000 employees. Secretary Salazar thinks it is a good idea that he has a lawyer there. They are not going to allow that; William Sessions, nominated to be Chair of the U.S. Sentencing Commission. Listen to this one. We have been told the reason he is not going to be approved is because he is from Vermont, and Senator LEAHY is chairman of the Judiciary Committee. They want to embarrass a friend, the chairman of that committee, Chairman PAT LEAHY; Harold Koh, nominated to be the State Department's legal advisor. Just like the Interior Department, the State Department, Secretary Clinton wants a lawyer there, in that huge, most important office. But no. Robert Grove, nominated to be Director of the Census—no.

I have only mentioned five. There are 20 others. The Republicans recklessly refuse to confirm our new Ambassador to Iraq. Listen to what they are doing now. They are holding up LTG Stanley McChrystal, an eminently qualified soldier, whom President Obama and Secretary Gates chose to be our new commander in Afghanistan. I met him in my office the other day. This is a man with the military in his blood. His father was a great general. His father won five Silver Stars fighting for our country around the world. Stanley McChrystal is an expert in counterinsurgency, which we need so badly in Afghanistan. But, no, we are not going to get him approved—at least for now.

Republicans are so opposed to everything, they even oppose putting people in some of the most important positions in our government. We believe—the majority, Democrats—that those who have been chosen to serve our country must be able to get to work without delay.

Republicans across the country agree with that, also. But we have 40 Members of this body—Republicans—who don't represent Republicans across this country. Republicans, if given a chance, wouldn't they approve LTG McChrystal? Of course they would. And the other people I mentioned. We believe those who have been chosen to serve our country must be able to get to work without delay. President Obama was elected. Shouldn't he have the people he wants to work with him? Perhaps those listening think this is how the Senate always operates. The occupant of the chair is a new Senator. This isn't how it used to operate.

Let me put these delays into context. In the first 4 months of the Bush administration—the second Bush administration—I am sure it was the same in the first Bush administration—when the Senate was controlled by the President's party, and we were in the minority, there wasn't a single filibuster of a Bush nominee—not one. But in the first 4 months of the Obama administration, Republicans have filibustered eight of his nominees. Those are the ones we had to file cloture on. I have indicated that there are many others. With the constraints we have in the rules of the Senate, I cannot file cloture on every one of these. Those filibusters in the first 4 months of Senator Obama's administration are twice as many as President Bush faced in his first 4 months.

I hope people who are listening or watching understand this: We are not berating Republicans in Oregon or in Nevada or across the country. What I am saying is the Republicans here in the Senate—40 of them—are not being fair to our President and our country.

Last year, after Republicans held up the work of the Congress more than any other time in history—remember, we had 100 filibusters last year—the American people rejected the Republican status quo. They said no to Republicans' just-say-no strategy. I would hope they would learn that the American people don't like this—Independents, Democrats, and Republicans don't like it. We want to work together.

Take health care. They have seats at the negotiating table. We want to work with them. Energy, the same thing. There is no question the American people are taking notice, and they are fed up with petty partisan games. There is no question that these reckless tactics have consequences.

Republicans delay and delay and delay to their own peril. The truth is that all Americans suffer. It is time that the Republicans let us get to work and allow President Obama to have his nominees, and let's get this bill off the floor. Every day we wait, 3,500 more people are subject to being addicted to tobacco.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BURRIS. 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. BURRIS. Mr. President, I would like to speak for about 3 or 4 minutes.

The PRESIDING OFFICER. The Senator is recognized.

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, for far too long, this Nation's broken health care system has limped along badly and in need of serious reform. Many in Washington have lacked either the foresight or the political will to take on this issue. For those who have tried, it has been almost impossible to get anywhere. Even today, the President's health care proposal is under attack from both the right and the left. I think we need to do better. Controversy should not drown out conversation.

The time has come to cast aside the constraints of partisanship, stop bickering, and start talking about real change. The American people have had enough. It is time to get to work.

The facts are plain: tens of millions of Americans are uninsured and underinsured. Many of these are children. Even employer-sponsored coverage is in jeopardy. Businesses are being drained by skyrocketing costs, and many have cut benefits. High premiums, rising copayments, and expensive prescription drugs are driving American families to the brink.

Can we stand by and watch as unreasonable health care costs cripple families who are already struggling? No, we cannot.

Can we allow this crisis to deepen, leaving more and more hard-working Americans behind? No, we cannot.

It is the solemn duty of this Congress to follow President Obama's lead and enact swift, responsible reform. We can cut costs and improve coverage. We can make the system smarter and less wasteful. We can empower individuals and families to make important decisions, not giant corporations or government bureaucracies. We can and we must make quality, affordable health care available to every single American.

While I support the role insurance companies play in our health care system, I strongly believe a public option should also be available. This would restore accountability to the system and increase competition, driving prices down and making good coverage, private or public, more affordable for everyone.

American businesses and families have waited far too long for meaningful health care reform. The time to act is now.

Some of my colleagues have been working to fix our broken system for many years. Senator KENNEDY has been a leader on this issue throughout his career. This is the moment he and many others have been working toward. We must seize this opportunity to reform health care in America. I urge my colleagues to work with President Obama, as well as Senator KENNEDY, to make sure everyone has access to quality, affordable coverage.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. SESSIONS. Mr. President, I wish to assure our Members, the American people, and Judge Sotomayor that our committee is going to do its best to have a hearing on her confirmation that would be worthy of the serious responsibility we have and that the American people will feel is fair. I hope they will say it is the best hearing we have ever had.

I have to tell you, though, things are moving faster than I would like to have seen them move, and it does cause some difficulties for us. As I discussed on the floor yesterday, the Republican members of the Judiciary Committee are deeply concerned about this process being moved this rapidly. Yesterday, Chairman LEAHY unilaterally announced that the hearings would begin on July 13, some 48 days from the announcement of this nomination. I won't go into a lot of detail, but I would note that in the recent three Supreme Court nominees, Justice Breyer's hearing was 60 days after the announcement, Justice Roberts'—the one that has been most cited and was the shortest—was 55, and Justice Alito's was 70. And I would note that Justice Roberts had 370 cases, whereas Judge Sotomayor has 3,500-plus cases to review. So I think, to quote Senator SCHUMER and Senator LEAHY in remarks they made previously, it is better to do it right than to do it too fast.

I would note that late last week, the White House sent her answers to the questionnaire we send to all the nominees, requiring a good deal of information, and that is done on a bipartisan basis. Those answers were sent forward with great fanfare. In a press release from the White House Counsel's Office, the Obama administration proclaimed that they set a record by completing the process in just 9 days. But this is a confirmation process, not a confirmation race. I think the White House should focus more on having thorough and complete answers to the questionnaire, not on entering the ''Guinness Book of World Records'' for the fastest response from a Supreme Court nominee.

We know now that Judge Sotomayor omitted or failed to include key information and has provided incomplete and sometimes contradictory responses to the questionnaire. The responses are not satisfactory. So today all seven Republican members of the Judiciary Committee, who have been through this—most of them—for some time and seen these issues develop before, have written to ask that the nominee fulfill her duty to provide clear and complete answers to our questions in order to obtain quite a bit of information that is now not available and should have been included.

Mr. President, I ask unanimous consent to have that letter printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 10, 2009.

Hon. SONIA SOTOMAYOR,
Office of the Counsel to the President, The White House.

DEAR JUDGE SOTOMAYOR: Thank you for providing your questionnaire, assembled materials, and June 6, 2009 questionnaire supplement to the Judiciary Committee. Committee staff are reviewing your questionnaire responses and attachments and have noted a number of apparent omissions. In addition, we believe that some of your responses are incomplete. In view of these concerns, we would respectfully ask that you revisit the questionnaire and provide another supplement as soon as possible. If you believe that your questionnaire is fully responsive, we would appreciate an explanation to that effect.

To assist you in completing your questionnaire, below are some of the potential omissions detected to date:

(1) Question 6 asks for your employment record. Although you indicate that you were a member of the board of directors of the State of New York Mortgage Agency, it appears that you also served on the Administration and Personnel Committee (or the Program Committee) and as a member of the board of Community Planning Board #6. In addition, you indicate that you served as a member and vice president of the board of directors of the Puerto Rican Legal Defense & Education Fund; however, in response to Question 25, you indicate that you served as First Vice President. Please clarify your response and supplement as necessary.

(2) Question 12(a) requires lists and copies of materials written or edited. You have been widely described as an editor of the Yale Law Journal and as Managing Editor of the Yale Studies in World Public Order. However, you have not provided any copies of materials from either publication. Please provide the Committee with copies of any materials you edited during your tenure as an editor of both law reviews.

(3) Question 12(b) requires copies and or/descriptions of certain reports, memoranda, or policy statements prepared by specified organizations. You have stated that ''As a member of various court committees, I have prepared and contributed to numerous reports and memoranda on court issues, which relate to internal court deliberations and are not available for public dissemination.'' However, the question is not limited to publicly available reports. Please provide such reports and memoranda.

(4) Also with respect to Question 12(b), you initially omitted a report concerning the death penalty that you drafted during your time on the Board of the Puerto Rican Legal Defense & Education Fund. We would appreciate confirmation that a thorough review of those records has been completed, given the initial omission, and that you have provided all relevant documents to the Committee in response to this question.

(5) Question 13(g) requires a brief summary of and citations for all opinions where decisions were reversed by a reviewing court or where the judgment was affirmed with significant criticism. For opinions not officially reported, copies are requested. Although you indicate with respect to Bernard v. Las Americas Communications, Inc., that there was no formal opinion, you make no such representation with respect to the United States v. Gottesman opinion or the United States v. Bauers opinion—yet it does not appear that copies of these opinions have been provided. Please clarify your response.

(6) Question 16(d) asks about trial experience and requires ''opinions and filings'' for cases going to verdict, judgment, or final decision. For three cases you have indicated that ''The Manhattan District Attorney's Office is searching its records for information on this case.'' Please provide us with this information as a supplement to the questionnaire.

(7) Also with respect to Question 16(d), you state: ''I tried an additional 14 cases during my time as an assistant district attorney, from 1979 to 1984. The Manhattan District Attorney's Office is searching its records for further information on these cases.'' Please provide us with this information as a supplement to the questionnaire.

(8) Question 16(e) asks about appellate practice. Nominees are asked to provide copies of briefs and (if applicable) oral argument transcripts. You state: ''I have requested the briefs and any available transcripts from these cases from the Clerk of the Court of the Second Circuit on May 30th and will forward to the Committee as soon as I receive them.'' Please provide us with this information as a supplement to the questionnaire.

We are also concerned that some of your responses fail to provide the Committee with the information to which it is entitled in reviewing your nomination.

(1) In response to Question 11(b), you state that you are a member of an organization,

the Belizean Grove, that discriminates on the basis of sex. However, you indicate that you ''do not consider the Belizean Grove to invidiously discriminate on the basis of sex in violation of the Code of Judicial Conduct.'' Please explain the basis for your belief that membership in an organization that discriminates on the basis of sex nonetheless conforms to the Code of Judicial Conduct.

(2) Question 12(d) requires a list of speeches, remarks, lectures, etc., given by the nominee or, in the absence of prepared texts/outline/notes, then a summary of the subject matter (not a topic or a description). We believe that numerous entries in your list do not provide a ''summary'' of your remarks; instead, they set forth general topics. For example:

''I spoke on Second Circuit employment discrimination cases'';

''I spoke at a federal court externship class on Access to Justice'';

''I spoke on the United States Judicial System'';

''I participated in a symposium on post-conviction relief. I spoke on the execution of judgments of conviction'';

''I spoke on the implementation of the Hague Convention in the United States and abroad'';

''I participated in an ACS Panel discussion on the sentencing guidelines'';

''I participated in a roundtable discussion and reception on 'The Art of Judging' '';

''I contributed to the panel, 'The Future of Judicial Review: The View from the Bench' at the 2004 National Convention. The Official theme was 'Liberty and Equality in the 21st Century.' ''

This list is not exhaustive.

In addition, we are concerned about the fact that you have failed to provide a draft, video, or transcript for more than half of your speeches, remarks, lectures, etc. According to your questionnaire, you have identified 191 occasions responsive to the questionnaire. For 98, you stated that you could not locate any record, for one you stated that you gave a standard speech, for two you cross-referenced a different speech, for 81 you provided a draft or video, and for eight you provided news clippings instead of a draft, transcript or remarks. We are particularly troubled because there may well be transcripts available for certain remarks: for example, a transcript of the 2004 panel entitled ''The Future of Judicial Review: The View from the Bench'' was available online.

Please advise us of the process you undertook to search for these speeches, and for those that you are unable to provide to the Committee, please provide a more thorough explanation of the content of each speech.

Although you have provided a great deal of information to the Committee, and we appreciate your efforts, it is important that your information be complete to permit the Committee to properly evaluate your record in the short time that has been provided.

Thank you for your attention to this matter. We look forward to your receiving your supplemental answers as soon as possible.

Sincerely,

JEFF SESSION.
CHUCK GRASSLEY.
JOHN CORNYN.
JON KYL.
TOM COBURN.

ORRIN HATCH.

Mr. SESSIONS. Mr. President, the judge has provided our committee with a good deal of information. We also appreciate that the judge has already once recognized that her quick questionnaire was incomplete. The issue was raised, and she provided the committee with additional information on June 6 which really should have been in the first response. However, we are still concerned with several aspects.

As I have already said, the minority leader reiterated this morning that members of the Judiciary Committee and the full Senate need a complete and thorough record in order to make informed judgments on this nomination.

This is a lifetime appointment. It is our one chance in Congress to get it right. A Justice on the Supreme Court, if not faithful, has the power to actually alter the Constitution in addition to faithfully follow it, and sometimes I think that is what they have done.

We need to know what kind of judges we are going to get. Does this judge understand that he or she will be under the law, subordinate to the law, one who must faithfully follow the law or do they believe they are above the law and have the freedom and the ability to interpret it in new and novel ways which might seem to further some agenda he or she might have, if they are on the bench? I think the American people are concerned about that. I think they are right to be concerned about that. Decisions have been rendered, in my opinion, that are not faithful to the Constitution, not required by the Constitution.

Those are things we need to talk about and do it in a fair way and do it at a high level. There is no need to be personal about it.

The oversights and errors in this questionnaire are the product of trying to rush through a nominee with one of the most lengthy records in recent history, maybe ever, to the Supreme Court, in one of the shortest timeframes in history.

I think we should try to get it right. I believe a fair and thorough process, in the best spirit of this Chamber and in the best interest of this Nation, is what we should look forward to. I want to see we get the complete record and get back on the right track. I believe we can do that and it is important we work at it.

I promise, as I said, to do what I can, and I believe we will have a very fair and objective hearing. But it is also important that we are fair to the American people. They are depending on us to carefully scrutinize anyone who comes up for confirmation. We cannot do that without a complete questionnaire.

There are a number of things I raised the other day, yesterday, about the shortfall. I will briefly make a point or two. The letter sets forth in some detail quite a number of areas we set forth. It is eight different items and some other comments that we believe are inaccurate and we call for additional information. There are some significant matters there.

When the judge supplemented her initial questionnaire on June 6 by providing us with a report concerning the death penalty article she drafted during her time on the board of the Puerto Rican Legal Defense Education Fund, she had initially omitted that from the report. We would appreciate confirmation that a thorough review of those records has been completed, given the initial omission, and that she has provided all the relevant documents to the committee in response to this question.

There are other questions of writings, reports, and speeches. Question 12(a) requires the nominee to provide copies of materials written or edited. Judge Sotomayor has been widely described as one of the editors of the Yale Law Journal and, as managing editor, Yale Studies in World Public Order. However, we have not received any copies of either publication that she has edited. We need to see copies of those materials.

The questionnaire also requires copies of reports, memorandums, and policy statements prepared by specified organizations. The judge responded:

[a]s a member of various court committees [she has] prepared and contributed to numerous reports and memoranda on court issues, which relate to internal court deliberations and are not available for public dissemination.

I don't think those are the kind of documents that are secret. I think they can be obtained, and I believe the questionnaire calls for all of those.

Paragraph 12(d) talks about a list of speeches and lectures providing the text of those speeches or, if that is not available, outlines or notes and, if not that, a summary of the subject matter involved in the speeches. About a third of those speeches have not been prepared and the summaries are inadequate. I will give an example. This was a response to one of them:

I spoke on Second Circuit employment discrimination cases.

There is no summary of what it was about, no outline or other information on that speech.

Another one:

I spoke at a federal court externship class on Access to Justice.

Another one:

I spoke on the United States Judicial System.

Another one:

I participated in a symposium on post-conviction relief. I spoke on the execution of judgments of conviction.

Another one:

I spoke on the implementation of the Hague Convention in the United States and abroad.

It goes on. There are several others. But those are inadequate responses, probably as a result of rushing the questionnaire through. I hope the nominee will go back and see, first of all, if she can find the written speech she gave and provide us a copy of it. That would be helpful as we review these matters because there have been some questions about speeches that the nominee has made.

I will not take any more time. I will let the letter speak for itself. I tried to

call the judge earlier this afternoon, but she will not be available until sometime later, to tell her this is coming forward. I believe her staff may have already been notified of it, the White House Counsel's office.

These are not little bitty matters. They are important matters. If we are going to move forward in a record-breaking timeframe, the least we can expect is complete and full answers to these questions. It is appropriate that we insist this questionnaire be properly and completely answered. I hope and believe it will be. Certainly that is what our request is.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. 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. ROBERTS. I ask unanimous consent that I may proceed for about 12 or 13 minutes as in morning business.

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

HEALTH CARE

Mr. ROBERTS. Mr. President, I rise today to talk about health care reform. What else in regard to the interests of the American people and what we are doing here?

As the Republican leader, Senator MCCONNELL, has pointed out in several floor speeches over the past week or so, the desire for health care reform on both sides of the aisle is one that unites this Chamber across both political and geographic boundaries.

Our system of health care produces some of the best care in the world and it is the driver of a substantial share of the medical innovations that have wiped out diseases, improved our comfort, and extended our time on this Earth.

However, this system is not truly accessible to everybody, and that is the problem. That is what this entire debate boils down to: your ability to have access to a doctor, to go see the doctor of your choice when you need to see that doctor.

Solving this problem of access is exceedingly complicated, partly because it evidences itself in so many diverse ways all across the country, so many geographical areas. For example, in our rural areas in Kansas, we are struggling with attracting and retaining doctors and keeping the doors open to our hospitals, to our pharmacies, and clinics. We talk about recruiting athletes. My goodness, the business of recruiting doctors and health care professionals is equally as competitive.

In our urban areas such as Kansas City and Wichita, our providers face very different challenges which are just as daunting and which threaten a patient's ability to access health care.

On top of that, although some 250 million Americans have health insurance, somewhere in the neighborhood of 27 to 47 million, depending on who you are counting and who is talking, do not. That makes accessing health care expensive and very challenging for them.

In addition, the government-run Medicare Program, which is on the verge of bankruptcy, by the way, does not pay doctors and pharmacists and ambulance drivers and nurse clinicians—pardon me, clinical lab folks and home health care providers and almost every health care provider that you can name—they do not pay them enough to cover their cost. Unless these providers have a non-Medicare population to recoup their losses, they cannot stay in business and their patients lose out—a de facto rationing of health care.

As a member of both the Finance and HELP Committees, and the cochair of the Senate Rural Health Care Caucus, I am able to participate and have been participating, along with staff, in this complex and very difficult effort. We must reform our health care system into one that guarantees meaningful access for all Americans, and guarantees that patient-doctor relationship. However, this effort to date has been a tale of rhetoric versus that of reality, the promise of cooperation contrasted with the unfortunate but real fact of partisanship, something I do not like to say.

Let me explain. President Obama, who ran as a ''postpartisan'' candidate, has made many overtures to Republicans indicating a desire for this process to be bipartisan. He just met with some members of our leadership and obviously the leadership on the other side of the aisle as of today.

Others in the Senate have declared their goal to be a bill that attracts upward of 70 votes. Is that possible? I would hope so. It could be. That would be a tremendous victory for the Senate of the United States and the American people.

But the reality is something very different. Today in the HELP Committee, the Health, Education, Labor and Pensions Committee, we have just begun the process of walking through a 615-page bill that we are scheduled to mark up next Tuesday.

This bill does not have one single Republican contribution, as far as I can tell. Moreover, it is incomplete, with many details missing. For example, the small detail of how much it will cost. There is no cost estimate to this bill of 615 pages, just going through it as of today, going to try to mark it up next Tuesday.

Come on. That is not the way we should be doing business. The Finance Committee has conducted a parallel and I think, quite frankly, a better process so far, and I wish to thank Chairman BAUCUS and Ranking Member GRASSLEY and their staffs for their efforts. But we still have not seen a detailed proposal or cost estimate, and we are being pushed to mark something up in the next few weeks as well.

I want everyone to understand why process is important. Health care reform is important, to be sure. Getting things done obviously is important. But so is process. It is not because I do not want health care reform, nor is any Member in this body in a position to say they do not want health care reform. I want every single Kansan, every single American, to be able to see the doctor of their choice when they want to, especially when they have to.

I speak today because this health care reform bill will likely involve one of the biggest, most important votes that I or any one of my colleagues will cast during the time we are privileged to serve in the Senate of the United States. This health care reform bill will affect the lives of every single American. It will reform a system that drives one-sixth of our economy, over 16 million American jobs. It will have consequences for medical science and innovation that improve the lives of not only those of us in this great country but all across the world. When people are really sick, they come to the United States.

This bill will spend upwards of $2 trillion—$2 trillion—our children and grandchildren will have to some day repay. If we are going to do this, we cannot afford to get it wrong. For this reason, I initiated a letter about a week ago on behalf of all of my Republican colleagues on the Senate Finance Committee and on the HELP Committee. I asked the chairmen of those respective committees, the distinguished chairman, Senator DODD, who is now serving in Senator KENNEDY's absence, to give this process the time and the careful consideration it deserves. That was the message of the letter: Give us the time and the very careful consideration this vital issue deserves.

It seems to me our requests have been extremely reasonable. First, please provide us with your detailed plan with enough time for us to read it, to understand it, and get feedback from our constituents back home, the people the bill will affect.

We have done this in the Finance Committee. Goodness knows, I do not know how many panels we have had, how many walk-throughs, how many slide presentations. Boy, that is tough in the afternoon to turn the lights off as Senators and try to pay attention to fact after fact after fact and suggestion after suggestion after suggestion and policy objective after policy objective on each day as we go through the legislative swamp, to try to get this from here.

Our requests, again, I think—I want to say it again. First, you should provide us with your detailed plan with enough time for us to read it, understand it, get feedback from our constituents back home, the people the bill will affect. The reason I said that twice is that every day we had one of these slide shows, every day we had a

PowerPoint, every day we got more information, our office would send it back to the providers of health care in Kansas, much in the same fashion as members of the committee would send to it their people, and say: Hey, is this going to work? These are the people who actually do provide the health care.

I know the arguments that say: Well, now, wait a minute. We need to cut out fraud, waste, and abuse, and we need to be much more cost conscious. We need better practices in regard to better medical practices. We need a lot of things to either suggest or to incentivize or to maintain what the health care providers do.

But in the end result, if that person is sick, they are going to have to see a doctor, and they are going to have to see a nurse or some health care provider. So in the end result, we better at least be doing something that the providers say, yes, this makes common sense or you are going to see either one of two things: You are going to see a political revolt when they say, no, we are not going to go down that road or else you are going to see a continuation of rationing where providers say: No, I am not going to take part anymore in the Medicare Program, because I am not getting reimbursed up to cost.

You can have the best government program in the world, you can have the best government card in the world. But if you cannot find a doctor who provides service or a home health care provider who will provide service, or any provider who will provide that service well, where are you?

Second, I would like to see provided the cost estimates from the Congressional Budget Office and the Joint Tax Committee. Let us know how much all of this is going to cost. That is extremely important. We are hearing anything from $1 to $2 trillion.

Then, lastly, how will it be paid for? I know we are into an era now where basically we have the printing presses rolling, and we have an Economic Recovery Act and we have many facets of that, we have the stimulus, the omnibus, we had the President's budget and we had TARP, and we had four different other acronyms under TARP, and we did not worry too much about the pay-fors and who was going to pay for it. We let the printing presses roll, because nobody wanted to see economic Armageddon.

Could we have done it better? I think so. But that is yesterday's decision. So we should identify how this will be paid for or are we not going to pay for it. Are we simply going to go ahead—there has been some discussion about some aspects of it that you would not pay for. There are other aspects that we need to go into, because they involve probable tax increases, and now is not the time to be increasing taxes, especially on the small business community, despite the need for health care reform.

I think asking for these details is absolutely fair. I think it is necessary under the circumstances. In fact, I would be ignoring my responsibilities to my constituents in Kansas if I did not demand these conditions be met.

Every single Republican member of the Finance Committee and HELP Committee signed the letter. Every single one expressed a desire to work with our colleagues to achieve bipartisan health care reform.

That brings me back to today's HELP Committee walk-through of 615 pages of an incomplete draft, the rushed HELP and Finance markup schedule, Tuesday, and then in about a week or two, the arbitrary floor debate deadlines that we hear from leadership. I hope our letter will slow this hurried dash to an imaginary finish line. Slow it down. Slow it down. I know it is extremely important that we pass good health care reform legislation. It is also extremely important to prevent bad legislation from passing and get America saddled with it for about 20 or 25 years. I wish at the end of every committee room, if in fact the bill gets to committee, the committee of jurisdiction, that we can hold appropriate hearings, we would have a sign that says, ''Do no harm.'' And then right below it perhaps we could put ''whoa,'' until everybody can slow down and read it in regard to process, and cost, and specifics of the bill, and trying to work together to get a good product.

There is no reason why the Senate should rush through a bill that has this much at stake. So time out. Time out. Time. Slow down. Give us the details. That is all we are asking for. The people of this great Nation deserve nothing less. Let's get health care reform and let's get it right.

I yield the floor.

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. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. THUNE. I ask unanimous consent to speak as in morning business.

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

PAY-GO

Mr. THUNE. Mr. President, there is a disturbing pattern emerging in Washington, DC, which I don't think is being lost on the American people. We have seen, since the beginning of this year, with the new administration coming into power, the new Congress taking control of the leadership in both the House and Senate, an enormous amount, an unprecedented amount of spending, borrowing, and taxing. To bear that out—this information has been used before—if you actually look at the numbers, you have to go back a long ways in American history, go back to the foundation of our country, go back to 1789, and you take it up to today, 2009, 220 years of American history, the total amount of debt that has been accumulated over that period of time, literally since the Presidency of George Washington through the Presidency of George Bush will be equaled in the next 5 years.

We will double the amount of Federal debt, public debt in this country in the next 5 years. We will triple it in 10 years. We are borrowing and spending money around here on a spree that literally is without precedent in American history.

It should be of concern to all Americans for the obvious reason. They have a share of that debt. In fact, according to USA Today, if you just take the amount of debt that has been accumulated since the beginning of this year, with the passage of the stimulus bill, with the new appropriations bill that passed, an 8.3-percent increase over the previous year, which was twice the rate of inflation, and all the other spending that is going on with the various bailout programs and whatnot, the average family's share of the debt this year alone is $55,000. The average family's share of the Federal debt is $55,000 per family in debt accumulated just since the beginning of this calendar year.

The amount of borrowing is without precedent. The amount of spending that is being done is without precedent. All under the guise of this is an emergency, and we have to react this way. But I think as more of this spending and more of this debt accumulates, the American people have become more convinced that the spending isn't solving the problem it was supposed to solve, which was we were going to create jobs, get the economy growing and expanding again. We haven't seen any of those effects.

What we have seen, of course, is more debt, more interest, and a bill that we will hand to future generations that is not fair to them because we should not be penalizing future generations and pushing them because we haven't been able to live within our means.

The most recent response to that by the administration was yesterday. They came out and announced they are going to implement pay-go. So we are going to have pay-go regulations or pay-go policies now in place with respect to the Federal budget and the way we operate in Congress. Incidentally, even when pay-go was in effect, it was not very effective because much of the budget, much of the spending that occurs in Washington is outside the realm or outside the net of pay-go.

In fact, if you look at what pay-go does in terms of its design, it exempts all discretionary spending, would allow all current entitlement programs, such as Social Security, Medicare, and Medicaid, to continue to grow on autopilot. It affects only new entitlements or tax cuts that may be created in the future. Pay-go also allows expiring entitlement programs to be extended without offsets but not expiring tax cuts.

So it is clearly biased in favor of higher spending and higher taxes. In fact, if it does not apply to discretionary spending and if, in fact, it does not in a meaningful way apply to entitlement reform—in other words, it simply puts sort of a cap on how much entitlements can grow, but it doesn't get at the fundamental issue that these programs continue to grow unabated—it is simply one thing: a statutory excuse to raise taxes. That is essentially what pay-go is.

The new administration came out with the news bulletin yesterday that this is somehow a bold, new step and that they are going to attack and take on this deficit and this debt we have. Of course, what they didn't tell us is—sort of the expression we use in my part of the country—it is like closing the barn door after the horse is already out of the barn because we have already got all this spending this year that wasn't covered by pay-go. The stimulus bill, which was $800 billion in new borrowing, was outside of pay-go. In fact, over the past several years now that the Democrats have been in power in the Congress, they have consistently violated the pay-go standard, about 15 times, to the tune of about $882 billion in all this new spending that was done outside of pay-go.

So now it is like all of a sudden coming to the conclusion and realization that now we are going to get serious about deficits, now we are going to get serious about spending, now we are going to somehow clamp down on all these new programs that are out there. Somehow, at least rhetorically, subscribing to pay-go as a concept is going to be the solution and the answer to that.

I think we all know better than that. As I mentioned, pay-go has been routinely sort of ignored in the past. Even if it were to apply, as I mentioned earlier, it does not capture much of the spending that goes on here in Washington. It is simply nothing more than a statutory excuse to raise taxes.

Having said that, I mentioned before much of the spending that has already occurred here in Washington. Yet the big-ticket items are still looming out there on the horizon in the future. By that I mean health care reform, which is a big priority of the administration. We are starting to see more details, get a little bit of a glimpse of what that might entail.

We know, for one thing, based upon the statements that have been made by the President and by the Democratic leaders in the Congress, they want it to include a government plan, purely and simply. They want a government plan, which means one thing; that is, that the government takes over health care in this country. Because you cannot maintain a private insurance program, you cannot maintain a private-sector delivery system, a market-based health care system in this country if you are going to have a government plan.

The government plan is where everybody, according to studies that have been done, eventually would end up going. They would gravitate there. More and more small businesses either would be forced to pay fines, if they did not have insurance themselves or offer insurance. The suggestion is—and I think it is a fair one based upon the analysis that has been done by a lot of the independent outside groups—you will see more and more small businesses giving up their health care coverage and having their employees move and transition into the government plan. The government plan will become the repository for all the employees who are currently covered in employer-provided health care plans in this country.

So the government component of this will continue to grow, and eventually you will have a system that very much models or is very similar to what we see in other places around the world. Some people talk about Canada, some people talk about Europe and all these great systems. But the reality is, a lot of the people in those countries come to the United States. The reason they come here is because we have the highest quality care and because they can get access to it.

The one thing that happens when the government runs health care is the government decides what procedures are covered. The government decides what treatments are going to be part of the coverage. The government will decide how soon you can get access to those treatments. What you find in other countries around the world are long lines, long waits, and that is fairly typical of the countries I mentioned.

The thing that makes the American system so unique in all the world is its dependence upon and its foundation upon a market-based system. It has led to incredible innovation. It has led to incredible research and development, new treatments, new therapies, and has provided all kinds of opportunities for people of this country to receive health care, and, frankly, as I mentioned before, for people from other countries who come here to get their health care.

So why we would want to throw out that part of our health care system that is so good and replace it with a government-run system—which, frankly, again, the government is going to get in the middle of the decision between the consumer of health care or the patient and their provider, the physician, and make those decisions. It seems to me that is not a model we want to emulate in the United States.

As I said, we have a system that needs reform. We have flaws in the way our current system works. But the fact is, it is the very best health care system in the world, and I think it would be a big mistake for us to go down a path that shifts and moves more and more people into a government-run, government-controlled system, where the government decides what procedures are going to be covered and how soon you are going to have access to them.

I think it does one thing: It obviously would lead to a rationing of health care. By that I mean, simply again, that the government would have to try the clamp down on costs, limit the access of people to have certain types of therapies, certain types of treatments, and I think you would find less and less choice available in health care in this country. That is what I think a government-run system would give you in the end.

Most of us on this side have laid out a number of proposals, alternatives to a government-run system. Everybody says: Well, come up with a plan of your own. We have a number of them out there. We have a Coburn-Burr plan that has been introduced. Senator GREGG from New Hampshire has a plan that has been introduced. There is a Bennett-Wyden bill, which is a bipartisan bill, that has been introduced out there. But there are a number of alternatives that have been put forward by Republicans.

To date, we have only seen little sort of generalities about the Democrat plan. All we simply know is they are going to insist upon a government-run component to that. Again, it simply is nothing more and nothing less than a government takeover of health care, which is going to lead to all kinds of outcomes that I do not think most people in this country are prepared for and, frankly, if they had the opportunity, would not support.

But they have entrusted us with the responsibility to look for ways to make health care more affordable in this country. There are lots of good suggestions which, as I said before, Republicans are putting forward. But it is going to be very difficult if the bright red line that is put forward by the Democrats in the Senate and in the House of Representatives is a government-run program, a government-run plan or else. I certainly am not going to subscribe to that sort of a solution for America's health care system. Nor do I think it is going to be in the best interests of patients and consumers around this country or providers, for that matter, to do that.

So health care debate is one debate that is out there. The reason I raised that issue is because it ties back into my point earlier that the amount of spending and borrowing and taxing that is going on here is—if you look back at what has already been done, it is enormous, it is enormous by any comparative standard in American history. But the big-ticket items are still out there because the health care plan, as we understand it—again, it has only been conceptual. We have not seen the details emerge from any of the Democrats' ideas. They are starting to roll more of it out. But one thing is clear: It is going to have a huge price tag. We are talking about anywhere from $1 trillion to $1.5 trillion to $2 trillion. Of course, if they are going to adhere to the newly announced pay-go standard, that means this new entitlement program has to be paid for.

So where does that $1.5 trillion or $2 trillion come from? Well, obviously, it is going to come from some revenues raised from some part of our economy. That means a lot of hard-working Americans are going to see their taxes go up to finance this new government takeover of health care, which is going to give them fewer options, and get in the way of the patient-doctor relationship and cost them a lot more in the form of higher taxes.

I think even though much of the spending I have already referred to is in our rearview mirror—all that is left is to pay the bill for that. We still have to pay the bill. We are borrowing, which means somebody is going to pay the bill. We are going to hand off the bill to the next generation of Americans because, obviously, when you borrow $1 trillion, someday it has to be paid back. In the meantime, when you continue to rack up that kind of borrowing and when you continue to do all the other things we are doing in our economy in terms of interventions, whether it is with regard to financial institutions or auto manufacturers—you can kind of go down the list—insurance companies now that the government actually has an ownership interest in that—we are acquiring enormous amounts of exposure and debt for the taxpayers of this country.

The health care plan is going to be another $1.5 trillion or $2 trillion on top of that. When you borrow that amount of money, you do have to pay it back. By the way, I should mention, too, the interest on the amount of debt we are going to rack up in the next 10 years alone is about $5 trillion. Think about that. That is just to pay the finance charge on the debt we have in this country. Think about the enormous burden that places on the American taxpayers and the American economy.

What generally happens in a case such as that is, when you borrow that much money, there is a lot more pressure out there, and the people who are buying that debt are, at some point, going to start demanding a higher interest rate. When interest rates go up, with the higher return on their investment, generally inflation follows with it. So you have all kinds of economic problems that are created by the level of borrowing we have already incurred. And we are going to add a new health care entitlement on top of that. It literally is breathtaking the amount of intervention we are seeing in the private marketplace today.

I talked about some of the spending and some of the borrowing that has been done. But in the taxes that are going to be associated with health care—and I could go down a list. There is a three-page list of the various, what we call pay-fors or ways of raising revenue to help finance health care. But there is also another big tax looming on the horizon, and that is the carbon tax, what we call the national sales tax on energy. If this climate change bill, which is currently moving through the House of Representatives, reaches the Senate, and if it does, in fact, pass the Congress this year, that, too, will entail an incredible amount of taxation, because there is no way in this country you can attach, essentially, a cost to carbon per ton and force companies that emit to buy the credits that would be associated with that without them passing it on. They are going to pass it on. Everybody admits that. The President has admitted that. The leadership on the other side has admitted that. All the utility companies in the country will tell you that.

A carbon tax, a national sales tax on energy, would hit places such as where I am from in the Midwest the hardest because we are, by and large, proportionately more dependent upon coal-fired power than are many other areas in the country. We have a sparse population, which means we have a ''higher carbon footprint,'' which means people in the Midwest, in States such as mine, are going to pay way more for energy under any kind of a climate change bill or what we call a cap-and-trade bill or cap-and-tax bill.

However you want to refer to it, there is no way of getting around the fact that it is going to cost an enormous amount every single year for families in this country, for businesses in this country, for industrial users, for school districts. I have seen the statistics from school districts in my State, from commercial users, from residential users about what those costs are going to be. They are stunning.

So that is another tax that is still out there. Add that to the health care tax that will come with whatever health care bill is passed through here, and the amount of taxation is going to start to rival the amount of spending and borrowing that is going on in Washington.

But it brings me to my final point, and that is what I am concerned about and what I am starting to hear more and more from people in my State of South Dakota—in many cases unsolicited—who come up to me and raise this issue of the amount of government ownership of our private economy. We are seeing, again, unprecedented levels. If there is one bedrock principle in American history, it is the adherence to the ideals of private enterprise.

In recent months, however, the United States has substantially deviated from this historical pattern, and the Federal Government now owns substantial shares of major U.S. corporations. We own—the taxpayers; I mean you and I and all of us here—we are now shareholders in a lot of major U.S. corporations. The taxpayers—the Federal Government—own 79 percent of AIG, 75 percent of General Motors, 10 percent of Chrysler, 36 percent of Citibank, 80 percent of Freddie Mac and Fannie Mae. And it goes on and on and on.

So we have all this spending, borrowing and taxing and now, on top of that, increasing the amount of government ownership of America's private economy. If there is one thing Americans are clear on, it is that the government should not be taking over bigger and bigger shares of the American economy.

There was a survey recently by Rasmussen that said 75 percent of Americans agree the Federal Government should not take over the U.S. banking system. That was a poll done in February. More recently, 60 percent say that the bailout loans given to GM and Chrysler were a bad idea. That was an April 21 poll. A new poll, done on May 31, just recently, shows that 67 percent of Americans are opposed to providing General Motors with $50 billion and giving the government a 70-percent ownership interest in GM. Mr. President, 56 percent of voters said it would be better to let GM go out of business. None of us want to see that. But I think none of us, at least most Americans do not want to see the government owning more and more of American companies. The Federal Government is inevitably going to use that ownership stake to push its own agenda.

In a moment of extreme candor, former Labor Secretary Robert Reich declared that if the government is an active shareholder, they should ''push management to take actions that are not necessarily geared toward higher shareholder return.''

Think about that statement. The government owns more and more of American businesses. They should ''push management to take actions that are not necessarily geared toward higher shareholder return.'' In other words, the government should use its newly acquired power in formerly private companies to further its own agenda.

Both the political process and the free markets are going to be distorted if that happens. In fact, in the New Republic, Noam Scheiber recently wrote that ''government ownership invariably politicizes management decisions which could be a fiasco.'' The article notes that a coalition of unions is lobbying against providing bailout dollars to Principal Financial Group because of its opposition to ''card check.'' You find more and more of these pressures on now because the government has a bigger and bigger stake in the government dictating day-to-day management decisions in American business. That is not a path I would argue we want to go down.

The Economist commented on the government-forced Chrysler bankruptcy:

> In its haste it has vilified creditors and ridden roughshod over their legitimate claims over the carmaker's assets. At a time when many businesses must raise new borrowing to survive, that is a big mistake. . . . The Treasury has also put a gun to the heads of GM's lenders.

In a recent Bloomberg article, Bradley Keoun warns of some of the problems that Citigroup—and other banks

incur in accepting bailout money—may encounter as a result of the partial government ownership. Among them he cites government pressure for stricter compensation rules, directives to focus on ''State-approved social objectives,'' instead of increasing earnings, scrutiny of advising or being forced to ''exit risk-taking businesses that are profitable competitors.''

I think there is plenty of thought out there from people who understand the economy and the importance of the private market, its tradition, its contribution to the success of the American economy, and the prosperity we enjoy today, as well as lots of anecdotal and other evidence that when the government gets into these particular situations where it is trying to influence the day-to-day decisions of private business in this country, those who are trying to manage our private businesses in this country, leads to all kinds of fiascos and disaster.

I would mention one other point and that is, according to Bloomberg, after demands from lawmakers, Citigroup consented to support cramdown legislation, even though this policy was opposed by others in the banking industry.

It is pretty clear these types of interventions into the private marketplace, into the free market economy in this country, lead us down a path that is not good for the American taxpayer, not good for the American economy, and that it stifles innovation and entrepreneurship. In fact, I would argue it kills the entrepreneurial spirit in this country to have government taking bigger and bigger ownership interests, bigger and bigger ownership stakes in the American economy, and further dictating the decisions, the day-to-day decisions which American businesses make that are designed to grow their companies, to get a better return for their shareholders, to become more profitable, to make America more prosperous, to raise our standard of living, and to deliver more benefits to their employees—all these things that have driven this economy and made it the envy of the world. I don't think we want to go down a path or stay down a path that gets us deeper and deeper into ownership of the private economy.

I am going to be introducing and filing a piece of legislation tomorrow which addresses this issue and which provides an exit strategy for the Federal Government and for the taxpayers to begin to get out of all these ownership interests they have in the American economy, and I will have the opportunity on the floor to talk more about that at a later time. But this afternoon, I wished to touch on these issues as we begin the debate which has sort of captured this city and the Congress and the administration and I think very soon will engage the American public over health care reform and the trillions of dollars of new taxes and revenues that are going to be necessary to finance the proposal the new administration has for health care reform and how that takes us even further down the path of government intervention and a level of nationalization of our private economy—in this case health care—and that pattern that just seems to be continuing and which I think more and more Americans are reacting to and more and more Americans, I believe, are going to become engaged in.

Members of Congress on both sides are going to be hearing from their constituents about what they perceive to be a real threat to the long-term viability, the long-term prosperity, and the long-term protection of the taxpayers' interests.

I hope they will become more engaged. I certainly hope we will be able to defeat proposals that come before the Senate that call for greater governmental ownership, greater governmental intervention, greater expansion of governmental powers in Washington that will limit the choices of Americans, limit their access to health care opportunities, health care therapies, health care treatments that all too often are lost, I believe, in a system where the government rations care.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

MCCHRYSTAL NOMINATION

Mr. REID. Mr. President, in my office a few minutes ago, I received a call from Admiral Mullen, the Chairman of the Joint Chiefs of Staff. I wrote down what he asked and what he said. He said: Senator, there is a sense of urgency that General McChrystal be able to go to Afghanistan tonight.

There is no commander in Afghanistan.

Admiral Mullen said—and I wrote it down: Admiral McChrystal is literally waiting by an airplane. It is 2 o'clock in the morning Thursday in Afghanistan. Dawn will soon be breaking and our troops will not have a commander there.

Is this what the minority wants? Why can't they come and approve this man to go defend us in Afghanistan? I am without words to try to explain my consternation at the fact that General McChrystal, one of our most eminent, prominent, outstanding, qualified soldiers, a man whose father won five Silver Stars, a man whose record is one of being the leading person in our military to do counterinsurgency—that is what he is an expert in doing.

Let's get the man approved tonight so he can leave in an airplane and get over there and take care of his men and women.

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. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

GUANTANAMO

Mr. MCCONNELL. Mr. President, it wasn't that long ago that the Senate voted almost unanimously to oppose bringing any terrorists at Guantanamo to the United States. But earlier this week, the administration ignored the will of the American people as expressed through that Senate vote by transferring a Guantanamo detainee named Ahmed Ghailani to New York. The purpose of the transfer is to try Ghailani in a U.S. civilian court for his role in the African embassy bombings of 1998. The administration's decision raises a number of serious questions.

First, Ghailani has already admitted that he attended a terrorist training camp in Afghanistan and assisted those who planned and carried out the embassy attack, but says he did so unintentionally. In a U.S. civilian court, if you're found not guilty, you're allowed to go free. So if we are going to treat this terrorist detainee as a common civilian criminal, what will happen to Ghailani if he's found not guilty? And what will happen to other detainees the administration wants to try in civilian courts if they are found not guilty? Will they be released? If so, where? In New York? In American communities? Or will they be released overseas, where they could return to terror and target American soldiers or innocent civilians?

Second, if Ghailani isn't allowed to go free, will he be detained by the government? If so, where will he be detained? Would the administration detain him on U.S. soil, despite the objections of Congress and the American people?

Third, why does the administration think a civilian court is the appropriate place to try Ghailani? Congress enacted the military commissions process on a bipartisan basis as a way to bring terrorists to justice without disclosing information that could harm national security. Some have complained that the previous administration moved too slowly on military commissions, but a lot of that delay was due to the constant legal challenges that were leveled against the process, including by some in the current administration. In fact, Ghailani's case was already being handled by the military commissions process—to the point that a judge had established a trial schedule for him. I ask unanimous consent that the trial schedule be printed in the RECORD.

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

UNITED STATES OF AMERICA v AHMED KHALFAN GHAILANI (A/K/A ''FUPI'', ''HAYTHAM'', ''ABUBAKAR KHAFLAN AHMED'', ''SHARIF OMAR'')

SCHEDULE FOR TRIAL, AMENDMENT ONE

4 MARCH, 2009

1. The following trial schedule is ordered. Times when listed are local Eastern United States.

a. 1 June 2009: Discovery completed.

b. 15 June 2009: Discovery Motions due to the military judge and opposing counsel. If counsel intend to submit more than ten (10) discovery motions, counsel shall inform the military judge and opposing counsel of the total number of law motions which counsel intend to present NLT 1200 hours, 8 June 2009. If appropriate, the military judge will advise counsel of a revised schedule to present the motions.

d. Week of 6 July 2009: Hearing in GTMO re: Discovery Motions.

e. 20 July 2009: Law Motions due to the military judge and opposing counsel. In general, law motions are those which require no evidentiary hearing to determine. If counsel intend to submit more than ten (10) law motions, counsel shall inform the military judge and opposing counsel of the total number of law motions which counsel intend to present NLT 1200 hours, 13 July 2009. The military judge will advise counsel of a revised schedule to present the motions.

Note 1: Motions will have as their underlying legal premise no more than one legal basis. If there is more than one legal basis, then there should be more than one motion. Law motions include motions relative to sentencing.

Note 2: Motions, response, and reply due dates are a No Later Than date. Counsel for both sides are advised that any motion, response, or reply which is ready for submission prior to the due date should be submitted when completed. The efficient and proper process of motion practice will NOT be enhanced by delivering multiple motions, responses, or replies to the Commission or opposing party at the last possible moment.

e. Week of 3 August 2009: Hearing in GTMO re: Law Motions and Witness Production issues or any unresolved matters.

f. 10 August 2009: Defense Requests for Government Assistance in Obtaining Witnesses for use on the merits. See R.M.C. 703.

Note: The Government response to any witness request will be due within five business days of the submission of the request. Any Defense motion for production of witnesses in conjunction with a motion will be due to the court and opposing counsel within five days of receipt of a denied witness request.

g. Week of 24 August 2009: Hearing re: unresolved Witness Production Motions and/or any unresolved matters.

h. 31 August 2009: Evidentiary Motions due. Evidentiary motions due to the military judge and opposing counsel. In general, evidentiary motions are those which deal with the admission or exclusion of specific or general items or classes of evidence. If counsel intend to submit more than ten (10) evidentiary motions, counsel shall inform the military judge and opposing counsel of the total number of evidentiary motions which counsel intend to present NLT 1200 hours, 24 August 2009.

Note 1: Generally, see Paragraph ''e'', Notes 1 and 2 above.

Note 2: Defense witness requests associated with any motions should be submitted to the trial counsel in accordance with R.M.C. 703 simultaneously with the filing of the motion (or Defense response in the case of a Government motion) in question. The Government response to any witness request will be due within five days of the submission of the request. Any Defense motion for production of witnesses in conjunction with a motion will be due to the court and opposing counsel within five days of receipt of a denied witness request.

i. Week of 14 September 2009: Hearing in GTMO regarding Evidentiary Motions.

j. 23 September 2009: Requested group voir dire questions for Military Commission Members due.

Note: The military judge intends to conduct all group voir dire questioning of the members per R.M.C. 912. The military judge's group voir dire will take counsel's requested questions into account as appropriate. The military judge will also conduct the initial follow-up individual voir dire based on responses to the group questions. Counsel will be permitted to conduct additional follow-up voir dire.

l. 24 September 2009: Proposed members instructions due.

m. 5 October 2009: Assembly and Voir Dire for Panel Members.

n. 9 October 2009: Beginning of trial on the merits lasting potentially as late as 13 November 2009.

2. Counsel should direct their attention to the Rules of Court, RC 3, Motions Practice, and specifically Form 3–1, 3–2, and 3–3, for the procedures I have established for this trial. All motions, responses and replies shall comport with the terms of RC 3.6 in terms of timeliness. Any request for extension of any response or reply deadline associated with this hearing will be submitted before the deadline for the reply or response.

3. Requests for deviations from the timelines for hearings or for submission of motions established by this order must be submitted not later than 20 days prior to the date established, except for law motions for which requests for deviations from the due date must be submitted within 7 days prior to the date established.

4. Monthly Status Conferences will be scheduled throughout the pendency of this action or as needed under the circumstances. Counsel should anticipate the fluidity of the process of this action and be vigilant to alterations. Counsel requiring hearings or conferences not specifically anticipated herein should make a written request as soon as practicable in order to maintain the efficient and fair administration of justice. Court hearings designated as ''during the week'' is for planning purposes and actual hearings dates are commensurate with logistical, courtroom accessibility and transportation availability.

BRUCE W. MACKENZIE,
CAPT, JAGC, USN Military Judge

Mr. MCCONNELL. This schedule would be well underway if the administration had not suspended all military commission proceedings several months ago. Now we will have to start the process for Ghailani over again in civilian court.

The administration made the right decision by reconsidering its position on military commissions and deciding to resume their use. So why did the administration decide to stop the military commission proceedings against Ghailani that were being conducted in the modern, safe, and secure courtroom at Guantanamo and move him to the U.S. to try him in civilian court? Is it because the Administration doesn't think that by deliberately targeting innocent American civilians Ghailani violated the law of war? Does it think he should be treated as just another domestic civilian defendant?

Fourth, how will the administration ensure that trying Ghailani in a U.S. court doesn't damage our national security? As we've seen in the past, trying terrorists in the U.S. has made it harder for our national security professionals to protect the American people.

During a previous trial of suspects in the African embassy bombings, evidence showed that the National Security Agency had intercepted cell phone conservations between terrorists. According to press reports, this revelation caused terrorists to stop using cell phones to discuss sensitive operational details.

And during the trial of Ramzi Yousef, the mastermind of the 1993 World Trade Center attack, testimony given in a public courtroom tipped off terrorists that the U.S. was monitoring their communications. As a result, these terrorists shut down that communications link and any further intelligence we might have obtained was lost.

On the question of Guantanamo, it became increasingly clear over time that the administration announced its plan to close the facility before it actually had a plan. If the administration has a plan for holding Ghailani if he is found not guilty, then it needs to share that plan with the Congress. These kinds of questions are not insignificant. They involve the safety of the American people. And that is precisely why Congress demanded a plan before the administration started to move terrorists from Guantanamo. The American people don't want these terrorists in their communities or back on the battlefield. But that is exactly where Ghailani could end up if he is found not guilty in a civilian court. Before it transfers any more detainees from Guantanamo, the administration needs to present a plan that ensures its actions won't jeopardize the safety of the American people.

Finally, earlier today, the Senate majority whip came to the floor and claimed there is evidence that al-Qaida may be recruiting terrorists within Guantanamo. I am glad to see that the majority whip appears to be acknowledging the FBI Director's concerns that Guantanamo terrorists could radicalize the prison population if they were transferred into the United States. The fact that these terrorists might be able to recruit new members and conduct terrorist activities from behind bars is an important one. I also find it preposterous that the majority whip would assert that because I and others—including, by the way, members of his own conference—want to keep dangerous terrorist detainees away from American communities, we will enable terrorists to escape justice. Keeping these terrorists locked up at Guantanamo, and trying them using the military commissions process, is the best way to deliver justice while protecting the American people.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. MCCONNELL. I have yielded the floor. The Senator can feel free to make a statement.

Mr. DURBIN. I was hoping to ask the Senator from Kentucky a question.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I understand the majority leader was asking about clearing some military promotions earlier today. I wanted to indicate—and I see the assistant majority leader is here—we are clear with those and never had an issue with these particular promotions. Therefore, I suggest that we call them up and confirm them immediately.

Unless there is an objection from the other side, and having notified the other side, I ask unanimous consent that the Senate proceed to executive session to consider the following military promotions: Calendar Nos. 192, 193, and 194. I further ask unanimous consent that these nominations be confirmed en bloc, the motions to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Douglas M. Fraser

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Stanley A. McChrystal

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. James G. Stavridis

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Illinois.

GUANTANAMO

Mr. DURBIN. Mr. President, I want to make my comments about the minority leader's statement on the floor while he is still here. If he is willing to stay, we can engage in a dialog on this issue. I think it is time we do come to the floor together, along with the Republican whip, and at least make it clear what our positions are on some of these issues related to Guantanamo because it has been a matter of concern and a lot of comment on the floor of the Senate over the last several weeks.

I was going to ask the Senator from Kentucky, the minority leader, whether I understood him correctly when he said he believed that this individual, Ahmed Ghailani, if found not guilty in a court in the United States, would be released in the United States to stay here in a legal status. I wish to ask the Senator, if that is what he said, what is the basis for that statement?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I can only repeat what the President's spokesman himself said. I am responding to the question propounded to me by the Senator from Illinois. It is my understanding the President's spokesman yesterday refused to say what would happen to Ghailani if he were found not guilty. So there is some confusion about that.

Mr. DURBIN. There is no confusion. This is such a leap to argue that if this man, who is not a resident of the United States—if I am not mistaken, he is Tanzanian—that somehow if he is found not guilty in the courts of the United States, he is qualified to be released into our population. That is a statement—I don't know anyone could draw that conclusion. He would have no legal status to stay in the United States unless we gave him one.

By what basis does the Senator from Kentucky suggest that this man, who may have been involved in the killing of 12 Americans among 224 other people, is going to be released by President Obama into our communities and neighborhoods?

Mr. MCCONNELL. Is the Senator asking me a question?

Mr. DURBIN. I am.

Mr. MCCONNELL. Let me say I am only quoting the President's spokesman. He says he doesn't know what would happen if Ghailani is released.

Let me say to the Senator from Illinois, let's assume that he is sent back to the country from which he came. I ask, in what way is America safer if this terrorist subsequently, under this hypothetical release in the United States, goes back to his native country from which he potentially could launch another attack on the United States?

Mr. DURBIN. I say in response, my colleague from Kentucky is gifted at the political craft. He has decided not to answer my question but to ask a question of me.

I say first that his assertion that this man, Ahmed Ghailani, if found not guilty would be released in the communities and neighborhoods of America cannot be sustained in law or in fact. He made that statement on the floor. That is the kind of statement that has been made about these Guantanamo detainees.

I don't know what will happen to Mr. Ghailani if he is found not guilty. It is conceivable that he could be charged with other things. It is conceivable he could face a military tribunal. It is conceivable he may be subject to detention.

I will say this with certainty. President Obama will not allow dangerous terrorists to be released in the United States in our communities and neighborhoods. I hope everyone on both sides of the aisle would agree with that.

I also wish to ask, if the Senator from Kentucky is critical of President Obama for announcing that he was going to close Guantanamo before he had a plan, why didn't we hear the same complaint when President George W. Bush announced he was going to close Guantanamo before he had a plan? Is the difference partisan?

Mr. MCCONNELL. I say to my friend from Illinois, he has made this point before, and I answered it before. I will answer it again.

I was against it when President Bush was in favor of it. I have been consistently against closing Guantanamo all along the way, no matter who the President was. At least you could say this about President Bush: He didn't put a date on it before he had an idea what he was going to do with them. And that is the core issue here.

Mr. DURBIN. The core issue is for 7 long years, the Bush administration failed to convict the terrorists who planned the 9/11 terrorist attacks—for 7 years. And for 7 long years, only three individuals were convicted by military commissions at Guantanamo, and two of them have been released. So to argue that the Guantanamo model is one that ought to be protected and maintained, notwithstanding all of the danger it creates for our servicemen overseas to keep Guantanamo open, is to argue for a plan under the Bush administration that failed to convict terrorists, failed with military tribunals and through the courts of this land.

I have to say that as I listen to the argument of the Senator from Kentucky, it is an argument based on fear—fear—fear that if we try someone in a court in America, while they are incarcerated during trial, we need to be afraid. There was no fear in New York for more than 2 years while Ramzi Yousef was held in preparation for trial and during trial because he was held in a secure facility.

Today we are told by the Department of Justice that there are 355 convicted terrorists in American prisons. I ask the Senator from Kentucky, does he believe we should remove them from our prisons, those already convicted, currently serving, such as Ramzi Yousef?

Mr. MCCONNELL. I say to my friend from Illinois, maybe we found an area of agreement. He is critical of the Bush administration for not conducting military tribunals more rapidly. I agree with him. I think they should have been tried more rapidly. But that

is the place to try them, right down there in Guantanamo.

If my friend is suggesting it is a good idea to bring these terrorists into the United States and, if convicted, put them in U.S. facilities, the supermax facility has basically no room. There may be one bed. As far as I know, there is no room at supermax.

Not only do we have, if we bring them into the United States—I don't know why I am smiling. This is not a laughing matter. Say what you will about the previous administration, but we were not attacked again after 9/11.

Mr. KYL. Mr. President, will—

Mr. MCCONNELL. I don't have the floor, I say to my friend from Arizona. Maybe he can get the Senator from Illinois to yield for a question as well.

I don't think we want to complain about the fact we haven't been attacked again since 9/11, I say to my friend from Illinois. Containing terrorists at Guantanamo, going after terrorists in Iraq and Afghanistan, clearly something worked. And to argue we would somehow be made more safe in this country by closing down Guantanamo I find borders almost on the absurd.

Mr. DURBIN. With all due respect, the Senator failed to answer my question. I asked him this question: If it is a danger to America that if we put a convicted terrorist in our country, if that creates a danger, as he said repeatedly, in our communities and neighborhoods near this prison or in other places, then I asked the Senator from Kentucky, What would you do with the 355 convicted terrorists currently in prison, and the Senator didn't answer. He said: We haven't been attacked since 9/11. That is unresponsive.

We know there are facilities where these convicted terrorists can be held safely and securely. Marion Federal Penitentiary in my home State has 33 convicted terrorists. I just spent a week down there, not far from the Senator's home State. There was not fear among the people living in that area because 33 terrorists are being held at Marion. You know why? Because our corrections officers there are the best.

I went in to see them, and I sat down with them. They are concerned, angry, even insulted at the suggestion that they cannot safely hold dangerous people. One of the guards said to me: We held John Gotti. He was convicted of being involved in gangland activity. We are holding terrorists from Colombia in drug gangs. We are holding them safely. We are holding serial murderers safely. We know how to do this, Senator. And if your colleagues in the Senate don't believe it, have them come and visit Marion Federal Penitentiary.

They are doing their job and doing it well. To come to the floor of the Senate repeatedly and to suggest we are in danger as a nation because convicted terrorists are being held in our prisons I don't think adequately reflects the reality of what we have today.

Let me also say, I respect the Senator from Kentucky for saying he has always been in favor of keeping Guantanamo open. I respect him for being consistent in his viewpoint. I disagree with that viewpoint. Among those who also disagree with his viewpoint is GEN Colin Powell, the former Chairman of the Joint Chiefs of Staff and former Secretary of State under President Bush. He believes it should be closed. General Petraeus, someone I know the Senator from Kentucky has praised on the floor of the Senate, believes Guantanamo should be closed. They are not alone. Robert Gates, Secretary of Defense under President Bush and now under President Obama, believes it should be closed. Senator MCCAIN on your side of the aisle stated publicly that Guantanamo should be closed. Senator LINDSEY GRAHAM, on your side of the aisle, has stated publicly it should be closed. Former Secretaries of State have made the same statements.

He is entitled to his point of view. I respect him for holding that point of view even if he doesn't have the support from the security and military leaders I mentioned. But to come to the floor and repeatedly say to the American people that we are in danger because we are trying terrorists in the courts of America I think goes too far.

I think the President has done the right thing. I think this man Ahmed Ghailani should stand trial. If 12 innocent Americans died, and they did, among 224 people, this man should be on trial, and I think the President was right to bring him to the court for trial. To suggest that he shouldn't be, that he should be put in a military tribunal which has had a record, incidentally, over the last 7 years—military commissions at Guantanamo, in 7 years tried three individuals and two have been released—it doesn't tell me that it is a good batting record when it comes to dealing with war criminals.

I trust the courts of our land, the same courts that convicted Ramzi Yousef. I trust those courts to give Ghailani a fair trial under American law. I trust at the end of the day that a jury, if it is a jury, will reach its decision.

I can tell you this for certain. The suggestion by the minority leader that at some point after this trial Ghailani is going to be turned loose in the communities and neighborhoods of America, I don't understand where that is coming from. That is the kind of statement that I think goes to the extreme. I wish my colleague would reflect on that. We are not going to turn loose this man who is not a resident of the United States, not a citizen of the United States if he is found not guilty. The President would never allow it. Our judicial system would never allow it.

Do you think the Department of Homeland Security is going to clear this man to move to Louisville, KY, if he is found not guilty, or Springfield, IL? I don't think so. In fact, I think it is beyond the realm of possibility.

I also want to make it clear that we have before us an important decision to make. Are we going to deal with Guantanamo because it is a threat to the safety of our servicemen or are we going to keep it open so that some people who believe in it can have their political bragging rights?

I would rather side with those who believe closing Guantanamo brings safety to our men and women in uniform. Guantanamo is a recruiting tool for terrorists. That is not my conclusion alone. It is a conclusion that has been reached by many, as I look back and see those who have said it. For example, Chairman of the Joint Chiefs of Staff Mike Mullen:

> The concern I've had about Guantanamo . . . is it has been a recruiting symbol for those extremists and jihadists who would fight us. . . . That's the heart of the concern for Guantanamo's continued existence. . . .

Same statement from General Petraeus, same statement from Defense Secretary Gates, same statement from RADM Mark Buzby and others. We have a situation with Guantanamo where it is not making us safer. The President has made the right decision, hard decision to deal with the 240 detainees he inherited. I think we should do this in a calm, rational, and not fearful way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, let me say Senator MCCAIN and Senator GRAHAM can speak for themselves, but neither of them has ever been in favor of closing Guantanamo without a plan to do something. They want to see what the plan is to deal with these terrorists. Beyond that, they can speak for themselves. But they are not in favor of closing Guantanamo without a plan.

With regard to the suggestion that we should bring these prisoners to the United States and try them, my good friend from Illinois has suggested there is no down side to that. Why not do it? We could. But the question is, Should we? We should not because we passed the military commissions for the purpose of trying these very detainees. There are courtrooms and a $200 million state-of-the-art facility at Guantanamo to both incarcerate them and to try them. We know no one has ever escaped there, and we know we haven't been attacked again since 9/11.

But let's assume we did bring them up here for trial. My good friend has suggested no harm done. During the Ramzi Yousef trial, he tipped off terrorists to a communications link. During the Zacarias Moussaoui trial, there was inadvertently leaked sensitive material. The east Africa Embassy bombing trials aided Osama bin Laden. The blind Sheikh Abdel-Rahman trial provided intel to Osama bin Laden. When you have these kinds of trials in a regular American criminal setting, there are down sides to it.

In terms of community disruption, I would cite the mayor of Alexandria, VA, right across the river. Ask him

how he felt about the impact of the Moussaoui trial on their community.

So I think the suggestion that somehow it is a good solution to bring these terrorists to the United States and to mainstream them into the U.S. criminal justice system is simply misplaced. If they are convicted, we don't have a good place for them. Everybody cited the supermax facility. Well, there is no room there. It is quite full. We have the perfect place for these detainees, for them to be detained and to be tried and ultimate decisions made.

I share the view of the Senator from Illinois that the previous administration did not engage in those military tribunals as rapidly as we all would like. They had a lot of disruptions from lawsuits and other things, and I expect they would argue that slowed them down. But I think they are in the right place—the right place to be incarcerated and the right place to have their cases disposed of.

Mr. President, my friend from Arizona is here and wants to address this, or another issue, and so I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Illinois.

Mr. DURBIN. Mr. President, I will speak briefly, then yield to the Senator from Arizona. I will be happy, if he wants to ask a question or maintain a dialogue, but I will make this very brief.

I have confidence in the courts of America. If I had to pick one place on Earth to have a trial and to be assured it would be a fair trial with a fair outcome, it would be right here in the United States of America. Maybe I have gone too far. Maybe I am showing my patriotism, or whatever it is, but I believe that.

If you said to me: We captured a terrorist somewhere in the world, where would you like to have them tried? It would be right here because I believe in our system of justice. I believe in the integrity of our judiciary. I believe in our Department of Justice prosecutors. I believe in our defense system, our jury system. I believe we have the capacity and the resources to try someone fairly better than anyplace in the world.

The Senator from Kentucky may not agree with that conclusion. He obviously thinks there is too much danger to have a trial of a terrorist in the United States. How then does he explain 355 convicted terrorists now sitting in American prisons, tried in our courts, sent to our prisons, safely incarcerated for years? That is proof positive this system works.

The Senator from Kentucky, the Republican leader, is afraid. He is not only afraid of terrorism—and we all should be because we suffered grievously on 9/11—but he is afraid our Constitution is not strong enough to deal with that threat. He is afraid the guarantees and rights under our Constitution may go too far when it comes to keeping America safe. He is afraid of using our court system for fear it will make us less safe, that it would be dangerous. He is afraid the values we have stood for and the Geneva Conventions and other agreements over the years may not be applicable to this situation.

I disagree. I have faith in this country, in its Constitution, its laws, and the people who are sworn to uphold them at every level. I believe Mr. Ghailani will get a fairer trial in the United States than anyplace on Earth, and that if he is found guilty in being complicit in the killing of over 200 innocent people and innocent Americans, he will pay the price he should pay, and he will be incarcerated safely.

This notion that we have run out of supermax beds and that is the end of the story—and the State of Colorado is the home State of the Presiding Officer, where the Florence facility is located—I would say to the Senator from Kentucky that may be true for the supermax facility at the Federal level, but there are many other supermax facilities across America that can safely incarcerate convicted terrorists or serial murderers or whomever. We can take care of these people.

If there is one thing America knows how to do—and some may question whether we should brag about it—we know how to incarcerate people. We do it more than any other place on Earth, and we do it safely. The notion there is only one place—Guantanamo—where these detainees can be safely held defies logic and human experience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first of all, I was going to interrupt and ask a question, but I simply conferred with Senator MCCONNELL—and I will state and the RECORD can reflect the fact—that I believe Senator MCCONNELL asked the question of where he would be released if he were acquitted. I don't believe he asserted that he would be released in the United States. I just wanted to clear that up. Obviously, we can check the transcript and determine it. I think that was his intent because of the question that Robert Gibbs had posed. At least that is my understanding of it. We can resolve that.

But I would like to say a couple of other things. First of all, it is important to have this debate. The Senate had a debate some weeks ago, and it is true 90 Senators voted against funding a program to close the prison at Guantanamo Bay. Six Senators voted in favor of moving forward with that.

I appreciate the Senator from Illinois staunchly defending the lonely six, but they represented also a minority of American public opinion, which has said, by 2 to 1, according to the USA Gallop poll, that it is against closing the Guantanamo prison, and by 3 to 1 they do not want the prisoners released in the United States.

Both sides have engaged in a little bit of rhetoric. For example, I would respectfully request my colleague from Illinois go back over what he said a moment ago and perhaps come back tomorrow and think about rephrasing it. I don't think it is fair to characterize the position of the Senator from Kentucky as being fearful of trying people in the United States; fearful, for example, that terrorists—or afraid of giving terrorists rights and so on. I don't think that is the issue. I think what is the issue is the question of whether, as a general rule, it is better to keep prisoners in Guantanamo prison than to put them somewhere else.

I, for one, don't fear trying some of these people who are appropriately charged and tried in Federal court in the United States. But I would also say it is loaded with problems and headaches, and I think my colleague from Illinois would have to acknowledge that the trials that have occurred here have produced some real problems. These are hard cases to try in the United States. You start with the proposition that there are huge security concerns.

Now, it can be done. There will be huge security concerns with this alleged terrorist from Tanzania, and it will cost a lot of money in the place where he is tried. It will pose very difficult questions for the judge, for the people within the courtroom, the parties to the case, the lawyers in the case. There are evidentiary questions and other questions that are illustrated by the case of Zacarias Moussaoui, who was tried in Alexandria. I think we can all acknowledge the government would certainly say that was a huge problem for them because it was difficult to use evidence in the case that had been acquired through confidential or classified methods. The case was ping-ponged back and forth several times between the District Court and the court of appeals. It was a difficult, hard thing to do.

Then there are the situations where cases have been tried in American courts and classified information has inadvertently—and in some cases not inadvertently—been released, gotten into the hands of terrorists. Let me just cite a few of these, and not to make the case that it is impossible or a terrible idea but also to refute the notion that it is a piece of cake. It is not. It is really hard. If you could avoid doing this, I think the better practice would be to try to do so. But on an occasional basis, when we have a good Federal charge, we have the evidence that can back it up, and we think we can get a conviction, there is nothing wrong in those few selected cases with doing it. But we can't say all 240 of the terrorists at Guantanamo qualify for that. Very few of them do, as the President said in his remarks.

Let me note some of these cases. The famous trial of Ramzi Yousef. Here is a statement by Michael Mukasey, the former Attorney General. This is a quotation from the Wall Street Journal, again, during the trial of Ramzi

Yousef, the mastermind of the 1993 World Trade Center bombing:

Apparently, an innocuous bit of testimony . . . about delivery of a cell phone battery was enough to tip off terrorists still at large that one of their communication links had been compromised. That link, which in fact had been monitored by the government and had provided enormously invaluable intelligence, was immediately shut down, and further information lost.

I am not going to read the entire quotations but just some headlines. I mentioned the trial of Zacarias Moussaoui. That was a case also in which sensitive material was inadvertently leaked. Here is the headline from a CNBC story:

The Government Went To The Judge And Said, ''Oops, We Gave Moussaoui Some Documents He Shouldn't Have.'' . . . Documents That The Government Says Should Have Been Classified.

There is a whole story about how that happened. The East Africa Embassy bombing trials, which occurred after 2001, September 26 is the Star-Ledger story.

The cost of disclosing information unwisely became clear after the New York trials of bin Laden associates for the 1998 bombings of U.S. embassies in Africa. Some of the evidence indicated that the National Security Agency, the U.S. foreign eavesdropping organization, had intercepted cell phone conversations. Shortly thereafter, bin Laden's organization stopped using cell phones to discuss sensitive operational details, U.S. intelligence sources said.

There is another story about the same thing, with a headline in the New York Times. There is another quotation about the trial of the blind sheik, a story we are all familiar with, of Michael Mukasey, the former Attorney General, saying this in the Wall Street Journal:

In the course of prosecuting Omar Abdel Rahman . . . the government was compelled—as in all cases that charge conspiracy—to turn over a list of unindicted coconspirators to the defendants. Within ten days, a copy of that list reached bin Laden in Khartoum.

There are other cases. Mr. President, I ask unanimous consent to have these articles printed in the RECORD.

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

[From FOX NEWS.com, Feb. 11, 2005]

N.Y. LAWYER CONVICTED OF AIDING TERRORISTS

(By Associated Press)

NEW YORK.—A veteran civil rights lawyer was convicted Thursday of crossing the line by smuggling messages of violence from one of her jailed clients—a radical Egyptian sheik—to his terrorist disciples on the outside.

The jury deliberated 13 days over the past month before convicting Lynne Stewart, 65, a firebrand, left-wing activist known for representing radicals and revolutionaries in her 30 years on the New York legal scene.

The trial, which began last June, focused attention on the line between zealous advocacy and criminal behavior by a lawyer. Some defense lawyers saw the case as a government warning to attorneys to tread carefully in terrorism cases.

Stewart slumped in her chair as the verdict was read, shaking her head and later wiping tears from her eyes.

Her supporters gasped upon hearing the conviction, and about two dozen of them followed her out of court, chanting, ''Hands off Lynne Stewart!''

She vowed to appeal and blamed the conviction on evidence that included videotape of Usama bin Laden urging support for her client. The defense protested the bin Laden evidence, and the judge warned jurors that the case did not involve the events of Sept. 11.

''When you put Usama bin Laden in a courtroom and ask the jury to ignore it, you're asking a lot,'' she said. ''I know I committed no crime. I know what I did was right.''

Lawyers have said Stewart most likely would face a sentence of about 20 years on charges that include conspiracy, providing material support to terrorists, defrauding the government and making false statements.

She will remain free on bail but must stay in New York until her July 15 sentencing.

The anonymous jury also convicted a U.S. postal worker, Ahmed Abdel Sattar, of plotting to ''kill and kidnap persons in a foreign country'' by publishing an edict urging the killing of Jews and their supporters.

A third defendant, Arabic interpreter Mohamed Yousry, was convicted of providing material support to terrorists. Sattar could face life in prison and Yousry up to 20 years.

Attorney General Alberto Gonzales called the verdict ''an important step'' in the war on terrorism.

''The convictions handed down by a federal jury in New York today send a clear, unmistakable message that this department will pursue both those who carry out acts of terrorism and those who assist them with their murderous goals,'' Gonzales said.

Stewart was the lawyer for Omar Abdel-Rahman, a blind sheik sentenced to life in prison in 1996 for conspiring to assassinate Egyptian President Hosni Mubarak and destroy several New York landmarks, including the U.N. building and the Lincoln and Holland Tunnels. Stewart's co-defendants also had close ties to Abdel-Rahman.

Prosecutors said Stewart and the others carried messages between the sheik and senior members of an Egyptian-based terrorist organization, helping spread Abdel-Rahman's venomous call to kill those who did not subscribe to his extremist interpretation of Islamic law.

Prosecutor Andrew Dember argued that Stewart and her co-defendants essentially ''broke Abdel-Rahman out of jail, made him available to the worst kind of criminal we find in this world—terrorists.''

At the time, the sheik was in solitary confinement in Minnesota under special prison rules to keep him from communicating with anyone except his wife and his lawyers.

Michael Ratner, president of the Center for Constitutional Rights, said the purpose of the prosecution of Stewart ''was to send a message to lawyers who represent alleged terrorists that it's dangerous to do so.''

But Peter Margulies, a law professor at Roger Williams University in Rhode Island who conducted a panel on lawyers and terrorism recently, called the verdict reasonable.

''I think lawyers need to be advocates, but they don't need to be accomplices,'' he said. ''I think the evidence suggested that Lynne Stewart had crossed the line.''

Stewart, who once represented Weather Underground radicals and mob turncoat Sammy ''The Bull'' Gravano, repeatedly declared her innocence, maintaining she was unfairly targeted by overzealous prosecutors.

But she also testified that she believed violence was sometimes necessary to achieve justice: ''To rid ourselves of the entrenched, voracious type of capitalism that is in this country that perpetuates sexism and racism, I don't think that can come nonviolently.''

A major part of the prosecution's case was Stewart's 2000 release of a statement withdrawing the sheik's support for a cease-fire in Egypt by his militant followers.

Prosecutors, though, could point to no violence that resulted from the statement.

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[From nytimes.com, Dec. 20, 2005]

BUSH ACCOUNT OF A LEAK'S IMPACT HAS SUPPORT

(By David E. Rosenbaum)

WASHINGTON.—As an example of the damage caused by unauthorized disclosures to reporters, President Bush said at his news conference on Monday that Osama bin Laden had been tipped by a leak that the United States was tracking his location through his telephone. After this information was published, Mr. Bush said, Mr. bin Laden stopped using the phone.

The president was apparently referring to an article in The Washington Times in August 1998.

Toward the end of a profile of Mr. bin Laden on the day after American cruise missiles struck targets in Afghanistan and Sudan, that newspaper, without identifying a source, reported that ''he keeps in touch with the world via computers and satellite phones.''

The article drew little attention at the time in the United States. But last year, the Sept. 11 commission declared in its final report: ''Al Qaeda's senior leadership had stopped using a particular means of communication almost immediately after a leak to The Washington Times. This made it much more difficult for the National Security Agency to intercept his conversations.'' There was a footnote to the newspaper article.

Lee H. Hamilton, the vice chairman of the commission, mentioned the consequences of the article in a speech last month. He said: ''Leaks, for instance, can be terribly damaging. In the late 90's, it leaked out in The Washington Times that the U.S. was using Osama bin Laden's satellite phone to track his whereabouts. Bin Laden stopped using that phone; we lost his trail.''

In their 2002 book, ''The Age of Sacred Terror'' (Random House), Steven Simon and Daniel Benjamin, who worked at the National Security Council under President Bill Clinton, also mentioned the incident. They wrote, ''When bin Laden stopped using the phone and let his aides do the calling, the United States lost its best chance to find him.''

More details about the use of satellite phones by Mr. bin Laden and his lieutenants were revealed by federal prosecutors in the 2001 trial in Federal District Court in Manhattan of four men charged with conspiring to bomb two American embassies in East Africa in 1998.

Asked at the outset of his news conference about unauthorized disclosures like the one last week that the National Security Agency had conducted surveillance of American citizens, Mr. Bush declared: ''Let me give you an example about my concerns about letting the enemy know what may or may not be happening. In the late 1990's, our government was following Osama bin Laden because he was using a certain type of telephone. And the fact that we were following Osama bin Laden because he was using a certain type of telephone made it into the press as the result of a leak. And guess what happened? Osama bin Laden changed his behavior. He began to change how he communicated.''

Toward the end of the news conference, Mr. Bush referred again to this incident to illustrate the damage caused by leaks.

[From the Wall Street Journal, Aug. 22, 2007]

JOSE PADILLA MAKES BAD LAW—TERROR TRIALS HURT THE NATION EVEN WHEN THEY LEAD TO CONVICTIONS

(By Michael B. Mukasey)

The apparently conventional ending to Jose Padilla's trial last week—conviction on charges of conspiring to commit violence abroad and providing material assistance to a terrorist organization—gives only the coldest of comfort to anyone concerned about how our legal system deals with the threat he and his co-conspirators represent. He will be sentenced—likely to a long if not a lifelong term of imprisonment. He will appeal. By the time his appeals run out he will have engaged the attention of three federal district courts, three courts of appeal and on at least one occasion the Supreme Court of the United States.

It may be claimed that Padilla's odyssey is a triumph for due process and the rule of law in wartime. Instead, when it is examined closely, this case shows why current institutions and statutes are not well suited to even the limited task of supplementing what became, after Sept. 11, 2001, principally a military effort to combat Islamic terrorism.

Padilla's current journey through the legal system began on May 8, 2002, when a federal district court in New York issued, and FBI agents in Chicago executed, a warrant to arrest him when he landed at O'Hare Airport after a trip that started in Pakistan. His prior history included a murder charge in Chicago before his 18th birthday, and a firearms possession offense in Florida shortly after his release on the murder charge.

Padilla then journeyed to Egypt, where, as a convert to Islam, he took the name Abdullah al Muhajir, and traveled to Saudi Arabia, Afghanistan and Pakistan. He eventually came to the attention of Abu Zubaydeh, a lieutenant of Osama bin Laden. The information underlying the warrant issued for Padilla indicated that he had returned to America to explore the possibility of locating radioactive material that could be dispersed with a conventional explosive—a device known as a dirty bomb.

However, Padilla was not detained on a criminal charge. Rather, he was arrested on a material witness warrant, issued under a statute (more than a century old) that authorizes the arrest of someone who has information likely to be of interest to a grand jury investigating crime, but whose presence to testify cannot be assured. A federal grand jury in New York was then investigating the activities of al Qaeda.

The statute was used frequently after 9/11, when the government tried to investigate numerous leads and people to determine whether follow-on attacks were planned—but found itself without a statute that authorized investigative detention on reasonable suspicion, of the sort available to authorities in Britain and France, among other countries. And so, the U.S. government subpoenaed and arrested on a material witness warrant those like Padilla who seemed likely to have information.

Next the government took one of several courses: it released the person whose detention appeared on a second look to have been a mistake; or obtained the information he was thought to have, and his cooperation, and released him; or placed him before a grand jury with a grant of immunity under a compulsion to testify truthfully and, if he testified falsely, charge him with perjury; or developed independent evidence of criminality sufficiently reliable and admissible to warrant charging him.

Each individual so arrested was brought immediately before a federal judge where he was assigned counsel, had a bail hearing, and was permitted to challenge the basis for his detention, just as a criminal defendant would be.

The material witness statute has its perils. Because the law does not authorize investigative detention, the government had only a limited time in which to let Padilla testify, prosecute him or let him go. As that limited time drew to a close, the government changed course. It withdrew the grand jury subpoena that had triggered his designation as a material witness, designated Padilla instead as an unlawful combatant, and transferred him to military custody.

The reason? Perhaps it was because the initial claim, that Padilla was involved in a dirty bomb plot, could not be proved with evidence admissible in an ordinary criminal trial. Perhaps it was because to try him in open court potentially would compromise sources and methods of intelligence gathering. Or perhaps it was because Padilla's apparent contact with higher-ups in al Qaeda made him more valuable as a potential intelligence source than as a defendant.

The government's quandary here was real. The evidence that brought Padilla to the government's attention may have been compelling, but inadmissible. Hearsay is the most obvious reason why that could be so; or the source may have been such that to disclose it in a criminal trial could harm the government's overall effort.

In fact, terrorism prosecutions in this country have unintentionally provided terrorists with a rich source of intelligence. For example, in the course of prosecuting Omar Abdel Rahman (the so-called ''blind sheik'') and others for their role in the 1993 World Trade Center bombing and other crimes, the government was compelled—as it is in all cases that charge conspiracy—to turn over a list of unindicted co-conspirators to the defendants.

That list included the name of Osama bin Laden. As was learned later, within 10 days a copy of that list reached bin Laden in Khartoum, letting him know that his connection to that case had been discovered.

Again, during the trial of Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing, an apparently innocuous bit of testimony in a public courtroom about delivery of a cell phone battery was enough to tip off terrorists still at large that one of their communication links had been compromised. That link, which in fact had been monitored by the government and had provided enormously valuable intelligence, was immediately shut down, and further information lost.

The unlawful combatant designation affixed to Padilla certainly was not unprecedented. In June 1942, German saboteurs landed from submarines off the coasts of Florida and Long Island and were eventually apprehended. Because they were not acting as ordinary soldiers fighting in uniform and carrying arms openly, they were in violation of the laws of war and not entitled to Geneva Conventions protections.

Indeed, at the direction of President Roosevelt they were not only not held as prisoners of war but were tried before a military court in Washington, D.C., convicted, and—except for two who had cooperated—executed, notwithstanding the contention by one of them that he was an American citizen, as is Padilla, and thus entitled to constitutional protections. The Supreme Court dismissed that contention as irrelevant.

In any event, Padilla was transferred to a brig in South Carolina, and the Supreme Court eventually held that he had the right to file a habeas corpus petition. His case wound its way back up the appellate chain, and after the government secured a favorable ruling from the Fourth Circuit, it changed course again.

Now, Padilla was transferred back to the civilian justice system. Although he reportedly confessed to the dirty bomb plot while in military custody, that statement—made without benefit of legal counsel—could not be used. He was instead indicted on other charges in the Florida case that took three months to try and ended with last week's convictions.

The history of Padilla's case helps illustrate in miniature the inadequacy of the current approach to terrorism prosecutions.

First, consider the overall record. Despite the growing threat from al Qaeda and its affiliates—beginning with the 1993 World Trade Center bombing and continuing through later plots including inter alia the conspiracy to blow up airliners over the Pacific in 1994, the attack on the American barracks at Khobar Towers in 1996, the bombing of U.S. embassies in Kenya and Tanzania in 1998, the bombing of the Cole in Aden in 2000, and the attack on Sept. 11, 2001—criminal prosecutions have yielded about three dozen convictions, and even those have strained the financial and security resources of the federal courts near to the limit.

Second, consider that such prosecutions risk disclosure to our enemies of methods and sources of intelligence that can then be neutralized. Disclosure not only puts our secrets at risk, but also discourages allies abroad from sharing information with us lest it wind up in hostile hands.

And third, consider the distortions that arise from applying to national security cases generally the rules that apply to ordinary criminal cases.

On one end of the spectrum, the rules that apply to routine criminals who pursue finite goals are skewed, and properly so, to assure that only the highest level of proof will result in a conviction. But those rules do not protect a society that must gather information about, and at least incapacitate, people who have cosmic goals that they are intent on achieving by cataclysmic means.

Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks, is said to have told his American captors that he wanted a lawyer and would see them in court. If the Supreme Court rules—in a case it has agreed to hear relating to Guantanamo detainees—that foreigners in U.S. custody enjoy the protection of our Constitution regardless of the place or circumstances of their apprehension, this bold joke could become a reality.

The director of an organization purporting to protect constitutional rights has announced that his goal is to unleash a flood of lawyers on Guantanamo so as to paralyze interrogation of detainees. Perhaps it bears mention that one unintended outcome of a Supreme Court ruling exercising jurisdiction over Guantanamo detainees may be that, in the future, capture of terrorism suspects will be forgone in favor of killing them. Or they may be put in the custody of other countries like Egypt or Pakistan that are famously not squeamish in their approach to interrogation—a practice, known as rendition, followed during the Clinton administration.

At the other end of the spectrum, if conventional legal rules are adapted to deal with a terrorist threat, whether by relaxed standards for conviction, searches, the admissibility of evidence or otherwise, those adaptations will infect and change the standards in ordinary cases with ordinary defendants in ordinary courts of law.

What is to be done? The Military Commissions Act of 2006 and the Detainee Treatment Act of 2005 appear to address principally the

detainees at Guantanamo. In any event, the Supreme Court's recently announced determination to review cases involving the Guantanamo detainees may end up making commissions, which the administration delayed in convening, no longer possible.

There have been several proposals for a new adjudicatory framework, notably by Andrew C. McCarthy and Alykhan Velshi of the Center for Law & Counterterrorism, and by former Deputy Attorney General George J. Terwilliger. Messrs. McCarthy and Velshi have urged the creation of a separate national security court staffed by independent, life-tenured judges to deal with the full gamut of national security issues, from intelligence gathering to prosecution. Mr. Terwilliger's more limited proposals address principally the need to incapacitate dangerous people, by using legal standards akin to those developed to handle civil commitment of the mentally ill.

These proposals deserve careful scrutiny by the public, and particularly by the U.S. Congress. It is Congress that authorized the use of armed force after Sept. 11—and it is Congress that has the constitutional authority to establish additional inferior courts as the need may be, or even to modify the Supreme Court's appellate jurisdiction.

Perhaps the world's greatest deliberative body (the Senate) and the people's house (the House of Representatives) could, while we still have the leisure, turn their considerable talents to deliberating how to fix a strained and mismatched legal system, before another cataclysm calls forth from the people demands for hastier and harsher results.

Mr. KYL. Mr. President, the only point I am making is that while it is possible to try these people in Federal court, it is very difficult. It frequently results in the disclosure of information that we don't want disclosed. I think it would be far better, if we can, to try these people in military commissions. The President has now said he would go forward with military commissions—modified to some extent—and I think that is a good thing for the trial of those who are suitable for that action.

The President also noted, of course, that there are going to be a lot of these terrorists who cannot be tried but are dangerous and need to be held, and the U.S. Supreme Court has affirmed the appropriateness of holding such people until the end of hostilities. The President has indicated that he would, in fact, do that.

I think there is no question, therefore, that we will be holding some of these people. The question is where best to do it. This is the nub of the argument that my colleague and fellow whip, the Senator from Illinois, and I have been having long distance. I relish the opportunity when we can both get our schedules straight to literally have a debate back and forth. I think it is an important topic.

I see now other colleagues are here, and so I will make one final point, and then I hope we can continue in this debate because I think it is a better policy to keep Guantanamo open and keep these prisoners there than to try to find some alternative.

Let me cite one statistic, and then make my primary point. According to the numbers I have—and I would be happy to share these with my colleague from Illinois with respect to the slots available in our supermax facilities, if I can find it—there are about 15 high security facilities which were built to hold 13,448 prisoners. Those facilities currently house more than 20,000 inmates.

The bottom line is that is not necessarily a supersolution either.

Did my colleague have a quick comment? I want to make my main point.

OK, thank you.

Here is my main point. There are those very credible people who say: Well, this is a recruitment symbol. Guantanamo prison is a recruitment symbol. I have no doubt they are right, it is a recruitment symbol. Several questions, however, are raised by that observation.

The first question is, even if it is false that there has been torture at Guantanamo prison—obviously, terrorists can believe falsehoods—should we take action based upon that falsehood?

The next question I think has to be asked is, does this mean, then, that other terrorist recruiting symbols need to be eliminated by the United States?

The third question is, would that eliminate their terrorism?

What is it exactly that animates these terrorists? Gitmo didn't even exist before some of the worst—in fact, before all of the worst terrorist attacks on the United States or U.S. facilities abroad. There was no Gitmo prior to 9/11. Yet we had all of the various attacks that occurred throughout the world leading up to 9/11 and 9/11 itself. They didn't need another reason to hate America. They didn't need another reason to be able to recruit people. They have all the reasons they can dream up.

I think the key reasons are that they fundamentally disagree with our way of life, and they believe they have an obligation, through jihad, to either get the infidels—that is all of us who don't agree with them—to bend to their will or to do away with us because they don't like our way of life. They do not like the fact that we have the culture we have. They do not like the fact that we give equal rights to women or that we have a democracy. There are a lot of things they hate about the Western World generally and about our society in particular.

These are obviously recruiting symbols and recruiting tools. Are we to do away with these things in order to please them? And even if we did, what effect would it have on their recruiting? Do you think they would then say: OK, great. You have closed Guantanamo prison, you have taken away women's rights, you are halfway home to us not recruiting anybody or terrorizing you anymore. If you will only get rid of the vote and institute Sharia law, we can start talking here.

I don't think that is the way they are going to act. They are going to have grievances against us no matter what. For us to assume we have to change our policies, to change what we think is in our best interests, simply to assuage their concerns because maybe they do use this as a recruiting tool, I think is to, in effect, hold our hands up and say: In the war against these Islamist terrorists, we have no real defenses because anything we do is going to make them unhappy. It is going to be a recruiting tool. After all, we wouldn't want to give them a recruiting tool.

I do not think it is too much of an exaggeration to make the point I made. One might say: Obviously, we are not going to give up our way of life. They are going to have to deal with that. Well, then they are going to keep recruiting. But we could at least get rid of Guantanamo prison. That would at least get rid of one thorn. Would it make a difference? Nobody believes it would make a difference.

The key point I make is—and this is just a disagreement reasonable people are going to have, I guess—I think Guantanamo is the best place to keep these people. My friend from Illinois thinks there are alternatives that are better and that, under the circumstances, we should make the change. Again, I observe that the American people seem to be on the side of not closing it down, and I do not think it all has to do with fear. I think it has to do with the commonsense notion that this is not going to remove terrorist recruiting. If it is better for us to keep them there, we might as well do that.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask consent to speak in morning business for 5 minutes. I see other Members are on the floor and I will finish after 5 minutes and yield the floor on this issue we have debated.

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

Mr. DURBIN. I respect my colleague from Arizona and I respect the fact that we are on the floor together. This is a rarity in the Senate, where people with opposing viewpoints actually arrive at the same moment and have a chance at least to exchange points of view if not have more direct communication. I would say, as follows: I don't know what motivates the mind of a terrorist. I think I have some ideas and my colleague does as well. I do not know that we will ever be able to save every soul when it comes to those who are inclined toward terrorism. Let's face reality, it is like crime in this country. We all would like to see it go away, but we know, intuitively, there are some people who are bad people and do bad things and need to pay the price, and I think the same is true for terrorism.

But when President Obama goes to Cairo, Egypt, and appears to speak to the Islamic world about this new administration and its new approach when it comes to dealing with Islam and says as part of it that the United

States has forsworn torture in Guantanamo, he has said to the world: We are telling you this is a different day. It is a new day. For those who are not convinced in terrorism and extremism, at least understand that America is now ready to deal with you in an honest way, in a different way. What message does it send if the Congress turns around and says to the President: No, you can't say that to the Islamic world. We are going to keep Guantanamo open. We are going to keep this open, even if it is an irritant.

Don't take my word for it because I am not an expert in this field but those who are, many of them, believe Guantanamo should be closed. I would never question the sincerity or the resume of GEN Colin Powell, who has said close Guantanamo; GEN David Petraeus: Close Guantanamo; the Secretary of Defense: Close Guantanamo; President George W. Bush: Close Guantanamo.

All of these people who have seen the intelligence and have the background believe it is time to close that facility. This President is trying to make good on that promise by President Bush and turn the page when it comes to Guantanamo and its future. I think that is critical to bringing about a more peaceful world and reaching out and saying to this world: Things have changed.

I bet the Senator from Arizona joined me when we went upstairs to 407 and saw the photographs from Abu Ghraib. It is a moment none of us will ever forget as long as we live. Some of the things we saw there were gut-wrenching. I stood there with my colleagues, women and men, embarrassed at the things I looked at.

Some of those images are going to be with us for a long time, images that the people of the world have seen. We have to overcome them by saying it is a new day, and the clearest way to do that is to close Guantanamo in an orderly way, not to release any terrorists in the United States. On the question about whether we can incarcerate them—even if our prison population is as large as it is, there are facilities available. Once this President is given this option to reach out to States and this Nation, I am confident he will find accommodations in Federal prisons and supermax State prisons to deal with 240 people who are now left at Guantanamo. I think that is something we can expect to happen, and it will happen.

I will close by saying this: I asked the Senator from Kentucky twice if he would comment on what I heard to be his statement about whether this gentleman, Ahmed Ghailani, if found not guilty, would be released into the United States. He said Mr. Gibbs, the White House Press Secretary, had led him to that conclusion. I think, in fairness, Mr. Gibbs would say, clearly, he had no intention that this President or anyone in this administration would ever release this man, and there is no right under the law that he be released, even if he is found not guilty, into the U.S. population. It is not going to happen. I think raising that specter, raising that question, is raising that level of fear.

I do not think fear should guide us. America is not a strong nation cowering in the shadows in fear. America is a strong nation when we realize our challenge, stand together united, don't abandon our principles, and use the resources we have around the world to make certain we are safer.

The last point I will make is I have the greatest confidence in our system of justice, more than any in the world. I hope all my colleagues will have that same sense of confidence, that if the President sends a case to our courts of law, it will be handled professionally and fairly in the best possible manner.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have enjoyed this debate between these two great Senators. It is an interesting debate. I come down on the fact, if they are moved into any of our facilities in this country—and there are very few that could take them; in fact, I do not know of any that can take them that are not overcrowded right now—there will be the same screaming and shouting because they will not be treated anywhere near as well as they are treated down there at Guantanamo. No matter what we do that new day is not going to be a very happy day. It is far better to have this $200 million state-of-the-art facility that has been approved by international organizations as being better than expected, better than average facilities that would be acceptable—it is better to acknowledge that and keep treating them as decently and with as much dignity as we can, which is more than they will get in a supermax facility in this country or any other facility.

The supermax facilities are loaded with prisoners. They have more than they can handle now. Why would we put terrorists in among them, and why would we put them in this country where they can influence other people who are dissatisfied with life and have been discontented and have committed very serious crimes and allow them the recruitment possibilities they would have in our country? It doesn't make sense.

Why would we blow $200 million on state-of-the-art facilities and then spend another $80 million to shut it down? It seems like it is going a little bit too far because of the attempt of this administration to please, basically, people who support terrorists and the rest of the world.

Admittedly, there have been some outstanding people in our country who have come to the conclusion they should shut Guantanamo down, but they did so without having a real, viable alternative to Guantanamo. That is the issue that bothers me. I don't know of any State in the Union that wants these people within their prison system, assuming they could handle them. It means a lot more expense, a lot more problems. It means the possibility that they will be recruiting terrorists and helping criminals to become terrorists in our country. I can't begin to tell you the cost to this society if we do that. Be that as it may, the President seems to want to do that in spite of the fact that overwhelmingly the American people don't want him to do that.

STATE SECRET PROTECTION ACT

Mr. HATCH. Mr. President, I rise today to express my reservations regarding the State Secrets Protection Act. Since one of the purposes of government is to provide a strong national defense, there are methods and sources that should never be disclosed for fear of irreparable damage to national security. The judicial branch has a long-documented history in addressing the state secrets privilege. Through the years, courts have affirmed time and again the privilege of the government to withhold information that would damage national security programs.

The modern origin of this doctrine was established in United States v. Reynolds. The Supreme Court created the Reynolds compromise, which stated that the privilege applies when the court is satisfied ''from all circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged.'' That is what the Supreme Court has held, and it has continued to affirm this position with the utmost deference to the executive branch. Under Reynolds, the state secrets privilege cannot—and has not—been lightly invoked. The pending bill before the Judiciary Committee, known as the State Secrets Protection Act, would negate the Reynolds compromise and create a higher standard of proof for the government to assert the privilege.

My analysis of the legislation before us leads me to conclude that this bill will bring chaos to the balance struck by Reynolds. This bill lowers the deference that courts give to the executive branch in its assertion of the state secrets privilege. It raises the burden of proof that the government must meet to protect state secrets. The courts have built great flexibility into the state secrets doctrine to allow themselves the latitude to reach an effective compromise between the rights of litigants and the needs of national security. This is conducted on a case-by-case basis.

The writers of this bill want to redefine the standard to only afford protection under the state secrets privilege only when the disclosure of evidence is ''reasonably likely to cause significant harm'' to national security. This is a serious departure from the long established precedent of Reynolds. This has ramifications that would severely impede the protection of national security secrets. It is preposterous to abandon a standard that has more than 55

years of jurisprudential evolution and case law to support it. The Reynolds compromise says if there is reasonable danger then we secure the information. S. 417 says if it is reasonably likely, you can compromise the information. S. 417 fails to protect state secrets.

This state secrets privilege is never lightly used and never used with impunity. The assertion of this right must be made in writing by the head of the executive agency invoking the state secrets privilege. In recent cases this has sometimes been the Director of National Intelligence. Courts may conduct their own probe to ensure that the privilege has been invoke correctly. This probe will include an examination as to why the information being sought is needed to prove a plaintiff's case. Conversely, courts will examine as to why the information is critical to national security. After thoughtful review, a judge makes the determination on the production of evidence alleged to have been covered by the privilege. Not a law passed by politicians.

There is a myth that the Bush administration invoked the state secrets privilege more than any other previous administration. Rooted in this fallacy is the idea that the administration overreached in asserting the privilege to protect information not previously thought to be within its scope. This erroneous notion was propagated by not only the media, but by Members of this body. Most legal experts in the field of national security law have stated that it is not possible to collect accurate annual statistics for year-to-year comparisons. There is no ''batting average'' that can be empirically compared from one presidential administration to another.

To do so would incorrectly operate under the assumption that the government is presented with the same amount of cases each year in which the privilege can be asserted. It makes absolutely no sense to me to compare the administrations and judge them based on the total number of times they asserted the privilege.

The flow of litigation changes from year to year and varies from each administration, as does the invocation of the privilege. It varies because of the times and circumstances. We have been living in very difficult times and circumstances where we have to protect this country; circumstances we have never had to face before. Therefore, it is ludicrous that attempts to compare the rate of assertions of this privilege and arrive at the incorrect conclusion that because the Bush administration used this privilege it must be changed.

Unfortunately, for the authors of this bill, the data does not support the hypothesis that the Bush administration ever used the state secrets privilege in an attempt to dismiss complaints. Published opinions have revealed in the 1970s the government filed five motions. In the 1980s the government filed motions nine times. In the 1990s the government filed motions 13 times. Preliminary data available for the Bush administration indicate that the privilege was used 14 times.

Therefore, the impetus for the State Secrets Protection Act does not support the conclusion that the Bush administration blazed a new trial in national security law. On the contrary, the authors of this bill are the ones attempting to alter national security law. Keep in mind, we have been going through an extended war on terrorism, and, frankly, there is a need to protect national security. That is why we have the state secrets law.

In the first 100 days of the Obama administration—get that now—in the first 100 days of the Obama administration, the Department of Justice has invoked this privilege three times—in the first 100 days. This is the administration that was complaining about this. Now they found, when they faced reality and how important this privilege is, they changed their tune, and they should. I commend the administration and specifically the President for recognizing this.

The administration has picked up where the Bush administration left off in three pending cases: Al Haramain Islamic Foundation v. Obama, Mohammed v. Jepperson Data Plan, and Jewell v. NSA. During an interview of a widely revered liberal journalist, Attorney General Eric Holder stated that in his opinion the Bush administration—get this word—''correctly'' applied the state secrets privilege in these cases.

If this legislation is passed in its present form, private attorneys would be given access to highly classified declarations before a judge rules on whether the state secrets privilege should prevent such a disclosure. Can you imagine the harm that could come to our country? It is hard to believe that anybody would be advocating this in the Senate with what we have been going through and the special wars that we have been going through and the special type of terrorists that we have been having to put up with.

This legislation—lousy legislation—will have the effect of incentivizing lawsuits by rewarding attorneys who file lawsuits with a security clearance. I remember one case in New York where the attorney herself was convicted because she was passing on information.

Now this clearance will grant these attorneys access to classified information that if divulged could reasonably harm our national security interests. It is bad enough trying to keep secrets around here, let alone with people who really should not be qualified for that type of classification. Does an attorney need absolute proof of some violation of law to file a lawsuit to learn details about classified programs? No, under this bill, they simply need to make an accusation. Any accusation will do.

Ensuring national security programs stay classified is critical to our citizens' continued safety. Under this legislation, private attorneys, regardless of the merits of their lawsuits, will be given access to our Nation's secrets, secrets that are critical to the protection of our country. It is not hard to see how this legislation could seriously harm national security.

It is hard for me to see why anybody would be arguing for this legislation. It is a legitimate concern that ideological attorneys would be willing to compromise national security interests and secrets and disclose classified information. There are at least two recent instances involving the disclosure of classified information. These are recent. I am just talking about the recent ones, and then only two of them. There may be more.

In May 2007, a Navy JAG lawyer leaked classified information pertaining to Guantanamo detainees to a human rights lawyer. I find it disturbing that a U.S. military officer who is sworn to protect this Nation would disseminate classified information. But an even more troubling scenario is posed by private attorneys. In 2005, a more alarming case came to light when a civilian defense counsel was convicted of providing material support for a terrorist conspiracy by smuggling messages from her client, a Muslim cleric convicted of terrorism, to his Islamic fundamentalist followers in Egypt.

Do you know how difficult it was to convict an Islamic fundamentalist religious leader? Yet this man was convicted, and rightly so. His attorney compromised these matters. In press interviews after the attorney was convicted, she said, ''I would do it again—it's the way lawyers are supposed to behave.''

She also said that ''you can't lock up the lawyers. You cannot tell the lawyers how to do their job.''

I am not implying that all lawyers would act so egregiously. What I am saying is there is a profound reason why the government has classifications for categorizing the sensitivity of information that is vital to national security. Providing top secret clearances to persons outside the employment of the United States is a colossal blunder. This bill will allow that.

The courts recognize the executive branch's superior knowledge on military, diplomatic, and national security matters. Judges do not relish the thought of second-guessing decisions made by officials who are better versed on matters that may be jeopardized by allowing attorneys access to classified materials. Similarly, Congress should not relish the thought of second-guessing the judgment of courts that have given careful consideration regarding the appropriate legal standards to balance the interests of judges and national security programs.

The State Securities Protection Act does not protect state secrets. This bill upsets the judicially developed balance between protection of national security and private litigants' access to secret

documents. The judicial branch has crafted a state secrets doctrine to give judges the flexibility to weigh these interests with appropriate deference to the executive branch. This judicially crafted doctrine is more than sufficient and has evolved from the 1912 case of Firth Sterling to Reynolds to current cases such as Hepting and Al Masri.

The State Secrets Protection Act is unnecessary and potentially harmful to national security. Unless serious changes are made to this legislation and the amendments offered by myself and my Republican colleagues are adopted, I cannot in good conscience vote this bill out of committee. I do not know how any Senator sitting in this body can do so.

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. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. Mr. President, I ask unanimous consent to speak as in morning business for 12 minutes.

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

GUANTANAMO

Mr. INHOFE. Mr. President, I have come to the floor over the past several years, countless times, talking about a resource we have called Guantanamo Bay. People refer to it as Gitmo.

I was distressed about some of the statements our President made when he made the comment that we are going to close Gitmo and make sure there is no more torture. I have to say, there has never been one documented case of torture in Guantanamo Bay. It is ludicrous that people would say this. Every time I talk to someone who says we have to close Guantanamo Bay and you ask them what the reason for that is, they turn around and they say: It is because the people in the Middle East and some people in Europe think there is torture that has been going on. It goes back to the Abu Ghraib thing. This had nothing to do with Abu Ghraib. There has never been a documented case of torture.

Let's look at this resource. We got Gitmo in 1903. It is one of the best bargains we have had in government because we only paid $4,000 a year for this. It is a state-of-the-art prison. We don't have anything in the United States that is as secure and as humane as Gitmo. They have a ratio of doctors to detainees of two to one, the same with legal help. I have been down there several times. If you talk to the ones who won't be throwing something at you, they will tell you they have never had food and treatment as good as they have had down there. I can't imagine we would take a resource such as that and close it down and bring some 200 or 240 terrorists to the United States. Yet that is exactly what the President is talking about doing.

I was shocked when I picked up the newspaper on Monday morning and saw that Ahmed Ghailani, who was the terrorist who bombed the embassies in Tanzania and Kenya, was actually brought to the United States. He is in New York today. I didn't know about it until I read it in the newspaper. He is going to be adjudicated or go to trial in our court system.

Here is the problem we have with that. These people in Guantanamo Bay are terrorists, detainees. These are not criminals. These are not people who committed a crime. They are not people to whom the normal rules of evidence would apply. In fact, most of the rules of evidence, it was assumed, would be in the form of military tribunals. Of course, those rules are different than they are in the court system. What will happen when you have some of the worst terrorists in the world coming up and getting tried in our system and we find out they have to be acquitted because the rules of evidence are not what they were during the time they were brought into custody?

We have this resource we have used since 1903. It is the only place in the world we can actually put detainees. The President has said there are some 17 prisons in the United States where we can incarcerate these people. I suggest—and I don't think anyone will refute this—if you did that, you would have 17 magnets for terrorism.

One of the places they suggested happened to be Fort Sill in Oklahoma. I went down to Fort Sill. There is a young lady there who is a sergeant major in charge of our prison. She said: What is wrong with those people in Washington? What is wrong with the President, thinking that we can incarcerate terrorists here in Oklahoma?

This young lady was also a sergeant major at Guantanamo just a few months ago. She went back and she said: That is the greatest facility. There is no place where we can replicate that thing.

She said: On top of that, we have the courtroom that was built.

We spent 12 months and $12 million on a courtroom where we could have military tribunals, and they were going on. And President Obama ordered them to stop, and he wanted to bring them to the United States to be adjudicated here. This is outrageous.

I have heard people on the Senate floor talk about how bad Guantanamo Bay is. They will never be specific. They will never talk about what is wrong with Guantanamo Bay. What are they doing? Are they torturing people? No. Are they being mistreated? No. There are six levels of security. When you are dealing with terrorist detainees, you have to put them in areas where the level of their activity is greater and requires more or less security, and we have that opportunity to do it there. No place else in America, no place else in the world can they do that.

By the way, it is not just 245 detainees whom we have to deal with. It is worse than that because in Afghanistan, with the surge taking place right now, there will be more detainees. There are two major prisons: Bagram—and I can't remember the other one in Afghanistan. They will say they could be incarcerated there. No, they won't, because they won't accept any detainees who are not from Afghanistan. So if they are from Djibouti or from Saudi Arabia or someplace else, we have to have a place to put them or else you turn them loose or else you execute them.

A lot of these people who think they should not be incarcerated in any prison at all, you have to keep in mind, you can't turn them loose on society. These are people who are not normal, people like normal criminals. First of all, they have no fear of death. It is just ingrained in them. These are people who want to kill all of us. So we are talking about very dangerous people.

I am very much concerned. I did not believe President Obama would go through with bringing terrorists to the United States. I didn't think that would happen. Yet I picked up the paper Monday morning and there it is. Ahmed Ghailani, one of the worst terrorists around, killed 244 people, many Americans, in Tanzania and Kenya. This is something that I know the American people don't want. I would hope many of my good Democratic friends are not going to line up and support President Obama in bringing these terrorists to the United States.

I guess I am prejudiced. I have 20 kids and grandkids. I don't want a bunch of terrorists in this country where they are subjected to that type of thing. The fact is, they would be magnets; there is no doubt in my mind. This Sergeant Major Carter at Fort Sill said that if we put them down there, they would be in a position where it would draw terrorist activity to my State of Oklahoma.

By the way, I think there are 27 State legislatures that have passed resolutions saying they don't want any of the detainees located in their States. I can assure my colleagues that every one of the 17 proposed sites that would house these people is a site where they have passed resolutions saying: We don't want them here.

The liberal press is always talking about how bad things are and we have to close Gitmo. If you go down there, you find that those people have never been there. Almost without exception—I don't know of one exception where if they have gone down there and they have seen how humanely people are treated, they have seen a resource down there that we can't replicate any place in the United States, they come back shaking their heads saying: What is wrong with keeping Gitmo open? Even Al Jazeera went down there. That is a Middle Eastern network. They went down and had to admit publicly that the treatment was better there

than it is in any of the prisons they are familiar with.

Abu Ghraib was a different situation. Yes, some of our troops were involved in that. Most people wouldn't call it torture. It is more humiliation than anything else. But nonetheless, they did that. But the interesting thing about Abu Ghraib is, prior to the time that the public was aware that was going on, the Army had already come in and started their discipline, and it stopped that type of thing from taking place. But even if it weren't, for people to think just because there was something in their minds that was torture that was going on in Abu Ghraib, to even suggest that was going on in Guantanamo Bay is totally fictitious.

I have been privileged to take several Members down with me to see this firsthand. I think every Member of the Senate should have to go down and see for himself or herself what is really going on down there.

We can't afford to take a chance on turning terrorists loose in the United States. The polling that came out just this morning showed that by a margin of 3 to 1, people do not want to close Guantanamo Bay. We have to keep Gitmo open.

I was in a state of shock when I found out that one of the worst terrorists incarcerated down there was brought back to face justice in our court system in New York.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. 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. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

COMMENDING NICKY HAYDEN

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Nicky Hayden, a native of Owensboro, KY., who has followed his passion and is an inspiration for all Kentuckians.

Hayden is among the world's elite in Grand Prix motorcycle racing. Driving at speeds of up to 200 miles per hour, with his knees sometimes only inches off of the ground, Hayden has won countless races all over the world

Nicky's racing career has led him to win the Moto Grand Prix Championship in 2006, the AMA Superbike Championship in 2002, and the AMA Supersport 600 Championship in 1999.

Nicky's parents, Earl and Rose Hayden, could not be more proud of what their son has already accomplished since he began racing at a very young age.

An article in the June 2009 edition of Kentucky Living magazine chronicled Nicky's career, highlighting his exciting and successful career, his extensive travel schedule, and his love of his home State and town. I ask unanimous consent to have the full article printed in the CONGRESSIONAL RECORD.

Mr. President, I further ask my colleagues to join me in recognizing the achievements of Nicky Hayden and I wish him continued success throughout his career.

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

[From Kentucky Living, June 2009]

NICKY HAYDEN, THE KENTUCKY KID

(By Gary P. West)

When fans call you The Kentucky Kid and you race throughout the world on a motorcycle at speeds in excess of 200 miles per hour, you better believe you have to be good, real good.

That's what 28-year-old Nicky Hayden from Owensboro does, and as a professional motorcycle racer, who started out in the sport long before he was big enough for his feet to touch the ground while seated, he has become one of the biggest names in the sport.

Nicky was back home in Owensboro, or OWB as he calls it, taking the name from the local airport, on a summer break from an 18-race schedule that begins in March and ends in November.

''I travel 11 months a year,'' he says. ''But I love coming home to my family. Family's important to me. Growing up here with my two brothers and two sisters, I have everything I want. My mom was from a big farm family, 11 brothers and sisters, so my family has always been close. I don't want to live in Monaco or anywhere else like that.''

Nicky's parents, Earl and Rose, once upon a time, enjoyed the thrill of going fast on motorcycles themselves. Earl raced often and won on dirt tracks, while Rose competed successfully in ''powder puff' leagues, but when their family began to expand, they turned to introducing their three sons to the sport.

While older brother Tommy and younger brother Roger have had successful professional riding stints, it's Nicky who has risen to world-class status winning the MotoGP or Grand Prix, the sport's most elite level of motorcycle racing. As the World Champion in 2006, he has picked up several other accolades that might be expected for a handsome bachelor who hangs out with jetsetters throughout Europe and the United States.

Nicky often finds himself far removed from his Owensboro home in order to race against riders from Italy, Spain, Portugal, Australia, and other countries throughout the world. But it's his return visits to Kentucky and his family and friends that help him keep his Daviess County values.

Swerving through curves, routinely leaning his motorcycle so far on its sides that the friction from the asphalt eats into his knee pucks, Hayden and his cycle appear to defy the law of gravity. Riding on the edge of traction, the slightest loss of concentration and his race is over.

Motorcycle racing, considered by many to be a daredevil sport, has gained its popularity on dirt tracks throughout America over the years. But with the strong influence of his parents, one question begs to be asked. Considering Owensboro's reputation as a hotbed for stock car racing how did the Hayden family stay focused on motorcycles?

With Owensboro names like Waltrip, Green, and Mayfield, all established NASCAR stars, it seems like it would have been easier to catch on with automobile racing.

But Hayden's star was growing at a much earlier age than it takes to get a ride in a car at Daytona.

By the age of 17, and still in high school at Owensboro Catholic, he was racing factory Honda RC45 superbikes and winning. In 2002, at the age of 21, he won the Daytona 200 while becoming the youngest ever to win an AMA Superbike Championship. He was years removed from the days when his parents would hold his bike in place for the start of a race because he was too small to touch the ground.

Soon after, Honda tapped The Kentucky Kid to join what many in the business consider the elite team in MotoGP racing, Repsol Honda. Earning rookie-of-the-year honors on the circuit his first year, his racing togs began to take on more sponsors than an Indy car. A jewelry line, clothing, sunglasses, tires, energy drink, watches, and, of course, Repsol, an oil and gas company operating in more than 30 countries, cover almost every inch of his protective racing ware.

With his boyish good looks and success as an international motorcycle racer, it was of little surprise when Hayden was listed among People magazine's 50 Hottest Bachelors in 2005.

That was followed by appearances on the Today Show, Jay Leno's Tonight Show, and a two-hour documentary on MTV appropriately called The Kentucky Kid, which chronicled his 2006 championship season. ''It gave us good exposure in a market we hadn't been in,'' says Nicky.

Rubbing elbows and shaking hands with the likes of Michael Jordan, Brad Pitt, and Tom Cruise, and seeing your picture on a full-page Honda ad and in USA Today, further points out the two worlds Nicky lives in.

It did not come, however, without some difficulties and second-guessing. Family closeness made Nicky's travels throughout the world difficult at times, especially that first year in MotoGP competition.

''It was another world to me,'' recalls Nicky. ''I was learning the bike, my team, the hectic travel schedule, and everything that went with it. My two brothers and I always trained, practiced, and rode together and then the next year I was out there by myself.''

With Nicky and his family growing up on Rose's home-cooked meals, the sudden change in culinary choices as he traveled presented some problems.

''Oh, yeah, food was definitely an issue,'' his voice rising to emphasize the point. ''It's not much fun being on an airplane with food poisoning. There have been several nights I have gone to bed hungry, and when I was in China I lived on watermelon for a while.'' ''At the races I stay in a motor home at the track,'' he says.

One of the perks of racing at this level is that a motor home is delivered to each of his European races. It also includes an English-speaking satellite television that he says helped to overcome his loneliness.

The entire setting is thousands of miles removed from his Daviess County home, and thousands of thoughts about those days when he couldn't wait to finish high school and race motorcycles. It was his only thought.

''I did just enough in school to get by'' to keep my grades up so my parents would let

me race. I'm not proud of it, but I was so involved with racing it's about all I could think of,'' he says.

The brothers would fly out to races all over the U.S. and then catch the red-eye flights back in order to get back to school. It was difficult to stay focused on academics. In his junior year of high school, he had signed a six-figure contract and was driving a new truck. It was easy to see why the 17-year-old was not fully committed to school. In his words, the library and any required research were not a priority.

Racing motorcycles all over the world, Nicky has lost count of the number of countries he's visited. Not only is MotoGP racing fast on the track, but off as well. Nicky and his Repsol Honda teammate Dani Pedrosa, from Spain, travel with a sizeable entourage, finishing one race and immediately heading to another, much like a circus breaking down the Big Top and moving on to the next gig.

''We have about 75 people that go everywhere with us,'' Nicky says. ''We have our own chef who prepares all of the food for the team. Then there are the mechanics, agents, trainers, engineers, tire, and hospitality people. It's a lot of people.''

Make no mistake about it, MotoGP racing is big business. The custom Honda motorcycle, according to Nicky, cost in excess of a million dollars to build. The titanium and carbon racing machine is so aerodynamically designed with the very latest in technology that every piece, including the nuts and bolts, is custom-made. For sure this is not an assembly-line product. Weighing 325 pounds and sporting somewhere around 250hp, this mechanized piece of art can blast from 0 to 60 in less than three seconds.

Sponsors pay big bucks to have their names associated with The Kentucky Kid. With it comes a certain amount of pressure to excel. Following his world championship 2006 season, Nicky finished eighth in points. And at the end of the 2008 season, the result was the same, eighth.

''After being a world champion, I put pressure on myself,'' he says. ''I hope my best years are ahead of me. This is a good age in this sport for riders.''

When listening to Nicky talk about his racing future, it takes awhile before he says what he wants to do when his riding days are over.

Somehow, the subject just doesn't easily come up unless someone else asks about it.

''I really don't have a plan B,'' he says. ''I know I want to race well into my 30s.''

For sure Nicky doesn't have to look very far to see the personal devastation this daredevil sport can dish out or how quickly it could end. Back home in Owensboro last July, Nicky was enjoying several days of a summer break far from MotoGP. Also there were Tommy and Roger, who both ride on the AMA Superbike Tour. But they were home not because they necessarily wanted to be. They were recovering. Roger, who rides a factory bike for Kawasaki, had crashed several weeks earlier in Alabama, breaking his pelvis and vertebrae. A week later, Tommy, a rider for Suzuki, took a hard tumble in California, breaking bones in his back and puncturing a lung.

''It was crazy,'' says Nicky. ''The next week I went down in Portugal but was not seriously injured.''

For the most part Hayden has avoided serious injury. In August 2004, however, while training in Italy near Milan, he broke his right collarbone. Following surgery that involved inserting a plate, he was back racing in a few weeks.

Tragedy did strike the Hayden family. In May of 2007, Nicky's second cousin, 10-year-old Ethan Gillim, died as a result of a motorcycle accident in a race in Paducah. Ethan had started racing when he was 4, and in six years attained 18 national dirt track titles.

The Hayden's all three brothers are professionally represented by a management company, International Racers, out of Irvine, California. At the level Nicky is racing, the company has a full-time agent who accompanies him during the season in order to maximize the promotional opportunities for their star client.

A season of MotoGP consists of 18 races held in 16 different countries, and in 2008 two of these races were held in the United States, in Laguna Seca, California, and Indianapolis, Indiana. Throughout Europe, the sport has almost a cult-like following. Televised races attract in excess of 300 million viewers for each event, and another 200,000 frequently show up to see the races live.

''For sure the U.S. market hasn't been tapped,'' Nicky says. ''I know there is an effort now being made to do it.''

To help promote that market, just before last year's Indianapolis 500, Nicky blasted two laps around the 2½–mile track, giving car race fans a sampling of what was to come later in September with the 14th round of the 2008 MotoGP.

What will help increase the visibility in this country, perhaps, is for more American riders to achieve success. Currently there are only four, including Hayden, on a circuit dominated by foreign riders and sponsors.

As they should be, all of the Hayden's have been well-compensated for their successes. Many Americans may be surprised to learn that Valentino Rossi, considered to be the best motorcycle racer in the world, earns a reported $30 million a year.

At the end of 2008's season, a new twist emerged with some big changes. For some time Nicky and Honda had been at odds, first about the way the manufacturer set his bike up and then it was a tire issue. They wanted Bridgestone tires and Nicky likes Michelin.

Soon the split became too much to overcome and now The Kentucky Kid rides for Ducati, an Italian bike company. He and Australian Casey Stoner are Ducati's featured riders, with Nicky kicking off the 2009 season on his 100th GP race with a new bike, a new team, and a new color.

As Nicky updates his fans on a video on his Web site, www.NickyHayden.com, ''Honestly, I think red is a good color for me. I think it could be a good look and anything up front looks good. I mean, I could be up there in pink polka dots if you're winning races, I think you could pull it off.''

With Nicky now on a Ducati, Tommy a Suzuki, and Roger a Kawasaki, the three have always been there for each other. All have achieved success in one form or another. The goal, of course, is to be good enough and fast enough to get a podium. In motorcycle racing terms that means first, second, or third. All three have had their share, but like any competitive athlete they want more.

REMEMBERING TAYLOR HENRY CARR, M.D.

Mr. CRAPO. Mr. President, today I wish to pay tribute to and recognize the passing of a remarkable citizen from my home State of Idaho, Dr. Taylor Henry Carr. He served his country as a gunnery officer in the Navy and he served his community as a doctor and philanthropist. He was a prime example of an American father, citizen, and patriot. He was also my uncle, and I am proud to be his nephew. As a doctor, he did much for the families of Idaho Falls, and, as a philanthropist, he did much for the community itself. Idaho Falls will miss him but will continue to benefit from the efforts of all those whom he influenced.

Dr. Carr's accomplishments attest to his contribution to his community and country. He was a Boy Scout and a gunnery officer in the Navy. He was editor of his college newspaper and student body president. He earned an undergraduate degree in pharmacy and a graduate degree in medicine. Over the course of his career, he served in many different roles including director of the Idaho Cancer Society, president of staff at Sacred Heart Hospital, and on the Board of Directors of the ISU Alumni Association.

Dr. Carr's favorite activities included fishing, golfing, skiing, and reading. He was a devoted husband to his wife Betty and a loving father to his seven children. In 2003, the Carr family won the Idaho Falls Arts Council's annual Support of the Arts award for contributions to the Eagle Rock Art Museum, the renovation of the Museum of Idaho, and the Willard Arts Center, the main gallery of which is named after Taylor and Betty Carr.

I remember, when I was young, spending as much time at my Uncle Carr's house as at my own. I learned a lot from him, as did so many others. He always expected you to be and do your best so as to better live up to your potential. Taylor Henry Carr fully lived up to his potential before passing away on April 24, 2009. He was an excellent example of the great citizens produced by my home State and his life is an excellent example for all Americans to follow.

ADDITIONAL STATEMENTS

REMEMBERING JACK HENNING

• 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 labor leader, civil servant, and dear friend of mine, John F. ''Jack'' Henning. Jack's legendary activism and innovation in the labor movement will serve as a source of inspiration for decades to come. Jack passed away on June 4, 2009. He was 93 years old.

Jack Henning was born in San Francisco on October 25, 1915, to hard-working Irish-American parents. After he graduated from St. Mary's College with a degree in English literature, he began what would become a lifelong and immensely successful career in the labor movement. In 1938, Jack began working for the Association of Catholic Unionists in San Francisco, and in 1949 he was hired by the California Labor Federation.

Recognizing Jack's exemplary leadership, hard work, and compassion for his fellow-man, former California Governor Pat Brown named him director of the California Department of Industrial Relations in 1959. A public servant

and leader at both state and federal levels, Jack also served as Under Secretary of Labor under President Kennedy and was later appointed as U.S. Ambassador to New Zealand by President Johnson.

With an already impressive and accomplished career behind him, Jack returned to California in 1970 and continued his life-long effort to improve conditions for working Americans. For 26 years Jack served as the executive secretary-treasurer of the California Labor Federation, AFL–CIO, representing over 2 million workers.

Jack's leadership in the labor movement had a huge impact on workers across California and the Nation. A friend and colleague of Cesar Chavez, Jack worked alongside the United Farm Workers to pass California's groundbreaking Agricultural Labor Relations Act in 1975, which established the right to collective bargaining for farm workers. Jack went on to fight many successful battles for improvements in worker safety and compensation laws.

Jack's belief in, and dedication to, equal rights was not limited to the labor movement. Jack also fought against ignorance and racial discrimination. As the Regent for the University of California from 1977 to 1989, Jack worked to establish affirmative action policies and encouraged the University to divest from South Africa in protest of the country's support of apartheid.

Jack stood out as a driven organizer and hard worker who cared for his community deeply. Jack will be remembered by his friends and partners in the labor movement as a visionary, a talented orator, and stalwart defender of equal rights. He was a champion for workers everywhere, and he will be sorely missed. We take comfort in knowing that the future of the labor movement will continue to benefit from Jack's dedication for generations to come. We will always be grateful for Jack's example of a steadfast commitment to social and economic justice.

Jack is survived by his five sons, John Jr., Patrick, Brian, Daniel, and Thomas; two daughters, Nancy Goulde and Mary Henning; 12 grandchildren; and six great-grandchildren. My thoughts are with Jack's family at this difficult time.●

COMMENDING BARKWHEATS DOG BISCUITS

● Ms. SNOWE. Mr. President, today I wish to recognize the successful and thriving business of a young and insightful entrepreneur from my home State of Maine whose line of dog treats is truly one of a kind.

Barkwheats Dog Biscuits was founded in 2007 by entrepreneur Chris Roberts. A native of the Bangor area, Mr. Roberts left Maine to attend college and pursue a career as a recording engineer in Nashville. Upon returning to Maine, Mr. Roberts found himself baking frequently, a skill he developed while a baker at the University of Maine. This gradually led Mr. Roberts to begin baking for his two dogs, Baxter and Sabine, both rescued mixed-breeds. His passion for cooking soon led him to open Barkwheats, and he began making two varieties of all-natural dog biscuits: sea vegetables and chamomile, as well as ginger and parsley, the latter of which provides relief from dogs' bad breath.

In November 2007, Mr. Roberts began selling the biscuits at local farmers markets and organic cooperatives in the midcoast Maine region, near his home in Stockton Springs, as well as online. In very short order, the product gained immense popularity, due in large part to tourists who purchased the biscuits for their dogs. Upon returning home, these people began clamoring for Barkwheats at their local stores. He now ships his biscuits to dozens of pet stores across the country, including as far away as Alaska. Additionally, Barkwheats' products have been featured in newspapers, blogs, and magazines across the country, including Animal Wellness Magazine and ModernDog. To keep up with the demand, Mr. Roberts also purchased a machine that makes 2,300 biscuits per hour!

Barkwheats biscuits are completely organic, and over 95 percent of the ingredients come from local, Maine farmers in neighboring towns and counties. To support the State's economy and ensure that all items are fresh, Mr. Roberts purchases buckwheat from farmers in Union, eggs from Gouldsboro, parsley from Pittsfield, honey from Swanville, and even seaweed from off the Machias coast. Unable to find a farmer who produced ginger locally, he collaborated with Sustainable Harvest International, a Maine company that helps Central American farmers improve their lives while simultaneously restoring tropical forests, to purchase ginger from southern Belize. As a result of its efforts, Barkwheats Dog Biscuits is expected to be named the first Fair Trade Certified pet treat later this summer. Additionally, in an effort to care for the environment, Barkwheats dog biscuits are packed in 100 percent compostable recycled boxes, as well as bags made from wood pulp.

Chris Roberts' tasty treats represent a truly innovative way to combine supporting the local economy and giving pet owners a healthy, gluten-free option for their dogs. I commend Chris Roberts for his innovation and determination, and wish him continued success with his burgeoning business.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 885. An act to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978.

H.R. 1741. An act to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs.

H.R. 2344. An act to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

H.R. 2675. An act to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

H.R. 2751. An act to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1741. To require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs; to the Committee on the Judiciary.

MEASURES DISCHARGED

The following bill was discharged from the Committee on Agriculture, Nutrition, and Forestry, and referred as indicated:

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 Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2751. An act to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

S. 1232. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–27. A joint resolution adopted by the Legislature of the State of Utah urging the opposition of federal legislation that would interfere with a state's authority to direct the transport or processing of horses; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE JOINT RESOLUTION NO. 7

Whereas, the processing of horses has become a controversial and emotional issue and has resulted in the closing of all horse processing facilities throughout the United States;

Whereas, federal legislation has been introduced to amend the 1970 Horse Protection Act that would prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines for processing and other purposes;

Whereas, the loss of secondary markets has severely impacted the livestock industry by eliminating the salvage value of horses and has significantly reduced the market value of all horses;

Whereas, prohibitions regarding the processing of horses have resulted in significant increases in abandoned and starving animals and have had significant economic impact on the entire equine industry;

Whereas, the increase in unwanted or unusable horses has overwhelmed private animal welfare agencies and the public's ability to care for surplus domestic horses;

Whereas, the annual number of unwanted or unusable surplus domestic horses in the United States is currently estimated at 100,000 and continues to increase;

Whereas, issues related to the humane handling and slaughter of surplus domestic horses are best addressed by proper regulations and inspection and not by banning or exporting the issues; and

Whereas, state agriculture and rural leaders recognize the necessity and benefit of a state's ability to direct the transport and processing of horses: Now, Therefore, be it

Resolved, That the Legislature of the state of Utah urges the United States Congress to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's Congressional delegation.

POM–28. A joint resolution adopted by the Legislature of the State of Utah urging the National Collegiate Athletic Association to abandon the Bowl Championship Series (BCS) structure in favor of a college football playoff system; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION NO. 11

Whereas, the University of Utah football team finished the 2008 football season as the only undefeated football team in Division I–A, with a perfect 13–0 record;

Whereas, the University of Utah football team capped a season-long string of victories at the Sugar Bowl with an impressive 31–17 win over the University of Alabama, which held the number one ranking in the nation for five weeks;

Whereas, during the regular season, the Mountain West Conference had three teams in the Top 25 and had a 6–1 record against Pac-10 teams;

Whereas. in the 2008 season, the University of Utah football team defeated six bowl teams ranked in the Top 25, and won seven games away from home;

Whereas, as the matter currently stands, the University could go undefeated indefinitely and still not compete for a national title;

Whereas, the Bowl Championship Series (BCS) began in 1998 with the intent of crowning a definite national champion;

Whereas, the BCS relies on a combination of polls and computer rankings to determine which teams play in the BCS national championship game and help set the line-ups for the most prestigious bowl games.

Whereas, although the BCS may be an improvement over past championship determinations, the system is still widely acknowledged as falling short of its goal of establishing a definitive college football champion;

Whereas, many experts have candidly criticized the flaws in the BCS system and often use the 2008 University of Utah football team as the strongest argument for the failings of the system; and

Whereas, a national playoff is the only way to be certain that the team crowned as national champion has earned the designation on the gridiron: Now, therefore, be it

Resolved, That the Legislature of the State of Utah strongly urges the National Collegiate Athletic Association to abandon the Bowl Championship Series (BCS) structure for determining the Division I–A national football champion in favor of a playoff system so that all can be assured that the best college football team is the one crowned as national champion; be it further

Resolved, That a copy of this resolution be sent to the National Collegiate Athletic Association, the BCS, the University of Utah football team, to the members of Utah's congressional delegation, and to President Barack Obama.

POM–29. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for the current Bureau of Land Management resource management plans and the process used to complete the plans; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 8

Whereas, because the nation's dependence on foreign sources of energy leaves the economy vulnerable, serious effort must be devoted to decrease the nation's dependency on foreign energy sources;

Whereas, oil and natural gas form an essential bridge to attaining a future of energy independence sustained by alternative and renewable energy sources;

Whereas, the Federal Land Policy and Management Act (Act) mandates that the Federal Bureau of Land Management (BLM) manage public lands for multiple uses such as outdoor recreation, livestock grazing, energy exploration and production, conservation, and timber production;

Whereas, the Act establishes that the BLM sustain the health, diversity, and, productivity of public lands for the use and enjoyment of present and future generations;

Whereas, in making decisions about land use, the Act requires the BLM to develop resource management plans and update them periodically;

Whereas, these important land use management decision documents require public input and participation;

Whereas, managing the nation's cherished public lands for multiple uses is a constant challenge;

Whereas, citizens expect the BLM to provide responsible energy and minerals development, recreational opportunities, appropriate access, and healthy landscapes, while still providing an adequate level of resource protection to ensure that future generations will continue to benefit from and enjoy these areas;

Whereas, the resource management plan process, developed by the BLM to accomplish these goals, is thorough, deliberative and very public;

Whereas, resource management plans provide administrative protections to some lands, including major constraints such as no surface occupancy and disturbance timing stipulations;

Whereas, extensive state and community input is invited and submitted both in writing and through the public hearing process;

Whereas, resource management plans for the Moab, Richfield, Price, Vernal, Monticello, and Kanab Field Offices recently went into effect after approximately eight years of development and review;

Whereas, hundreds of thousands of public comments were considered during the Enrolled Copy planning process;

Whereas, new environmental restrictions included in the resource management plans provide multiple layers of safeguards to prevent environmental damage to sensitive natural resources;

Whereas, the proposed plans envision maintaining areas open to oil and gas leasing, but also institute protective measures during development like timing limitations, best management practices, and advanced technology to minimize the footprint of developing important resources;

Whereas, there was no cutting of corners or abridgment of processes in preparing the resource management plans;

Whereas, due to the strong feelings regarding the use of public lands, every private group and government entity involved in the process would like to see some changes in the outcome, but all groups were heard and their concerns given thoughtful and careful consideration;

Whereas, the state of Utah and Uintah, Duchesne, Grand, Emery, San Juan, Sevier, Garfield, Kane, Wayne, Piute, and Carbon Counties were cooperating agencies in the BLM's development of the current resource management plans and have interests in preserving the plans;

Whereas, upon approval of these management plans, the BLM offered for lease parcels of land which had been set aside for several years pending completion of the resource management plans;

Whereas, leases do not convey an unlimited right to explore or an unlimited right to develop oil and gas resources, but are subject to terms designed to minimize and mitigate the impacts of development;

Whereas, in addition to proposing an accommodation for the nation's pressing need for energy development, the plans also propose protecting public lands within the six planning areas where there are sensitive natural resources, making these lands off limits to surface disturbing activities and unavailable to oil and gas leasing;

Whereas, this type of protection would extend to almost one million acres of public land in addition to nearly two million acres of existing wilderness study areas;

Whereas, a lawsuit has been filed challenging the legality of the BLM's December 19, 2008, sale of oil and gas leases;

Whereas, the state has been granted permission by the Court to defend its interests in the lawsuit by participating as an intervenor;

Whereas, on February 4, 2008, the United States Department of the Interior rejected the bids offered on 77 of the oil and gas leases presented at the December lease sale; and

Whereas, the lawsuit and the oil and gas lease rejections strike at the heart of a careful, deliberative, lengthy public process to develop resource management plans that would benefit Utahns and the citizens of the United States: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express strong support for the Federal Bureau of Land Management's resource management plans developed for the Moab, Richfield, Price, Vernal, Monticello, and Kanab, Utah Field Offices, and most particularly for the lengthy, thoughtful, and public process used to develop the plans; be it further

Resolved, That the Legislature and the Governor oppose current actions taken that may contest and delay implementation of the resource management plans; be it further

Resolved, That the Legislature and the Governor request that the Department of the Interior expedite a review of the 77 bid-rejected parcels to determine which may be offered for leasing in the near future; be it further

Resolved, That a copy of this resolution be sent to the United States Department of the Interior, the Federal Bureau of Land Management and its Utah office, the Southern Utah Wilderness Alliance, the Uintah, Duchesne, Grand, Emery, San Juan Sevier, Garfield, Kane, Wayne, Piute, and Carbon County Commissions, the Moab, Richfield, Price, Vernal, Monticello, and Kanab City Councils, the Utah Public Lands Policy Coordination Office, and to the members of Utah's congressional delegation.

POM–30. A joint resolution adopted by the Legislature of the State of Utah supporting the establishment of an Alternative Energy Training Center in Beaver County, Utah; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 10

Whereas, the United States relies heavily on foreign sources of energy;

Whereas, to sustain economic growth in the state and throughout the nation, it will be necessary to invest resources in all forms of power generation, including traditional sources such as coal, natural gas, and nuclear as well as renewable resources such as geothermal, wind, and solar;

Whereas, the Utah Renewable Energy Zones Task Force Phase I Report indicates that theoretical potential resources within Utah include 16,500 fifty megawatt solar renewable energy zones, 51 wind renewable energy zones with a combined generating capacity of approximately 9,145 megawatts, and a total of 2,166 megawatts of geothermal development potential, the bulk of which is located in rural Utah;

Whereas, with the Blundell Geothermal Plant, the newly commissioned Thermo Hot Springs Plant, and the more than 200 megawatt First Wind Project which is currently being developed, Beaver County has either under construction or in production close to 300 megawatts of renewable resource generating capacity, and many of the state's most significant undeveloped resources converge in Beaver County;

Whereas, as renewable generation becomes more widespread in the region, there will be a need to provide training opportunities to people working in that industry;

Whereas, the Milford High School Technology Department has played a key role in attracting investment in renewable energy generation to the Southwest region of the state and has led the way in preparing young people for promising careers in that industry;

Whereas, the Southwest Applied Technology College in Cedar City is offering classes related to renewable energy in Milford;

Whereas, Milford is an ideal site for a certified renewable energy training center because it has a core of leaders who are willing to make the region the center of renewable energy generation in the state and are prepared to meet any energy goal the state sets;

Whereas, as resource development expands, production of the components of solar generation, wind turbines, and similar equipment also provides opportunities for new and expanded manufacturing businesses in rural Utah where economic development is desperately needed and will increase the need for trained workers;

Whereas, the construction of utility scale renewable energy projects provides unprecedented economic development opportunities for counties lacking traditional energy producing resources; and

Whereas, providing a training center in Utah for renewable energy resource technologies and jobs will enable Utahns to better compete for these new energy resource jobs: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses its support for the development and certification of an Alternative Energy Training Center in Beaver County; be it further

Resolved, That a copy of this resolution be sent to the Beaver County Commission, the Milford High School Technology Department, Utah's Energy Advisor, the State Energy Program, the Southwest Applied Technology College, Rocky Mountain Power, First Wind, Raser Technologies, and to the members of Utah's congressional delegation.

POM–31. A joint resolution adopted by the Legislature of the State of Utah supporting new nuclear power development in Utah; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 16

Whereas, Utah and the surrounding western states have experienced increased new electricity demands and have forecasted continued increases over the next several decades;

Whereas, Utah requires affordable and abundant energy for homes and businesses to maintain and grow its economy;

Whereas, Utah and the surrounding areas will likely suffer significant financial difficulties without new reliable and affordable electric generating resources being built, adding to and prolonging the depressed economy;

Whereas, Utah enjoys and continues to rely on cost effective coal fired power plants for 85% of its electric generation;

Whereas, Utah's ability to build any new significant coal fired power plants is limited;

Whereas, new emission controls, carbon capture technology, carbon sequestration, and advance coal combustion technologies should be encouraged, but are not projected to be commercially feasible and cost effective for at least 25 years;

Whereas, new natural gas electric generation could increase the volatility of retail electric prices and retail natural gas prices;

Whereas, hydro power resources are constrained and not expected to expand in capacity;

Whereas, nationwide nuclear power provides low cost, long term, stable retail and wholesale pricing for customers;

Whereas, the United States Congress and the United States Nuclear Regulatory Commission worked together to improve the old process for licensing new nuclear power plants;

Whereas, the new nuclear power plant licensing process presently includes a ''one step'' Combined Operating License (COL) procedure, which combines construction and operating license applications and reviews into a single process;

Whereas, the new licensing process is more efficient, predictable, and reliable;

Whereas, three Early Site Permits for new nuclear plants, one of the new licensing processes now in place, have been issued with little or no delays from adjudication;

Whereas, the estimated time frame to complete a new nuclear COL is five years;

Whereas, the development of nuclear power plants will provide significant economic benefits to the local, regional, and state populations in the form of many high paying jobs and additional tax revenues;

Whereas, the construction of a new nuclear facility would inject billion of dollars into Utah's economy in the form of 3,500 construction jobs during a two unit construction period spanning up to seven years;

Whereas, one proposed site in Utah would contribute over $2 million in 2009 to the State Institutional Trust Lands Fund;

Whereas, operations of two new generation units would provide approximately 800 jobs for highly skilled workers over the plant's 60 year projected lifetime;

Whereas, the needed regulatory and legal framework to deploy safe, secure, and cost competitive nuclear power in Utah is in place;

Whereas, Utah already has a nuclear reactor at the University of Utah;

Whereas, the University of Utah Training Research and Isotope Production, General Atomics research reactor in Salt Lake City has been operating safely since 1975;

Whereas, the United States' nuclear industry has accumulated almost 3,400 reactor years of operation since the first plant started up in 1957 without serious injury or death to a single member of the public;

Whereas, the current practice of storing spent fuel in wet or dry storage containers at a nuclear power plant has been proven safe since commercial nuclear power began in 1957;

Whereas, 95% of the energy from a nuclear reactor's spent fuel has significant value and can be reprocessed or recycled for use as fuel in the future when this option is commercialized in the United States;

Whereas, spent fuel from a nuclear reactor is valuable;

Whereas, France, Japan, Russia, the United Kingdom, and Germany currently recycle or reprocess spent fuel successfully; and

Whereas, there is no scientific or safety rationale requiring the near term movement of spent fuel from the power plants where it is generated, and fuel can be safely and securely stored on site for up to 100 years without environmental impacts:, Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges that new nuclear power development be pursued within the boundaries of the state; be it further

Resolved, That the Legislature urges that commercial development of new nuclear power be pursued in the state due to its beneficial impact on the economy, fuel diversification, and the environment, and its impressive operational safety and security record, in particular the fact that no member of the public has been seriously injured by operation of the 104 nuclear power plants currently operating in the United States; be it further

Resolved, That the Legislature declares that nuclear power has been shown to be a

viable cost effective option, that current rate payer protection laws and regulations are sufficient, and that no new legislation or special action is needed for the Public Service Commission to recognize nuclear power as a prudent investment; be it further

Resolved, That the Legislature recognizes that no appropriations are needed for special committees or programs to determine whether a nuclear power plant can be built in Utah because the United States Nuclear Regulatory Commission will review and adjudicate the licensing, as needed, and nuclear developers will pay for those costs; be it further

Resolved, That the Legislature encourages investor-owned and municipally owned utilities and power marketers and traders to consider participating in a nuclear power project in Utah; be it further

Resolved, That the Legislature recognizes commercial nuclear power plants as market-based, commercially competitive enterprises due to their safety and security record, the science and performance data, and the economic performance of the present power plants; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Energy, Governor Huntsman, and to the members of Utah's congressional delegation.

POM–32. A resolution adopted by the Senate of the Legislature of the State of Utah urging Congress and the Bureau of Reclamation to support development of the Narrows Water Project in Central Utah; to the Committee on Energy and Natural Resources.

Whereas, water is fundamental to the economic base of Central Utah communities, and reliable water storage is necessary for both agricultural and municipal development;

Whereas, agricultural and municipal interests in Central Utah, including Sanpete County, suffer substantial economic hardship because of the lack of water storage facilities;

Whereas, in the early 1900s, local, state, and federal government officials acknowledged the need for water storage in Sanpete County and began efforts to develop the Narrows Water Project;

Whereas, reliable studies by multiple expert water engineering firms have determined the Narrows Water Project to be the least expensive, most cost-effective, and most environmentally sound means of storing water for Sanpete County;

Whereas, various studies, including a recent independent study by Utah State University, show Sanpete County to be among Utah's most effective users of modern conservation methods to conserve the water that is presently available to the county;

Whereas, the Bureau of Reclamation recognized the need for water storage in Sanpete County, and as early as the 1930s proposed a plan that would provide water storage for both Sanpete and Carbon Counties;

Whereas, the component of the Bureau of Reclamation's plan that would provide water storage for Sanpete County was never implemented, initially due to a disruption caused by World War II, and more recently by various questions regarding ownership of the water;

Whereas, numerous judicial decisions have now clearly established and defined the water rights involved in the Narrows Water Project;

Whereas, legal agreements between Sanpete County, Carbon County, the state of Utah, and various federal entities have recognized Carbon and Sanpete Counties' water rights from Gooseberry Creek; and

Whereas, the residents of Sanpete County, at great financial sacrifice, have waited for almost a century for the Narrows Water Project water storage facility that was promised to them: Now, therefore, be it

Resolved, That the Senate of the state of Utah expresses support for the Narrows Water Project in Central Utah; be it further

Resolved, That the Senate urges Congress and the United States Bureau of Reclamation to support the development of the Narrows Water Project in Central Utah; be it further

Resolved, That a copy of this resolution be sent to the Bureau of Reclamation and to Utah's congressional delegation.

POM–33. A joint resolution adopted by the Legislature of the State of Utah supporting producing hydrogen from coal with carbon capture and sequestration (CCS) technology; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 12

Whereas, coal is one of Utah's most abundant resources and contributes substantially to Utah's economy;

Whereas, coal is an affordable base load fuel providing reliable electric power;

Whereas, demonstration of advanced coal technology for power generation can accelerate the development of the hydrogen energy economy in Utah;

Whereas, producing hydrogen from coal with carbon capture and sequestration (CCS) for newly permitted developments is one possible technology, among many, that has the potential to reduce carbon emissions and help protect and grow Utah's economy while continuing a strong commitment to a clean environment;

Whereas, advanced hydrogen from coal technology and CCS technology as proposed for potential next generation power plants in Utah would produce fewer carbon emissions than conventionally fueled power plants;

Whereas, the new advanced coal technology gasifies coal to produce a mixture of carbon dioxide, hydrogen, and other gases;

Whereas, the clean burning hydrogen can be used to fuel a power plant and the carbon dioxide can be captured and stored using geologic sequestration technology;

Whereas, CCS technology provides for the removal of carbon dioxide from fuel gases, reducing emission into the atmosphere;

Whereas, CCS technology will be crucial to reducing emission of carbon dioxide from newly permitted power plants specifically designed to use CCS technology while still meeting growing energy demand in a responsible manner with domestic fuel;

Whereas, CCS technology can be important to maintain Utah's position as a leader in energy technology and production;

Whereas, CCS technology will enable Utah to use its abundant coal resources while still meeting potential new regulations limiting carbon emissions and protecting and creating high-paying jobs in Utah;

Whereas, Utah's geological characteristics support sequestration technology;

Whereas, Utah is uniquely positioned to potentially lead and benefit from hydrogen production from coal and CCS technology;

Whereas, Utah's support of producing hydrogen from coal and CCS technology could place Utah businesses at the forefront of the new hydrogen and carbon economies;

Whereas, the state welcomes the potential jobs, tax base, economic enhancements and leadership position that could come with supporting advanced coal technology with CCS;

Whereas, the Public Service Commission should consider authorizing the recovery of cost-effective and prudently incurred costs that reduce carbon emissions;

Whereas, the Public Service Commission should consider hydrogen production from coal and CCS technology to be a reasonable investment for protecting the long-term interests of Utah's utility rate payers;

Whereas, the Legislature supports approving cost recovery of cost-effective and prudent investment in these technologies as determined by the Public Service Commission; and

Whereas, the Legislature supports resolving liability issues stemming from future adverse effects of sequestered carbon and believes the federal government is in the best position to provide a comprehensive liability solution: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for producing hydrogen production from coal with carbon capture and sequestration (CCS) technology as a means of strengthening Utah's economy and helping Utah to stand at the forefront of energy production; be it further

Resolved, That the Legislature urges the Public Service Commission to consider authorizing recovery of cost-effective and prudently incurred costs that reduce carbon emissions and increase Utah's and the nation's energy security; be it further

Resolved, That the Legislature recommends that the Public Service Commission consider hydrogen production from coal and CCS technology to be a reasonable investment for protecting the long-term interests of Utah's utility rate payers; be it further

Resolved, That the Legislature supports approving cost recovery of cost-effective and prudent investment in these technologies as determined by the Public Service Commission; be it further

Resolved, That the Legislature supports balanced consideration and research to explore all technologies that will continue to maximize future use and availability of coal and gas in an environmentally sound manner; be it further

Resolved, That a copy of this resolution be sent to Utah's Energy Advisor, the State Energy Program, the Public Service Commission, and to the members of Utah's congressional delegation.

POM–34. A resolution adopted by the House of Representatives of the State of Utah urging Congress and the Bureau of Reclamation to support development of the Narrows Water Project in Central Utah; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 1

Whereas, water is fundamental to the economic base of Central Utah communities and reliable water storage is necessary for both agricultural and municipal development;

Whereas, agricultural and municipal interests in Central Utah, including Sanpete County, suffer substantial economic hardship because of the lack of water storage facilities;

Whereas, in the early 1900s, local, state, and federal government officials acknowledged the need for water storage in Sanpete County and began efforts to develop the Narrows Water Project;

Whereas, reliable studies by multiple expert water engineering firms have determined the Narrows Water Project to be the least expensive, most cost effective, and most environmentally sound means of storing water for Sanpete County;

Whereas, various studies, including a recent independent study by Utah State University, show Sanpete County to be among Utah's most effective users of modern conservation methods to conserve the water that is presently available to the county;

Whereas, the Bureau of Reclamation recognized the need for water storage in Sanpete County, and as early as the 1930s proposed a plan that would provide water storage for both Sanpete and Carbon Counties;

Whereas, the component of the Bureau of Reclamation's plan that would provide water storage for Sanpete County was never implemented, initially due to a disruption caused by World War II, and more recently by various questions regarding ownership of the water;

Whereas, numerous judicial decisions have now clearly established and defined water rights involved in the Narrows Water Project;

Whereas, legal agreements between Sanpete County, Carbon County, the state of Utah, and various federal entities have recognized Carbon and Sanpete County's water rights from Gooseberry Creek; and

Whereas, the residents of Sanpete County, at great financial sacrifice, have waited for almost a century for the Narrows Water Project water storage facility that was promised to them: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah expresses support for the Narrows Water Project in Central Utah; be it further

Resolved, That the House of Representatives urges Congress and the United States Bureau of Reclamation to support the development of the Narrows Water Project in Central Utah; be it further

Resolved, That a copy of this resolution be sent to the Bureau of Reclamation and to Utah's congressional delegation.

POM–35. A joint resolution adopted by the Legislature of the State of Utah urging Congress to preserve the exemption for hydraulic fracturing in the Safe Drinking Water Act and to refrain from passing legislation that would remove the hydraulic fracturing exemption; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 17

Whereas, the United States Congress passed the Safe Drinking Water Act (Act) to assure the protection of the nation's drinking water sources;

Whereas, since the enactment of the Act, the Environmental Protection Agency (EPA) has never interpreted hydraulic fracturing as constituting ''underground injection'' within the Act;

Whereas, in 2004, the EPA published a final report summarizing a study to evaluate the potential threat to underground sources of drinking water from hydraulic fracturing of coal bed methane production wells and the EPA concluded that ''additional or further study is not warranted at this time . . .'' and ''that the injection of hydraulic fracturing fluids into coal bed methane wells poses minimal threat'' to underground sources of drinking water;

Whereas, in the Energy Policy Act of 2005, the United States Congress explicitly exempted hydraulic fracturing from the provisions of the Act;

Whereas, the Interstate Oil and Gas Compact Commission (IOGCC) conducted a survey of oil and gas producing states which found that there were no known cases of groundwater contamination associated with hydraulic fracturing;

Whereas, hydraulic fracturing is currently, and has been for decades, a common operation used in exploration and production by the oil and gas industry in all the member states of the IOGCC without groundwater damage;

Whereas, approximately 35,000 wells are hydraulically fractured in the United States annually, and close to 1,000,000 wells have been hydraulically fractured in the United States since the technique's inception, with no known harm to groundwater;

Whereas, the regulation of oil and gas exploration and production activities, including hydraulic fracturing, has traditionally been the province of the states;

Whereas, the Act was never intended to grant to the federal government authority to regulate oil and gas drilling and production operations, such as ''hydraulic fracturing,'' under the Underground Injection Control program;

Whereas, the member states of the IOGCC have adopted comprehensive laws and regulations to provide safe operations and to protect the nation's drinking water sources, and have trained personnel to effectively regulate oil and gas exploration and production;

Whereas, production of coal seam natural gas, natural gas from shale formations, and natural gas from tight conventional reservoirs is increasingly important to our domestic natural gas supply and will be even more important in the future;

Whereas, domestic production of natural gas will ensure that the United States continues on the path to energy independence;

Whereas, hydraulic fracturing plays a major role in the development of virtually all unconventional oil and gas resources and, in the absence of any evidence that such fracturing has damaged the environment, should not be limited;

Whereas, regulation of hydraulic fracturing as underground injection under the Act would impose significant administrative costs on the state and substantially increase the cost of drilling oil and gas wells with no resulting environmental benefits; and

Whereas, regulation of hydraulic fracturing as underground injection under the Act would increase energy costs to the consumer: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for maintaining the exemption of hydraulic fracturing in the Safe Drinking Water Act and urges the United States Congress to refrain from passing legislation that would remove the exemption for hydraulic fracturing; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM–36. A concurrent resolution adopted by the Legislature of the State of Utah urging the Environmental Protection Agency to address the problems associated with its configuration of nonattainment areas relating to Utah; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, on December 23, 2008, the U.S. Environmental Protection Agency (EPA) published county nonattainment designations for the federal air quality standard (NAAQS) for the fine particulate known as PM2.5;

Whereas, the EPA designated a total of three PM2.5 nonattainment areas within the state;

Whereas, the first area is Utah County; the second area is Salt Lake, Davis, and Weber Counties and portions of Box Elder and Tooele Counties; and the third area is Cache County and Franklin County, Idaho;

Whereas, designating areas two and three as nonattainment areas is contrary to the designations originally recommended by the state;

Whereas, the state has made a strong commitment to conservation and protection of the environment, and Utahns place a high value on the state's natural resources, including clean air;

Whereas, the state is also growing both in terms of population and businesses that offer jobs to local residents;

Whereas, Utahns are concerned not only with being good stewards of their natural environment, but also fostering strong economic development;

Whereas, the state recommendation for designation for certain counties as nonattainment for PM2.5 will lead to an accurate, timely, and fair resolution of PM2.5 nonattainment issues;

Whereas, the result may create a misperception that Utah has a bigger and more wide-spread air quality problem than is actually true;

Whereas, the current nonattainment area designations made by the EPA have created several problems that must be rectified as soon as possible;

Whereas, one of the PM2.5 nonattainment areas designated by the EPA includes all or a portion of five counties, and these overly broad designations should be pared back;

Whereas, the EPA should not designate areas as nonattainment until it has actual monitoring data justifying such a designation;

Whereas, in the case of Box Elder and Tooele Counties, it is clear that the designations include areas that have pristine air quality and do not exceed the NAAQS;

Whereas, for example, the portion of Tooele County designated ''nonattainment'' by the EPA includes the Deseret Peak Wilderness Area within the Stansbury Mountain Range;

Whereas, air quality in this wilderness area is widely known to be excellent, particularly in and around the pristine areas of the 11,000 foot Deseret Peak;

Whereas, there is no reason for the EPA to create a nonattainment area in a national wilderness area;

Whereas, one of the PM2.5 nonattainment areas designated by the EPA includes both Cache County in Utah and Franklin County in Idaho, creating a single nonattainment area with jurisdiction under agencies of two different states, and the EPA further creates a nonattainment area under the jurisdiction of two different EPA regions, Region 8 and Region 10; and

Whereas, interstate designations should be eliminated and the EPA should either divide the designation into two nonattainment areas or agree that Cache County can be redesignated attainment for PM2.5 on its own, with oversight solely by EPA Region 8, if monitoring data shows that the NAAQS has not been exceeded: Now, therefore be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the EPA to adopt the recommendation for PM2.5 designation as proposed by the state of Utah; be it further

Resolved, That a copy of this resolution be sent to the United States Environmental Protection Agency, the members of Utah's congressional delegation, and to the Utah Department of Environmental Quality.

POM–37. A concurrent resolution adopted by the Legislature of the State of Utah expressing strong opposition to any federal legislation that would expand the reach and scope of the Clean Water Act; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, over the past 35 years, the federal Clean Water Act, supported by other federal, state, and local laws, has governed the nation's waters and has helped ensure that Americans enjoy the cleanest rivers and lakes in the world;

Whereas, this landmark statute, further explained and clarified by subsequent Supreme Court cases, has struck a proper balance between clean water and state, local, and federal regulatory authority and responsibilities, while at the same time recognizing and protecting state primacy over water jurisdiction;

Whereas, the proposed Clean Water Restoration Act of 2007, H.R. 2421 and S. 1870, and similar legislation, attempts to make extreme changes to the Clean Water Act and threatens to destroy the careful inter-governmental balance that has been the hallmark of the law throughout its long history;

Whereas, the proposed federal legislation would change federal jurisdiction over water by expanding the definition from ''navigable'' to ''waters of the United States'' over which federal jurisdiction extends;

Whereas, that language change would allow federal reach to explicitly include ''all interstate and intrastate waters and their tributaries . . .'', essentially establishing under federal law that all wet areas within a state, or areas that have been wet at some time, would fall under federal regulatory authority, including groundwater, ditches, pipes, streets, gutters, desert features, and even pools and puddles;

Whereas, this legislation would give the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps) authority over ''all interstate and intrastate waters,'' including non-navigable waters, thereby granting to Congress authority far beyond the original scope of the Clean Water Act;

Whereas, this legislation patently exceeds Congress's constitutional powers, as ''non-navigable'' waters are unlikely to fall under the Commerce Clause, the principle-enumerated power upon which Congress has relied for passage of environmental laws;

Whereas, this legislation would dramatically expand the reach of the federal bureaucracy, would fundamentally erode the ability of state and local governments to manage their own water resources, and would cause an avalanche of new unfunded mandates to envelope state and local governments;

Whereas, this legislation would essentially grant the EPA and the Corps veto authority over local land use policies, and would grant the EPA and the Corps authority to regulate virtually all activities, private or public, that may affect ''waters of the United States,'' regardless of whether the activity is occurring in, or may impact, water at all;

Whereas, this legislation would eliminate existing regulatory limitations that allow common sense uses, including prior converted cropland and waste treatment systems, since the proposed definition does not include any regulatory limitations;

Whereas, this omission is particularly important because the existing rules acknowledge two important limitations covering prior converted cropland and waste treatment systems designed to meet Clean Water Act requirements;

Whereas, this legislation's expanded definition would burden state and local governments administratively and financially and would thrust unfunded mandates on state and local governments by imposing significant new administrative responsibilities upon them;

Whereas, this legislation would require changes at the state level by impacting comprehensive land use plans, floodplain regulations, building and special codes, and watershed and storm water plans;

Whereas, local governments will also be impacted because they are responsible for a number of public infrastructure projects, including water supply, solid waste disposal, road and drainage channel maintenance, storm water detention, mosquito control, and construction projects; and

Whereas, local government efforts to carry out maintenance of government-owned buildings, including hospitals, schools, and municipal offices, could also be adversely impacted: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express its strong opposition to any federal legislation that would expand the reach and scope of the Clean Water Act, and express their commitment to the goals and objectives of the original Act to keep our waters clean; be it further

Resolved, That the Legislature and the Governor assert that it is not in the nation's interest to regulate ditches, culverts and pipes, desert washes, dry arroyos, farmland, and treatment ponds as ''waters of the United States'' and therefore subjecting these waters to all of the requirements of federal regulation; be it further

Resolved, That the Legislature and the Governor call upon Congress to preserve the traditional power of states over land and water use and avoid unnecessary alterations to the regulatory reach of the Clean Water Act amendments as proposed in the Clean Water Restoration Act of 2007 and similar federal legislation; be it further

Resolved, That the Legislature and the Governor express their opposition to enacting the Clean Water Restoration Act of 2007 as proposed, as being without merit or justification based on 35 years of experience under the original Act as modified by court decisions and practice; be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM–38. A joint resolution adopted by the Legislature of the State of Utah supporting the withdrawal of the United States' World Trade Organization commitments on gambling; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 1

Whereas, the World Trade Organization (WTO) Dispute Resolution Body found the United States to have made a commitment under the General Agreement on Trade in Services (GATS) in the category of ''Other Recreational Services'' that covered gambling services;

Whereas, the Appellate Body of the WTO acknowledged the importance of ''public morals'' concerns in this WTO dispute and the legitimacy of the United States ''public morals'' defense in this case;

Whereas, states have considerable authority to regulate and prohibit various forms of gambling;

Whereas, a number of states communicated with the Office of the United States Trade Representative (USTR) to express their concern about the WTO decision and its implications for public morals and for state regulation of gambling;

Whereas, the USTR took steps last year to rescind the United States' commitment in ''Other Recreational Services,'' consistent with the wishes of states as expressed through letters and direct communications to USTR, as well as the wishes of Congress as exemplified by the Unlawful Internet Gambling Enforcement Act;

Whereas, in withdrawing this commitment, the United States had to offer compensatory adjustments in its overall schedule of GATS commitments, providing market access opportunities to United States' trading partners in other sectors;

Whereas, the United States has signed Free Trade Agreements with a number of nations that are home to major on-line gambling operations;

Whereas, the London-based Remote Gambling Association has already filed a complaint with the European Union asking that Europe bring a new WTO claim against the United States on gambling; and

Whereas, the Utah Legislature created the Utah International Trade Commission in 2006 as a legislative commission to address international trade issues: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses its gratitude to the USTR for its forthright position in the WTO gambling commitments dispute, and its willingness to withdraw the United States' commitment under ''Other Recreational Services'' once it was determined that this commitment covered gambling; be it further

Resolved, That the Legislature of the state of Utah recognizes that this action reflects the increasing responsiveness of the USTR in addressing the legitimate regulatory concerns of states in light of international trade commitments undertaken by the federal government; be it further

Resolved, That the Legislature of the state of Utah expresses its concern that the terms of the agreement whereby the United States withdrew the commitment under ''Other Recreational Services'' were withheld from members of Congress, the Intergovernmental Policy Advisory Committee (IGPAC), and state oversight commissions on international trade; be it further

Resolved, That the Legislature of the state of Utah expresses its concern that the USTR's recent actions are an effort to bypass Congress and IGPAC by proposing a solution outside of the constitutional United States Senate treaty ratification process; be it further

Resolved, That the Legislature of the state of Utah expresses its concern that United States' trading partners may attempt to bring further claims against federal and state gambling laws under trade and investment agreements that lack the ''public morals'' exception found in the WTO GATS; be it further

Resolved, That a copy of this resolution be sent to the WTO, USTR, Utah Congressional delegation, and members of the U.S. Senate Finance and House Ways and Means Committees.

POM–39. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to grant the state of Utah waivers to establish an employer-sponsored work program and other strategies to address illegal immigration in the state; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 1

Whereas, illegal immigration is an increasing concern in many states, including the state of Utah;

Whereas, recent attempts by Congress to make major reforms in immigration law have stalled;

Whereas, without definitive direction from the federal government, states are struggling to adequately address the many issues surrounding illegal immigration within their respective borders;

Whereas, there is an increasing need for state and local governments to address problems associated with illegal immigration, most particularly in the area of job employment;

Whereas, federal waivers would greatly increase the state of Utah's capacity to address current illegal immigration challenges;

Whereas, a federal waiver would be required for Utah to institute an employer-sponsored work program providing a two-year, renewable guest worker authorization for foreign workers;

Whereas, a second waiver is needed to withhold FICA and Medicare revenue and apply it toward the costs of the program;

Whereas, the proposed employer-sponsored work program will allow for Utah to deal with its current undocumented population in a fair manner;

Whereas, the employer-sponsored work program would also address Utah's need for both unskilled and skilled laborers while ensuring that all available local workers are given ample opportunity to meet that need;

Whereas, if granted a waiver, Utah's employer-sponsored work program should require that potential workers register as a worker with the state, be fingerprinted, have their names processed through the Interagency Border Inspection Name Check System, pass a medical exam, be sponsored by their employer, have health and automobile insurance, and have funds withheld by their employer to cover health insurance and the administrative costs of the work program;

Whereas, through the granting of federal waivers allowing the state to provide the employer-sponsored work program, the state of Utah can address many challenges regarding illegal immigration issues its citizens currently face; and

Whereas, the employer-sponsored work program combines opportunity with enforcement in a responsible manner: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress to grant the state of Utah waivers to implement an employer-sponsored work program, and to withhold federal FICA and Medicare revenue and apply it toward the health insurance and other administrative costs of the program; be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, United States Immigration and Customs Enforcement, United States Department of Homeland Security, the President of the United States, the members of Utah's Congressional Delegation, the Utah Labor Commission, and the Utah Department of Workforce Services.

POM–40. A resolution adopted by the Senate of the Legislature of the State of Utah urging the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the property rights and human rights of the Ecumenical Patriarchate; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 1

Whereas, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world;

Whereas, the See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as primus inter pares, meaning ''first among equals,'' in the community of Orthodox churches worldwide;

Whereas, in 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region;

Whereas, in 1997, the United States Congress awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal;

Whereas, following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the attacks as ''antireligious'';

Whereas, in October 2005, the Ecumenical Patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe, the Caucasus region, and Central Asia via religious leaders' interfaith dialogue, understanding, and action;

Whereas, the Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than 2 million members in the United States;

Whereas, since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims;

Whereas, this religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government;

Whereas, the Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals;

Whereas, from the millions of Orthodox Christians living in Turkey at the turn of the 20th century and due to the continued policies during this period by the Turkish government, there remain less than 3,000 of the Ecumenical Patriarch's flock left in Turkey today;

Whereas, the Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy;

Whereas, the Turkish government has confiscated nearly 94% of the Ecumenical Patriarchate's properties and has placed a 42% tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate;

Whereas, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005;

Whereas, the European. Union defined membership criteria for accession at Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights;

Whereas, the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union;

Whereas, Orthodox Christians in Utah and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government; and

Whereas, the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or ''offikion,'' by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with Turkish government officials, as well as the United States Ambassador to the Republic of Turkey, regarding the Turkish government's treatment of the Ecumenical Patriarchate: Now, therefore, be it

Resolved, That the Senate of the state of Utah urges the Government of Turkey to uphold and safeguard religious and human rights without compromise and cease its discrimination of the Ecumenical Patriarchate; be it further

Resolved, That the Senate of the state of Utah urges the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession, and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Ambassador to the Republic of Turkey, and to the members of Utah's congressional delegation.

POM–41. A joint resolution adopted by the Legislature of the State of Utah urging the Obama Administration to support the efforts of the Republic of China (Taiwan) to meaningfully participate in the specialized agencies of the United Nations; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 5

Whereas, the mission of the United Nations, as stated in the preamble to the United Nations Charter, is to ''reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small'';

Whereas, similarly, Article 2 of the Universal Declaration of Human Rights states, ''Everyone is entitled to all the rights and freedoms . . ., without distinction of any kind . . . no distinction shall be made on the basis of political, jurisdictional or international status of the country or territory to which a person belongs . . .'';

Whereas, the global issues addressed by the specialized agencies of the United Nations are closely connected to the well-being of all mankind;

Whereas, as Taiwan cannot attend the conferences, mechanisms, and activities of the specialized agencies, the welfare of its people, as well as the interests of all humankind, have been seriously jeopardized;

Whereas, Taiwan has been campaigning for participation in the World Health Organization (WHO) for years, but has been unable to establish direct access to and communication with the WHO regarding disease prevention;

Whereas, Taiwan is restricted from attending WHO technical conferences and activities and as a result Taiwan can neither acquire the latest medical and health updates nor receive timely assistance when epidemics occur, as was the case with the SARS outbreak;

Whereas, as early as May 2006, Taiwan announced its decision to comply voluntarily with the International Health Regulations (IHR 2005) that went into effect June 15, 2007;

Whereas, although Taiwan has repeatedly submitted updates to the WHO about various diseases, the WHO has not responded;

Whereas, this has been detrimental to the health rights of the 23 million people of Taiwan and foreigners residing in and traveling to Taiwan;

Whereas, it also creates a weakness in the global epidemic surveillance network which can harm the international community;

Whereas, being the world's 18th largest economy and the 20th largest outbound investor, Taiwan possesses significant economic strength;

Whereas, Taiwan hopes to share its development experience with many developing nations;

Whereas, Taiwan is also willing to give back to the world through humanitarian assistance and technical cooperation;

Whereas, the issues that the specialized agencies of the United Nations system handle tend to be functional and technical in nature; and

Whereas, allowing Taiwan's participation with these specialized agencies would be helpful for the two sides of the Taiwan Strait to set aside differences and strengthen cooperation on issues of mutual concern, thereby gradually reducing friction and promoting stability and prosperity in the Asia-Pacific region: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the Obama Administration to support Taiwan and its 23 million people in obtaining appropriate and meaningful participation in the specialized agencies of the United Nations system, including the World Health Organization; be it further

Resolved, That the Legislature urges that United States policy include the pursuit of an initiative in the specialized agencies of the United Nations system, such as the World Health Organization, which would give Taiwan meaningful participation in a manner that is consistent with the respective organization's requirements; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health and Human Services, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the Government of Taiwan, the United Nations, and the World Health Organization.

POM–42. A resolution adopted by the House of Representatives of the State of Utah urging the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the property rights and human rights of the Ecumenical Patriarchate; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 2

Whereas, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world;

Whereas, the See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as primus inter pares, meaning ''first among equals,'' in the community of Orthodox churches worldwide;

Whereas, in 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region;

Whereas, in 1997, the United States Congress awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal;

Whereas, following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the attacks as ''antireligious'';

Whereas, in October 2005, the Ecumenical Patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe, the Caucasus region, and Central Asia via religious leaders' interfaith dialogue, understanding, and action;

Whereas, the Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than 2 million members in the United States;

Whereas, since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims;

Whereas, this religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government;

Whereas, the Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals;

Whereas, from the millions of Orthodox Christians living in Turkey at the turn the 20th century and due to the continued policies during this period by the Turkish government, there remain less than 3,000 of the Ecumenical Patriarch's flock left in Turkey today;

Whereas, the Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy;

Whereas, the Turkish government has confiscated nearly 94% of the Ecumenical Patriarchate's properties and has placed a 42% tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity run by the Ecumenical Patriarchate;

Whereas, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005;

Whereas, the European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights;

Whereas, the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union;

Whereas, Orthodox Christians in Utah and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government; and

Whereas, the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or ''offikion,'' by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with Turkish governmental officials, as well as the United States Ambassador to the Republic of Turkey, regarding the Turkish government's treatment of the Ecumenical Patriarchate: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah urges the Government of Turkey to uphold and safeguard religious and human rights without compromise and cease its discrimination of the Ecumenical Patriarchate; be it further

Resolved, That the House of Representatives of the state of Utah urges the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession, and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States, and to the members of Utah's congressional delegation.

POM–43. A resolution adopted by the Legislature of the State of Utah designating September 2009 as Hydrocephalus Awareness Month, and urges the federal government to create a national registry for collecting comprehensive statistics and data regarding hydrocephalus; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 3

Whereas, hydrocephalus is a serious neurological condition characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain;

Whereas, there is no known cure for hydrocephalus, which affects an estimated one million Americans;

Whereas, one in every 2,700 infants are born with hydrocephalus;

Whreas, more than 375,000 older Americans have hydrocephalus, which often remains undetected or incorrectly diagnosed as dementia, Alzheimer's disease, or Parkinson's disease;

Whereas, with appropriate diagnosis and treatment, people with hydrocephalus have the opportunity to live full and productive lives;

Whereas, the standard treatment for hydrocephalus was developed in 1952 and unfortunately carries multiple risks including shunt failure, infection, and over drainage;

Whereas, each year American taxpayers spend more than $1 billion to treat hydrocephalus;

Whereas, the Hydrocephalus Association is one of the nation's oldest and largest patient and research advocacy and support networks for individuals suffering from hydrocephalus; and

Whereas, the federal government should create a registry for collecting data and statistics on the impact of hydrocephalus: Now, therefore, be it

Resolved, That the Senate of the state of Utah designates September 2009 as Hydrocephalus Awareness Month in the state of Utah; be it further

Resolved, That the Senate of the state of Utah urges the federal government to create a gyrational registry for collecting comprehensive statistics and data regarding hydrocephalus and its impact on American families; be it further

Resolved, That a copy of this resolution be sent to the Hydrocephalus Association, the United States Department of Health and Human Services, the Utah Department of Health, and to the members of Utah's congressional delegation.

POM–44. A joint resolution adopted by the Legislature of the State of Utah supporting congressional action related to the Navajo Nation's ability to collect and track child support payments; to the Committee on Indian Affairs.

HOUSE JOINT RESOLUTION NO. 5

Whereas, the Navajo Nation is the largest Native American tribe within the boundaries of the United States and is larger than ten of the 50 states;

Whereas, Navajo children under the age of 18 comprise almost half the total population, and some 61% of Navajo grandparents are responsible for grandchildren under the age of 18;

Whereas, over half the population of the Navajo Nation lives below the poverty level, an over 40% of persons on the Navajo Nation are unemployed;

Whereas, collecting child support for children whose parents are able to pay child support may be critical in the health and education of a good portion of Navajo children;

Whereas, the federal government granted the Navajo Nation and 39 other tribes the ability to collect child support, establish paternity, and enforce child and medical support obligations, but did not grant the Navajo Nation access to information essential for investigation and enforcement;

Whereas, the federal government has suggested that some states charge the Navajo Nation for access to important personal files of potential payers of child support;

Whereas, the Navajo Nation has collected almost $3,000,000 in past-due child support and received more than 10,000 acknowledgments of paternity for Navajo children; and

Whereas, the Navajo Nation department of child support enforcement has collected a total of $7,248,237 in child support during fiscal year 2007: Now, therefore, be it

Resolved, That the Legislature of the state of Utah encourage Utah's congressional delegation to take appropriate steps on behalf of the Navajo Nation to increase its effectiveness in child support collection and enforcement; be it further

Resolved, That Utah's congressional delegation is urged to encourage the federal government to include the Navajo Nation in a web access pilot program to obtain information critical to collection of child support for Navajo children; be it further

Resolved, That copies of this resolution be transmitted to:

(1) the members of Utah's congressional delegation;

(2) the president of the Navajo Nation;

(3) the speaker of the house of the Navajo Nation; and

(4) the secretary of human services for the Navajo Nation.

POM–45. A resolution adopted by the Legislature of the State of Utah opposing the REAL ID Act of 2005 and its implementation of a national identification card; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 4

Whereas, the state of Utah recognizes the Constitution of the United States as the nation's charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including privacy and freedom from unreasonable searches;

Whereas, each of Utah's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the state of Utah;

Whereas, the state of Utah denounces and condemns all acts of terrorism by any entity, wherever the acts occur;

Whereas, terrorist attacks against Americans, like those on September 11, 2001, have necessitated the crafting of effective laws to protect citizens of the United States and others from terrorist attacks;

Whereas, any new security measures of federal, state, or local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of Utah and the United States;

Whereas, Title II of the REAL ID Act of 2005 creates a national identification card by requiring that uniform information be placed on every states' driver license, requiring that the information be machine readable in a standard format, and requiring that the card be used for any federal purpose, including air travel;

Whereas, REAL ID will be a costly unfunded mandate that the Department of Homeland Security estimates will, over the next ten years, cost states 3.9 billion dollars and individuals 5.8 billion dollars;

Whereas, regulations made by the Department of Homeland Security do not adequately address fundamental burdens that the statute imposes on states and individuals, or violations of privacy and constitutional rights;

Whereas, REAL ID requires the creation of a massive public sector database containing the driver license information on every American with a license, accessible to every state motor vehicle employee and every state and federal law enforcement officer;

Whereas, REAL ID enables the creation of an additional massive private sector database of driver license information gained from scanning the machine-readable information contained on every driver license;

Whereas, these public and private databases are certain to contain numerous errors and false information, creating significant hardships for Americans attempting to verify their identity in order to fly, open a bank account, or perform any of the numerous functions required to live in the United States today;

Whereas, the Federal Trade Commission estimates that 10 million Americans are victims of identity theft annually;

Whereas, these identity thieves are increasingly targeting motor vehicle departments;

Whereas, REAL ID will facilitate the crime of identity theft by making the personal information of all Americans, including name, date of birth, gender, driver license or identification card number, digital photograph, address, and signature accessible from tens of thousands of locations;

Whereas, REAL ID requires driver licenses to contain actual home addresses and makes only limited provisions for securing personal information for individuals in potential danger such as undercover police officers and victims of domestic violence, stalking, or criminal harassment;

Whereas, REAL ID contains no exemption for religion, limits religious liberty, and tramples the beliefs of groups like the Amish and certain Evangelical Christians;

Whereas, REAL ID contains onerous record verification and retention provisions that place unreasonable burdens on both Utah's Motor Vehicle Division and on third parties required to verify records;

Whereas, REAL ID will likely place enormous burdens on individuals seeking a new driver license, including longer lines, higher costs, increased document requests, and a waiting period;

Whereas, REAL ID was passed without sufficient deliberation by Congress and never received a hearing by a congressional committee or any vote solely on its merits;

Whereas, REAL ID eliminated a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal, state, and local policymakers, privacy advocates, and industry experts to address the misuse of identity documents;

Whereas, more than 600 organizations opposed the passage of REAL ID, including the Utah Chapter of the American Civil Liberties Union and the Utah Eagle Forum; and

Whereas, REAL ID would provide little security benefit and still leave identifications systems open to insider fraud, counterfeit documentation, and database failures: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah supports the United States Government's campaign against terrorism and its commitment that the campaign not be waged at the expense of essential civil rights and liberties of the nation's citizens that are protected in the United States Constitution, including the Bill of Rights; be it further

Resolved, That the House of Representatives opposes any portion of the REAL ID Act that violates the rights and liberties guaranteed under the Utah Constitution or the United States Constitution, including the Bill of Rights; be it further

Resolved, That the House of Representatives expresses its opposition to state legislation, including appropriations, that would further the REAL ID Act in Utah unless the appropriation is used exclusively for the purpose of undertaking a comprehensive analysis of the costs to implement REAL ID, or to mount a constitutional challenge to the Act by the state Attorney General; be it further

Resolved, That the House of Representatives urges Utah's congressional delegation to support measures to repeal Title II of the REAL ID Act of 2005 and restore the negotiated rulemaking process established under Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004; be it further

Resolved, That the House of Representatives urges the Secretary of the Department of Homeland Security to not penalize any state or its citizens for failure to comply with the REAL ID Act pending further congressional consideration of whether to repeal the Act and replace it with an act that assists states in strengthening the security of their driver license system without burdening the finances of the states or the rights of the states' drivers; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of Homeland Security, Governor Huntsman, and the members of Utah's congressional delegation.

POM–46. A resolution adopted by Legislature of the State of Utah expressing support for the construction of a museum and civil liberties learning center in Delta, Utah, for the purposes of preserving and educating about the Topaz Internment Camp site; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 2

Whereas, President Franklin D. Roosevelt signed Executive Order 9066 on February 19, 1942, authorizing the evacuation of 120,000 people of Japanese ancestry from their homes in portions of Hawaii, California, Oregon, Washington, and Arizona to ten remote internment camps in Arkansas, Colorado, Arizona, California, Idaho, Wyoming, and Utah;

Whereas, one of those camps, Topaz, located near Delta, Utah, housed over 11,000 men, women, and children from September 11, 1942, until October 31, 1945, and was Utah's fifth largest city;

Whereas, over 25,000 Japanese Americans, many from Topaz, served in the United States military during World War II and suffered tremendous casualties while their families were confined in the internment camps;

Whereas, President Ronald Reagan signed into law the Civil Liberties Act of 1988, and President George H.W. Bush issued a letter of apology and redress payments to the survivors of these internment camps;

Whereas, the Topaz camp site must be preserved and protected as part of the nation's commitment to equal justice for all;

Whereas, the Topaz Museum Board, a nonprofit agency, has raised money to purchase 626 of the 640 acres of the site, has sponsored pilgrimages and teachers' workshops, has conducted Topaz Day for fourth graders in Millard County, has restored a recreation hall from the camp, and collected artifacts and oral histories, in an effort to preserve the site and educate people about the internment of American citizens;

Whereas, the Topaz site was declared a ''Save America's Treasures'' project in 1999;

Whereas, the 2006 United States House of Representatives passed HB 1492, which authorized the Secretary of the Interior to create a program within the National Park Service to further protect and provide funding for the ten internment camp sites and other significant related areas;

Whereas, Congressman Chris Cannon and Congressman Jim Matheson joined 114 others to co-sponsor HB 1492;

Whereas, Senator Daniel Inouye introduced S1719 as a companion bill to HB 1492, along with five co-sponsors, including Senator Bob Bennett and Senator Orrin Hatch; and

Whereas, in 2007 the National Park Service declared the Topaz site to be Utah's thirteenth National Historic Landmark: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for the Topaz Museum Board's effort to preserve and protect the site of the Topaz Internment Camp, to build a museum and civil liberties learning center in Delta, Utah, and to educate all citizens about Japanese American internment history, especially Topaz, through artifacts, exhibits, and oral histories; be it further

Resolved, That a copy of this resolution be sent to the Topaz Museum Board, former Congressman Chris Cannon, Senator Daniel Inouye, and the members of Utah's Congressional Delegation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Herbert M. Allison, Jr., of Connecticut, to be an Assistant Secretary of the Treasury.

*Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Peter Silva Silva, of California, to be an Assistant Administrator of the Environmental Protection Agency.

*Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration.

*Stephen Alan Owens, of Arizona, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

By Mr. DODD for the Committee on Health, Education, Labor, and Pensions.

*Howard K. Koh, of Massachusetts, to be an Assistant Secretary of Health and Human Services.

*Laurie I. Mikva, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

*Martha J. Kanter, of California, to be Under Secretary of Education.

*Jane Oates, of New Jersey, to be an Assistant Secretary of Labor.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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 Mr. JOHANNS (for himself, Mr. ENZI, Mr. BROWNBACK, Mr. BOND, Mr. CHAMBLISS, Mr. ROBERTS, Mr. RISCH, Mr. BARRASSO, Mr. THUNE, Mr. CORNYN, Mr. GRAHAM, Mr. MCCAIN, Mr. CRAPO, Mr. INHOFE, Mr. ENSIGN, Mr. KYL, Mr. BUNNING, Mr. VITTER, Mrs. HUTCHISON, Mr. WICKER, Mr. COBURN, Mr. HATCH, Mr. ISAKSON, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, and Mr. DEMINT):

S. 1223. A bill to require prior Congressional approval of emergency funding resulting in Government ownership of private entities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Ms. MIKULSKI, Mr. CARDIN, and Mr. WEBB):

S. 1224. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS:

S. 1225. A bill to require the Commodity Futures Trading Commission to take certain actions to prevent the manipulation of energy markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY (for himself, Mr. BENNET, and Mr. SPECTER):

S. 1226. A bill to amend the Richard B. Russell National School Lunch Act to improve paperless enrollment and efficiency for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DeMINT (for himself, Mr. WICKER, Mr. BUNNING, and Mr. VITTER):

S. 1227. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. PRYOR):

S. 1228. A bill to amend chapter 63 of title 5, United States Code, to modify the rate of accrual of annual leave for administrative law judges, contract appeals board members, and immigration judges; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1229. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. ISAKSON (for himself, Mr. LIEBERMAN, Mr. DODD, Mr. CHAMBLISS, Mr. ALEXANDER, Mr. RISCH, Mr. ENSIGN, Mr. BUNNING, Ms. MURKOWSKI, and Mr. VITTER):

S. 1230. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Finance.

By Mr. DODD:

S. 1231. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. KENNEDY, Mr. MCCAIN, Ms. STABENOW, Mr. BINGAMAN, Ms. COLLINS, Mr. DURBIN, Mr. NELSON of Florida, Mr. KOHL, Mr. LEVIN, Mr. LEAHY, Mr. SANDERS, Mr. KERRY, Mr. BROWN, Mr. FEINGOLD, Mr. JOHNSON, Mr. INOUYE, Mr. TESTER, Mr. CASEY, Mrs. MCCASKILL, Mr. THUNE, Mr. BEGICH, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. SPECTER, Mrs. BOXER, and Mr. VITTER):

S. 1232. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; read the first time.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1233. A bill to reauthorize and improve the SBIR and STTR programs and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 181. A resolution designating June 10, 2009, as ''National Pipeline Safety Day''; considered and agreed to.

By Mr. KERRY (for himself, Mr. LUGAR, Mrs. SHAHEEN, Mr. CARDIN, Mr. LIEBERMAN, and Mr. DEMINT):

S. Res. 182. A resolution recognizing the democratic accomplishments of the people of Albania and expressing the hope that the parliamentary elections on June 28, 2009, maintain and improve the transparency and fairness of democracy in Albania; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 244

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 244, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 292

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 486

At the request of Mr. SANDERS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 486, a bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the

Community Health Center and National Health Service Corps programs.

S. 491

At the request of Mr. WEBB, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 638

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 638, a bill to provide grants to promote financial and economic literacy.

S. 660

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 660, a bill to amend the Public Health Service Act with respect to pain care.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 797

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 801, a bill 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, and for other purposes.

S. 843

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 843, a bill to establish background check procedures for gun shows.

S. 860

At the request of Mr. NELSON of Nebraska, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax exclusion for assistance provided to participants in State student loan programs for certain health professionals.

S. 910

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 910, a bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program.

S. 968

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 973

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 973, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 999, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1071

At the request of Mr. CHAMBLISS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1071, a bill 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.

S. 1135

At the request of Ms. STABENOW, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of 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.

S. 1150

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1150, a bill to improve end-of-life care.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of 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.

S. 1196

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1196, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 1204

At the request of Mrs. MURRAY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1214

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1214, a bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes.

S. 1219

At the request of Mr. KOHL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1219, a bill to amend subtitle A of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such subtitle for a 1-year period ending June 22, 2010.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. CON. RES. 11

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 24

At the request of Mr. CHAMBLISS, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of 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.

S. RES. 65

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 65, a resolution honoring the 100th anniversary of Fort McCoy in Sparta, Wisconsin.

S. RES. 81

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 81, a resolution supporting the goals and ideals of World Water Day.

S. RES. 176

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 176, a resolution expressing the sense of the Senate on United States policy during the political transition in Zimbabwe, and for other purposes.

AMENDMENT NO. 1268

At the request of Mr. CHAMBLISS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 1268 intended to be proposed to 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, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHANNS (for himself, Mr. ENZI, Mr. BROWNBACK, Mr. BOND, Mr. CHAMBLISS, Mr. ROBERTS, Mr. RISCH, Mr. BARRASSO, Mr. THUNE, Mr. CORNYN, Mr. GRAHAM, Mr. MCCAIN, Mr. CRAPO, Mr. INHOFE, Mr. ENSIGN, Mr. KYL, Mr. BUNNING, Mr. VITTER, Mrs. HUTCHISON, Mr. WICKER, Mr. COBURN, Mr. HATCH, Mr. ISAKSON, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, and Mr. DEMINT):

S. 1223. A bill to require prior Congressional approval and emergency funding resulting in Government ownership of private entities; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHANNS. Mr. President, I rise to present a piece of legislation that I believe the Senate should consider immediately. I believe this legislation is so important that it can't wait. The legislation I introduce today is the Free Enterprise Act of 2009, and its purpose is very straightforward. The Free Enterprise Act of 2009 requires prior congressional approval of any TARP funding that results in the government taking a common or preferred equity interest in any private entity.

Since the inception of the TARP program, my colleagues from both sides of the aisle, in a very bipartisan way, have voiced concerns over the management, the oversight, and the purpose of TARP. Yet the program continues morphing and drifting away from its original purpose: to buy toxic assets and keep credit flowing to consumers. That was the purpose of TARP when it was sold to Congress back in October. TARP was never intended—never intended—to be a revolving, $700 billion blank check for the administration to use however it sees fit. Unfortunately, that is exactly what it has become.

First, the checks were used to bail out the banks, then to the struggling insurance giant AIG, then to the floundering housing market, and despite a December vote by Congress that rejected—specifically rejected—a bailout of the auto industry, TARP funds are now being used to bankroll the auto industry.

I am quite certain most of my colleagues would have looked at me in disbelief if I would have said a few months ago that TARP funds would essentially be used to buy a private auto company—General Motors—and then rush it through bankruptcy. Yet last Monday the Obama administration announced it would provide $30 billion more in TARP funds to buy General Motors, owning a 60-percent interest in the company.

The bottom line is our government is now running or is very deeply involved in major industrial sectors, including housing, banking, insurance, and now automobiles. There is no longer a clear distinction between companies owned by investors and entities owned and backed by the government.

I am deeply troubled by the change in how business in America is conducted, and I am worried we are causing irreparable changes and damage to our private market system. But I am equally troubled and worried that all these ownership and management decisions are being made—literally buying a car company—without congressional input or approval.

Many may completely disagree with me and think the government should get in the auto business, that they should own a 60-percent stake in General Motors or that the government should be a 34-percent owner of Citigroup. But the one thing all my colleagues should be able to agree on is the fact that Congress needs checks and balances.

Right now, disagree or agree with me, none of us in Congress have had a voice—neither a voice in support nor a voice in opposition. We woke up, just like the citizens of America, and found out that we own 60 percent of General Motors—a decision made by President Obama literally with no oversight by Congress.

What has happened is the legislative branch has effectively given President Obama a free pass to do as he wishes with $700 billion. But with the passage of this legislation, we can regain some type of oversight over the disbursement of TARP funds. Let's not continue to criticize the use and management of TARP funds and yet do nothing about it. Support for this legislation is an important step in the right direction. It would ensure that Congress provides checks and balances. That is what we were elected to deliver. That is why we are here.

At the very minimum, let's at least have a vote before the government takes ownership of private companies. My bill only asks for a simple majority governed by the normal rules of the Senate. But it makes a very significant statement that Congress has not fallen asleep at the switch.

I hope my colleagues will not choose to remain silently in their seats. We must fulfill our duties to provide oversight over the executive branch. That is what our Constitution demands. I urge my colleagues, whether you support or oppose funds for private industry, to reclaim the role Congress has in this process. Doing anything less would simply be a dereliction of our duty.

When I introduced this legislation as an amendment to S. 982, it quickly got 30 cosponsors. I am very happy to report that many of these people have joined me as cosponsors, and we are nearing that number again.

I encourage all of my colleagues to support this commonsense legislation and join me as a cosponsor. We can work together to ensure that free enterprise is not relegated to the back burner in this country, and, most important, we can work together, whether you agree or disagree, to make sure Congress is not relegated to the back burner. The Free Enterprise Act is a positive step in that direction.

By Mr. WARNER (for himself, Ms. MIKULSKI, Mr. CARDIN, and Mr. WEBB):

S. 1224. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WARNER. Mr. President, today I am introducing legislation to reauthorize the National Oceanic and Atmospheric Administration's important programs to restore the Chesapeake Bay and its aquatic resources. This measure is a companion to H.R. 1771, a bill recently introduced in the House by Representatives SARBANES, WITTMAN and KRATOVIL. Joining me in sponsoring this legislation are my colleagues Senator WEBB from Virginia and Senators MIKULSKI and CARDIN from neighboring Maryland.

Throughout my public career, I have been a strong advocate for protecting our natural resources. One of the most important efforts in Virginia's environmental history has been preservation of the Chesapeake Bay, the nation's most important estuary. I am proud that we brought record funding to efforts related to cleaning the Chesapeake Bay and the toughest regulations for water quality yet. The Commonwealth's 3,300 miles of coastal resources provide significant economic

contributions to tourism, recreation, commercial and sport fisheries, and wildlife enjoyment within our State. Yet the safety of the Bay is still in great jeopardy; pollution, habitat loss and other factors have taken their toll.

NOAA has been a principal partner with the Bay region states and other Federal agencies in efforts to protect and restore the Chesapeake Bay ecosystem since 1984. Its mission is focusing NOAA capabilities in science, service, and stewardship to protect and restore the Chesapeake Bay. Congress formally authorized NOAA's participation in the Bay in Public Law 98–210 enacted in 1992 and reauthorized the program in 2002, Public Law 107–372. That authority expired 3 years ago, in 2006, and must be reauthorized.

Over the years, NOAA's work in the Chesapeake Bay has focused on three critical and interrelated areas—ecosystem science, coastal and living resources management, and environmental education—all part of an ecosystem approach for Bay restoration and management. The agency's science and research programs, conducted in collaboration with major academic institutions, are helping decision-makers survey and assess trends in living resources, understand and evaluate the responses of these resources to changes in their environment, and establish management goals and progress indicators. Through the Chesapeake Bay Observing System and the next-generation Chesapeake Bay Integrated Buoy System, NOAA is providing monitoring data on environmental conditions and water quality in the Bay necessary to track Bay restoration progress. The NOAA Chesapeake Bay Office's fish, shellfish and habitat restoration programs are helping to restore native oysters, blue crabs, and bay grasses throughout the watershed. And NOAA's pioneering Bay Watershed Education and Training program, B-WET, is making hands-on watershed education and training available to students and teachers throughout the watershed, bringing marine and weather sciences into the classroom and helping to foster stewardship of the Bay.

NOAA administers its work throughout the 64,000 square mile, 6 State watershed from offices in Maryland and Virginia, which collaborate with State and other Federal agencies, academic institutions, and nongovernmental organizations to support Bay protection and restoration goals. In Norfolk, Virginia, the NOAA Chesapeake Bay Office's science and education programs are incorporated into exhibits at Nauticus, our State's premier maritime center, which receives more than 350,000 visitors annually, and helps inform the public about NOAA's programs and activities. At the College of William and Mary's Virginia Institute of Marine Science, VIMS, NOAA is collaborating with a major academic partner to improve understanding of Bay fisheries and support improved oyster restoration. At Stingray Point, Norfolk and Jamestown, NOAA has deployed first-of-its-kind CBIBS interpretive buoys that are not only providing critical real-time data streams for scientists, but multidisciplinary education tools to users of the Captain John Smith Chesapeake National Historic Water Trail. Throughout the Virginia and Maryland waters of the Chesapeake Bay, NOAA is assisting watermen impacted by reductions in blue-crab harvests.

But NOAA's work and responsibilities to the Chesapeake Bay restoration effort are far from complete. The partners in the Bay restoration need the agency's continued help and support. Throughout the Bay, ecologically important fish species are in decline or at risk due to disease, habitat loss, and other factors. Underwater grasses that once provided habitat to sustain these fisheries are at a fraction of their historic levels. As advanced as our science is, Chesapeake Bay managers still do not have adequate information about the estuary and its habitats to manage its living resources or mitigate diseases in fish and shellfish.

The legislation I am introducing today builds upon previous authorizations of the NOAA Bay Program and addresses several urgent, continuing or unmet needs in the watershed. The bill seeks to achieve five main objectives.

Increasing collaboration between the various programs and activities at NOAA to further NOAA's coastal resource stewardship mission.

Improving Bay monitoring capabilities and the coordination and organization of the substantial amounts of data collected and compiled by Federal, State, and local government agencies and academic institutions through further development of an integrated observations system and the Chesapeake Bay Interpretative Buoy System.

Strengthening the Chesapeake Bay Watershed Education and Training Program, B-WET, the competitively based program which provides students with meaningful Chesapeake Bay or stream outdoor experiences and teachers with professional development opportunities for Bay-related environmental education.

Supporting and encouraging public-private partnerships to restore finfish and shellfish populations, submerged aquatic vegetation and other critical coastal habitat through aquaculture, stock enhancements, propagation and other programs.

Ensuring that Federal funds are spent wisely and effectively on projects that have scientific and technical merit and are peer reviewed.

This legislation enhances NOAA's commitment to further scientific data collection, develops fishery management practices and habitat restoration, and strengthens Chesapeake Bay environmental education programs. Mr. President, the Bay is a national treasure and its restoration should be a national priority.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

CHESAPEAKE BAY COMMISSION,
April 29, 2009.

Hon. MARK R. WARNER,
U.S. Senate, Dirksen Senate Office Bldg., Washington, DC.

DEAR SENATOR WARNER: It has come to my attention that you will be introducing legislation shortly to reauthorize the National Oceanic and Atmospheric Administration's (NOAA's) Chesapeake Bay Office, similar to H.R. 1771, which was recently introduced in the House of Representatives. I am writing to express our Commission's strong support for this legislation and to commend you for introducing it.

As you know, the Chesapeake Bay Commission is a tri-state legislative assembly established in 1980 to assist the states of Maryland, Virginia and Pennsylvania in cooperatively managing the Chesapeake Bay. The Commission has been a signatory to every Chesapeake Bay Agreement and continues to play a leadership role on a full spectrum of Bay issues: from managing living resources and conserving land, to protecting water quality.

We believe that reauthorizing and enhancing NOAA's Chesapeake Bay Office and its major programs in fisheries, habitat, integrated coastal observations and education are critical to the joint Federal, State and local efforts to restore Chesapeake Bay and its living resources. Our States rely heavily on NOAA's ecosystem science, coastal and living resources management, and environmental literacy capabilities to meet the commitments of Chesapeake 2000. For example:

NOAA-funded trawl surveys and stock assessment work provide information each year to help the states of MD and VA and the Potomac River Fisheries Commission decide how to manage the next season's blue crab fishery.

Since 2001 NCBO has provided over $28M to support native oyster restoration and habitat characterization in MD and VA. Current efforts are geared toward large scale ecological restoration projects in rivers like the Wicomico and Piankatank.

NOAA provides satellite-based remote sensing data for models that help state fisheries managers develop stock assessments.

Bay Watershed Education and Training (B-WET) grants totaling $2M–3.5M annually help provide meaningful watershed experiences for approximately 40,000 students throughout the watershed.

Chesapeake NEMO is providing direct assistance to local communities in PA, MD and VA to incorporate natural resources into local decision making.

NOAA's Chesapeake Bay Interpretive Buoy System (CBIBS) is providing critical real-time water quality, weather and interpretive information for managers, boaters, students and tourists alike.

The legislation you are introducing would reauthorize and strengthen NOAA's Chesapeake Bay Office. It would enhance monitoring capabilities through the further development of an integrated observations system and the Chesapeake Bay Interpretative Buoy System. It would bolster the Chesapeake Bay (B-WET) program which is helping to get students throughout the watershed outdoors and learning about the Bay. And it would help in our efforts to restore finfish and shellfish populations, Bay-grasses and other habitats through aquaculture and propagation programs.

In our special report to the Congress of February 2008, the Commission recommended reauthorization of the NOAA Chesapeake Bay Office and its major programs as a high priority. If the Commission can be of assistance to you or the Senate Commerce Committee as this legislation moves through the legislative process, please do not hesitate to let us know.

Sincerely,

DELEGATE JOHN. A. COSGROVE (VA.),
Chairman.

FRIENDS OF THE JOHN SMITH
CHESAPEAKE TRAIL,
Annapolis, MD, April 29, 2009.

Hon. MARK WARNER,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR WARNER: On behalf of the Friends of the John Smith Chesapeake Trail (''the Friends''), I want to commend and thank you for your leadership in introducing the Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2009. The National Oceanic and Atmospheric Administration's (NOAA) Chesapeake Bay Office plays a vital role in the management and restoration of the Chesapeake Bay. We are pleased that your bill will re-authorize this important program.

Over the past three years, the Friends have worked closely with the NOAA Chesapeake Bay Office to implement the Chesapeake Bay Interpretive Buoy System (CBIBS). The system provides real-time water quality data and interpretation to further protect, restore, and manage the Chesapeake Bay and marks the Captain John Smith Chesapeake National Historic Trail. CBIBS is part of the multi-state Chesapeake Bay Observing System (CBOS), and part of the U.S. Integrated Ocean Observing System (IOOS)—systems designed to enhance our ability to collect, deliver, and use estuarine and ocean information. As you may be aware, there are currently three CBIBS buoys in the Virginia waters of the Chesapeake Bay (James River, Elizabeth River, Rappahannock River) and three buoys in Maryland (Potomac River, Patapsco River and Susquehanna River). NOAA has identified a further need for expanded coverage throughout the Bay to include many of the most important areas where water quality information is needed, including Virginia's Eastern Shore and at the mouth of the Bay.

CBIBS buoys have been designed to accommodate almost any sensor and transmit the data for real-time display. Presently they measure and report a comprehensive suite of observations, including parameters used by the Chesapeake Bay Program for assessment of impaired waters: Air temperature and relative humidity; barometric pressure; wind speed and direction; near-surface water temperature; salinity; dissolved oxygen; chlorophyll-a concentration; turbidity; and wave height, direction, and period.

The NOAA Chesapeake Bay Office has built a partnership with the National Park Service, many non-government organizations and businesses to launch this system that serves the scientific community, John Smith Trail users and citizens interested in the maritime history and culture of the Bay. CBIBS and the Captain John Smith Chesapeake National Historic Trail will function together to enhance public awareness of the natural and cultural history of the Bay. Such awareness creates tremendous motivation in restoration and conservation efforts.

The CBIBS program will (1) enhance our understanding of the Bay's biological, physical and chemical processes serve as key tool for Bay restoration; (2) promote water based tourism along the John Smith trail; (3) create an invaluable real time tool for environmental education; (4) provide advanced information tools for coastal decision makers; (5) improve weather and harmful algal bloom forecasts; and (6) support safe maritime commerce. For these reasons, we are delighted that your bill includes language to formally authorize CBIBS.

The Chesapeake Bay is a wonderful national resource with a storied history. Your legislation re-authorizing NOAA's work will help ensure the vitality of our natural resources throughout the Bay. Please let us know how we can help you pass this important bill.

With warm regards,

DAVID O'NEILL,
President.

By Mr. SANDERS:

S. 1225. A bill to require the Commodity Futures Trading Commission to take certain actions to prevent the manipulation of energy markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANDERS. Madam President, I rise today to introduce the Energy Market Manipulation Prevention Act.

Did you know we are in the midst of the worse economic crisis since the Great Depression? Millions of our fellow Americans are losing their homes, losing their jobs, losing their life savings, losing the ability to send their kids to college and, in many ways, they are losing the hope that their own children will have a brighter future and a better life than they have had. It is a very unusual moment in the history of our country.

In the midst of all of this concern and decline in the standards of living of millions of Americans, the last thing that our country needs right now is to see our people be ripped off at the gas pump this summer because of the speculators on Wall Street. Some of the very same people who caused this recession and have received the largest taxpayer bailout in American history are allowed to jack up oil prices through price manipulation and outright fraud.

This is obviously not only an issue for the moment for millions and millions of people who drive to work every day, but for truckers and farmers and all people who are dependent upon gas; and it is also an issue for many parts of our country, such as Vermont, where a lot of our people heat with oil. We are not going to sit around idly and watch the price of oil artificially rise so that elderly people who heat with oil are unable to adequately heat their homes in the wintertime.

Unfortunately, this artificial increase in oil and gas prices is exactly what is happening now, as it occurred similarly last summer, when the price of oil hit $147 a barrel. The price of gas at the pump was over $4 a gallon, and truckers paid more than $5 a gallon for diesel fuel. That is where we were last summer, and we are heading back there right now, unless Congress moves in an aggressive way to say no to speculation on oil futures.

As you know, the price of oil is supposed to be based on the fundamentals of supply and demand, not by excessive speculation. What all of us learned in economics 101 is that if there is limited supply and a lot of demand, the price of the product goes up. If there is a lot of supply and limited demand, the price goes down. That is one of the basic tenets of free market capitalism.

But interestingly, last month, crude oil inventories in the United States were at their highest level on record, while demand for oil in the United States dropped to its lowest level in more than a decade. In other words, there was a record amount of supply and less demand than we have seen over the last 10 years. Further, the International Energy Agency recently predicted that global demand for oil will drop this year to its lowest level since 1981.

What is going on? Demand is going down, supply is high, and what the fundamentals of economic theory tell us is that gas and oil prices will go down. But as everybody who fills up their gas tank today understands, that is certainly not the case, because gas and oil prices are going up.

Despite the record supply of oil and reduced demand, prices are going up, not down. In fact, the national average price of gasoline has jumped from $1.64 a gallon late last year to over $2.60 today. Crude oil prices recently reached a 7-month high.

The American people have a right to ask why is this happening, in contradiction to the basic economic process of supply and demand, and we have a right and the obligation to act to protect those consumers. The increased prices that millions of motorists are currently seeing have caused severe financial hardship for American families, truckers, small businesses, airlines, and farmers. It is putting enormous strain on an economy already in the throes of a deep recession.

We passed the stimulus package in order to create millions of jobs, in order to put money into the hands of working people, many of whom had lost their jobs. And now what we are seeing, as a result of this artificial increase in the price of gas and oil, is that those tax breaks we gave to working families are going not into the local economy, they are going right back to Wall Street and speculation, and they are going to the oil companies.

All of us have a responsibility to do everything we can to lower oil and gas prices immediately, so that they reflect supply and demand fundamentals, not excessive speculation. Therefore, the legislation I am introducing today will require the Commodities Futures Trading Commission to use its emergency powers to prevent the manipulation of oil prices and empower the CFTC with new authority to prohibit excessive speculation in the oil market.

Last July, the House of Representatives passed similar legislation by a vote of 402 to 19—widely bipartisan.

But that legislation, unfortunately, did not become law. In addition, this legislation would also require the CFTC to, No. 1, immediately classify all bank holding companies and hedge funds engaged in energy futures trading as noncommercial participants and subject them to strict position limits.

No. 2, this legislation would eliminate the conflict of interest that arises when a firm, a large Wall Street financial institution, has employees under one umbrella responsible for predicting the future price of oil—the so-called analysts—while the same company controls physical oil assets and trading energy derivatives.

No. 3, this legislation would immediately revoke all staff no-action letters for foreign boards of trade that have established trading terminals in the United States for the purpose of trading U.S. commodities to U.S. investors.

I am delighted that Bart Chilton, one of the commissioners at the U.S. Commodity Futures Trading Commission, has supported this legislation.

Madam President, I ask unanimous consent that his letter to me be printed in the RECORD.

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

DEAR SENATOR SANDERS: Thank you for taking the time out of your busy schedule to meet with me and Elizabeth Ritter regarding energy trading and needed regulatory reforms of our nation's commodities laws, rules and regulations. I appreciate your leadership in this area and look forward to working with you.

I did want to make a comment about your specific efforts. I commend you for your leadership in bringing transparency and accountability to U.S. energy markets. As you know, the Commodity Exchange Act provides the CFTC with broad emergency authority to take action, in its discretion, in order to maintain or restore orderly trading. In your proposed legislation, you have identified critically important areas of concern—excessive speculation in energy commodities, classification of bank holding companies and limits on their energy trading, hedge fund registration, classification and trading limits, conflicts of interest by entities that both trade and advise in the energy arena, and foreign market access. I wholeheartedly agree with you that the time to act on these issues is now, and the CFTC should aggressively utilize all available authorities as appropriate, including but not limited to emergency authority as currently defined in the CEA, to address these pressing issues.

Thank you again for your efforts on behalf of American consumers and taxpayers, and I look forward to working with you in the future on these important issues.

Sincerely,

BART CHILTON.

Mr. SANDERS. Let me briefly quote from the letter.

He says:

As you know, the Commodity Exchange Act provides the CFTC with broad emergency authority to take action, in its discretion, in order to maintain or restore orderly trading. In your proposed legislation, you have identified critically important areas of concern—excessive speculation in energy commodities, classification of bank holding companies and limits on their energy trading, hedge fund registration, classification and trading limits, conflicts of interest by entities that both trade and advise in the energy arena, and foreign market access. I wholeheartedly agree with you that the time to act on these issues is now, and the CFTC should aggressively utilize all available authorities as appropriate, including but not limited to emergency authority as currently defined in the CEA, to address these pressing issues.

Madam President, I thank the Commissioner for his support of this legislation.

On May 28, I wrote to Gary Gensler, the new Chairman of the CFTC, urging him to undertake many of these initiatives. Last week, in my office, I discussed this issue with Mr. Gensler. He indicated that he has instructed his staff to give him a list of all of the options available to the CFTC to respond to these concerns. While I appreciate Mr. Gensler's efforts on this issue, I hope this legislation will spur the CFTC to take immediate action to lower oil prices.

The bottom line is, right now, at a time when unemployment is soaring, when the middle class is struggling to keep its head above water, the prices at the gas pump are soaring, and we worry about what oil prices in the northern parts of our country will be in the wintertime, there is very strong evidence to suggest that what we are talking about is not supply and demand but excessive speculation on the part of Wall Street in terms of pushing up oil futures.

This Congress must act to protect the middle class and working people of this country, the consumers of this country. It is time for us to demand that the CFTC take the action that is necessary.

By Mr. CASEY (for himself, Mr. BENNET, and Mr. SPECTER):

S. 1226. A bill to amend the Richard B. Russell National School Lunch Act to improve paperless enrollment and efficiency for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce a bill with Senator BENNET of Colorado, called the Paperless Enrollment for School Meals Act. Senator BENNET and I wrote this legislation because of our mutual interest in increasing the efficiency of the school lunch program both in terms of getting meals to kids who need them and lowering program costs to school districts. Congressman FATTAH and Congresswoman SCHWARTZ are leading a companion bill on the House side.

Our bill creates a national program that is modeled after a pilot project that has been used in Philadelphia for the past 18 years. The Philadelphia program provides free lunch to all kids in schools that have over 75 percent of the students eligible for free lunches. The Philadelphia program also eliminates burdensome paper applications and replaces them with a periodic population survey that allows the U.S. Department of Agriculture to determine the reimbursement rate to the School District of Philadelphia for the meals they serve.

Modernization of the school lunch program is one of my top priorities when the Senate reauthorizes the Child Nutrition Act later this fall. The current system of requiring families to fill out paper applications at the beginning of each school year, having the school district collect and certify those applications, and then having USDA use the applications combined with the amount of meals served to determine a reimbursement rate is inefficient and outdated. Not only are paper applications inefficient, they are inaccurate. It is much more accurate to compile socio-economic data and survey populations to determine eligibility. We have anecdotal evidence of this fact in Philadelphia, where we have dramatically increased participation in school lunch through the pilot project that eliminates yearly paper applications, thereby eliminating stigma for enrollment, language barriers, and other factors that prevent eligible families from completing paper forms.

There is another way that our bill removes the stigma associated with free lunches. By providing free lunches for all students in schools that have a very high percentage of eligible children, no one is embarrassed to get their free lunch in the lunch line. Every student gets the same meal, so no knows who is getting free lunches or reduced lunches. This is a very simple policy change that can get more kids eating school lunches- kids who might otherwise go hungry that day because they don't have food at home.

Senator BENNET and I have been working on this issue for months both separately and now collaboratively with our new legislation. And we know that this is just a starting point. We have introduced this legislation to start a dialogue with Chairman HARKIN and the other members of the Committee on Agriculture Nutrition and Forestry along with our colleagues at USDA. I think that there is a lot of energy around the ideas of paperless applications and universal meals included in our bill. I encourage all Senators to support this legislation and the principles of the national program Senator BENNET and I have outlined and save our schools money while increasing access to quality school meals for the kids who need them the most.

Mr. President, I ask unanimous ocnsent 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. 1226

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 ''Paperless Enrollment for School Meals Act of 2009''.

SEC. 2. DATA-BASED ELIGIBILITY FOR SCHOOL MEALS PROGRAMS.

(a) ELIGIBILITY.—Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by adding at the end the following:

''(F) DATA-BASED ELIGIBILITY.—

''(i) IN GENERAL.—A school or local educational agency may elect to receive special assistance payments under clause (ii) in lieu of special assistance payments otherwise made available under this paragraph based on applications for free and reduced price lunches if the school or local educational agency—

''(I) elects to serve all children in the school or local educational agency free lunches and breakfasts under the school lunch program and school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), during a period of 5 successive school years; and

''(II) pays, from sources other than Federal funds, the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(ii) ALTERNATIVE DATA SOURCES.—Subject to criteria established by the Secretary not later than December 31, 2010, special assistance payments under clause (i) may be based on an estimate of the number of children eligible for free and reduced price lunches under section 9(b)(1)(A) derived from recent data other than applications, including—

''(I) a socioeconomic survey of a representative sample of households of students, which may exclude students who have been directly certified under paragraphs (4) and (5) of section 9(b);

''(II) data from the American Community Survey of the Bureau of the Census;

''(III) data on receipt of income-tested public benefits by students or the households of students or income data collected by public benefit programs, including—

''(aa) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

''(bb) the medical assistance program under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(cc) the supplemental security income program established under title XVI of that Act (42 U.S.C. 1381 et seq.);

''(dd) the program of block grants to States for temporary assistance for needy families established under part A of title IV of that Act (42 U.S.C. 601 et seq.); or

''(IV) other data, including State or local survey data and State or local tax records.

''(iii) PAYMENTS.—

''(I) FREE MEALS.—For each month of the period during which a school or local educational agency described in clause (i) serves free lunches or breakfasts to all enrolled children, special assistance payments at the rate for free meals shall be made for a percentage of all reimbursable meals served that is equal to the percentage of students estimated to be eligible for free meals.

''(II) REDUCED PRICE MEALS.—For each month of the period during which the school or local educational agency serves free lunches or breakfasts to all enrolled children, special assistance payments at the rate for reduced price meals shall be made for a percentage of all reimbursable meals served that is equal to the percentage of students estimated to be eligible for reduced price meals.

''(III) OTHER MEALS.—For each month of the period during which the school or local educational agency serves free lunches or breakfasts to all enrolled children, food assistance payments at the rate provided under section 4 shall be made for the remainder of the reimbursable meals served.

''(iv) RENEWALS.—

''(I) IN GENERAL.—A school or local educational agency described in clause (i) may reapply to the Secretary at the end of the period described in clause (i), and at the end of each period thereafter for which the school or local educational agency receives special assistance payments under this subparagraph, for the purpose of continuing to receive the reimbursements and assistance for a subsequent 5-school-year period.

''(II) APPROVAL.—The Secretary shall approve an application under this clause if available socioeconomic data demonstrate that the income level of the population of the school or local educational agency has remained consistent with or below the income level of the population of the school or local educational agency in the last year in which reimbursement rates were determined under clause (ii).

''(III) DATA.—Not later than December 31, 2010, the Secretary shall establish criteria regarding the socioeconomic data that may be used when applying for a renewal of the special assistance payments for a subsequent 5-school-year period.

''(G) HIGH-POVERTY AREAS.—

''(i) IN GENERAL.—A school or local educational agency may elect to receive special assistance payments under clause (ii) in lieu of special assistance payments otherwise made available under this paragraph based on applications for free and reduced price lunches if the school or local educational agency—

''(I) during a period of 2 successive school years, elects to serve all children in the school or local educational agency free lunches and breakfasts under the school lunch program under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

''(II) pays, from sources other than Federal funds, the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

''(III)(aa) for a local educational agency, for the prior school year, directly certified under paragraphs (4) and (5) of section 9(b) at least 50 percent of the enrolled students;

''(bb) for a school, for the prior school year, directly certified under paragraphs (4) and (5) of section 9(b) at least 60 percent of the enrolled students; or

''(cc) for a local educational agency or school that received payments under this subparagraph for the prior school year, directly certifies under paragraphs (4) and (5) of section 9(b) at least 40 or 50 percent, respectively, of the enrolled students.

''(ii) PAYMENTS.—

''(I) IN GENERAL.—For each month of the school year, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

''(aa) 1.5; by

''(bb) the percentage of students directly certified under paragraphs (4) and (5) of section 9(b), up to a maximum of 100 percent.

''(II) OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

''(iii) ELECTION OF OPTION.—

''(I) IN GENERAL.—Any school or local educational agency eligible for the option under clause (i) may elect to receive special assistance payments under clause (ii) for the next school year if the school or local educational agency provides to the State agency evidence of the percentage of students directly certified not later than June 30 of the current school year.

''(II) STATE AGENCY NOTIFICATION.—Not later than May 1 of each school year, each State agency shall notify—

''(aa) any local educational agency that appears, based on reported verification summary data, to have directly certified at least 50 percent of the enrolled students for the current school year, that the local educational agency may be eligible to elect to receive special assistance payments under clause (ii) for the next 2 school years and explain the procedures for the local educational agency to make such an election; and

''(bb) any local educational agency that appears, based on reported verification summary data, to have directly certified at least 40 percent of the enrolled students for the current school year, that the local educational agency may become eligible to elect to receive special assistance payments under clause (ii) for a future school year if the local educational agency directly certifies at least 50 percent of the enrolled students.

''(III) LOCAL EDUCATIONAL AGENCY NOTIFICATION.—Not later than May 1 of each school year, each local educational agency shall notify—

''(aa) any school that directly certified at least 60 percent of the enrolled students for the current school year, that the school is eligible to elect to receive special assistance payments under clause (ii) for the next school year and explain the procedures for the school to make such an election; and

''(bb) any school that directly certified at least 50 percent of the enrolled students for the current school year, that the school may become eligible to elect to receive special assistance payments under clause (ii) for a future school year if the school directly certifies at least 60 percent of the enrolled students.

''(IV) PROCEDURES.—Not later than December 31, 2010, the Secretary shall establish procedures for State agencies, local educational agencies, and schools to meet the requirements of this clause and to exercise the option provided under clause (i).''.

(b) CONFORMING AMENDMENTS.—Section 11(a)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is amended by striking ''or (E)'' and inserting ''(E), (F), or (G)''.

By Mr. AKAKA (for himself and Mr. PRYOR):

S. 1228. A bill to amend chapter 63 of title 5, United States Code, to modify the rate of accrual of annual leave for administrative law judges, contract appeals board members, and immigration judges; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I introduce the Administrative Judge Leave Equity Act, a bill to provide leave equity for Administrative Law Judges, ALSs, Contract Board of Appeals Judges, CBAJs, and Immigration Law Judges. I am pleased to be joined in this effort by my friend, Senator MARK PRYOR.

In 2004, Congress passed the Federal Workforce Flexibility Act, which changed the leave accrual rate for mid-

career employees entering the Federal workforce. Under the Act, agency heads were given the discretion to allow workers to qualify a period of an employee's non-Federal career experience as a period of Federal service. Additionally, the Act stated that all senior executives and senior-level employees accrued annual leave at the maximum rate of eight hours for each biweekly pay period.

Although senior executives were placed under a pay-for-performance system, administrative law judges accrued leave at the maximum rate, the same as other senior-level employees. Under the last administration, the Office of Personnel Management denied administrative law judges leave equity because they are not under a pay-for-performance system. I believe it is inappropriate for administrative law judges to be placed under any type of pay-for-performance system because it could compromise their independence. Independent decisionmaking is essential for administrative law judges, and is the reason ALJs and CBAJs do not receive bonus awards.

Currently, there is a shortage of ALJs to adjudicate benefits claims in the Social Security Administration. There are approximately 765,000 cases pending and not enough ALJs to process the backlog. I believe this bill will provide the Federal Government with an important tool in its efforts to recruit and retain highly-skilled administrative law judges.

I am pleased that this bill enjoys broad support from employee groups that represent administrative law judges, including the Association of Administrative Law Judges, the Association of Hearing Office Chief Judges, the Federal Administrative Law Judges Conference, the Forum of U.S. Administrative Law Judges, the International Federation of Professional and Technical Engineers, the National Association of Immigration Judges, and the Senior Executives Association.

The time has come to give administrative law judges the same benefits as other senior-level employees.

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. 1228

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

SECTION 1. ACCRUAL RATE OF ANNUAL LEAVE FOR ADMINISTRATIVE LAW JUDGES, CONTRACT APPEALS BOARD MEMBERS, AND IMMIGRATION JUDGES.

(a) IN GENERAL.—Section 6303 of title 5, United States Code, is amended by striking subsection (f) and inserting the following:

''(f) Notwithstanding any other provision of this section, the rate of accrual of annual leave under subsection (a) shall be 1 day for each full biweekly pay period in the case of any employee who—

''(1) holds a position which is subject to—

''(A) section 5372, 5372a, 5376, or 5383; or

''(B) a pay system equivalent to a pay system to which any provision under paragraph (1) applies, as determined by the Office of Personnel Management; or

''(2) is an immigration judge as defined under section 101(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(4)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the first day of the first applicable pay period beginning on or after 30 days after the date of enactment of this Act.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1229. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, the Small Business Administration has provided critical financial assistance and counseling to America's small businesses since 1953. The services and assistance provided through SBAs programs have been pivotal to this country's economic growth and have helped thousands of American entrepreneurs realize their dream of starting and growing a successful business. In this time of economic uncertainty, reauthorization of these entrepreneurial development programs is essential to moving our Nation forward.

What helps our entrepreneurs helps our entire economy. According to the U.S. Census Bureau, small businesses represent 99.7 percent of all firms, employ more than half of the workforce and account for half of the Nation's Gross Domestic Product. Small business management and technical assistance can potentially help millions of small businesses by teaching entrepreneurs and small business owners fundamental principles and practices regarding cash flow, cost management, how to access to capital and effective business planning. The SBA, through its resource partners such as Small Business Development Centers, SBDCs, Women's Business Centers, WBCs, Service Corps of Retired Executives, SCORE, and others, not only provides technical assistance and information to potential and current small business owners, but helps focus this Nation's entrepreneurial spirit into concrete economic growth.

As Chair of the Committee on Small Business and Entrepreneurship, I have heard from small business owners across the country. They have told me that the programs and services currently offered by the Small Business Administration provide access to important resources that enable them to start, grow and expand their businesses. But more can and must be done to help these entrepreneurs. Through an extensive reauthorization of the entrepreneurial development programs within the Small Business Act, I believe that we can dramatically improve the tools available to small business concerns while simultaneously growing and strengthening our economy.

That is why today I am introducing the Entrepreneurial Development Act of 2009. This legislation will provide SBA resource partners with the tools they need to effectively serve small businesses, giving them more opportunities to help lead the nation back toward economic prosperity.

Before I discuss details of this bill, I first wish to thank Senator SNOWE for her continued leadership on small business issues and working with me on this bipartisan effort. Over the past three congresses, the reauthorization of these programs has continued to receive support on both sides of the aisle, demonstrating the importance of reauthorizing essential entrepreneurial development programs.

SBA is utilizing resource partners such as SBDCs, SCORE, WBCs and others to ensure that we are growing the Nation's economy through entrepreneurial development. In 2007, with a modest Federal investment of approximately $97 million in assistance, SBDC clients generated nearly $220 million in additional Federal revenues. Many of the small businesses that received assistance from SBDC's attributed their success to assistance offered by the SBDC. Nationally, this economic activity resulted in approximately $2.26 in revenue for every Federal dollar expended.

This level of return on investment is not unique to SBDCs. According to an SBA report to Congress, SCORE helped create more than 19,000 new small businesses in 2007 at a cost of $29 per business and helped create more than 25,000 new jobs each year.

These programs also provide essential information, training and assistance to a broad and diverse cross-section of communities throughout the country, and serve to further grow a variety of industries. Resource partners such as WBCs and initiatives such as the Program for Investment in Microentrepreneurs, PRIME, are dedicated to serving clients who are economically and socially disadvantaged, providing tools and resources to small businesses in those communities that are most in need. According to a study sponsored by the Association of Women's Business Centers, AWBC, 2/3 of WBC clients have household incomes of less than $50,000 and 42 percent are women of color. These programs serve communities with limited access to capital and educational opportunities and provide them with the tools and information they need to start and manage a successful business.

The reauthorization of these programs is critical to effectively provide entrepreneurs with essential assistance and resources to start a successful business. The legislation will also create opportunities for veterans and service disabled small business owners. According to the Department of Veteran Affairs, there are more than 23.8 million veterans in the country, with hundreds of new veterans returning home from service in Iraq and Afghanistan each day. Many of these returning soldiers become entrepreneurs to support

themselves and rebuild their lives after long deployments, which also serves to create new jobs in their communities.

Since the passage of The Veterans Entrepreneurship and Small Business Development Act of 1999, the SBA's Office of Veterans Business Development has been working to provide technical assistance and support to those veterans who have served our country and returned to start or grow a small business. This legislation seeks to ease their transition by providing business counseling and technical assistance through a new network of Veterans Business Centers, modeled after Women's Business Centers and Small Business Development Centers. The Veterans Business Center Program will provide services not only to returning veterans and service disabled veterans, but also to the families, spouses and surviving spouses of these heroic men and women.

The 111th Congress will be the third consecutive Congress during which comprehensive legislation reauthorizing and improving the SBA's Entrepreneurial Programs has been introduced. Ranking Member SNOWE introduced S. 3778 in the 109th Congress and former Chairman JOHN KERRY introduced S. 1671 and S. 2920, a bill to which I was a cosponsor, during the 110th Congress. In each previous Congress, this legislation was well received and passed unanimously out of Committee; however, these bills stalled before the full Senate. As Chair of the Small Business Committee this Congress, it is a top priority of mine to finally get this legislation passed and ensure that during this time of economic uncertainty, we are able to provide small businesses with the tools they need to grow and expand their businesses. With this in mind, I will work closely with Ranking Member SNOWE and the other members of the Committee in the coming months to get this legislation to the President's desk.

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. 1229

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 ''Entrepreneurial Development Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648).

TITLE I—REAUTHORIZATION

SEC. 101. REAUTHORIZATION.

(a) IN GENERAL.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by redesignating subsection (j) as subsection (f); and

(2) by adding at the end the following:

''(g) SCORE PROGRAM.—There are authorized to be appropriated to the Administrator to carry out the SCORE program authorized by section 8(b)(1) such sums as are necessary for the Administrator to make grants or enter into cooperative agreements for a total of—

''(1) $10,000,000 in fiscal year 2010;

''(2) $11,000,000 in fiscal year 2011; and

''(3) $13,000,000 in fiscal year 2012.''.

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(a)(4)(C)(vii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(vii)) is amended to read as follows:

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

''(I) $150,000,000 for fiscal year 2010;

''(II) $155,000,000 for fiscal year 2011; and

''(III) $160,000,000 for fiscal year 2012.''.

(c) PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM.—

(1) IN GENERAL.—Section 27(g) of the Small Business Act (15 U.S.C. 654(g)) is amended—

(A) in paragraph (1), by striking ''fiscal years 2005 and 2006'' and inserting ''fiscal years 2010 through 2012''; and

(B) in paragraph (2), by striking ''fiscal years 2005 and 2006'' and inserting ''fiscal years 2010 through 2012''.

(2) CONFORMING AMENDMENT.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking ''October 1, 2006'' and inserting ''October 1, 2012''.

TITLE II—WOMEN'S SMALL BUSINESS OWNERSHIP PROGRAMS

SEC. 201. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

(a) IN GENERAL.—Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)(i), by striking ''in the areas'' and all that follows through the end of subclause (I), and inserting the following: ''to address issues concerning the management, operations, manufacturing, technology, finance, retail and product sales, international trade, Government contracting, and other disciplines required for—

''(I) starting, operating, and increasing the business of a small business concern;''; and

(B) in subparagraph (C), by inserting before the period at the end the following: '', the National Women's Business Council, and any association of women's business centers''; and

(2) by adding at the end the following:

''(3) TRAINING.—The Administrator may provide annual programmatic and financial oversight training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities.

''(4) PROGRAM AND TRANSPARENCY IMPROVEMENTS.—The Administrator shall maximize the transparency of the women's business center financial assistance proposal process and the programmatic and financial oversight process by—

''(A) providing public notice of the announcement for financial assistance under subsection (b) and grants under subsection (l) not later than the end of the first quarter of each fiscal year;

''(B) in the announcement described in subparagraph (A), outlining award and program evaluation criteria and describing the weighting of the criteria for financial assistance under subsection (b) and grants under subsection (l);

''(C) minimizing paperwork and reporting requirements for applicants for and recipients of financial assistance under this section;

''(D) standardizing the oversight and review process of the Administration; and

''(E) providing to each women's business center, not later than 60 days after the completion of a site visit at the women's business center (whether conducted for an audit, performance review, or other reason), a copy of site visit reports and evaluation reports prepared by district office technical representatives or officers or employees of the Administration.''.

(b) CHANGE OF TITLE.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (1) and (4);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(iii) by inserting before paragraph (4), as so redesignated, the following:

''(2) the term 'Director' means the Director of the Office of Women's Business Ownership established under subsection (g);'';

(B) by striking ''Assistant Administrator'' each place it appears and inserting ''Director''; and

(C) in subsection (g)(2), in the paragraph heading, by striking ''ASSISTANT ADMINISTRATOR'' and inserting ''DIRECTOR''.

(2) WOMEN'S BUSINESS OWNERSHIP ACT OF 1988.—Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

(A) in section 403(a)(2)(B), by striking ''Assistant Administrator'' and inserting ''Director'';

(B) in section 405, by striking ''Assistant Administrator'' and inserting ''Director''; and

(C) in section 406(c), by striking ''Assistant Administrator'' and inserting ''Director''.

SEC. 202. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER FINANCIAL ASSISTANCE.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by inserting before paragraph (2), as added by section 201(b), the following:

''(1) the term 'association of women's business centers' means an organization—

''(A) that represents not less than 51 percent of the women's business centers that participate in a program under this section; and

''(B) whose primary purpose is to represent women's business centers;'';

(B) by inserting after paragraph (2), as added by section 201(b), the following:

''(3) the term 'eligible entity' means—

''(A) a private nonprofit organization;

''(B) a State, regional, or local economic development organization;

''(C) a development, credit, or finance corporation chartered by a State;

''(D) a public or private institution of higher education (as that term is used in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002)); or

''(E) any combination of entities listed in subparagraphs (A) through (D);''; and

(C) by adding after paragraph (5), as redesignated by section 201(b), the following:

''(6) the term 'women's business center' means a project conducted by an eligible entity under this section that—

''(A) is carried out separately from other projects, if any, of the eligible entity; and

''(B) is separate from the financial system of the eligible entity;''.

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and adjusting the margins accordingly;

(B) by striking ''The Administration'' and all that follows through ''5-year project'' and inserting the following:

''(1) IN GENERAL.—The Administration may provide financial assistance to an eligible entity to conduct a project under this section'';

(C) by striking ''The projects shall'' and inserting the following:

''(2) USE OF FUNDS.—The project shall be designed to provide training and counseling that meets the needs of women, especially socially and economically disadvantaged women, and shall provide''; and

(D) by adding at the end the following:

''(3) AMOUNT OF FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—The Administrator may award financial assistance under this subsection of not less than $150,000 per year.

''(B) EQUAL ALLOCATIONS.—In the event that the Administration has insufficient funds to provide financial assistance of $150,000 for each recipient of financial assistance under this subsection in any fiscal year, available funds shall be allocated equally to recipients, unless a recipient requests a lower amount than the allocated amount.

''(4) CONSULTATION WITH ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—The Administrator shall consult with each association of women's business centers to develop—

''(A) a training program for the staff of women's business centers and the Administration; and

''(B) recommendations to improve the policies and procedures for governing the general operations and administration of the Women's Business Center program, including grant program improvements under subsection (g)(5).'';

(3) in subsection (c)—

(A) in paragraph (1) by striking ''the recipient organization'' and inserting ''an eligible entity'';

(B) in paragraph (3), in the second sentence, by striking ''a recipient organization'' and inserting ''an eligible entity''; and

(C) in paragraph (4)—

(i) by striking ''recipient'' each place it appears and inserting ''eligible entity''; and

(ii) by striking ''such organization'' and inserting ''the eligible entity'';

(4) in subsection (e)—

(A) by striking ''applicant organization'' and inserting ''eligible entity'';

(B) by striking ''a recipient organization'' and inserting ''an eligible entity''; and

(C) by striking ''site'';

(5) by striking subsection (f) and inserting the following:

''(f) APPLICATIONS AND CRITERIA FOR INITIAL FINANCIAL ASSISTANCE.—

''(1) APPLICATION.—Each eligible entity desiring financial assistance under subsection (b) shall submit to the Administrator an application that contains—

''(A) a certification that the eligible entity—

''(i) has designated an executive director or program manager, who may be compensated from financial assistance under subsection (b) or other sources, to manage the center on a full-time basis; and

''(ii) as a condition of receiving financial assistance under subsection (b), agrees—

''(I) to receive a site visit by the Administrator as part of the final selection process;

''(II) to undergo an annual programmatic and financial review; and

''(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or review under subclause (I) or (II);

''(iii) meets the accounting and reporting requirements established by the Director of the Office of Management and Budget;

''(B) information demonstrating that the eligible entity has the ability and resources to meet the needs of the market to be served by the women's business center for which financial assistance under subsection (b) is sought, including the ability to obtain the non-Federal contribution required under subsection (c);

''(C) information relating to the assistance to be provided by the women's business center for which financial assistance under subsection (b) is sought in the area in which the women's business center site is located;

''(D) information demonstrating the experience and effectiveness of the eligible entity in—

''(i) conducting financial, management, and marketing assistance programs, as described under subsection (b)(2), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

''(ii) providing training and services to a representative number of women who are socially and economically disadvantaged; and

''(iii) using resource partners of the Administration and other entities, such as universities; and

''(E) a 5-year plan that describes the ability of the women's business center for which financial assistance is sought—

''(i) to serve women who are business owners or potential owners by conducting training and counseling activities; and

''(ii) to provide training and services to a representative number of women who are socially and economically disadvantaged.

''(2) ADDITIONAL INFORMATION.—The Administrator shall make any request for additional information from an organization applying for financial assistance under subsection (b) that was not requested in the original announcement in writing.

''(3) REVIEW AND APPROVAL OF APPLICATIONS FOR INITIAL FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—The Administrator shall—

''(i) review each application submitted under paragraph (1), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

''(ii) to the extent practicable, as part of the final selection process, conduct a site visit at each women's business center for which financial assistance under subsection (b) is sought.

''(B) SELECTION CRITERIA.—

''(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under subsection (b) in accordance with selection criteria that are—

''(I) established before the date on which applicants are required to submit the applications;

''(II) stated in terms of relative importance; and

''(III) publicly available and stated in each solicitation for applications for financial assistance under subsection (b) made by the Administrator.

''(ii) REQUIRED CRITERIA.—The selection criteria for financial assistance under subsection (b) shall include—

''(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or enhance the business skills of women who are business owners or potential business owners;

''(II) the ability of the applicant to commence a project within a minimum amount of time;

''(III) the ability of the applicant to provide training and services to a representative number of women who are socially and economically disadvantaged; and

''(IV) the location for the women's business center site proposed by the applicant, including whether the applicant is located in a State in which there is not a women's business center receiving funding from the Administration.

''(C) PROXIMITY.—If the principal place of business of an applicant for financial assistance under subsection (b) is located less than 50 miles from the principal place of business of a women's business center that received funds under this section on or before the date of the application, the applicant shall not be eligible for the financial assistance, unless the applicant submits a detailed written justification of the need for an additional center in the area in which the applicant is located.

''(D) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.''; and

(6) in subsection (m), by striking paragraph (3) and inserting the following:

''(3) APPLICATION AND APPROVAL FOR RENEWAL GRANTS.—

''(A) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Administrator an application that contains—

''(i) a certification that the applicant—

''(I) is a private nonprofit organization;

''(II) has designated a full-time executive director or program manager to manage the women's business center operated by the applicant; and

''(III) as a condition of receiving a grant under this subsection, agrees—

''(aa) to receive a site visit as part of the final selection process;

''(bb) to submit, for the 2 full fiscal years before the date on which the application is submitted, annual programmatic and financial review reports or certified copies of the compliance supplemental audits under OMB Circular A–133 of the applicant; and

''(cc) to remedy any problem identified pursuant to the site visit or review under item (aa) or (bb);

''(ii) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center for which a grant under this subsection is sought, including the ability to ability to obtain the non-Federal contribution required under paragraph (4)(C);

''(iii) information relating to assistance to be provided by the women's business center for which a grant under this subsection is sought in the area of the women's business center site;

''(iv) information demonstrating the use of resource partners of the Administration and other entities;

''(v) a 3-year plan that describes the ability of the women's business center for which a grant under this subsection is sought—

''(I) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

''(II) to provide training and services to a representative number of women who are socially and economically disadvantaged; and

''(vi) any additional information that the Administrator may reasonably require.

''(B) REVIEW AND APPROVAL OF APPLICATIONS FOR GRANTS.—

''(i) IN GENERAL.—The Administrator shall—

''(I) review each application submitted under subparagraph (A), based on the information described in such subparagraph and the criteria set forth under clause (ii) of this subparagraph; and

''(II) whenever practicable, as part of the final selection process, conduct a site visit at each women's business center for which a grant under this subsection is sought.

''(ii) SELECTION CRITERIA.—

''(I) IN GENERAL.—The Administrator shall evaluate applicants for grants under this subsection in accordance with selection criteria that are—

''(aa) established before the date on which applicants are required to submit the applications;

''(bb) stated in terms of relative importance; and

''(cc) publicly available and stated in each solicitation for applications for grants under this subsection made by the Administrator.

''(II) REQUIRED CRITERIA.—The selection criteria for a grant under this subsection shall include—

''(aa) the total number of entrepreneurs served by the applicant;

''(bb) the total number of new start-up companies assisted by the applicant;

''(cc) the percentage of the clients of the applicant that are socially or economically disadvantaged; and

''(dd) the percentage of individuals in the community served by the applicant who are socially or economically disadvantaged.

''(iii) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to make a grant under this subsection, the Administrator—

''(I) shall consider the results of the most recent evaluation of the women's business center for which a grant under this subsection is sought, and, to a lesser extent, previous evaluations; and

''(II) may withhold a grant under this subsection, if the Administrator determines that the applicant has failed to provide the information required to be provided under this paragraph, or the information provided by the applicant is inadequate.

''(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this paragraph and notify the applicant for each such application.

''(D) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (h)(2), by striking ''to award a contract (as a sustainability grant) under subsection (l) or'';

(2) in subsection (j)(1), by striking ''The Administration'' and inserting ''Not later than November 1st of each year, the Administrator'';

(3) in subsection (k)—

(A) by striking paragraphs (1), (2), and (4);

(B) by redesignating paragraph (3) as paragraph (5); and

(C) by inserting before paragraph (5), as so redesignated, the following:

''(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended—

''(A) $20,000,000 for fiscal year 2010;

''(B) $20,500,000 for fiscal year 2011; and

''(C) $21,000,000 for fiscal year 2012.

''(2) ALLOCATION.—Of amounts made available pursuant to paragraph (1), the Administrator shall use not less than 50 percent for grants under subsection (l).

''(3) USE OF AMOUNTS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

''(4) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

''(A) IN GENERAL.—The authority of the Administrator to provide financial assistance under this section shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

''(B) PROMPT DISBURSEMENT.—Upon receiving funds to carry out this section for a fiscal year, the Administrator shall, to the extent practicable, promptly reimburse funds to any women's business center awarded financial assistance under this section if the center meets the eligibility requirements under this section.

''(C) RENEWAL.—After the Administrator has entered into a grant or cooperative agreement with any women's business center under this section, the Administrator shall not suspend, terminate, or fail to renew or extend any such grant or cooperative agreement, unless the Administrator—

''(i) provides the women's business center with written notification setting forth the reasons for that action; and

''(ii) affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.'';

(4) in subsection (m)(4)(D), by striking ''or subsection (l)''; and

(5) by redesignating subsections (m) and (n), as amended by this Act, as subsections (l) and (m), respectively.

SEC. 203. NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) MEMBERSHIP.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended by adding at the end the following:

''(3) REPRESENTATION OF MEMBER ORGANIZATIONS.—In consultation with the chairperson of the Council and the Administrator, a national women's business organization or small business concern that is represented on the Council may replace its representative member on the Council during the service term to which that member was appointed.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 410(a) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7110(a)) is amended by striking ''2001 through 2003, of which $550,000'' and inserting ''2010 through 2012, of which not less than 30 percent''.

SEC. 204. INTERAGENCY COMMITTEE ON WOMEN'S BUSINESS ENTERPRISE.

(a) CHAIRPERSON.—Section 403(b) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7103(b)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(1) IN GENERAL.—Not later''; and

(2) by adding at the end the following:

''(2) VACANCY.—In the event that a chairperson is not appointed under paragraph (1), the Deputy Administrator of the Small Business Administration shall serve as acting chairperson of the Interagency Committee until a chairperson is appointed under paragraph (1).''.

(b) POLICY ADVISORY GROUP.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101) is amended—

(1) by striking ''There'' and inserting the following:

''(a) ESTABLISHMENT OF COMMITTEE.—There''; and

(2) by adding at the end the following:

''(b) POLICY ADVISORY GROUP.—

''(1) ESTABLISHMENT.—There is established a Policy Advisory Group within the Interagency Committee to assist the chairperson in developing policies and programs under this Act.

''(2) MEMBERSHIP.—The Policy Advisory Group shall be composed of 7 policy making officials, of whom—

''(A) 1 shall be a representative of the Small Business Administration;

''(B) 1 shall be a representative of the Department of Commerce;

''(C) 1 shall be a representative of the Department of Labor;

''(D) 1 shall be a representative of the Department of Defense;

''(E) 1 shall be a representative of the Department of the Treasury; and

''(F) 2 shall be representatives of the Council.

''(3) MEETINGS.—The Policy Advisory Group established under paragraph (1) shall meet not less frequently than 3 times each year to—

''(A) plan activities for the new fiscal year;

''(B) track year-to-date agency contracting activities; and

''(C) evaluate the progress during the fiscal year and prepare an annual report.''.

SEC. 205. PRESERVING THE INDEPENDENCE OF THE NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) FINDINGS.—Congress finds the following:

(1) The National Women's Business Council provides an independent source of advice and policy recommendations regarding women's business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women's Business Enterprise; and

(D) the Administrator.

(2) The members of the National Women's Business Council are small business owners, representatives of business organizations, and representatives of women's business centers.

(3) The chairman and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women's Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President, and 4 of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women's Business Council will provide Congress with nonpartisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women's Business Council and to ensure that the Council continues to provide the President, the Interagency Committee on Women's Business Enterprise, the Administrator, and Congress with advice on a nonpartisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107).

(b) MAINTENANCE OF PARTISAN BALANCE.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)), as amended by this Act, is amended by adding at the end the following:

''(4) PARTISAN BALANCE.—When filling a vacancy under paragraph (1) of this subsection of a member appointed under paragraph (1) or (2) of subsection (b), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.

''(5) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1), or if there is an imbalance in the number of members on the Council from each of the 2 major political parties for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the expiration of either such 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled, as applicable.''.

SEC. 206. STUDY AND REPORT ON WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a broad study of the unique economic issues facing women's business centers located in covered areas to identify—

(1) the difficulties such centers face in raising non-Federal funds;

(2) the difficulties such centers face competing for financial assistance, non-Federal funds, or other types of assistance;

(3) the difficulties such centers face in writing grant proposals; and

(4) other difficulties such centers face because of the economy in the type of covered area in which such centers are located.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report regarding the results of the study conducted under subsection (a), which shall include recommendations, if any, regarding how to—

(1) address the unique difficulties women's business centers located in covered areas face because of the type of covered area in which such centers are located;

(2) expand the presence of, and increase the services provided by, women's business centers located in covered areas; and

(3) best use technology and other resources to better serve women business owners located in covered areas.

(c) DEFINITION OF COVERED AREA.—In this section, the term ''covered area'' means—

(1) any State that is predominantly rural, as determined by the Administrator;

(2) any State that is predominantly urban, as determined by the Administrator; and

(3) any State or territory that is an island.

TITLE III—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the ''Native American Small Business Development Act of 2009''.

SEC. 302. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

''SEC. 44. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b));

''(2) the term 'Alaska Native corporation' has the meaning given the term 'Native Corporation' in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m));

''(3) the term 'Assistant Administrator' means the Assistant Administrator of the Office of Native American Affairs established under subsection (b);

''(4) the terms 'center' and 'Native American business center' mean a center established under subsection (c);

''(5) the term 'eligible applicant' means—

''(A) an Indian tribe;

''(B) a tribal college;

''(C) an Alaska Native corporation; or

''(D) a private, nonprofit organization—

''(i) that provides business and financial or procurement technical assistance to any entity described in subparagraph (A), (B), or (C); and

''(ii) the majority of members of the board of directors of which are members of an Indian tribe; or

''(E) a small business development center, women's business center, or other private organization participating in a joint project;

''(6) the term 'Indian' means a member of an Indian tribe;

''(7) the term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

''(8) the term 'joint project' means a project that—

''(A) combines the resources and expertise of 2 or more distinct entities at a physical location dedicated to assisting the Native American community; and

''(B) submits to the Administration a joint application that contains—

''(i) a certification that each participant of the project—

''(I) is an eligible applicant;

''(II) employs an executive director or program manager to manage the center; and

''(ii) provides information demonstrating a record of commitment to providing assistance to Native Americans and;

''(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the project;

''(9) the term 'Native American Business Enterprise Center' means an entity providing business development assistance to federally recognized tribes and Native Americans under a grant from the Minority Business Development Agency of the Department of Commerce;

''(10) the term 'Native American small business concern' means a small business concern that is owned and controlled by—

''(A) a member of an Indian tribe; or

''(B) an Alaska Native or Alaska Native corporation;

''(11) the term 'Native American small business development program' means the program established under subsection (c);

''(12) the term 'tribal college' has the meaning given the term 'tribally controlled college or university' has in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)); and

''(13) the term 'tribal lands' means all lands within the exterior boundaries of any Indian reservation.

''(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

''(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Assistant Administrator, shall implement the programs of the Administration for the development of business enterprises by Native Americans.

''(2) PURPOSE.—The purpose of the Office of Native American Affairs is to assist Native American entrepreneurs to—

''(A) start, operate, and increase the business of small business concerns;

''(B) develop management and technical skills;

''(C) seek Federal procurement opportunities;

''(D) increase employment opportunities for Native Americans through the establishment and expansion of small business concerns; and

''(E) increase the access of Native Americans to capital markets.

''(3) ASSISTANT ADMINISTRATOR.—

''(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Assistant Administrator of the Office of Native American Affairs in accordance with this paragraph.

''(B) QUALIFICATIONS.—The Assistant Administrator appointed under subparagraph (A) shall have—

''(i) knowledge of Native American culture; and

''(ii) experience providing culturally tailored small business development assistance to Native Americans.

''(C) EMPLOYMENT STATUS.—The Administrator shall establish the position of Assistant Administrator as—

''(i) a position at GS-15 of the General Schedule; or

''(ii) a Senior Executive Service position to be filled by a noncareer appointee, as defined under section 3132(a)(7) of title 5, United States Code.

''(D) RESPONSIBILITIES AND DUTIES.—The Assistant Administrator shall—

''(i) in consultation with the Associate Administrator for Entrepreneurial Development, administer and manage the Native American Small Business Development program established under this section;

''(ii) recommend the annual administrative and program budgets for the Office of Native American Affairs;

''(iii) consult with Native American business centers in carrying out the program established under this section;

''(iv) recommend appropriate funding levels;

''(v) review the annual budgets submitted by each applicant for the Native American Small Business Development program;

''(vi) select applicants to participate in the program under this section;

''(vii) implement this section; and

''(viii) maintain a clearinghouse for the dissemination and exchange of information between Native American business centers.

''(E) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of—

''(i) officials of the Administration working in areas served by Native American business centers;

''(ii) representatives of Indian tribes;

''(iii) tribal colleges; and

''(iv) Alaska Native corporations.

''(c) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—

''(1) AUTHORIZATION.—

''(A) IN GENERAL.—The Administration, through the Office of Native American Affairs, shall provide financial assistance to eligible applicants to create Native American business centers in accordance with this section.

''(B) USE OF FUNDS.—The financial and resource assistance provided under this subsection shall be used to establish a Native American business center to overcome obstacles impeding the creation, development, and expansion of small business concerns, in accordance with this section, by—

''(i) reservation-based American Indians; and

''(ii) Alaska Natives.

''(2) 5-YEAR PROJECTS.—

''(A) IN GENERAL.—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct a 5-year project that offers culturally tailored business development assistance in the form of—

''(i) financial education, including training and counseling in—

''(I) applying for and securing business credit and investment capital;

''(II) preparing and presenting financial statements; and

''(III) managing cash flow and other financial operations of a business concern;

''(ii) management education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

''(iii) marketing education, including training and counseling in—

''(I) identifying and segmenting domestic and international market opportunities;

''(II) preparing and executing marketing plans;

''(III) developing pricing strategies;

''(IV) locating contract opportunities;

''(V) negotiating contracts; and

''(VI) utilizing varying public relations and advertising techniques.

''(B) BUSINESS DEVELOPMENT ASSISTANCE RECIPIENTS.—The business development assistance under subparagraph (A) shall be offered to prospective and current owners of small business concerns that are owned by—

''(i) Indians or Indian tribes, and located on or near tribal lands; or

''(ii) Alaska Natives or Alaska Native corporations.

''(3) FORM OF FEDERAL FINANCIAL ASSISTANCE.—

''(A) DOCUMENTATION.—

''(i) IN GENERAL.—The financial assistance to Native American business centers authorized under this subsection may be made by grant, contract, or cooperative agreement.

''(ii) EXCEPTION.—Financial assistance under this subsection to Alaska Native corporations may only be made by grant or cooperative agreement.

''(B) PAYMENTS.—

''(i) TIMING.—Payments made under this subsection may be disbursed in periodic installments, at the request of the recipient.

''(ii) ADVANCE.—The Administrator may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American small business center after notice of the award has been issued.

''(C) FEDERAL SHARE.—

''(i) IN GENERAL.—

''(I) INITIAL FINANCIAL ASSISTANCE.—Except as provided in subclause (II), an eligible applicant that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the Native American business center established by the eligible applicant in an amount equal to—

''(aa) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

''(bb) in each of the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

''(II) RENEWALS.—An eligible applicant that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of a Native American business center established by the eligible applicant in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

''(4) CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other underserved small business concerns located on or near tribal lands, to the extent that such contract or cooperative agreement is consistent with and does not duplicate the terms of any assistance received by the Native American business center from the Administration.

''(5) APPLICATION PROCESS.—

''(A) SUBMISSION OF A 5-YEAR PLAN.—Each applicant for assistance under paragraph (1) shall submit a 5-year plan to the Administration on proposed assistance and training activities.

''(B) CRITERIA.—

''(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under this subsection in accordance with selection criteria that are—

''(I) established before the date on which eligible applicants are required to submit the applications;

''(II) stated in terms of relative importance; and

''(III) publicly available and stated in each solicitation for applications for financial assistance under this subsection made by the Administrator.

''(ii) CONSIDERATIONS.—The criteria required by this subparagraph shall include—

''(I) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of current or potential owners of Native American small business concerns;

''(II) the ability of the applicant to commence a project within a minimum amount of time;

''(III) the ability of the applicant to provide quality training and services to a significant number of Native Americans;

''(IV) previous assistance from the Administration to provide services in Native American communities;

''(V) the proposed location for the Native American business center, with priority given based on the proximity of the center to the population being served and to achieve a broad geographic dispersion of the centers; and

''(VI) demonstrated experience in providing technical assistance, including financial, marketing, and management assistance.

''(6) CONDITIONS FOR PARTICIPATION.—Each eligible applicant desiring a grant under this subsection shall submit an application to the Administrator that contains—

''(A) a certification that the applicant—

''(i) is an eligible applicant;

''(ii) employs an executive director or program manager to manage the Native American business center; and

''(iii) agrees—

''(I) to a site visit by the Administrator as part of the final selection process;

''(II) to an annual programmatic and financial examination; and

''(III) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

''(B) information demonstrating that the applicant has the ability and resources to meet the needs, including cultural needs, of the Native Americans to be served by the grant;

''(C) information relating to proposed assistance that the grant will provide, including—

''(i) the number of individuals to be assisted; and

''(ii) the number of hours of counseling, training, and workshops to be provided;

''(D) information demonstrating the effectiveness and experience of the applicant in—

''(i) conducting financial, management, and marketing assistance programs designed to educate or improve the business skills of, current or prospective Native American business owners;

''(ii) providing training and services to a representative number of Native Americans;

''(iii) using resource partners of the Administration and other entities, including universities, Indian tribes, or tribal colleges; and

''(iv) the prudent management of finances and staffing;

''(E) the location where the applicant will provide training and services to Native Americans;

''(F) a 5-year plan that describes—

''(i) the number of Native Americans and Native American small business concerns to be served by the grant;

''(ii) if the Native American business center is located in the continental United States, the number of Native Americans to be served by the grant; and

''(iii) the training and services to be provided to a representative number of Native Americans; and

''(G) if the applicant is a joint project—

''(i) a certification that each participant in the joint project is an eligible applicant;

''(ii) information demonstrating a record of commitment to providing assistance to Native Americans; and

''(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the grant.

''(7) REVIEW OF APPLICATIONS.—The Administrator shall approve or disapprove each completed application submitted under this subsection not later than 60 days after the date on which the eligible applicant submits the application.

''(8) PROGRAM EXAMINATION.—

''(A) IN GENERAL.—Each Native American business center established under this subsection shall annually provide to the Administrator an itemized cost breakdown of actual expenditures made during the preceding year.

''(B) ADMINISTRATION ACTION.—Based on information received under subparagraph (A), the Administration shall—

''(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

''(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

''(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant, contract, or cooperative agreement with a Native American business center, the Administration—

''(i) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

''(ii) may withhold such renewal, if the Administrator determines that—

''(I) the center has failed to provide the information required to be provided under subparagraph (A), or the information provided by the center is inadequate;

''(II) the center has failed to provide adequate information required to be provided by the center for purposes of the report of the Administrator under subparagraph (E);

''(III) the center has failed to comply with a requirement for participation in the Native American small business development program, as determined by the Administrator, including—

''(aa) failure to acquire or properly document a non-Federal share;

''(bb) failure to establish an appropriate partnership or program for marketing and outreach to reach new Native American small business concerns;

''(cc) failure to achieve results described in a financial assistance agreement; and

''(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

''(IV) the center has failed to carry out the 5-year plan under in paragraph (6)(F); or

''(V) the center cannot make the certification described in paragraph (6)(A).

''(D) CONTINUING CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—

''(i) IN GENERAL.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

''(ii) RENEWAL.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, the Administrator may not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator provides the center with written notification setting forth the reasons therefor and affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

''(E) MANAGEMENT REPORT.—

''(i) IN GENERAL.—The Administration shall prepare and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

''(I) the number of individuals receiving assistance from the Native American business center;

''(II) the number of startup business concerns created with the assistance of the Native American business center;

''(III) the number of existing businesses in the area served by the Native American business center seeking to expand employment;

''(IV) the number of jobs created or maintained, on an annual basis, by Native American small business concerns assisted by the center since receiving funding under this Act;

''(V) to the maximum extent practicable, the amount of the capital investment and loan financing used by emerging and expanding businesses that were assisted by a Native American business center; and

''(VI) the most recent examination, as required under subparagraph (B), and the determination made by the Administration under that subparagraph.

''(9) ANNUAL REPORT.—Each Native American business center receiving financial assistance under this subsection shall submit to the Administrator an annual report on the services provided with the financial assistance, including—

''(A) the number of individuals assisted, categorized by ethnicity;

''(B) the number of hours spent providing counseling and training for those individuals;

''(C) the number of startup small business concerns created or maintained with the assistance of the Native American business center;

''(D) the gross receipts of small business concerns assisted by the Native American business center;

''(E) the number of jobs created or maintained by small business concerns assisted by the Native American business center; and

''(F) the number of jobs for Native Americans created or maintained at small business concerns assisted by the Native American business center.

''(10) RECORD RETENTION.—

''(A) APPLICATIONS.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.

''(B) ANNUAL REPORTS.—The Administrator shall maintain copies of the certification submitted under paragraph (6)(A) indefinitely.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2010 through 2012, to carry out the Native American Small Business Development program.''.

SEC. 303. STUDY AND REPORT ON NATIVE AMERICAN BUSINESS CENTERS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a broad study of the unique economic issues facing Native American business centers to identify—

(1) the difficulties such centers face in raising non-Federal funds;

(2) the difficulties such centers face competing for financial assistance, non-Federal funds, or other types of assistance;

(3) the difficulties such centers face in writing grant proposals; and

(4) other difficulties such centers face because of the economy in the area in which such centers are located.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report regarding the results of the study conducted under subsection (a), which shall include recommendations, if any, regarding how to—

(1) address the unique difficulties Native American business centers face because of the type of area in which such centers are located;

(2) expand the presence of, and increase the services provided by, Native American business centers; and

(3) best use technology and other resources to better serve Native American business owners.

(c) DEFINITION OF NATIVE AMERICAN BUSINESS CENTER.—In this section, the term ''Native American business center'' has the meaning given that term in section 44(a) of the Small Business Act, as added by this Act.

SEC. 304. OFFICE OF NATIVE AMERICAN AFFAIRS PILOT PROGRAM.

(a) DEFINITION.—In this section, the term ''Indian tribe'' means any band, nation, or organized group or community of Indians located in the contiguous United States, and the Metlakatla Indian Community, whose members are recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

(b) AUTHORIZATION.—The Office of Native American Affairs of the Administration may conduct a pilot program—

(1) to develop and publish a self-assessment tool for Indian tribes that will allow such tribes to evaluate and implement best practices for economic development; and

(2) to provide assistance to Indian tribes, through an interagency working group, in identifying and implementing economic development opportunities available from the Federal Government and private enterprise, including—

(A) the Administration;

(B) the Department of Energy;

(C) the Environmental Protection Agency;

(D) the Department of Commerce;

(E) the Federal Communications Commission;

(F) the Department of Justice;

(G) the Department of Labor;

(H) the Office of National Drug Control Policy; and

(I) the Department of Agriculture.

(c) TERMINATION OF PROGRAM.—The authority to conduct a pilot program under this section shall terminate on September 30, 2012.

(d) REPORT.—Not later than September 30, 2012, the Office of Native American Affairs shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the effectiveness of the self-assessment tool developed under subsection (b)(1).

TITLE IV—VETERANS' BUSINESS CENTER PROGRAM

SEC. 401. VETERANS' BUSINESS CENTER PROGRAM; OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by

striking subsection (f) and inserting the following:

''(f) ONLINE COORDINATION.—

''(1) DEFINITION.—In this subsection, the term 'veterans' assistance provider' means—

''(A) a veterans' business center established under subsection (g);

''(B) an employee of the Administration assigned to the Office of Veterans Business Development; and

''(C) a veterans business ownership representative designated under subsection (g)(13)(B).

''(2) ESTABLISHMENT.—The Associate Administrator shall establish an online mechanism to—

''(A) provide information that assists veterans' assistance providers in carrying out the activities of the veterans' assistance providers; and

''(B) coordinate and leverage the work of the veterans' assistance providers, including by allowing a veterans' assistance provider to—

''(i) distribute best practices and other materials;

''(ii) communicate with other veterans' assistance providers regarding the activities of the veterans' assistance provider on behalf of veterans; and

''(iii) pose questions to and request input from other veterans' assistance providers.

''(g) VETERANS' BUSINESS CENTER PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'active duty' has the meaning given that term in section 101 of title 10, United States Code;

''(B) the term 'private nonprofit organization' means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

''(C) the term 'Reservist' means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

''(D) the term 'Service Corps of Retired Executives' means the Service Corps of Retired Executives authorized under section 8(b)(1);

''(E) the term 'small business concern owned and controlled by veterans'—

''(i) has the same meaning as in section 3(q); and

''(ii) includes a small business concern—

''(I) not less than 51 percent of which is owned by one or more spouses of veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more spouses of veterans; and

''(II) the management and daily business operations of which are controlled by one or more spouses of veterans;

''(F) the term 'spouse', relating to a veteran, service-disabled veteran, or Reservist, includes an individual who is the spouse of a veteran, service-disabled veteran, or Reservist on the date on which the veteran, service-disabled veteran, or Reservist died;

''(G) the term 'veterans' business center program' means the program established under paragraph (2)(A); and

''(H) the term 'women's business center' means a women's business center described in section 29.

''(2) PROGRAM ESTABLISHED.—

''(A) IN GENERAL.—The Administrator, acting through the Associate Administrator, shall establish a veterans' business center program, under which the Associate Administrator may provide financial assistance to a private nonprofit organization to conduct a 5-year project for the benefit of small business concerns owned and controlled by veterans, which may be renewed for one or more additional 5-year periods.

''(B) FORM OF FINANCIAL ASSISTANCE.—Financial assistance under this subsection may be in the form of a grant, a contract, or a cooperative agreement.

''(3) VETERANS' BUSINESS CENTERS.—Each private nonprofit organization that receives financial assistance under this subsection shall establish or operate a veterans' business center (which may include establishing or operating satellite offices in the region described in paragraph (5) served by that private nonprofit organization) that provides to veterans (including service-disabled veterans), Reservists, and the spouses of veterans (including service-disabled veterans) and Reservists—

''(A) financial advice, including training and counseling on applying for and securing business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a small business concern;

''(B) management advice, including training and counseling on the planning, organization, staffing, direction, and control of each major activity and function of a small business concern;

''(C) marketing advice, including training and counseling on identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and using public relations and advertising techniques; and

''(D) advice, including training and counseling, for Reservists and the spouses of Reservists.

''(4) APPLICATION.—

''(A) IN GENERAL.—A private nonprofit organization desiring to receive financial assistance under this subsection shall submit an application to the Associate Administrator at such time and in such manner as the Associate Administrator may require.

''(B) 5-YEAR PLAN.—Each application described in subparagraph (A) shall include a 5-year plan on proposed fundraising and training activities relating to the veterans' business center.

''(C) DETERMINATION AND NOTIFICATION.—Not later than 60 days after the date on which a private nonprofit organization submits an application under subparagraph (A), the Associate Administrator shall approve or deny the application and notify the applicant of the determination.

''(D) AVAILABILITY OF APPLICATION.—The Associate Administrator shall make every effort to make the application under subparagraph (A) available online.

''(5) ELIGIBILITY.—The Associate Administrator may select to receive financial assistance under this subsection—

''(A) a Veterans Business Outreach Center established by the Administrator under section 8(b)(17) on or before the day before the date of enactment of this subsection;

''(B) a private nonprofit organization that—

''(i) received financial assistance in fiscal year 2006 from the National Veterans Business Development Corporation established under section 33; and

''(ii) is in operation on the date of enactment of this subsection; or

''(C) other private nonprofit organizations located in various regions of the United States, as the Associate Administrator determines is appropriate.

''(6) SELECTION CRITERIA.—

''(A) IN GENERAL.—The Associate Administrator shall establish selection criteria, stated in terms of relative importance, to evaluate and rank applicants under paragraph (5)(C) for financial assistance under this subsection.

''(B) CRITERIA.—The selection criteria established under this paragraph shall include—

''(i) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of veterans, and the spouses of veterans, who own or may own small business concerns;

''(ii) for an applicant for initial financial assistance under this subsection—

''(I) the ability of the applicant to begin operating a veterans' business center within a minimum amount of time; and

''(II) the geographic region to be served by the veterans business center;

''(iii) the demonstrated ability of the applicant to—

''(I) provide managerial counseling and technical assistance to entrepreneurs; and

''(II) coordinate services provided by veterans services organizations and other public or private entities; and

''(iv) for any applicant for a renewal of financial assistance under this subsection, the results of the most recent examination under paragraph (10) of the veterans' business center operated by the applicant.

''(C) CRITERIA PUBLICLY AVAILABLE.—The Associate Administrator shall—

''(i) make publicly available the selection criteria established under this paragraph; and

''(ii) include the criteria in each solicitation for applications for financial assistance under this subsection.

''(7) AMOUNT OF ASSISTANCE.—The amount of financial assistance provided under this subsection to a private nonprofit organization for each fiscal year shall be—

''(A) not less than $150,000; and

''(B) not more than $200,000.

''(8) FEDERAL SHARE.—

''(A) IN GENERAL.—

''(i) INITIAL FINANCIAL ASSISTANCE.—Except as provided in clause (ii), a private nonprofit organization that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans business center established by the private nonprofit organization in an amount equal to—

''(I) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

''(II) in each of the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

''(ii) RENEWALS.—A private nonprofit organization that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans business center established by the private nonprofit organization in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection .

''(B) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share for a project carried out using financial assistance under this subsection may be in the form of in-kind contributions.

''(C) TIMING OF DISBURSEMENT.—The Associate Administrator may disburse not more than 25 percent of the financial assistance awarded to a private nonprofit organization before the private nonprofit organization obtains the non-Federal share required under this paragraph with respect to that award.

''(D) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—

''(i) IN GENERAL.—If a private nonprofit organization that receives financial assistance under this subsection fails to obtain the non-Federal share required under this paragraph during any fiscal year, the private nonprofit organization may not receive a disbursement

under this subsection in a subsequent fiscal year or a disbursement for any other project funded by the Administration, unless the Administrator makes a written determination that the private nonprofit organization will be able to obtain a non-Federal contribution.

''(ii) RESTORATION.—A private nonprofit organization prohibited from receiving a disbursement under clause (i) in a fiscal year may receive financial assistance in a subsequent fiscal year if the organization obtains the non-Federal share required under this paragraph for the subsequent fiscal year.

''(9) CONTRACT AUTHORITY.—A veterans' business center may enter into a contract with a Federal department or agency to provide specific assistance to veterans, service-disabled veterans, Reservists, or the spouses of veterans, service-disabled veterans, or Reservists. Performance of such contract shall not hinder the veterans' business center in carrying out the terms of the grant received by the veterans' business centers from the Administrator.

''(10) EXAMINATION AND DETERMINATION OF VIABILITY.—

''(A) EXAMINATION.—

''(i) IN GENERAL.—The Associate Administrator shall conduct an annual examination of the programs and finances of each veterans' business center established or operated using financial assistance under this subsection.

''(ii) FACTORS.—In conducting the examination under clause (i), the Associate Administrator shall consider whether the veterans business center has failed—

''(I) to provide the information required to be provided under subparagraph (B), or the information provided by the center is inadequate;

''(II) the center has failed to comply with a requirement for participation in the veterans' business center program, as determined by the Assistant Administrator, including—

''(aa) failure to acquire or properly document a non-Federal share;

''(bb) failure to establish an appropriate partnership or program for marketing and outreach to small business concerns;

''(cc) failure to achieve results described in a financial assistance agreement; and

''(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

''(III) to carry out the 5-year plan under in paragraph (4)(B); or

''(IV) to meet the eligibility requirements under paragraph (5).

''(B) INFORMATION PROVIDED.—In the course of an examination under subparagraph (A), the veterans' business center shall provide to the Associate Administrator—

''(i) an itemized cost breakdown of actual expenditures for costs incurred during the most recent full fiscal year;

''(ii) documentation of the amount of non-Federal contributions obtained and expended by the veterans' business center during the most recent full fiscal year; and

''(iii) with respect to any in-kind contribution under paragraph (8)(B), verification of the existence and valuation of such contributions.

''(C) DETERMINATION OF VIABILITY.—The Associate Administrator shall analyze the results of each examination under this paragraph and, based on that analysis, make a determination regarding the viability of the programs and finances of each veterans' business center.

''(D) DISCONTINUATION OF FUNDING.—

''(i) IN GENERAL.—The Associate Administrator may discontinue an award of financial assistance to a private nonprofit organization at any time if the Associate Administrator determines under subparagraph (C) that the veterans' business center operated by that organization is not viable.

''(ii) RESTORATION.—The Associate Administrator may continue to provide financial assistance to a private nonprofit organization in a subsequent fiscal year if the Associate Administrator determines under subparagraph (C) that the veterans' business center is viable.

''(11) PRIVACY REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a veterans' business center established or operated using financial assistance provided under this subsection may not disclose the name, address, or telephone number of any individual or small business concern that receives advice from the veterans' business center without the consent of the individual or small business concern.

''(B) EXCEPTION.—A veterans' business center may disclose information described in subparagraph (A)—

''(i) if the Administrator or Associate Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(ii) to the extent that the Administrator or Associate Administrator determines that such a disclosure is necessary to conduct a financial audit of a veterans' business center.

''(C) ADMINISTRATION USE OF INFORMATION.—This paragraph does not—

''(i) restrict access by the Administrator to program activity data; or

''(ii) prevent the Administrator from using information not described in subparagraph (A) to conduct surveys of individuals or small business concerns that receive advice from a veterans' business center.

''(D) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures under subparagraph (B)(ii).

''(12) REPORT.—

''(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the veterans' business center program in each region during the most recent full fiscal year.

''(B) CONTENTS.—Each report under this paragraph shall include, at a minimum, for each veterans' business center established or operated using financial assistance provided under this subsection—

''(i) the number of individuals receiving assistance from the veterans' business center, including the number of such individuals who are—

''(I) veterans or spouses of veterans;

''(II) service-disabled veterans or spouses of service-disabled veterans; or

''(III) Reservists or spouses of Reservists;

''(ii) the number of startup small business concerns formed by individuals receiving assistance from the veterans' business center, including—

''(I) veterans or spouses of veterans;

''(II) service-disabled veterans or spouses of service-disabled veterans; or

''(III) Reservists or spouses of Reservists;

''(iii) the gross receipts of small business concerns that receive advice from the veterans' business center;

''(iv) the employment increases or decreases of small business concerns that receive advice from the veterans' business center;

''(v) to the maximum extent practicable, the increases or decreases in profits of small business concerns that receive advice from the veterans' business center; and

''(vi) the results of the examination of the veterans' business center under paragraph (10).

''(13) COORDINATION OF EFFORTS AND CONSULTATION.—

''(A) COORDINATION AND CONSULTATION.—To the extent practicable, the Associate Administrator and each private nonprofit organization that receives financial assistance under this subsection shall—

''(i) coordinate outreach and other activities with other programs of the Administration and the programs of other Federal agencies;

''(ii) consult with technical representatives of the district offices of the Administration in carrying out activities using financial assistance under this subsection; and

''(iii) provide information to the veterans business ownership representatives designated under subparagraph (B) and coordinate with the veterans business ownership representatives to increase the ability of the veterans business ownership representatives to provide services throughout the area served by the veterans business ownership representatives.

''(B) VETERANS BUSINESS OWNERSHIP REPRESENTATIVES.—

''(i) DESIGNATION.—The Administrator shall designate not fewer than 1 individual in each district office of the Administration as a veterans business ownership representative, who shall communicate and coordinate activities of the district office with private nonprofit organizations that receive financial assistance under this subsection.

''(ii) INITIAL DESIGNATION.—The first individual in each district office of the Administration designated by the Administrator as a veterans business ownership representative under clause (i) shall be an individual that is employed by the Administration on the date of enactment of this subsection.

''(14) EXISTING CONTRACTS.—An award of financial assistance under this subsection shall not void any contract between a private nonprofit organization and the Administration that is in effect on the date of such award.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) to carry out subsections (a) through (f), $2,000,000 for each of fiscal years 2010 through 2012; and

''(2) to carry out subsection (g)—

''(A) $8,000,000 for fiscal year 2010;

''(B) $8,500,000 for fiscal year 2011; and

''(C) $9,000,000 for fiscal year 2012.''.

(b) GAO REPORT.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''small business concern owned and controlled by veterans'' has the meaning given that term in section 32(g) of the Small Business Act, as added by this section; and

(B) the term ''veterans' business center program'' means the veterans' business center program established under section 32(g) of the Small Business Act, as added by this section.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the end of the second fiscal year beginning after the date on which the veterans' business center program is established, the Comptroller General of the United States shall evaluate the effectiveness of the veterans' business center program, and submit to Congress a report on the results of that evaluation.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include

(i) an assessment of—

(I) the use of amounts made available to carry out the veterans' business center program;

(II) the effectiveness of the services provided by each private nonprofit organization receiving financial assistance under the veterans' business center program;

(III) whether the services described in clause (ii) are duplicative of services provided by other veteran service organizations, programs of the Administration, or programs of another Federal department or agency and, if so, recommendations regarding how to alleviate the duplication of the services; and

(IV) whether there are areas of the United States in which there are not adequate entrepreneurial services for small business concerns owned and controlled by veterans and, if so, whether there is a veterans' business center established under the veterans' business center program providing services to that area; and

(ii) recommendations, if any, for improving the veteran's business center program.

SEC. 402. REPORTING REQUIREMENT FOR INTERAGENCY TASK FORCE.

Section 32(c) of the Small Business Act (15 U.S.C. 657b(c)) is amended by adding at the end the following:

''(4) REPORT.—Not less frequently than twice each year, the Administrator shall submit to Congress a report on the appointments made to and activities of the task force.''.

SEC. 403. REPEAL AND RENEWAL OF GRANTS.

(a) DEFINITION.—In this section, the term ''covered grant, contract, or cooperative agreement'' means a grant, contract, or cooperative agreement that was—

(1) made or entered into under section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)); and

(2) in effect on or before the date described in subsection (b)(2).

(b) REPEAL.—

(1) IN GENERAL.—Section 8(b) of the Small Business Act (15 U.S.C. 637(b)) is amended—

(A) in paragraph (15), by adding ''and'' at the end;

(B) in paragraph (16), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (17).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) TRANSITIONAL RULES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered grant, contract, or cooperative agreement shall remain in full force and effect under the terms, and for the duration, of the covered grant, contract, or agreement.

(2) ADDITIONAL REQUIREMENTS.—Any organization that was awarded or entered into a covered grant, contract, or cooperative agreement shall be subject to the requirements of section 32(g) of the Small Business Act (15 U.S.C. 657b(g)) (as added by this Act).

(d) RENEWAL OF FINANCIAL ASSISTANCE.—An organization that was awarded or entered into a covered grant, contract, or cooperative agreement may apply for a renewal of the grant, contract, or agreement under the terms and conditions described in section 32(g) of the Small Business Act (15 U.S.C. 657b(g)) (as added by this Act).

TITLE V—PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS

SEC. 501. PRIME REAUTHORIZATION.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating sections 37 through 44 as sections 38 through 45, respectively; and

(2) by inserting after section 36 the following:

''SEC. 37. PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS.

''(a) DEFINITIONS.—In this section:

''(1) ASSOCIATE ADMINISTRATOR.—The term 'Associate Administrator' means the Associate Administrator for Entrepreneurial Development of the Administration.

''(2) CAPACITY BUILDING SERVICES.—The term 'capacity building services' means services provided to an organization that is, or that is in the process of becoming, a microenterprise development organization or program, for the purpose of enhancing the ability of the organization to provide training and services to disadvantaged entrepreneurs.

''(3) COLLABORATIVE.—The term 'collaborative' means 2 or more nonprofit entities that agree to act jointly as a qualified organization under this section.

''(4) DISADVANTAGED ENTREPRENEUR.—The term 'disadvantaged entrepreneur' means a microentrepreneur that—

''(A) is a low-income person;

''(B) is a very low-income person; or

''(C) lacks adequate access to capital or other resources essential for business success, or is economically disadvantaged, as determined by the Administrator.

''(5) DISADVANTAGED NATIVE AMERICAN ENTREPRENEUR.—The term 'disadvantaged Native American entrepreneur' means a disadvantaged entrepreneur who is also a member of an Indian Tribe.

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

''(7) INTERMEDIARY.—The term 'intermediary' means a private, nonprofit entity that seeks to serve microenterprise development organizations and programs, as authorized under subsection (d).

''(8) LOW-INCOME PERSON.—The term 'low-income person' means a person having an income, adjusted for family size, of not more than—

''(A) for metropolitan areas, 80 percent of the area median income; and

''(B) for nonmetropolitan areas, the greater of—

''(i) 80 percent of the area median income; or

''(ii) 80 percent of the statewide nonmetropolitan area median income.

''(9) MICROENTREPRENEUR.—The term 'microentrepreneur' means the owner or developer of a microenterprise.

''(10) MICROENTERPRISE.—The term 'microenterprise' means a sole proprietorship, partnership, or corporation that—

''(A) has not more than 4 employees; and

''(B) generally lacks access to conventional loans, equity, or other banking services.

''(11) MICROENTERPRISE DEVELOPMENT ORGANIZATION OR PROGRAM.—The term 'microenterprise development organization or program' means a nonprofit entity, or a program administered by such an entity, including community development corporations or other nonprofit development organizations and social service organizations, that provides services to disadvantaged entrepreneurs.

''(12) TRAINING AND TECHNICAL ASSISTANCE.—The term 'training and technical assistance' means services and support provided to disadvantaged entrepreneurs, such as assistance for the purpose of enhancing business planning, marketing, management, financial management skills, and assistance for the purpose of accessing financial services.

''(13) QUALIFIED ORGANIZATION.—The term 'qualified organization' means—

''(A) a nonprofit microenterprise development organization or program (or a group or collaborative thereof) that has a demonstrated record of delivering microenterprise services to disadvantaged entrepreneurs;

''(B) an intermediary;

''(C) a microenterprise development organization or program that is—

''(i) accountable to a local community; and

''(ii) working in conjunction with a State or local government or Indian tribe; or

''(D) an Indian tribe acting on its own, if the Indian tribe certifies that no private organization or program referred to in this paragraph exists within its jurisdiction.

''(14) VERY LOW-INCOME PERSON.—The term 'very low-income person' means an individual having an income, adjusted for family size, of not more than 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section).

''(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a microenterprise training and technical assistance and capacity building services grant program to provide grants to qualified organizations in accordance with this section.

''(c) USES OF ASSISTANCE.—A qualified organization shall use a grant made under this section—

''(1) to provide training and technical assistance to disadvantaged entrepreneurs;

''(2) to provide training and technical assistance and capacity building services to microenterprise development organizations and programs and groups of such organizations and programs to assist such organizations and programs in developing microenterprise training and services;

''(3) to aid in researching and developing the best practices in the field of microenterprise and training and technical assistance programs for disadvantaged entrepreneurs;

''(4) to provide training and technical assistance to disadvantaged Native American entrepreneurs and prospective disadvantaged Native American entrepreneurs; and

''(5) for such other activities as the Associate Administrator determines are consistent with the purposes of this section.

''(d) ALLOCATION OF GRANTS; SUBGRANTS.—

''(1) ALLOCATION OF GRANTS.—

''(A) IN GENERAL.—The Associate Administrator shall allocate assistance from the Administration under this section to ensure that—

''(i) not less than 75 percent of amounts made available to the Administrator for grants under this section are used for activities described in subsection (c)(1); and

''(ii) not less than 15 percent of amounts made available to the Administrator for grants under this section are used for activities described in subsection (c)(2).

''(B) LIMIT ON INDIVIDUAL ASSISTANCE.—No single person may receive more than 10 percent of the total amounts made available for grants under this section for a single fiscal year.

''(2) TARGETED ASSISTANCE.—The Associate Administrator shall ensure that not less than 50 percent of the total amounts made available for grants under this section are used to benefit very low-income persons, including very low-income persons residing on Indian reservations.

''(3) SUBGRANTS AUTHORIZED.—

''(A) IN GENERAL.—A qualified organization receiving a grant under this section may provide subgrants using that grant to qualified organizations that are small or emerging microenterprises and programs, subject to such rules and regulations as the Associate Administrator determines are appropriate.

''(B) LIMIT ON ADMINISTRATIVE EXPENSES.—Not more than 7.5 percent of the amount received by a qualified organization under a grant under this section may be used for administrative expenses in connection with the making of subgrants under subparagraph (A).

''(4) DIVERSITY.—In making grants under this section, the Associate Administrator shall ensure that grant recipients include

both large and small microenterprise organizations that serve urban, rural, and Indian tribal communities and diverse populations.

''(5) PROHIBITION ON PREFERENTIAL CONSIDERATION OF CERTAIN ADMINISTRATION PROGRAM PARTICIPANTS.—In making grants under this section, the Associate Administrator shall ensure that any application made by a qualified organization that is a participant in the program established under section 7(m) does not receive preferential consideration over applications from other qualified organizations that are not participants in the program.

''(e) FEDERAL SHARE.—

''(1) IN GENERAL.—A qualified organization that receives a grant under this section shall provide non-Federal contributions to carry out the activities described in subsection (c) in an amount equal to not less than 50 percent of the amount of the grant received under this section.

''(2) SOURCES OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project using a grant under this section may be in the form of fees, grants, gifts, funds from loan sources, or in-kind resources of an applicant from public or private sources.

''(3) EXCEPTION.—

''(A) IN GENERAL.—If the Associate Administrator determines that an applicant for assistance under this section has severe constraints on available sources of non-Federal funds, the Associate Administrator may reduce or eliminate the requirement under paragraph (1).

''(B) LIMITATION.—Not more than 10 percent of the total funds made available from the Administration in any fiscal year to carry out this section may be excepted under subparagraph (A) from the requirement under paragraph (1).

''(f) APPLICATIONS FOR ASSISTANCE.—An application for a grant under this section shall be submitted in such form and in accordance with such procedures as the Associate Administrator shall establish.

''(g) RECORDKEEPING AND REPORTING.—

''(1) IN GENERAL.—Each qualified organization that receives a grant under this section shall—

''(A) submit to the Administration not less frequently than once every 18-month period, financial statements audited by an independent certified public accountant;

''(B) submit an annual report to the Administration on the activities of the qualified organization; and

''(C) keep such records as the Associate Administrator determines are necessary to disclose the manner in which amounts made available under a grant under this section are used.

''(2) ACCESS.—Upon the request of the Associate Administrator, the Associate Administrator shall have access to any record of any qualified organization that receives a grant under this section, for the purpose of determining compliance with this section.

''(3) DATA COLLECTION.—Each qualified organization that receives a grant under this section shall collect information relating to, as applicable—

''(A) the number of individuals counseled or trained by the organization;

''(B) the number of hours of counseling provided by the organization;

''(C) the number of startup small business concerns formed with the assistance of the organization;

''(D) the number of small business concerns expanded with the assistance of the organization;

''(E) the number of low-income individuals counseled or trained by the organization; and

''(F) the number of very low-income individuals counseled or trained by the organization.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 2010 through 2012 to carry out this section, which shall remain available until expended.

''(2) CERTAIN PROGRAMS.—In addition to the amount authorized under paragraph (1), there are authorized to be appropriated to the Administrator $2,000,000 for each of fiscal years 2010 through 2012 to carry out subsection (c)(4), which shall remain available until expended.''.

SEC. 502. CONFORMING REPEAL AND AMENDMENTS.

(a) CONFORMING REPEAL.—Subtitle C of title I of the Riegle Community Development and Regulatory Improvement Act of 1994 (15 U.S.C. 6901 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 38(d) (15 U.S.C. 657i(d)), as so redesignated, by striking ''section 43'' and inserting ''section 44'';

(2) in section 41(d) (15 U.S.C. 657l(d)), as so redesignated, by striking ''section 43'' and inserting ''section 44''; and

(3) in section 42(b) (15 U.S.C. 657m(b)), as so redesignated, by striking ''section 43'' and inserting ''section 44''.

SEC. 503. REFERENCES.

All references in Federal law, other than section 504 of this Act, to the ''Program for Investment in Microentrepreneurs Act of 1999'' or the ''PRIME Act'' shall be deemed to be references to section 37 of the Small Business Act, as added by this Act.

SEC. 504. RULE OF CONSTRUCTION.

Nothing in this title or the amendments made by this title shall affect any grant or assistance provided under the Program for Investment in Microentrepreneurs Act of 1999 (15 U.S.C. 6901 et seq.), before the date of enactment of this Act, and any such grant or assistance shall be subject to the Program for Investment in Microentrepreneurs Act of 1999, as in effect on the day before the date of enactment of this Act.

TITLE VI—OTHER PROVISIONS

SEC. 601. INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by striking '': *Provided*, That'' and all that follows through ''on such date.'' and inserting the following: ''. On and after December 31, 2010, the Administration may only make a grant under this paragraph to an applicant that is an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is accredited (and not merely in preaccreditation status) by a nationally recognized accrediting agency or association, recognized by the Secretary of Education for such purpose in accordance with section 496 of that Act (20 U.S.C. 1099b), or to a women's business center operating pursuant to section 29 as a small business development center, unless the applicant was receiving financial assistance (including a contract or cooperative agreement) on December 31, 2010.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2010.

SEC. 602. HEALTH INSURANCE OPTIONS INFORMATION FOR SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term ''grant program'' means the small business health insurance information grant program established under subsection (b)(1); and

(2) the term ''resource partner'' means—

(A) the association of small business development centers authorized to be established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(B) the Association of Women's Business Centers;

(C) the Service Corps of Retired Executives authorized by section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)); and

(D) 1 veterans business center (as that term is used in section 32(g) of the Small Business Act (15 U.S.C. 657b(g)), as added by this Act), as determined by the Associate Administrator for Entrepreneurial Development.

(b) SMALL BUSINESS HEALTH INSURANCE INFORMATION PROGRAM.—

(1) PROGRAM ESTABLISHED.—The Administrator, acting through the Associate Administrator for Entrepreneurial Development, shall establish a program to make grants to resource partners to provide neutral and objective information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(2) GRANT RECIPIENTS.—The Associate Administrator for Entrepreneurial Development shall make 1 grant to each of the resource partners.

(3) GRANT AMOUNTS.—The grants made under this section shall—

(A) be made from funds appropriated to the Administrator to carry out the activities of the Office of Entrepreneurial Development; and

(B) not exceed a total amount of $5,000,000.

(4) CONTRACT.—As a condition of receiving a grant under this section, each resource partner shall agree, by contract with the Administration—

(A) to begin to use the funds in accordance with paragraph (5) not later than 1 year after the date on which the resource partner receives the grant; and

(B) to return any funds that have not been used, if the Administrator determines that the resource partner is not carrying out the grant program activities under paragraph (5)(A).

(5) USE OF FUNDS.—

(A) GRANT PROGRAM ACTIVITIES.—A resource partner shall use funds provided under the grant program to create, in consultation with the Associate Administrator for Entrepreneurial Development of the Administration—

(i) an online training program;

(ii) an online repository of health insurance information relevant to small business concerns;

(iii) a counseling curriculum that can be used in the physical location of the resource partner; and

(iv) materials containing relevant information that can be disbursed to owners of small business concerns throughout the country.

(B) CONTENT OF MATERIALS.—

(i) IN GENERAL.—In creating materials under the grant program, a resource partner shall evaluate and incorporate relevant portions of existing informational materials regarding health insurance options, including materials and resources developed by the National Association of Insurance Commissioners, the Kaiser Family Foundation, and the Healthcare Leadership Council.

(ii) HEALTH INSURANCE OPTIONS.—In incorporating information regarding health insurance options under clause (i), a resource partner shall provide neutral and objective information regarding health insurance options in the geographic area served by the resource partner, including traditional employer sponsored health insurance for the group insurance market, such as the health insurance options described in section 2791 of

the Public Health Services Act (42 U.S.C. 300gg–91) or section 125 of the Internal Revenue Code of 1986, and Federal and State health insurance programs.

(c) REVIEW AND REPORT.—

(1) REVIEW OF GRANT PROGRAM.—The Associate Administrator for Entrepreneurial Development shall conduct a review of the effectiveness of the grant program.

(2) REPORT.—Not later than 2 years after the date on which all grants under the grant program are disbursed, the Associate Administrator for Entrepreneurial Development shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the review under paragraph (1).

SEC. 603. NATIONAL SMALL BUSINESS DEVELOPMENT CENTER ADVISORY BOARD.

(a) IN GENERAL.—Section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)) is amended—

(1) in the first sentence, by striking ''nine members'' and inserting ''10 members'';

(2) in the second sentence, by striking ''six'' and inserting ''the members who are not from universities or their affiliates'';

(3) by striking the third sentence; and

(4) in the fourth sentence, by inserting ''not less than'' before ''one-third''.

(b) INCUMBENTS.—An individual serving as a member of the Board on the date of enactment of this Act may continue to serve on the Board until the end of the term of the member under section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)), as in effect on the day before such date of enactment.

SEC. 604. PRIVACY REQUIREMENTS FOR SCORE CHAPTERS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by striking subsection (c) and inserting the following:

''(c) PRIVACY REQUIREMENTS.—

''(1) IN GENERAL.—A chapter of the SCORE program authorized by subsection (b)(1) or an agent of such a chapter may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance from that chapter or agent without the consent of such individual or small business concern, unless—

''(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(B) the Administrator determines such a disclosure to be necessary for the purpose of conducting a financial audit of a chapter of the SCORE program authorized by subsection (b)(1), in which case disclosure shall be limited to the information necessary for such audit.

''(2) ADMINISTRATOR USE OF INFORMATION.—This subsection shall not—

''(A) restrict the access of the Administrator to program activity data; or

''(B) prevent the Administrator from using client information to conduct client surveys.

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Administrator shall issue regulations to establish standards—

''(i) for disclosures with respect to financial audits under paragraph (1)(B); and

''(ii) for client surveys under paragraph (2)(B), including standards for oversight of such surveys and for dissemination and use of client information.

''(B) MAXIMUM PRIVACY PROTECTION.—Regulations under this paragraph shall, to the extent practicable, provide for the maximum amount of privacy protection.

''(C) INSPECTOR GENERAL.—Until the effective date of regulations under this paragraph, any client survey and the use of such information shall be approved by the Inspector General of the Administration who shall include such approval in the semi-annual report of the Inspector General.''.

SEC. 605. NATIONAL SMALL BUSINESS SUMMIT.

(a) IN GENERAL.—Not later than December 31, 2012, the President shall convene a National Small Business Summit to examine the present conditions and future of the community of small business concerns in the United States. The summit shall include owners of small business concerns, representatives of small business groups, labor, academia, the Federal Government, State governments, Indian tribes, Federal research and development agencies, and nonprofit policy groups concerned with the issues of small business concerns.

(b) REPORT.—Not later than 90 days after the date of the conclusion of the summit convened under subsection (a), the President shall issue a report on the results of the summit. The report shall identify key challenges and make recommendations for promoting entrepreneurship and the growth of small business concerns.

SEC. 606. SCORE PROGRAM.

(a) IN GENERAL.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended by striking ''a Service Corps of Retired Executives (SCORE)'' and inserting ''the SCORE''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) in section 7(m)(3)(A)(i)(VIII), by striking ''Service Corps of Retired Executives'' and inserting ''SCORE''; and

(B) in section 33(b)(2), by striking ''Service Corps of Retired Executives'' and inserting ''SCORE''.

(2) OTHER LAW.—Section 337(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(2)) is amended by striking ''Service Corps of Retired Executives (SCORE)'' and inserting ''SCORE''.

(c) REFERENCES.—Any reference to the Service Corps of Retired Executives established under section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as in effect on the day before the date of enactment of this Act, in any law, rule, regulation, certificate, directive, instruction, or other official paper shall be considered to refer to the SCORE established under section 8(b)(1)(B) of the Small Business Act, as amended by this Act.

SEC. 607. ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking ''(3) At the discretion'' and inserting the following:

''(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.—

''(A) IN GENERAL.—At the discretion''; and

(2) by adding at the end the following:

''(B) DISASTER RECOVERY ASSISTANCE.—

''(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide assistance, as described in subsection (c), to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in an area for which the President has declared a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), during the period of the declaration.

''(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which the small business development center otherwise provides services.

''(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of this subparagraph, the Administrator shall, to the maximum extent practicable, permit the personnel of a small business development center to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.''.

SEC. 608. SMALL BUSINESS DEVELOPMENT CENTERS.

(a) PORTABILITY GRANTS.—Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence—

(A) by striking ''From the funds appropriated pursuant to clause (vii)'' and inserting ''Of the amounts made available to carry out this subparagraph in each fiscal year''; and

(B) by striking ''as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability'' and inserting ''due to events that have resulted or will result in, the downsizing or closing of a business or government facility''; and

(2) by adding at the end ''The Administrator may make a grant under this clause that exceeds $100,000 to accommodate extraordinary events that the Administrator determines have had a catastrophic impact on small business concerns in a community.''.

(b) PURPOSES.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended in the first sentence by adding ''regulatory compliance and'' after ''counseling concerning''.

SEC. 609. EVALUATION OF PILOT PROGRAMS.

(a) IN GENERAL.—Not later than 30 months after the date of disbursement of the first grant under a covered pilot program, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report evaluating the covered pilot program, including recommendations, if any, on possible improvements or modifications to the covered pilot program, including the feasibility of extending the covered pilot program to all small business development centers.

(b) DEFINITION OF COVERED PILOT PROGRAM.—In this section, the term ''covered pilot program'' means a pilot program relating to small business development centers established under this Act or an amendment made by this Act.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today to join with Senator LANDRIEU to introduce the Entrepreneurial Development Act of 2009, a bill that would reauthorize and improve the U.S. Small Business Administration's, SBA, Entrepreneurial Development programs. I have long fought to expand the power and reach of the SBA's entrepreneurial development tools, which are used by millions of current and aspiring entrepreneurs and small businesses across the U.S. These programs demonstrate how Congress can play a positive role in enhancing private-sector financing for start-up companies. We must continue to strengthen these core SBA programs because they have proven invaluable in aiding the efforts and dreams of America's entrepreneurs, and in bolstering small business job creation.

The bill that I am cosponsoring today is the product of the type of bipartisan, consensus work product for which the Senate Small Business Committee has come to be known. The provisions contained in this legislation are a compilation of ideas and initiatives put forward by myself, Senator LANDRIEU, and other Committee members. Much of the language in the Entrepreneurial Development Act of 2009 was contained in S. 2920, the SBA Reauthorization and Improvements Act in the 110th Congress, the individual provisions of which were each passed unanimously by the Senate Small Business Committee during the 110th Congress. Unfortunately, that bipartisan bill never passed the Senate.

This act, among other things, builds upon the aforementioned successes of SBA's Entrepreneurial Development programs, which collectively created or retained 200,000 jobs in 2008 alone.

Since their inception, Small Business Development Centers, SBDCs, have been essential in the delivery of management and technical counseling assistance and educational programs to prospective and existing small business owners. The SBDC program has served over 11 million clients with new business starts, sustainability programs for struggling firms, and expansion plans for growth firms. For every dollar spent on the SBDC program, approximately $2.87 in tax revenue is generated.

According to a recent report conducted at Mississippi State University, as a direct result of its counseling programs, SBDC clients generated approximately $7 billion in sales and created over 73,000 new jobs in 2006. Therefore, it is imperative that in such troubling economic times we ensure that this program has the resources necessary to successfully aid small businesses. Through this legislation, which increases the SBDC program's authorization to $160 million by fiscal year 2012, this program will be in a better position to continue helping entrepreneurs succeed.

The Women's Business Center, WBC, program, established by Congress in 1988, promotes the growth of women-owned businesses through business training and technical assistance, and provides access to credit and capital, federal contracts, and international trade opportunities. The WBC program served more than 159,000 clients across the country last year, providing help with financial management, procurement training, marketing and technical assistance. WBCs also provide specialized programs that include mentoring in various languages, Internet training, issues facing displaced workers and rural home-based entrepreneurs.

Our legislation builds on our commitment to providing assistance to women entrepreneurs. It directs the SBA's Office of Women's Business Ownership to develop programs to bolster the growth of women-owned small businesses by providing support for business operations, manufacturing, technology, finance, Federal Government contracting, and international trade.

The bill also makes substantial improvements to the Women's Business Center program, which created nearly 9,000 jobs in the last fiscal year, including an expansion of the types of entities that are eligible to host WBCs to economic development organizations, state-chartered development organizations, and public or private colleges and universities. Finally, the bill directs the SBA to provide a minimum of $150,000 in funding annually to all new WBCs that are in their first 5 years of operation, allowing new centers to become fully established before they have to compete for federal funding.

The bill also reauthorizes SCORE, a non-profit association that matches business-management counselors with small business clients. SCORE volunteer counselors share their management and technical expertise with both existing and prospective small business owners. With its 10,500 member volunteer association, sponsored by the SBA, and more than 389 service delivery points and a website, SCORE provides counseling to small businesses nationwide. The national SCORE organization delivers its services of business and technical assistance through a national network of chapters, an Internet counseling site, partnerships with SBA, the SBDCs and WBCs, and with the public and private sectors. In 2008, SCORE created or retained 25,000 jobs, and this act will help improve this program by raising the authorization level to $13 million in fiscal year 2012.

In addition to reauthorizing SBA's ED programs and increasing their funding levels, this bill also addresses the crisis small businesses face when it comes to securing quality, affordable health insurance. Health insurance costs have increased by 89 percent since 2000. This has led to a disturbing trend of fewer and fewer small businesses being able to offer health insurance to their employees.

A key provision in this bill would establish a grant program to provide information, counseling, and educational materials to small businesses, through the well-established national framework of the SBA's technical assistance partners including SBDCs, WBC, Veteran's Business Centers, and SCORE.

Research conducted by the non-partisan Healthcare Leadership Council found that with a short educational and counseling session, small businesses were up to 33 percent more likely to offer health insurance to their employees. It is therefore vital that we provide the SBA's resource partners with the resources necessary to give small businesses the critical health care education they need to navigate the complex insurance market.

The SBA's entrepreneurial development programs provide tremendous value for a relatively small investment. I am committed to ensuring that Americans have the necessary resources to start, grow and develop a business. I believe that it is our duty to do everything possible to sustain prosperity and job creation throughout the U.S. I urge my colleagues to support this vital piece of legislation.

By Mr. DODD:

S. 1231. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce The Standards to Provide Educational Achievement for Kids, SPEAK, Act, a bill designed to provide incentives to states to begin holding every child in America to the same high standards. At its core, SPEAK will adopt and implement voluntary core American education content standards in math and science while incentivizing states to adopt them.

America's leadership, economic, and national security rest on our commitment to educate and prepare our youth to succeed in a global economy. The key to succeeding in this endeavor is to have high expectations for all American students as they progress through our Nation's schools.

Currently there are 50 different sets of academic standards, 50 State assessments, and 50 definitions of proficiency under the No Child Left Behind Act. As a result of varied standards, exams and proficiency levels, America's highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills and preparedness. Yet, in order for the U.S. to compete in a global economy, we must strengthen our educational expectations for all American children—we must compete as one Nation.

Recent international comparisons show that American students have significant shortcomings in math and science. Many lack the basic skills required for college or the workplace. This affects our economic and national security; it holds us back in the global marketplace and risks ceding our competitive edge. This is unacceptable.

America was founded on the notion of ensuring equity and opportunity for all. And yet, we risk both when we allow different students in different states to graduate from high school with very different educations. We live in a nation with an unacceptably high high school dropout rate. We live in a nation where 8th graders in some states score more than 30 points higher on tests of basic science knowledge than students in other states. I ask my colleagues today what equality of opportunity we have under such circumstances.

This is where American standards come in. Voluntary, core American standards in math and science are an important step in ensuring that all American students are given the same opportunity to learn to a high standard no matter where they reside. They will allow for meaningful comparisons of student academic achievement across states, help ensure that American students are academically qualified to enter college or training for the civilian or military workforce, and help ensure that students are better prepared to compete in the global marketplace. Uniform standards are a first step in maintaining America's competitive and national security edge.

While I understand that education is, after all, a state endeavor, we cannot ignore that at the end of the day America competes as one country on the global marketplace. This does not mean that I am asking states to cede their authority in education. What the bill simply proposes is that we use the convening power of the Federal Government to incentivize efforts to create a core set of common standards.

I would like to take a moment to recognize the recent remarkable achievement of the National Governors Association and the Council of Chief State School Officers in partnership with Achieve, Inc, ACT, and the College Board. Just last week they announced that 49 States and territories have joined the Common Core State Standards Initiative and have committed to a process to develop common standards in English language arts and mathematics. They have made a commitment to evidence-based and internationally benchmarked standards, which are scheduled to be developed later this year. This effort is outstanding. Just 2 years ago, when I introduced one of the first bills in the Senate on standards, this type of effort would have been unthinkable. Now, there is strong momentum behind providing all students across the country with competitive and consistent standards.

The SPEAK Act, provides flexibility in the creation or adoption of American standards, understanding that there are effective efforts underway that could be integrated into the program of Federal incentives that this bill would provide.

The SPEAK Act will task the National Assessment Governing Board with creating or adopting rigorous and voluntary core American education content standards in math and science for grades K–12. It will require that the standards be anchored in the National Assessment of Educational Progress' math and science frameworks. It will also ensure that such standards are internationally competitive and comparable to the best standards in the world, similar to the outline created for the standards being developed through the Common Core State Standards Initiative.

States that do participate, while required to adopt the American standards, will be given the flexibility to make them their own. They will have the option to add additional content requirements, they will have final say in how coursework is sequenced, and, ultimately, States, and districts will still be the ones developing the curriculum, choosing the textbooks and administering the tests. The standards provided for under this legislation will simply serve as a common core.

The SPEAK Act will develop rigorous achievement levels. It will ensure that varying developmental levels of students are taken into account in the development of such standards. It will provide for periodic review and update of such standards. It establishes an American Standards Incentive Fund to incentivize states to adopt the standards. Among the benefits of participating is a significant infusion of funds for states to bolster their K–12 data systems.

No one will deny that our Nation is facing difficult economic times. However, there remains a steadfast commitment to improving education for our students, a commitment that includes working to develop voluntary American standards. I applaud states that realize that despite facing difficult budget realities, holding all students to the same, high standards will be what is best for the future of our nation. These States need and deserve incentives and resources to complete this important work.

I should also note that the SPEAK Act has garnered endorsements from businesses, math/science organizations, foundations, and the education community. Through the leadership of Congressman VERNON EHLERS in the House of Representatives it shares not only bicameral, but bipartisan support. Together we have all come together to affect meaningful change in our public schools.

We live in an economy where you can no longer lift, dig or assemble your way to success. Today, you have got to think your way to success so that when public education doesn't work, when we fail to compete as one nation, our entire country gets left behind. Low expectations translate to an America that is less competitive on the world stage. If that happens, we are going to wonder why we didn't do anything about it while we still had time.

Core American standards will set high goals for all students, allow for meaningful comparisons of achievement across states, and help ensure that all of our students are qualified to enter college. At the end of the day, we all want what is best for our country and parents want what is best for their kids. With core standards, America will begin the work of regaining its competitive edge in the global economy. In the life of every student, equality will be made a little more real with reintroduction of this bill, as the skills and knowledge we expect of them are no longer made contingent on where they reside.

I hope that my colleagues will join me in supporting the SPEAK Act. As we start holding our students to the same high standards, I expect that we will be amazed at the excellence that follows.

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. 1231

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 ''Standards to Provide Educational Achievement for Kids Act'' or the ''SPEAK Act''.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) Throughout the years, educators and policymakers have consistently embraced standards as the mechanism to ensure that every student, no matter what school the student attends, masters the skills and develops the knowledge needed to participate in a global economy.

(2) Recent international comparisons make clear that students in the United States have significant shortcomings in mathematics and science, yet a high level of scientific and mathematics literacy is essential to societal innovations and advancements.

(3) With more than 50 different sets of academic content standards, 50 State academic assessments, and 50 definitions of proficiency under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)), there is great variability in the measures, standards, and benchmarks for academic achievement in mathematics and science.

(4) Variation in State standards and the accompanying measures of proficiency make it difficult for parents and teachers to meaningfully gauge how well their children are learning mathematics and science in comparison to their peers internationally or here at home.

(5) The disparity in the rigor of standards across States yield test results that tell the public little about how schools are performing and progressing, as States with low standards or low proficiency requirements may appear to be doing much better than States with more rigorous standards or higher requirements for proficiency.

(6) As a result, the United States' highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills, and preparedness.

(7) In order for the United States to compete in a global economy, the country needs to strengthen its educational expectations for all children.

(8) To compete, the people of the United States must compare themselves against international benchmarks.

(9) Grounded in a real world analysis and international comparisons of what students

need to succeed in work and college, rigorous and voluntary core American education content standards will keep the United States economically competitive and ensure that the children of the United States are given the same opportunity to learn to a high standard no matter where they reside.

(10) Rigorous and voluntary core American education content standards in mathematics and science will enable students to succeed in academic settings across States while ensuring an American edge in the global marketplace.

SEC. 3. ASSESSING SCIENCE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AUTHORIZATION ACT.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) is amended—

(1) in subsection (a), by striking '', State assessments,'' and inserting ''and State assessments in reading, mathematics, and science'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''science,'' after ''mathematics,'';

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science'';

(ii) in subparagraph (C), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science'';

(iii) in subparagraph (D), by striking ''science,''; and

(iv) in subparagraph (E), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''reading and mathematics'' each place the term occurs and inserting ''reading, mathematics, and science''; and

(ii) in subparagraph (C)(ii), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science''; and

(D) in paragraph (4)(B), by striking '', require, or influence'' and inserting ''or require'';

(3) in subsection (d)(3), by striking ''reading and mathematics'' each place the term occurs and inserting ''reading, mathematics, and science''; and

(4) in subsection (f)(1)(B)(v), by striking ''and mathematical knowledge'' and inserting '', mathematical knowledge, and science knowledge''.

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended—

(1) in section 1111(c)(2) (20 U.S.C. 6311(c)(2))—

(A) by inserting ''(and, for science, beginning with the 2010–2011 school year)'' after ''2002–2003''; and

(B) by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science''; and

(2) in section 1112(b)(1)(F) (20 U.S.C. 6312(b)(1)(F)), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science''.

SEC. 4. DEFINITIONS.

Section 304 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9623) is amended—

(1) in the matter preceding paragraph (1), by striking ''In this title:'' and inserting ''Except as otherwise provided, in this title:'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Education.''.

SEC. 5. VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS; AMERICAN STANDARDS INCENTIVE FUND.

The National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.) is amended—

(1) by redesignating sections 304 (as amended by section 4) and 305 as sections 306 and 307, respectively; and

(2) by inserting after section 303 the following:

''SEC. 304. CREATION OR ADOPTION OF VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS.

''(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act and from amounts appropriated under section 307(a)(3) for a fiscal year, the Assessment Board shall create or adopt voluntary American education content standards in mathematics and science covering kindergarten through grade 12.

''(b) DUTIES.—The Assessment Board shall implement subsection (a) by carrying out the following duties:

''(1) Create or adopt voluntary American education content standards for mathematics and science covering kindergarten through grade 12 that reflect a common core of what students in the United States should know and be able to do to compete in a global economy.

''(2) Anchor the voluntary American education content standards based on the mathematics and science frameworks and the achievement levels under section 303(e) of the National Assessment of Educational Progress for grades 4, 8, and 12.

''(3) Ensure that the voluntary American education content standards reflect international standards of excellence and the latest developments in the fields of mathematics and science.

''(4) Review existing standards in mathematics and science developed by professional organizations.

''(5) Review State standards in mathematics and science as of the date of enactment of the Standards to Provide Educational Achievement for Kids Act and consult and work with entities that are developing, or have already developed, such State standards.

''(6) Review the reports, views, and analyses of a broad spectrum of experts, including classroom educators, and of the public, as such reports, views, and analyses relate to mathematics and science education, including—

''(A) reviews of blue ribbon reports;

''(B) exemplary practices in the field; and

''(C) recent reports by government agencies and professional organizations.

''(7) Review scientifically rigorous studies that examine the relationship between—

''(A) the sequences of secondary school-level mathematics and science courses; and

''(B) student achievement.

''(8) Ensure that steps are taken in the development of the voluntary American education content standards to recognize the needs of students who receive special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and of students who are limited English proficient (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

''(9) Solicit input from State and local representative organizations, mathematics and science organizations (including mathematics and science teacher organizations), institutions of higher education, higher education organizations, business organizations, and other appropriate organizations.

''(10) Ensure that the voluntary American education content standards reflect what students will be required to know and be able to do after secondary school graduation to be academically qualified to enter an institution of higher education or training for the civilian or military workforce.

''(11) Widely disseminate the voluntary American education content standards for public review and comment before final adoption.

''(12) Provide for continuing review of the voluntary American education content standards not less often than once every 10 years, which review—

''(A) shall solicit input from organizations and entities, including—

''(i) 1 or more professional mathematics or science organizations, including mathematics or science educator organizations;

''(ii) the State educational agencies that have received American Standards Incentive Fund grants under section 305 during the period covered by the review; and

''(iii) other organizations and entities, as determined appropriate by the Assessment Board; and

''(B) shall address issues including—

''(i) whether the voluntary American education content standards continue to reflect international standards of excellence and the latest developments in the fields of mathematics and science; and

''(ii) whether the voluntary American education content standards continue to reflect what students are required to know and be able to do in science and mathematics after graduation from secondary school to be academically qualified to enter an institution of higher education or training for the civilian or military workforce, as of the date of the review.

''SEC. 305. THE AMERICAN STANDARDS INCENTIVE FUND.

''(a) DEFINITIONS.—In this section:

''(1) IN GENERAL.—The terms 'elementary school', 'local educational agency', 'professional development', 'secondary school', 'State', and 'State educational agency' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) ACADEMIC CONTENT STANDARDS.—The term 'academic content standards' means the challenging academic content standards described in section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

''(3) LEVELS OF ACHIEVEMENT.—The term 'levels of achievement' means the State levels of achievement under subclauses (II) and (III) of section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii)(II), (III)).

''(4) STATE ACADEMIC ASSESSMENTS.—The term 'State academic assessments' means the academic assessments for a State described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

''(b) ESTABLISHMENT OF FUND.—From amounts appropriated under section 307(a)(4) for a fiscal year, the Secretary shall establish and fund the American Standards Incentive Fund to carry out the grant program under subsection (c).

''(c) INCENTIVE GRANT PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—Not later than 12 months after the Assessment Board adopts the voluntary American education content standards under section 304, the Secretary shall use amounts available from the American Standards Incentive Fund to award, on a competitive basis, grants to State educational agencies to enable each State educational agency to adopt the voluntary American education content standards in

mathematics and science as the core of the State's academic content standards in mathematics and science by carrying out the activities described in subsection (f).

''(2) DURATION AND AMOUNT.—A grant under this subsection shall be awarded—

''(A) for a period of not more than 4 years; and

''(B) in an amount that is not more than $4,000,000 over the period of the grant.

''(3) SEA COLLABORATION PERMITTED.—A State educational agency receiving a grant under this subsection may collaborate with another State educational agency receiving a grant under this subsection in carrying out the activities described in subsection (f).

''(d) CORE STANDARDS.—A State educational agency receiving a grant under subsection (c) shall adopt and use the voluntary American education content standards in mathematics and science as the core of the State academic content standards in mathematics and science. The State educational agency may add additional standards to the voluntary American education content standards as part of the State academic content standards in mathematics and science.

''(e) STATE APPLICATION.—A State educational agency desiring to receive a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

''(1) timelines for carrying out each of the activities described in subsection (f)(1); and

''(2) a description of the activities that the State educational agency will undertake to implement the voluntary American education content standards in mathematics and science adopted under section 304, and the achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress, at both the State educational agency and local educational agency levels, including any additional activities described in subsection (f)(2).

''(f) USE OF FUNDS.—

''(1) MANDATORY ACTIVITIES.—A State educational agency receiving a grant under subsection (c) shall use grant funds to carry out all of the following:

''(A) Adopt the voluntary American education content standards in mathematics and science as the core of the State's academic content standards in mathematics and science not later than 2 years after the receipt of a grant under subsection (c).

''(B) Align the teacher certification or licensure, pre-service, and professional development requirements of the State to the voluntary American education content standards in mathematics and science not later than 3 years after the receipt of the grant.

''(C) Align the State academic assessments in mathematics and science (or develop new such State academic assessments that are aligned) with the voluntary American education content standards in mathematics and science not later than 4 years after the receipt of the grant.

''(D) Align the State levels of achievement in mathematics and science with the student achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress not later than 4 years after the receipt of the grant.

''(E) Develop dissemination, technical assistance, and professional development activities for the purpose of educating local educational agencies and schools on what the standards adopted by the State educational agency under this section are and how the standards can be incorporated into classroom instruction.

''(2) PERMISSIVE ACTIVITIES.—A State educational agency receiving a grant under subsection (c) may use the grant funds to carry out, at the local educational agency or State educational agency level, any of the following activities:

''(A) Developing curricula and instructional materials in mathematics or science that are aligned with the voluntary American education content standards in mathematics and science.

''(B) Conducting other activities needed for the implementation of the voluntary American education content standards in mathematics and science.

''(3) PRIORITY.—In awarding grants under subsection (c), the Secretary shall give priority to a State educational agency that will use the grant funds to carry out subparagraph (A) of paragraph (2).

''(g) AWARD BASIS.—In determining the amount of a grant under subsection (c), the Secretary shall take into consideration—

''(1) the extent to which a State's academic content standards, State academic assessments, levels of achievement in mathematics and science, and teacher certification or licensure, pre-service, and professional development requirements, must be revised to align such State standards, assessments, levels, and teacher requirements with the voluntary American education content standards created or adopted under section 304 and the achievement levels in mathematics and science developed under section 303(e); and

''(2) the planned activities described in the application submitted under subsection (e).

''(h) ANNUAL STATE EDUCATIONAL AGENCY REPORTS.—A State educational agency receiving a grant under subsection (c) shall submit an annual report to the Secretary demonstrating the State educational agency's progress in meeting the timelines described in the application under subsection (e)(1).

''(i) GRANTS FOR DOD AND BIA SCHOOLS.—

''(1) DEPARTMENT OF DEFENSE SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, upon application by the Secretary of Defense, may award grants under subsection (c) to the Secretary of Defense on behalf of elementary schools and secondary schools operated by the Department of Defense to enable the Secretary of Defense to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated by the Department of Defense.

''(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, in consultation with the Secretary of the Interior, may award grants under subsection (c) to the Bureau of Indian Affairs on behalf of elementary schools and secondary schools operated or funded by the Department of the Interior to enable the Director of the Bureau of Indian Affairs to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated or funded by the Department of the Interior.

''(j) STUDY.—Not later than 2 years after the completion of the first 4-year grant cycle for grants under this section, the Commissioner for Education Statistics shall carry out a study comparing the gap between the reported proficiency on State academic assessments and assessments under section 303 for State educational agencies receiving grants under subsection (c), before and after the State adopts the voluntary American education content standards in mathematics and science as the core of the State education content standards in mathematics and science. The study shall—

''(1) include an analysis of, for each State receiving a grant under subsection (c) and for the United States, the gaps in reported proficiency in mathematics and in science before and after the adoption of the voluntary American education content standards, for each grade of students subject to the assessments under section 303; and

''(2) further disaggregate the information described in paragraph (1) by the race, ethnicity, gender, disability status, migrant status, English proficiency, and economically disadvantaged status of the students, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

''(k) DATA GRANTS.—

''(1) PROGRAM AUTHORIZED.—

''(A) IN GENERAL.—From amounts appropriated under section 307(a)(4), the Secretary shall award, to each State educational agency that meets the requirements of paragraph (3), a grant to enhance statewide student level longitudinal data systems as those systems relate to the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

''(B) DATA AUDIT SYSTEM.—The State, through the implementation of such enhanced data system, shall—

''(i) ensure that the State has in place a State data audit system to assess data quality, validity, and reliability; and

''(ii) provide guidance, technical assistance, and professional development to local educational agencies to ensure local education officials and educators have the tools, knowledge, and protocol necessary to use the enhanced data system properly, ensure the integrity of the data, and be able to use the data to inform education policy and practice.

''(2) AMOUNT OF GRANT.—A grant awarded to a State educational agency under this subsection shall be in an amount equal to 5 percent of the amount allocated to the State under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332). If the amounts available from the American Standards Incentive Fund are insufficient to pay the full amounts of grants under this paragraph to all State educational agencies that receive a grant under this subsection, then the Secretary shall ratably reduce the amount of all grants under this subsection.

''(3) REQUIREMENTS.—In order to receive a grant under this subsection, a State educational agency shall—

''(A) have received a grant under subsection (c); and

''(B) successfully demonstrate to the Secretary that the State has aligned—

''(i) the State's academic content standards and State academic assessments in mathematics and science, and the State's teacher certification or licensure, pre-service, and professional development requirements, with the voluntary American education content standards in mathematics and science; and

''(ii) the State levels of achievement in mathematics and science for grades 4, 8, and 12, with the achievement levels in mathematics and science developed under section 303(e) for such grades.

''(4) NATURE OF GRANT.—A grant under this subsection to a State educational agency shall be in addition to any grant awarded to the State educational agency under subsection (c).

''(5) LIMIT ON NUMBER OF GRANTS.—In no case shall a State educational agency receive more than 1 grant under this subsection.

''(l) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act, and every 2 years thereafter, the Secretary shall report to Congress regarding the status of all grants awarded under this section.

''(m) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to establish a preferred national curriculum or preferred teaching methodology for elementary school or secondary school instruction.

''(n) TIMELINE EXTENSION.—The Secretary may extend the 12-year requirement under section 1111(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(F)) by not less than 2 years and by not more than 4 years for a State served by a State educational agency that receives grants under subsections (c) and (k).''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 307(a) of the National Assessment of Educational Progress Authorization Act (as redesignated by section 5(1)) (20 U.S.C. 9624(a)) is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated—

''(1) to carry out section 302, $8,750,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year;

''(2) to carry out section 303, $200,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year;

''(3) to carry out section 304, $3,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year; and

''(4) to carry out section 305, $400,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 181—DESIGNATING JUNE 10, 2009, AS ''NATIONAL PIPELINE SAFETY DAY''

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 181

Whereas there are more than 2,000,000 miles of gas and hazardous liquid pipelines in the United States that are operated by more than 3,000 companies;

Whereas gas and hazardous liquid pipelines play a vital role in the lives of people in the United States by delivering the energy needed to heat homes, drive cars, cook food and operate businesses;

Whereas, during the last decade, significant new pipelines have been built to help move North American sources of oil and gas to refineries and markets;

Whereas, on June 10, 1999, a hazardous liquid pipeline ruptured and exploded in a park in Bellingham, Washington, killing 2 10-year-old boys and a young man, destroying a salmon stream, and causing hundreds of millions of dollars in damage and economic disruption;

Whereas, in response to the pipeline tragedy on June 10, 1999, Congress enacted significant new pipeline safety regulations, including in the Pipeline Safety Improvement Act of 2002 (Public Law 107-355; 116 Stat. 2985) and the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (Public Law 109-468; 120 Stat. 3486);

Whereas, during the last decade, the Pipelines and Hazardous Materials Safety Administration of the Department of Transportation, with support from a diverse group of stakeholders, has instituted a variety of important new rules and pipeline safety initiatives, such as the Common Ground Alliance, pipeline emergency training with the National Association of State Fire Marshals, and the Pipelines and Informed Planning Alliance;

Whereas, even with pipeline safety improvements, in 2008 there were 274 significant pipeline incidents that caused more than $395,000,000 of damage to property and disrupted the economy;

Whereas, even though pipelines are the safest method to transport huge quantities of fuel, pipeline incidents are still occurring, including the pipeline explosion in Edison, New Jersey, in 1994 that left 100 people homeless, the butane pipeline explosion in Texas in 1996 that left 2 teenagers dead, the pipeline explosion near Carlsbad, New Mexico, in 2000 that killed 12 people in an extended family, the pipeline explosion in Walnut Creek, California, in 2004 that killed 5 workers, and the propane pipeline explosion in Mississippi in 2007 that killed a teenager and her grandmother;

Whereas the millions of miles of pipelines are still ''out of sight'', and therefore ''out of mind'' for the majority of people, local governments, and businesses in the United States, a situation that can lead to pipeline damage and a general lack of oversight of pipelines;

Whereas greater awareness of pipelines and pipeline safety can improve public safety;

Whereas a ''National Pipeline Safety Day'' can provide a focal point for creating greater pipeline safety awareness; and

Whereas June 10, 2009, is the 10th anniversary of the Bellingham, Washington, pipeline tragedy that was the impetus for many of the safety improvements described in this resolution and is an appropriate day to designate as ''National Pipeline Safety Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates June 10, 2009, as ''National Pipeline Safety Day'';

(2) encourages State and local governments to observe the day with appropriate activities that promote pipeline safety;

(3) encourages all pipeline safety stakeholders to use the day to create greater public awareness of all the advancements that can lead to greater pipeline safety; and

(4) encourages individuals throughout the United States to become more aware of the pipelines that run through communities in the United States and to encourage safe practices and damage prevention relating to gas and hazardous liquid pipelines.

SENATE RESOLUTION 182—RECOGNIZING THE DEMOCRATIC ACCOMPLISHMENTS OF THE PEOPLE OF ALBANIA AND EXPRESSING THE HOPE THAT THE PARLIAMENTARY ELECTIONS ON JUNE 28, 2009, MAINTAIN AND IMPROVE THE TRANSPARENCY AND FAIRNESS OF DEMOCRACY IN ALBANIA

Mr. KERRY (for himself, Mr. LUGAR, Mrs. SHAHEEN, Mr. CARDIN, Mr. LIEBERMAN, and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 182

Whereas the people of Albania have made extraordinary progress from authoritarian government and a closed market to a democratic government and market economy in less than two decades;

Whereas the Republic of Albania, with the advice and consent of this Senate and the governments of the other member countries, was officially admitted to full membership in the North Atlantic Treaty Organization on April 2, 2009;

Whereas the Thessaloniki Declaration of 2003 confirmed that the countries of the Western Balkans are eligible for accession to the European Union once they have fulfilled the requirements for membership; and

Whereas the Government of Albania has accepted numerous specific commitments governing the conduct of elections as a participating State in the Organization for Security and Cooperation in Europe (OSCE): Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of Albania to fulfill the commitments it has made to the OSCE with respect to the conduct of its upcoming elections, and to ensure that those elections are free and fair;

(2) urges the Government of Albania to expedite the implementation of its voter identification card program to minimize the possibility of disenfranchisement and provide as many cards as possible to eligible voters prior to the election;

(3) commends the positive step taken by the Government of Albania to reduce the cost of the voter ID card significantly and avoid charges of a poll tax; and

(4) expresses its hope that credible democratic elections in Albania will contribute to a strong and stable government responsive to the wishes of the people of Albania and strengthen Albania's standing within NATO and European institutions.

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 the business meeting of the Committee on Energy and Natural Resources that convened on Tuesday, June 9, 2009, will resume on Thursday, June 11, 2009, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending energy legislation.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 11 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 10, 2009 at 2:30 p.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 10, 2009.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 9:45 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, June 10, 2009.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 10, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Continued Importance of the Violence Against Women Act.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 2:30 p.m.,

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 3 p.m.,

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 10, 2009. 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.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. BEGICH. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 2:30 p.m., to conduct a hearing entitled, ''Allegations of Waste, Fraud, and Abuse in Security Contracts at the U.S. Embassy in Kabul.''

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

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2009

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 70, S. 407.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (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, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 407

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 ''Veterans' Compensation Cost-of-Living Adjustment Act of 2009''.

[SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

[(a) RATE ADJUSTMENT.—Effective on December 1, 2009, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2009, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

[(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

[(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

[(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

[(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

[(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

[(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

[(c) DETERMINATION OF INCREASE.—

[(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2009, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

[(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

[(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

[(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2010.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2009''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2009, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2009, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit

amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2009, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2010.

SEC. 3. CODIFICATION OF 2008 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''$117'' and inserting ''$123'';

(2) in subsection (b), by striking ''$230'' and inserting ''$243'';

(3) in subsection (c), by striking ''$356'' and inserting ''$376'';

(4) in subsection (d), by striking ''$512'' and inserting ''$541'';

(5) in subsection (e), by striking ''$728'' and inserting ''$770'';

(6) in subsection (f), by striking ''$921'' and inserting ''$974'';

(7) in subsection (g), by striking ''$1,161'' and inserting ''$1,228'';

(8) in subsection (h), by striking ''$1,349'' and inserting ''$1,427'';

(9) in subsection (i), by striking ''$1,517'' and inserting ''$1,604'';

(10) in subsection (j), by striking ''$2,527'' and inserting ''$2,673'';

(11) in subsection (k)—

(A) by striking ''$91'' both places it appears and inserting ''$96''; and

(B) by striking ''$3,145'' and ''$4,412'' and inserting ''$3,327'' and ''$4,667'', respectively;

(12) in subsection (l), by striking ''$3,145'' and inserting ''$3,327'';

(13) in subsection (m), by striking ''$3,470'' and inserting ''$3,671'';

(14) in subsection (n), by striking ''$3,948'' and inserting ''$4,176'';

(15) in subsections (o) and (p), by striking ''$4,412'' each place it appears and inserting ''$4,667'';

(16) in subsection (r), by striking ''$1,893'' and ''$2,820'' and inserting ''$2,002'' and ''$2,983'', respectively; and

(17) in subsection (s), by striking ''$2,829'' and inserting ''$2,993''.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking ''$142'' and inserting ''$150'';

(2) in subparagraph (B), by striking ''$245'' and ''$71'' and inserting ''$259'' and ''$75'', respectively;

(3) in subparagraph (C), by striking ''$96'' and ''$71'' and inserting ''$101'' and ''$75'', respectively;

(4) in subparagraph (D), by striking ''$114'' and inserting ''$120'';

(5) in subparagraph (E), by striking ''$271'' and inserting ''$286''; and

(6) in subparagraph (F), by striking ''$227'' and inserting ''$240''.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking ''$677'' and inserting ''$716''.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking ''$1,091'' and inserting ''$1,154''; and

(B) in paragraph (2), by striking ''$233'' and inserting ''$246''.

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

''Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$1,154	W–4	$1,380
E–2	$1,154	O–1	$1,219
E–3	$1,154	O–2	$1,260
E–4	$1,154	O–3	$1,347
E–5	$1,154	O–4	$1,427
E–6	$1,154	O–5	$1,571
E–7	$1,194	O–6	$1,771
E–8	$1,260	O–7	$1,912
E–9	[1]$1,314	O–8	$2,100
W–1	$1,219	O–9	$2,246
W–2	$1,267	O–10	[2]$2,463
W–3	$1,305		

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,419.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,643.''.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

(A) in subsection (b), by striking ''$271'' and inserting ''$286'';

(B) in subsection (c), by striking ''$271'' and inserting ''$286''; and

(C) in subsection (d), by striking ''$128'' and inserting ''$135''.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking ''$462'' and inserting ''$488'';

(B) in paragraph (2), by striking ''$663'' and inserting ''$701'';

(C) in paragraph (3), by striking ''$865'' and inserting ''$915''; and

(D) in paragraph (4), by striking ''$865'' and ''$165'' and inserting ''$915'' and ''$174'', respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking ''$271'' and inserting ''$286'';

(B) in subsection (b), by striking ''$462'' and inserting ''$488''; and

(C) in subsection (c), by striking ''$230'' and inserting ''$243''.

(f) DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE TO PARENTS.—Section 1315 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''$163'' and inserting ''$569''; and

(B) in paragraph (3), by striking ''$4,038'' and inserting ''$13,456'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''$115'' and inserting ''$412''; and

(B) in paragraph (3), by striking ''$4,038'' and inserting ''$13,456'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''$109'' and inserting ''$387''; and

(B) in paragraph (3), by striking ''$5,430'' and inserting ''$18,087''; and

(4) in subsection (g), by striking ''$85'' and inserting ''$308''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2008.

Mr. BEGICH. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed; that the committee-reported title amendment be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 407), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title amendment was agreed to, as follows:

A Bill to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in 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, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

DISCHARGE AND REFERRAL—S. 1122

Mr. BEGICH. Mr. President, I ask unanimous consent that the bill S. 1122

be discharged from the Committee on Agriculture, Nutrition, and Forestry, and that it be referred to the Committee on Energy and Natural Resources.

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

MEASURES READ THE FIRST TIME—S. 1232 AND H.R. 2751

Mr. BEGICH. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the titles of the bills.

The legislative clerk read as follows:

A bill (S. 1232) to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

A bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

Mr. BEGICH. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

Mr. BEGICH. 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. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDERS FOR THURSDAY, JUNE 11, 2009

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, June 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; that following morning business, the Senate resume consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, with the time until 2:30 p.m. equally divided and controlled between Senators DODD and ENZI or their designees; that at 2:30 p.m., all postcloture debate time has expired, the Senate proceed to vote on the passage of the bill, with no intervening action or debate.

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

PROGRAM

Mr. BEGICH. Mr. President, tomorrow at approximately 2:30 p.m., the Senate will proceed to a rollcall vote on passage of the FDA tobacco legislation.

ORDER FOR ADJOURNMENT

Mr. BEGICH. Mr. President, following the remarks of Senator CHAMBLISS, I ask unanimous consent that the Senate adjourn under the previous order.

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

RECOGNIZING COACH SUZANNE YOCULAN

Mr. CHAMBLISS. Mr. President, I rise tonight to recognize a very special Georgian. Suzanne Yoculan just retired as the coach of the women's gymnastic program at the University of Georgia.

Coach Yoculan is a graduate of Penn State University, and she was named head coach of the University of Georgia gymnastics team in 1983. The team, under her leadership, has been nothing short of spectacular. During her 26 years at the helm, Georgia's gymnastics team, or the Gym Dogs, as they are affectionately referred to, have posted a meet record of 831 wins, 117 losses, and 7 ties, for a winning percentage of .870—pretty spectacular.

Let me list the accomplishments the Gym Dogs have achieved under the leadership of Coach Yoculan: Four undefeated seasons: 1993, 1998, 1999, and 2006. Her teams have finished in the top three in the Nation 19 out of the last 21 years. They have also been a part of the Super Six, the final six NCAA teams every year since the format was introduced in 1993, and have never missed the NCAA women's gymnastics competition. She was Southeastern Conference Women's Gymnastics Coach of the Year in 1986, 1987, 1999, 2001, 2002, 2004, 2008, and 2009. She was the NCAA Women's Gymnastics Coach of the Year in 1987, 1993, 1998, 2006, and 2008. Under her leadership, the Gym Dogs won 21 regional NCAA titles, and they won 16 Southeastern Conference championships and 10 NCAA women's championships, including in the years 2005, 2006, 2007, 2008, and 2009. Yes, that is right—the last 5 years in a row, under Coach Yoculan's leadership, our Gym Dogs have won the national championship each and every year.

This year, in April, the team competed in the NCAA match at the Bob Devaney Center in Lincoln, NE. After a slow start, Coach Yoculan gathered the team in the locker room, gave them a pep talk, and demanded, as she always does, an awful lot from her lady athletes. And did they ever respond in a very positive way. They came down the stretch with several different 10s on various platforms and won the national championship for the fifth consecutive time.

Coach Yoculan made this statement after the meet:

It is really a magical team that has so much fortitude and just love for the sport and passion, and they never quit. I feel blessed, and I actually lived it every day being around them, and that is the thing I am going to miss the most.

Well, those of us who are Bulldogs feel blessed to have had Suzanne Yoculan as our gymnastics coach for the last 26 years. We congratulate her on a very successful career, and certainly we wish her the best in wherever life may take her from here.

GUANTANAMO BAY

Mr. CHAMBLISS. Mr. President, next I rise to speak about the terrorists being held at Guantanamo Bay naval facility, or Gitmo. There are over 240 terrorists in U.S. custody at the military detention facility in Guantanamo Bay, Cuba, today. Let me describe some of the individuals who reside at Guantanamo.

First, Khalid Shaikh Mohammed, or KSM, is the self-proclaimed and quite unapologetic mastermind of the 9/11 attacks. KSM admitted he was the planner of 9/11 and other planned, but foiled, attacks against the United States. In his combatant status review board, he admitted that he swore allegiance to Osama bin Laden, was a member of al-Qaida, was the military operational commander for all foreign al-Qaida operations, and much more. KSM and four other detainees who are charged with conspiring to commit terrible 9/11 attacks remain at Guantanamo today. In addition, Gitmo houses Abd al-Rahim al-Nashiri, who was responsible for the October 2000 USS Cole bombing which murdered 17 U.S. sailors and injured 37 others. Also residing at Gitmo are Osama bin Laden's personal bodyguards, al-Qaida's terrorist camp trainers, al-Qaida bomb makers, and individuals picked up on the battlefield with weapons trying to kill American soldiers—our young men and women who patriotically serve their country. The detainees at Guantanamo are some of the most senior, hardened, and dangerous al-Qaida figures we have captured.

In May, just 3 weeks ago, the Senate voted 90 to 6 to prohibit any of these hardened terrorists from being brought to the United States. Despite this clear objection, the administration transferred one detainee, Ahmed Ghailani, to New York City yesterday. He is facing charges in the Southern District of New York for his role in the August 7, 1998, bombings of two U.S. Embassies in Africa.

Some of my colleagues in the Senate have touted this as an example of how we can bring criminal charges against the Gitmo detainees and try them in our courts. However, no one has pointed out that Ghailani was indicted on

March 12, 2001, a full 6 months prior to the terrorist attacks of 9/11 and after a full investigation by the Federal Bureau of Investigation. The case against Ghailani was built long before he was transferred to Gitmo in 2006. To imply that other detainees, many of whom the FBI has never investigated or collected evidence against, may similarly be prosecuted in U.S. courts is naive.

The President, in announcing the closing of Guantanamo Bay in January of this year, failed to come forward with a plan to tell the American people what he intended to do with the rest of the remaining prisoners being held in that facility. Americans are outraged about the fact that there is now the potential for those individuals to be transferred to the United States and the possibility that some of them may be released into American society.

The reaction of the administration to the outcry from the American people and to the outcry from Members of this body has been: Well, we are going to work this out. We are going to get people to take these individuals.

Well, needless to say, the previous administration had been trying to get folks to allow the return of their countrymen who are housed at Guantanamo for years, and they were not successful. That is why we still have 241 detainees at Guantanamo.

Yesterday, there was an announcement that 17 Uighurs, or Chinese terrorists, are going to be sent to the country of Palau. I doubt there are many Americans who can even tell you where Palau is. It turns out it is a country containing many islands somewhere out in the Pacific, not far from the Philippines.

In order to get Palau to take these 17 Uighurs, the Obama administration has committed to paying that country $200 million or, if my calculation is correct, about $11,764,705 per individual. A pretty good payment for taking these prisoners.

If that is the standard we are going to be using and the precedent we are now setting, you can figure the numbers to look at how much money it is going to cost us to transfer these remaining prisoners to other countries.

Guantanamo is a symbolic issue for many people around the world. I am not one who is going to stand here and say we should not close it. Obviously, there should be some long-range plan to get us out of Guantanamo and to ultimately close it. But without the administration coming forward with a plan, the American people are deservedly outraged at the fact that these individuals may be transferred to criminal facilities in the United States. They, thus, become eligible for all rights of individuals who are housed on U.S. domestic soil, including the right of habeas corpus, and, thus, because not in every case have our soldiers been able to look a guy in the eye who has a rifle in his hand and who is shooting at him, but they are able to disarm him and take the weapon away from him, they don't have the opportunity to gather evidence on the battlefield and to bag up all that evidence and take the time to write down names of witnesses who saw the activity on the battlefield. So there is the potential that some of these individuals might ultimately be successful in a habeas corpus action, be set free by some judge in a U.S. court and, thus, be eligible to be ingratiated into U.S. society.

A couple weeks ago, I filed a bill in the Senate which prohibits, No. 1, any detainee at Guantanamo from being transferred to the United States. The administration has already breached that, and that is why it is more important than ever we consider this bill.

But more importantly, if the President exercises other powers that he has outside of what may be even enacted into law, constitutional powers he may have, and brings these individuals into the United States, my bill will prohibit any opportunity for any of these individuals who are now housed at Guantanamo from ever being released into the society of the United States.

I sought to get this bill up as an amendment to the supplemental, but, unfortunately, my friends on the other side of the aisle saw it in a different way and would not let my amendment come up. We are going to be back. We are going to have this bill up either as a standalone bill or as an amendment at the next opportunity to make sure we do everything we can as Members of the Senate who voted 90 to 6 to not bring these individuals from Guantanamo to the United States, to again have the opportunity to vote on this issue and to make sure that not only do we not bring them here, but that if by some quirk the President decides we ought to bring them here and does so, then there is never the opportunity for those individuals to be released into the United States, into any of our communities, irrespective of where they may reside.

I simply will close tonight and say this is a very serious issue that, in fact, is being considered by the conferees tonight, I understand, on the supplemental that we voted on a couple weeks ago. The language that was agreed to by that 90-to-6 vote may be in jeopardy. Democrats may be trying to pull that particular provision out of the supplemental and to, thereby, not have language in there that would prohibit these individuals from coming into our country.

I think that is certainly against the will of the American people, it is certainly against the will of the Senate in a big way, and I think would be a huge mistake.

I look forward to continuing the debate on this issue. I look forward to our bill coming up, either in the form of a standalone bill or in the form of an amendment because this is an issue that is not going away until we figure out a way to deal with these individuals who are incarcerated at Guantanamo in a lawful manner as enemy combatants and that we figure out a way to deal with them on a long-term basis that ultimately will allow us to leave Guantanamo and close that facility.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER (Mr. BEGICH). Under the previous order, the Senate stands adjourned until June 11 at 10 a.m.

Thereupon, the Senate, at 7:16 p.m., adjourned until Thursday, June 11, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE INTERIOR

ROBERT V. ABBEY, OF NEVADA, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE JAMES L. CASWELL, RESIGNED.

DEPARTMENT OF STATE

TIMOTHY J. ROEMER, OF INDIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2011. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

SUSAN MARIE CARL, OF ALASKA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

LANDON A. LOOMIS, OF LOUISIANA
KEENTON C. LUONG, OF CALIFORNIA
MEGAN A. SCHILDGEN, OF MARYLAND

DEPARTMENT OF STATE

KARL MILLER ADAM, OF TEXAS
ANJUM F. AKHTAR, OF CALIFORNIA
ELIZABETH ANN ALBIN, OF TEXAS
MARK K. ANTOINE, OF VIRGINIA
JULIA ELIZABETH APGAR, OF THE DISTRICT OF COLUMBIA
DANIEL PATRICK ARAGÓN, OF VERMONT
KARLA ASCARRUNZ, OF VIRGINIA
NATHAN D. AUSTIN, OF WASHINGTON
DINA A. BADAWY, OF CALIFORNIA
FRANCOISE I. BARAMDYKA, OF CALIFORNIA
ASHLEY CHANTÉL BARRINER-BYRD, OF PENNSYLVANIA
MATTHEW BAUMGARDT, OF THE DISTRICT OF COLUMBIA
BRIAN PAUL BECKMANN, OF MINNESOTA
FRITZ BERGGREN, OF WASHINGTON
KATHRYN W. BONDY, OF GEORGIA
ROXANA BOTEA, OF VIRGINIA
A. STEPHANIE BRANCAFORTE, OF VIRGINIA
JENNIFER LEIGH BRIDGERS, OF GEORGIA
THEODORE BROSIUS, OF THE DISTRICT OF COLUMBIA
ANNMARIE E. BRUEN, OF VIRGINIA
MICHAEL WILLIAM CAMPBELL, OF MARYLAND
JESSICA CHESBRO, OF OREGON
HENRY K. CLARK, OF MARYLAND
BIANCA M. COLLINS, OF VIRGINIA
PATRICIA A. CONNELLEY, OF VIRGINIA
JUSTIN JOHN COOK, OF VIRGINIA
ANTON M. COOPER, OF WASHINGTON
EDWARD KENNETH CORRIGAN IV, OF VIRGINIA
ANN MARIE COTE, OF MICHIGAN
ANDREW J. CURIEL, OF CALIFORNIA
DOUGLAS M. DISABELLO, OF VIRGINIA
JENNY R. DONADIO, OF VIRGINIA
NICK DONADIO, OF VIRGINIA
COLIN C. DREIZIN, OF CALIFORNIA
JENNIFER G. DUCKWORTH, OF THE DISTRICT OF COLUMBIA
THOMAS A. DUVAL, OF MASSACHUSETTS
AMY E. EAGLEBURGER, OF NORTH CAROLINA
JEREMY EDWARDS, OF TEXAS
JEFFREY E. ELLIS, OF WASHINGTON
SHANNON M. EPPS, OF VIRGINIA

JOHN C. ETCHEVERRY, OF VIRGINIA
KAREN J. FACKLER, OF VIRGINIA
SARAH L. FALLON, OF WISCONSIN
CRAIG J. FERGUSON, OF THE DISTRICT OF COLUMBIA
DYLAN THOMAS FISHER, OF THE DISTRICT OF COLUMBIA
THEODORE J. FISHER, OF CALIFORNIA
CHARLES FOUTS, OF CALIFORNIA
CALVIN C. FRANCIS, OF VIRGINIA
RYAN EASTMAN GABRIEL, OF VIRGINIA
ROBERT A. GAUTNEY, OF VIRGINIA
JOSEPH MARTIN GERAGHTY, OF THE DISTRICT OF COLUMBIA
JOHN DREW GIBLIN, OF GEORGIA
STEPHANIE SNOW GILBERT, OF OKLAHOMA
MARK T. GOLDRUP, OF CALIFORNIA
AMIT RAGHAVJI GOSAR, OF VIRGINIA
JOHN JAKE GOSHERT, OF NEW YORK
FORREST GRAHAM, OF MISSISSIPPI
ANDREA M. GRIMSTE, OF VIRGINIA
ANDREW HARROP, OF VIRGINIA
JESSICA A. HARTMAN, OF VIRGINIA
NICKOLAUS HAUSER, OF TEXAS
STEPHANIE MARIE HAUSER, OF FLORIDA
MARK E. HERNANDEZ, OF VIRGINIA
BENJAMIN G. HESS, OF NORTH CAROLINA
EDWARD T. HICKEY, OF THE DISTRICT OF COLUMBIA
JEAN HILLER, OF VIRGINIA
ALAN PAUL HOLMES, OF VIRGINIA
MARCIA ELIZABETH HOUSE, OF GEORGIA
BRENT W. ISRAELSEN, OF UTAH
WILLIAM JAMIESON, OF VIRGINIA
JAMES TAYLOR JOHNSON, OF VIRGINIA
LINDA M. JOHNSON, OF THE DISTRICT OF COLUMBIA
LUKE STEVEN JOHNSON, OF VIRGINIA
EMMIT A. JONES, OF VIRGINIA
PENELOPE R. JUSTICE, OF VIRGINIA
RACHEL Y. KALLAS, OF WISCONSIN
STEPHANIE KANG, OF MISSOURI
ARTHUR KEATING, OF VIRGINIA
WESLEY C. KELLY, OF VIRGINIA
MATTHEW DEFERREIRE KEMP, OF VIRGINIA
WILLIAM B. KINCAID, OF THE DISTRICT OF COLUMBIA
JERRAH M. KUCHARSKI, OF PENNSYLVANIA
ATHENA KWEY, OF CALIFORNIA
JAMES LAMSON, OF VIRGINIA
DAWSON EDWARD LAW, OF MONTANA
KATHERINE MAUREEN LEAHY, OF NEW JERSEY
ADAM J. LEFF, OF THE DISTRICT OF COLUMBIA
RONG LI, OF MAINE
MICHAEL LIES, OF THE DISTRICT OF COLUMBIA
ELIZABETH ANGELA LITCHFIELD, OF ILLINOIS
QIN P. LLOYD, OF VIRGINIA
PAUL A. LONGO, OF THE DISTRICT OF COLUMBIA
LOUIS T. MANARIN, OF VIRGINIA
CHRISTA LEORA MATTHEWS, OF VIRGINIA
JENNIFER L. MCANDREW, OF TEXAS
DANIEL CRAIG MCCANDLESS, OF PENNSYLVANIA
VICKI H. MCDANAL, OF VIRGINIA
LAYANNA K. MCLEOD, OF VIRGINIA
DANIEL E. MEHRING, OF CALIFORNIA
KRISTEN ANN MERRITT, OF CALIFORNIA
STERLING MICHOLS, OF NEVADA
RACHEL I. MIHM, OF VIRGINIA
KENNETH W. MILLER, OF VIRGINIA
ZACHARY J. MILLIMET, OF VIRGINIA
SCOTT J. MILLS, OF NORTH CAROLINA
ERIC CHARLES MOORE, OF MINNESOTA
KRISTY M. MORDHORST, OF TEXAS
MICHAEL K. MORTON, OF VIRGINIA
TIMOTHY P. MURPHY, OF WEST VIRGINIA
TIMOTHY M. NEWELL, OF VIRGINIA
SCOTT A. NORRIS, OF FLORIDA
SARAH OH, OF NEW YORK
MARK J. OLIVER, OF VIRGINIA
JAMES PAUL O'MEALIA, OF NEW JERSEY
IRENE IJEOMA ONYEAGBAKO, OF NEVADA
ERIK GRAHAM PAGE, OF SOUTH CAROLINA
TIMOTHY J. PENDARVIS, OF KANSAS
VALERIE PETITPREZ-HORTON, OF VIRGINIA
MARLENE H. PHILLIPS, OF VIRGINIA
MICHAEL P. PICARIELLO, OF VIRGINIA
HEIDI M. PICHLER, OF VIRGINIA
ARCHANA PODDAR, OF MASSACHUSETTS
STACEY D. PRICE, OF MARYLAND
A. LARISSA PROCTOR, OF PENNSYLVANIA
ERIN RAMSEY, OF NORTH CAROLINA
JERAMEE C. RICE, OF TENNESSEE
JAMES THOMAS RIDER, OF MICHIGAN
SYED-KHALID RIZVI, OF MARYLAND
JENNIFER W. ROBERTSON, OF VIRGINIA
MARK ROBERTSON, OF VIRGINIA
CHRISTOPHER M. ROGERS, OF VIRGINIA
DELBERT A. ROLL, OF VIRGINIA
TRAVIS D. RUTHERFORD, OF VIRGINIA
LISA A. SALAMONE, OF ARIZONA
DUSTIN F. SALVESON, OF UTAH
LEE ERIC SCHENK, OF THE DISTRICT OF COLUMBIA
JANELLE L. SCHWEHR, OF VIRGINIA
JONATHAN C. SCOTT, OF CALIFORNIA
VIKRUM SEQUEIRA, OF TEXAS
MIHAIL DAVID SEROHA, OF FLORIDA
MUHAMMAD RASHID SHAHBAZ, OF NEW YORK
GEORGE BRANDON SHERWOOD, OF NORTH CAROLINA
NATALYA C. SIMI, OF VIRGINIA
GWENDOLYNNE M. SIMMONS, OF FLORIDA
NATHAN R. SIMMONS, OF IDAHO
CHRISTOPHER JAMES SINAY, OF VIRGINIA
NISHA DILIP SINGH, OF THE DISTRICT OF COLUMBIA
MATTHEW SIREN, OF VIRGINIA
KIMBERLY L. SKOGLUND, OF VIRGINIA
JEREMY DANIEL SLEZAK, OF NEW JERSEY
ERIC ANTHONY SMITH, OF THE DISTRICT OF COLUMBIA
VORONIQUE E. SMITH, OF CALIFORNIA
ABIGAIL ANNE DAVIS SPANBERGER, OF VIRGINIA
WESLEY R. ST. ONGE, OF VIRGINIA
KRISTEN MARIE STOLT, OF ILLINOIS
ANNA AMALIA TAYLOR, OF VIRGINIA
JOHN MANNING THOMAS, OF THE DISTRICT OF COLUMBIA
ELISABETH SPIEKERMANN THORNTON, OF VIRGINIA
SARAH M. TRUETTNER, OF VIRGINIA
ANDREA TULLY, OF VIRGINIA
MARC E. TURNER, OF VIRGINIA
TIMOTHY J. USELMANN, OF VIRGINIA
ANNETTE VANDENBROEK, OF WISCONSIN
CHAD R. WAGNER, OF VIRGINIA
MARISA CORRADO WALSH, OF VIRGINIA
MICHAEL JAMES WAUTLET, OF COLORADO
MATTHEW HARRIS WELCH, OF VIRGINIA
GEOFFREY DAVID WESSEL, OF NORTH CAROLINA
AMOS A. WETHERBEE, OF MASSACHUSETTS
GARRETT E. WILKERSON, OF OREGON
STEVE J. WINGLER, JR., OF GEORGIA
JOHN ANTHONY GERHARD YODER, OF VIRGINIA
MARGARET ANNE YOUNG, OF MISSOURI
MELISSA B. ZELLNER, OF ILLINOIS

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN J. KIM, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE JUNE 22, 2008:

DALE N. TASHARSKI, OF TENNESSEE

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, June 10, 2009:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DOUGLAS M. FRASER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. STANLEY A. MCCHRYSTAL

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. JAMES G. STAVRIDIS

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

A TRIBUTE IN RECOGNITION OF LAURAINE FERRIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Lauraine Ferris, an active community member with more than twenty years of experience in social services.

Lauraine Ferris, a graduate of the John Jay College of Criminal Justice, is currently the Assistant Director of the Rose McCarthy Family Residence in the East New York section of Brooklyn. Ms. Ferris and her staff assist families with obtaining the necessary life skills to achieve and obtain independent living.

Lauraine Ferris also possesses a vibrant, creative spirit that thrives on the performing arts. Ms. Ferris is an accomplished actress, dancer, and model, winning several pageants. She shares her talents with the youth and seniors of her community, donating her time to teach African/modern dance.

Madam Speaker, I would like to recognize Lauraine Ferris, someone whose ability to help her neighbors back on their feet through social services and through dance is an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Lauraine Ferris.

HONORING THE U.S. BORDER PATROL ON ITS 85TH ANNIVERSARY

SPEECH OF

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mr. MCCAUL. Mr. Speaker, as the lead Republican sponsor of this resolution I would like to thank the gentleman from New Mexico, Congressman TEAGUE, as well as Chairman REYES for all of their work on putting together this legislation.

The U.S. Border Patrol has been keeping this country safe from threats like terrorists, illicit drugs, weapons, illegal immigrants and criminals for 85 years. I would like to thank the border patrol and I commend them for their service.

In the early 20th century, control of the border was sporadic and piecemeal and included mounted guards, Texas Rangers, and military troops. After the prohibition of alcohol and the immigration reforms of 1921 and 1924, the Labor Appropriations Act of 1924 officially established the U.S. Border Patrol with an initial force of 450 officers to help defend our borders.

Today the Border Patrol uses state of the art technologies to aid in the performance of their duties; infrared cameras, remote video surveillance, unattended underground sensors, and ground radar.

CBP is responsible for guarding nearly 7,000 miles of land border the United States shares with Canada and Mexico and 2,000 miles of coastal waters surrounding the Florida peninsula and off the coast of Southern California. The agency also protects 95,000 miles of maritime border in partnership with the United States Coast Guard.

I would like to praise for their tireless efforts the 52,000 CBP employees including the over 18,000 CBP Border Patrol agents, 1,000 CBP Air and Marine agents, almost 22,000 CBP officers and agriculture specialists and the nation's largest law enforcement canine program.

I would also like to pay particular tribute to the 104 CBP employees who lost their lives in service to their country.

In sum, CBP performs the vital task of securing America's borders 24 hours a day, seven days a week while facilitating legitimate trade and travel. I congratulate them on their 85th anniversary and I urge my colleagues to vote in favor of this Resolution.

RECOGNIZING CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mrs. MILLER of Michigan. Mr. Speaker, today I rise in support of H. Res. 410. This resolution commends the recreational boating industry and boating community for their sizable contribution to the economy of United States, and for their stewardship of the environment.

There are more than 59 million boaters in the United States today, helping to generate $33 billion dollars annually in economic activity. As a result, the boating industry supports an estimated 337,000 employees, who manufacture and sell boats and operate the harbors and marinas. The goods and services purchased to build and maintain boats come from each of the fifty states. Therefore, boating does not only help the water regions of our country, but benefits America as a whole.

That having been said, the boating industry and community are especially important to Michigan and to Michigan's economy. They provide invaluable assets to my district, which has Lakes Huron and St. Clair and the St. Clair River on its eastern border. Boating is not just an important recreational opportunity; for many, life on the water becomes a way of life. The impact of boating spills over into other sectors of the economy like tourism and hospitality industries.

Unfortunately, when the economy falters, it is often the recreational boating industry that feels the impact first. Many people think of boating as a recreation for only the rich, but in Michigan we know that is simply not the case. The people who make the boating industry what it is are the working class individuals who spend their weekends out on the water with friends and family. When those people face economic challenges, you will find that the boating industry does as well.

In this climate, the boating industry is facing some difficult times, nowhere more difficult than in the state of Michigan. In Michigan, we were once the number one state in terms of total boat registrations, but we have since slipped to fourth. Given the challenges that have faced the Michigan economy over the last few years, this is no surprise. The boat manufacturers, dealers, and marina operators should all be commended for their efforts to keep going through this economic period.

Since coming to Congress, I have worked to promote issues that are important to maintaining a thriving and profitable boating industry. I am proud to co-chair of the Congressional Boating Caucus with GENE TAYLOR, and together we have worked on a number of issues to help the boating industry weather the storms that have come its way. This resolution will acknowledge the contributions of the boating industry as they fight through this difficult time.

I urge all of you to please join with me in supporting this bi-partisan initiative to recognize our boaters and recommend that President Obama issue a proclamation calling for the observation of National Boating Day.

TRIBUTE TO DR. ROBERT MILLIS ON HIS RETIREMENT FROM THE LOWELL OBSERVATORY

HON. ANN KIRKPATRICK

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mrs. KIRKPATRICK of Arizona. Madam Speaker, I would like to pay tribute to Dr. Robert L. Millis who is retiring as director of the Lowell Observatory in Flagstaff, Arizona. During his tenure, Dr. Millis oversaw the Lowell Observatory—one of only a handful of private, independent research observatories in the United States—quadruple its staff, increase visitation tenfold, and construct major new facilities including the Steele Visitor Center, the McAllister Public Observatory, the John M. Wolff instrument facility, and, most recently, the 4.2-meter Discovery Channel Telescope now under construction in Northern Arizona.

As a researcher at Lowell, Dr. Millis concentrated on smaller bodies of the Solar System: asteroids, comets, planetary satellites, Pluto, and objects orbiting on the edges of our Solar System. Dr. Millis was a member of several two-person teams that discovered the rings of Uranus, noted periodic variation in the activity of Comet Halley, and proved the existence of an extended atmosphere on Pluto. He also led a multi-institutional team—the Deep Ecliptic Survey—in an eight-year endeavor to explore the region of the Solar System beyond the orbit of Neptune. That venture resulted in

the discovery of approximately half the currently known objects in the area known as the Kuiper Belt.

Dr. Millis will remain an active pillar of the Flagstaff community. He will work with Flagstaff-area business leaders committed to improving the greater Flagstaff area and the State of Arizona by bringing together talent and resources to provide leadership on economic and quality of life issues in the region. I wish Dr. Millis the best of luck and look forward to seeing the greater Flagstaff community benefit from the energy and leadership that Dr. Millis provided to the Lowell Observatory for the past 40 years.

A TRIBUTE IN RECOGNITION OF OFFICER JOSE ENRIQUE VERA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Officer Jose Enrique Vera, a trusted community partner in Brooklyn's safety.

Officer Vera, a native of La Ceiba, Honduras, migrate with his family to the United States in 1975 at the age of 12. He attended the August Martin High School in Queens, New York, graduated from Farmingdale State University with a major in Business Administration, and graduated from the Police Academy in 1991.

Officer Vera was the assigned to the 80th Precinct in the Clinton Hill section of Brooklyn. He later worked in Brooklyn South Borough and the 84th Precinct.

Officer Vera now works on the Community Affairs Bureau, where he has expanded his role in working with the community as a Brooklyn North Crime Prevention Liaison, educating the community on personal safety and identity theft.

Madam Speaker, I would like to recognize Officer Jose Enrique Vera, an individual committed to bringing diverse communities together and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Officer Jose Enrique Vera.

HONORING MARTIN KAIDO FOR HIS APPOINTMENT TO THE UNITED STATES MILITARY ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Martin Kaido from Marietta, Georgia, has received an appointment to the United States Military Academy.

For the past year, Martin has attended West Point's Preparatory School in Fort Monmouth, New Jersey. Martin worked very hard during his year in prep school, and the results speak for themselves.

Before the prep school, Martin attended St. Pius X Catholic High School. Martin was very involved athletically at St. Pius, participating in both wrestling and football, and has continued to excel in sports at the West Point Prep School. In addition to his scholastic and athletic achievements, Martin has also attained the rank of Eagle Scout and has even served as an assistant scoutmaster.

Further, Martin is very involved with his church, where he serves as a Faith Formation Teacher, a Eucharistic Minister, an Atlanta Chorister's Guild Camp Counselor, and participates in the Church Teen Group. He also volunteers for the St. Francis Table, the St. Vincent de Paul Thrift Store, and Habitat for Humanity.

Martin Kaido is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Military Academy. I ask that my colleagues take this time to congratulate Martin as well as his parents, Michael and Mary Kaido, for his accomplishments. It is because of dedicated young people like Martin that America has the finest military in the world. Our Nation is fortunate to have his service.

FLAG DAY JUNE 14, 2009

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. RAHALL. Madam Speaker, the 14th of June is an important day for all Americans, the day we celebrate the American Flag. The American Flag is a proud and prominent symbol of our great Nation and celebrating this important icon shows respect for the millions of Americans who consider the flag a representation of our nation's most fundamental traditions and beliefs.

As a member of Congress, I feel great pride when I see our striking stars and stripes flying over the majestic United States Capitol. Whether the Flag is flying among the mountains of southern West Virginia or above our nation's capitol, it is a sign of our nation's commitment to working together across our vast and diverse land to create one great nation. Our flag flies in every state and around the World at our embassies in foreign lands.

Today, the flag consists of thirteen horizontal stripes, seven red, alternating with six white, reminding us always of our Nation's humble beginnings as just thirteen colonies. The stars illustrate our one country with 50 independent and unique states each with a separate state government. Together, the stars and stripes reflect our efforts to create a unified nation with united principles joined together under one Flag for over 200 years.

In 1947, President Harry S. Truman signed legislation requesting National Flag Day become an annual event, and since that day we have been celebrating our stately Flag every year.

On Capitol Hill, the United States Flag is celebrated everyday. Flags are flown over the Capitol each day of the year in honor of birthdays, retirements, and, as well as in the memory of loved ones lost. These flags are then shipped directly from congressional offices with an official certificate from the Architect of the Capitol, declaring the date and occasion for which the flag was flown.

I ask that you join me in supporting House Resolution 420, thereby celebrating this American symbol, honoring our country, our men and women who have served and are currently serving in the United States Armed Forces, our veterans who bravely fought beneath flag, and all citizens who proudly fly the American Flag to show their support for our great country, and the ideals this great Flag represents.

ON THE PASSAGE OF H.R. 2200, THE TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mrs. MALONEY. Madam Speaker, today I rise to voice my concerns with the Transpotion Security Administration Authorization Act. While I supported this bill, I would like to make clear that I had concerns with the air cargo security language contained in Section 201 of H.R. 2200 and hope that as the bill moves forward that this provision is changed.

The 9/11 Commission recommended that the Transportation Security Administration (TSA) be given the necessary staff and funding in order to screen 100 percent of all air cargo by August, 2010. Currently there are serious deficiencies in the screening of inbound air cargo, which accounts for nearly half of the air cargo carried on passenger airplanes each year. Section 201 of H.R. 2200 creates a significant delay of two years until 100 percent of cargo must be screened from the enactment of this bill, even though there was a year left on the original deadline as passed when Congress implemented the 9/11 Commission recommendations. It makes no sense to grant an extension with over a year until the original deadline.

Outbound passenger air cargo is screened at a much higher rate, but in order to be fully secure, inbound cargo must be thoroughly checked as well. As the United States continues to confront the threats of terrorism since September 2001, we must be as cautious and careful as possible with our transportation security net to ensure that passengers on commercial airplanes are safe, and that cargo on airplanes is thoroughly checked.

Meeting the 100 percent screening mandate presents significant challenges in both funding and manpower, however, Congress should not be diluting the requirements recommended by the 9/11 Commission and should be providing the TSA with the required resources to meet the deadline, instead of extending the deadline into the future. In doing so, we will increase our safety and security as well as fully implement the 9/11 Commission's recommendation for air cargo.

A TRIBUTE IN RECOGNITION OF MARIE J. MARJORIE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Marie J. Marjorie, a community leader dedicated to improving the health of Central Brooklyn's residents.

Marie J. Marjorie is an Administrative Director at Interfaith Medical Center where her responsibilities include Community Affairs, Media and Marketing, Internship and Volunteer Services, and management of the Gift Shop.

Marie J. Marjorie reaches out to the numerous community organizations, agencies, clergy, churches, schools, and other groups that are interested in working together with Interfaith to continue to improve the health of Central Brooklyn's residents. She has implemented many successful programs at the hospital including the "Health Care Career Learning Center" which gives high school students hands-on training in different departments.

A passionate health advocate, Marie J. Marjorie frequently lectures on health care disparities, patients' rights, and immigrant health issues. Her research "Who are the children and how is their Health?" was published in the book "The Multicultural Cultural Challenge in Health Education" by ETR & Associates.

In addition to her work at Interfaith, Marie J. Marjorie is a volunteer English tutor for a group of young recent immigrants and a parishioner of St. Boniface R.C. Church where she is the Sunday school instructor for the youth group.

Marie J. Marjorie earned a Bachelor of Science degree from Long Island University. She is an advisory board member of the Haitian Apostolate, the HHT Association Resource Group, and a member of Boston College for Corporate Citizenship, the American Public Health Association and the Public Relations Society of America.

Madam Speaker, I would like to recognize Marie J. Marjorie, a visionary leader and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Marie J. Marjorie.

BILL COX'S STATEMENT IN HAVERHILL HONORING SENATOR EDWARD M. KENNEDY

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Ms. TSONGAS. Madam Speaker, I rise today to join one of my constituents, Bill Cox of Haverhill, Massachusetts, in honoring Senator EDWARD M. KENNEDY of Massachusetts by including a copy of Bill's heartfelt remarks, given at a recent event in Haverhill, in the CONGRESSIONAL RECORD. His comments fondly and appropriately pay tribute to Senator KENNEDY for his lifetime of unparalleled service to Haverhill, Massachusetts, and our country.

If you tell Ted Kennedy that you are from Haverhill, the first thing he will tell you is how proud he is to have Barbara Souliotis looking out for his Massachusetts office. Barbara has worked for the Senator since he was first elected 47 years ago and currently serves as his State Director. Barbara has been called the role model for running a senator's district office.

I can now tell you that one of the most difficult assignments anyone can undertake is to attempt to summarize the career and accomplishments of Senator Ted Kennedy.

It has been said that no one works harder than Ted Kennedy and that his legislative instincts are unsurpassed. Both statements are indisputable.

His record of achievements on educational opportunities, justice and equal rights for all people, protecting the environment and achieving quality health care for all Americans is unsurpassed. Even as he contends with his own recent health issues, his drive and determination are stronger than ever.

Having been our United States Senator for 47 years, Ted Kennedy has . . . fought for issues that benefit the people of Massachusetts and the nation, such as increasing the minimum wage and funding his 'No Child Left Behind' initiative. He continues to work to better the lives of working families and to secure our nation from our true threats.

He has a reverence for those who serve in our Armed Forces . . . and has quietly intervened for and consoled those families who have made the ultimate sacrifice.

Senator Kennedy has moved an agenda that includes everything from hunger to high tech.

Senator Kennedy has a deep and abiding devotion to his home state. He led the charge to see that we have sufficient funding for a parking garage here in Haverhill. Although the Senator is a citizen of the world, he knows that he is home when he is in Haverhill. We recall fondly his recent visit to the City [with] Congresswoman Tsongas. He stopped at Mark's Deli to visit with his old friends, the Dimakis family, then on to A–1 Deli where a crowd awaited him and he met new friends and old.

On behalf of the City Committee, we send our best wishes to Ted and Vicki, and take this opportunity to reflect and pay thanks to the unparalleled service of Senator Kennedy for his lifetime of service to our City, State and Country.

HONORING JAMES AFRICANO FOR HIS APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that James Africano from Kennesaw, Georgia has received an appointment to the United States Air Force Academy. James attends Harrison High School, where he has a 3.5 Grade Point Average and serves as Senior Class Vice President. James is also a member of the Math Honors Society, the Integrity Team, and the Harrison High School robotics team. In addition to James's focus on academics, he has also remained very active in extracurricular activities. James is on Harrison's water polo, swimming, and martial arts teams, and is also very involved in the school's band program. In fact, he was ranked second in this year's State Marching Band Competition. Despite all of these commitments, James still finds time to be involved in community service activities, where he volunteers with the Atlanta Youth Philharmonic Orchestra and devotes time to restoring the trail at the Natchez Trace State Parkway. James Africano is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Air Force Academy. I ask that my colleagues take this time to congratulate James as well as his parents, Thomas and Choi Africano, for his accomplishments. It is because of dedicated young people like James that America has the finest military in the world. Our nation is fortunate to have his service.

A TRIBUTE IN RECOGNITION OF STEVE HUNT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Steve Hunt, a leader in adolescent drug and substance abuse prevention in Brooklyn.

Steve Hunt is the vice president of The Alpha School Center of Progressive Living, Inc., located in the east New York section of Brooklyn, New York. His responsibilities include supervision of the Adolescent Drug Prevention Program and the Outpatient Chemical Dependency Program serving youth at risk and management of daily administrative duties.

Steve Hunt has an extensive background of 22 years in community service working with both adolescent and adult populations. His experience includes individual and group counseling in areas such as chemical dependency, HIV/AIDS, and anger management.

Steve Hunt has received several awards and has been recognized for his outstanding work with civic community organizations. He is a member of the Substance Abuse Committee for the Brownsville/East New York Child Welfare Neighborhood Network as well as the New York City Addictions Treatment Providers Association and the New York State HIV Prevention Planning Group.

Steve Hunt was born and raised in Brooklyn where he attended Tilden and Jefferson High Schools. He earned a bachelor of science degree in community health education from York College. He is professionally certified as a New York State Credentialed Alcoholism and Substance Abuse Counselor, an Internationally Certified Alcohol & Drug Counselor, a Pre and Post Test HIV/AIDS Counselor and is certified in Mediation/Conflict Resolution.

Madam Speaker, I would like to recognize Steve Hunt, a visionary leader and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Steve Hunt.

WOMEN FOR THE WATER WORKS JUNE 9, 2009 DEDICATION CEREMONY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Women of the Water Works upon the completion of the extensive restoration of the Fairmount Water Works. What was once one of the most popular tourist attractions of the 19th century will again enchant and educate both Philadelphia visitors and residents.

The Water Works began operation in the 1790s when a yellow fever epidemic hit Philadelphia. People blamed the disease on the filth that coated city streets and looked for a way to deliver drinking water and wash roads. Construction on the Water Works began in 1812, and after three years, clean water was being pumped to the homes of Philadelphia.

In ten short years, the Water Works was pumping over five million gallons of water daily. This engineering marvel was praised by many tourists and admirers, including Mark Twain and Charles Dickens. In 1909, the Water Works was closed due to pollution in the Schuylkill River.

In 1976, the Water Works was recognized as a National Historic Landmark by the U.S. Secretary of the Interior. Shortly before the announcement, the Junior League of Philadelphia initiated a campaign to preserve this treasure. Since that time, other organizations have joined the effort to return this landmark to its former status as a prime recreational, educational, and historic attraction.

By the turn of the 21st century, Women for the Water Works spearheaded a $26 million project to restore the Water Works, as well as to incorporate a new Interpretative Center. The Interpretive Center opened its doors in 2003 with a mission ''to educate citizens to understand their community and environment, especially the urban watershed, know how to guide the community and environment in the future, and understand the connections between daily life and the natural environment.''

In 2008, the Women for the Water Works reached their fundraising goal of $5 million for the final phase of the project, bringing the total dollars raised to more than $28 million since renovations began thirty years ago. It is commendable that the funds raised are not only restoring the site for today, but will ensure that future generations will be able to enjoy the restored Water Works for years to come.

I share with the Women of the Water Works and the people of Philadelphia a common concern about wildlife, the environment, and the preservation of natural resources, as well as a commitment to a sustainable, livable City and region.

Madam Speaker, I ask that my colleagues join me in celebrating the Fairmount Water Works and thanking the Women of the Water Works who worked tirelessly to protect and preserve this special gem.

HONORING SUPERINTENDENT DR. JOHN GRAVES

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor Jackson County Intermediate School District (JCISD) Superintendent, Dr. John Graves upon the occasion of his retirement.

After an accomplished 40-year career that started as a teacher and a coach at Grass Lake High School to a principal at Beaverton and included leading four different school districts, Dr. Graves is retiring to go back to school. He will begin classes at the University of Michigan Law School, where he was initially accepted in 1968 after graduating from the University of Wisconsin with a degree in economics.

Dr. Graves has led the 450-employee JCISD since 2001. He is most recognized for his organizational leadership and his foremost concern was always how well students performed and achieved. For the past 40 years, Dr. Graves has earned both the respect and admiration of other educators, colleagues, staff, and community members for his skillful and honest leadership.

Dr. Graves is a model of patriotism and well deserves our respect and appreciation for his many years of dedication and distinguished service in education. His intellect, eagerness, and vision will be sincerely missed by not only Jackson, but also the many other communities he has touched. May he know of my sincerest best wishes in all his future endeavors.

A TRIBUTE IN RECOGNITION OF HARRY L. POLITE, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Harry L. Polite, Sr., a champion for the youth and the elderly of Brooklyn.

Harry L. Polite, Sr. has been active in his Brooklyn community for over forty years, serving as President of the Lafayette Gardens Tenants Association for 16 years. He is an advocate for adequate and safe living conditions in his community. He has also advocated for increased activities for senior citizens and community youth.

Harry L. Polite, Sr. is also the founder of the Lafayette Gardens Seniors Club. The Seniors Club serves 30 senior residents with lunch, computer training, job placement, and social activities. Mr. Polite has also developed youth softball and basketball tournaments. He has organized cultural and political trips for residents and coordinates the annual family celebration and block party known as ''Lafayette Gardens Day''.

Harry L. Polite, Sr. has also served as the Coordinator for the Lafayette Gardens Tenant Patrol for the past ten years. He is an Executive Member/Sgt at Arms for the NYCHA Citywide Council of Presidents-Brooklyn West District and serves on the NYPD Housing Bureau Police Service Area #3.

Madam Speaker, I would like to recognize Harry L. Polite, Sr., a visionary leader and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Harry L. Polite, Sr.

HONORING THE U.S. BORDER PATROL ON ITS 85TH ANNIVERSARY

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 498. Last week was the 85th anniversary of the United States Border Patrol. In 1924, Congress approved the Immigration Act, which established the U.S. Border Patrol.

Their long and illustrious history began with 25 Patrol Inspectors in El Paso, Texas and Detroit Michigan with the mission of combating the illegal entry of aliens, contraband, and the flow of illicit liquor from Mexico and Canada into the U.S.

During the height of prohibition, lawlessness and violence became more common along the water borders of the Detroit Sector. Several Detroit Sector Patrol Inspectors were killed in the line of duty, as smugglers attempting to bring contraband across the border resorted to violence to protect their cargo from the Border Patrol Inspectors.

A lot has changed since 1924, but the core mission of the Border Patrol is still detecting and preventing the illegal entry of aliens and preventing the smuggling of contraband. Since the terrorist attacks of 9–11, the focus of the Border Patrol has changed to include detection, apprehension and deterrence of terrorists and terrorist weapons.

America has given this vital task to a group of dedicated law-enforcement agents, who are our eyes and ears, in the air, land and sea. They work in a variety of climates, and seize a great deal of the drugs intended for our streets and our children.

Coming from a border district, I have a real interest in ensuring that the Border Patrol is equipped with the right mix of personnel, technology, and equipment that will enhance our ability to separate legitimate travel and trade, from those that seek to do us harm or enter our nation illegally.

The Detroit Sector of the Border Patrol is responsible for 863 miles of our liquid border with Canada, and in the last five years, Agents have made nearly 5,000 arrests—an impressive accomplishment.

Chief Patrol Agent Randy Gallegos, and the men and women of Sector Detroit are dedicated professionals, who defend the border and our nation owes them and the entire U.S. Border Patrol a debt of gratitude for their distinguished service to our nation.

They follow the proud tradition of securing our border that began eighty-five years ago in small stations, with only a handful of agents. Today, there are over 18,000 men and women who wear the green uniform of a Border Patrol Agent.

Without these brave Americans our nation would be less secure, and for that I want to offer my sincerest thanks. Our Border Patrol agents epitomize the motto of the Border Patrol—Honor First.

Congratulations on your first eight-five years!

I urge my colleagues to support passage of this resolution.

A TRIBUTE TO THE 2009 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. BURTON of Indiana. Madam Speaker, I rise today to congratulate the 2009 recipients of the coveted Ellis Island Medal of Honor. Presented annually by the National Ethnic Coalition (NECO), the Ellis Island Medal of Honor pays tribute to our Nation's immigrant heritage, as well as individual achievement. The medals are awarded to U.S. citizens from various ethnic backgrounds who exemplify outstanding qualities in both their personal and professional lives, while continuing to preserve the richness of their particular heritage. Since NECO's founding in 1986, more than 2,000 American citizens have received Ellis Island Medals of Honor, including six American Presidents, several United States Senators, Congressmen, Nobel Laureates, outstanding athletes, artists, clergy, and military leaders.

As we all know, citizens of the United States can trace their ancestry to many nations. The richness and diversity of American life makes us unique among the Nations of the world and is in many ways the key to why America is the most innovative country in the world. The Ellis Island Medals of Honor not only celebrate select individuals but also the pluralism and democracy that enabled our ancestors to celebrate their cultural identities while still embracing the American way of life. This medal is not about money, but about people who really seized the opportunities this great country has to offer and who used those opportunities to not only better their own lives but make a difference in the lives of those around them. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America. I commend NECO and its Board of Directors headed by my good friend, Nasser J. Kazeminy, for honoring these truly outstanding individuals for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promote unity and a sense of common purpose in our Nation.

Madam Speaker, I ask all of my colleagues to join me in recognizing the good works of NECO, and congratulating all of the 2009 recipients of the Ellis Island Medals of Honor. I also ask unanimous consent that the names of this year's recipients be placed into the CONGRESSIONAL RECORD following my statement.

Gen. John P. Abizaid, USA (Ret), Hon. Eduardo Aguirre, Imam Shamsi Ali, Dr. Kaveh Alizadeh, Robert V. Allegrini, Hon. Victor G. Atiyeh, Archbishop Vicken N. Aykazian, Sir Julian Bachynsky, Ralph M. Bahna, George S. Barrett, Edward J. Bergman, Hamid Biglari, Carolyn A. Blashek, Paul F. Boulos, PhD, Lt.Gen. Ted F. Bowlds, USAF, CAPT Patrick C. Burns, USN, Dr. Samia E. Burton, Otto B. Candies, John J. Casey, Ali Cayir, Sant Singh Chatwal, Dr. Walter. R. Chitwood, Jr., Joseph Ilhawn Cho, Edward T. Cloonan, Duane E. Collins, David F. D'Alessandro, Shiv C. Dass, Kiran R. Desai, Robert D. Donno, Rayna Dubose, Emilio Estefan, Jr., Charles Fazzino, Sean T. Flanagan, John S. Gonsalves, James B. Hayes, CAPT Gregory P. Hitchen, USCG, W. Andrew Hodge, MD, Forough B. Hosseini, Susan Pien Hsu, PhD, Taffy A. Jowdy, James M. Kalustian, Rabbi Alvin Kass, Fred Kavli, Lisa Kazor, Kevin A. Kistler, Carol N. Lambos, Esq., BG James B. Laster, USMC, Leon Y. Lee, Oh Young Lee, Sandra Lee, Francine A. LeFrak, Nooshin Malakzad, Bishop Gregory J. Mansour, George D. Martin, Hon. Grace Meng, Thomas L. Mills, Esq., Joseph H. Moglia, Dr. Reza Momeni, Dr. Uma Mysorekar, Tavit 0. Najarian, ScD, John F. Nickoll, Michael K. O'Malley, Rev. Timothy O'Neill, George Pagoumian, Young J. Paik, Hon. Mary Mitzi Purdue, Moises Perez-Martinez, Natale A. Picco, Jr. John Podesta, Linda Ann Pope, William A. Pope, David M. Puckett, Phil T. Pulaski, Hon. Bijan Rafiekian, Maj. Dan Rooney, USAF, Gaetano G. Scavone, Salman T. Sesi, Esq., Dr. Jatin P. Shah, Liu Tee Shuh, Brian J. Smith, Col. Stephen Smith, USA, Steven N. Stein, Carol K. Strauss, Chester A. Szarejko, Oscar S. Tatosian, Joseph J. Thoams, DDS, William H. Tilley, Lenny Tilman, Lana Todorovich, Chiling Tong, Pauline A. Turley, Anthony M. Valletta, Kathleen Waldron, PhD, Kevin M. Wall, The Venerable Lama Pema Wangdak, Jeffrey N. Watanabe, Esq., Gary E. Weksler, Sally Tsui Wong-Avery

HONORING THE LIFE OF MARILYN GIORDANO

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Marilyn Giordano, a wonderful woman who recently lost her courageous battle with colon cancer.

I came to know Marilyn through her work with the American Vitiligo Research Foundation. Vitiligo is a condition in which one's skin loses pigment and becomes discolored. It is a disease that can easily destroy the spirit of those it afflicts. Marilyn cared passionately about people with Vitiligo, especially children who are often not emotionally prepared to deal with its psychological affects. Marilyn dedicated her life to helping these precious children deal with their condition the best they could.

Marilyn's friend Stella Pavlides, the founder of the American Vitiligo Research Foundation, shared with me the courage with which Marilyn battled colon cancer. Stella said that Marilyn never lost faith that she would survive, refrained from complaining or asking why she was going through such an ordeal, and remained optimistic and positive until the very end, which came peacefully on April 29. That sounds just like the Marilyn I came to know.

Stella has asked me to become an advocate for raising awareness about colon cancer in the days since Marilyn's death. She correctly points out that colon cancer is one of the most deadly forms of cancer in its advanced stages, though it also is one of the most treatable in its earliest stages. I was pleased that the House passed H. Con. Res 60 earlier this year, which supports the observance of Colorectal Cancer Awareness Month in March and emphasizes the importance of early detection and screening of this disease.

I also recently cosponsored H.R. 1189, the Colorectal Cancer Prevention, Early Detection, and Treatment Act, which would establish a colorectal cancer screening program at the Centers for Disease Control and Prevention and provide grants to states for colorectal cancer screening and treatment programs. I believe the House should pass this vitally-important bill to improve the detection and treatment of this deadly disease.

Madam Speaker, I urge all of our colleagues to honor Marilyn's life by passing H.R. 1189 and improving the detection and treatment of this disease. Although her earthly life has ended much too soon, I am certain that her legacy will live on in the lives that will be saved by raising awareness about this treatable but deadly disease, and in the children with Vitiligo whose lives she has forever changed for the better.

HONORING KENNEDY PATTERSON FOR HIS APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Kennedy Patterson from Marietta, Georgia, has received an appointment to the United States Air Force Academy.

For the past year, Kennedy has attended the Air Force Academy Preparatory School. Kennedy has worked very hard during his year in prep school and the results speak for themselves. Before the prep school, Kennedy attended Marietta High School where he was a member of the Air Force JRROTC. Kennedy is an Eagle Scout and has a black belt in Taekwondo. He has been recognized with the Admiral's Cup Award, the Aviator Wings Award, the National Society of the Sons of the American Revolution Bronze ROTC Medal, the American Legion Military Excellence Medal, and the American Legion Silver Medal.

Kennedy Patterson is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Air Force Academy. I ask that my colleagues take this time to congratulate Kennedy as well as his parents, James and Nell Patterson, for his accomplishments. It is because of dedicated young people like Kennedy that America has the finest military in the world. Our nation is fortunate to have his service.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately on June 8, 2009, I was unable to cast my votes on H.R. 1736, H.R. 1709, and H. Res. 420. Had I been able to vote, I would have voted as follows:

Had I been present for rollcall No. 311, on suspending the rules and passing H.R. 1736, International Science and Technology Cooperation Act, I would have voted "yea."

Had I been present for rollcall No. 312, on suspending the Rules and passing H.R. 1709, STEM Education Coordination Act of 2009, I would have voted "yea."

Had I been present for rollcall No. 313, on suspending the Rules and passing H. Res. 420, Celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day, I would have voted "aye."

IN SUPPORT OF DR. ROBERT L. MILLIS

HON. ANN KIRKPATRICK

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mrs. KIRKPATRICK of Arizona. Madam Speaker, I would like to pay tribute to Dr. Robert L. Millis who is retiring as director of the Lowell Observatory in Flagstaff, Arizona. During his tenure, Dr. Millis oversaw the Lowell Observatory—one of only a handful of private, independent research observatories in the United States—quadruple its staff, increase visitation tenfold, and construct major new facilities including the Steele Visitor Center, the McAllister Public Observatory, the John M. Wolff instrument facility, and, most recently, the 4.2-meter Discovery Channel Telescope now under construction in Northern Arizona.

As a researcher at Lowell, Dr. Millis concentrated on smaller bodies of the Solar System: asteroids, comets, planetary satellites, Pluto, and objects orbiting on the edges of our Solar System. Dr. Millis was a member of several two-person teams that discovered the rings of Uranus, noted periodic variation in the activity of Comet Halley, and proved the existence of an extended atmosphere on Pluto. He also led a multi-institutional team—the Deep Ecliptic Survey—in an eight-year endeavor to explore the region of the Solar System beyond the orbit of Neptune. That venture resulted in the discovery of approximately half the currently known objects in the area known as the Kuiper Belt.

Dr. Millis will remain an active pillar of the Flagstaff community. He will work with Flagstaff-area business leaders committed to improving the greater Flagstaff area and the State of Arizona by bringing together talent and resources to provide leadership on economic and quality of life issues in the region. I wish Dr. Millis the best of luck and look forward to seeing the greater Flagstaff community benefit from the energy and leadership that Dr. Millis provided to the Lowell Observatory for the past 40 years.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. KING of Iowa. Madam Speaker, on June 9, 2009, I mistakenly cast a "YES" vote on H.R. 2751, the Consumer Assistance to Recycle and Save Act. I am submitting this statement for printing in the CONGRESSIONAL RECORD to clarify that I am opposed to H.R. 2751 and had intended to vote "no." The bill authorizes $4 billion of new spending. This is on top of the $85 billion American taxpayers have provided to help "restructure" the auto industry already. Just yesterday, auto-parts suppliers asked President Obama's auto task force for an additional $8 to $10 billion in federal aid. In addition, a similar program instituted in Germany ended up costing three times more than originally anticipated. Also, the legislation requires dealers to remove "clunkers" from the market through salvage, reducing the amount of preowned supply. Families that still cannot afford a new automobile, even with the voucher, will face rising prices in the used car market during the current recession at a time when affordability is an even greater issue. Additionally, under the bill, the DOT is required to promulgate many of the regulations to implement the program within 30 days. This grants too much authority to the executive branch to enact a new $4 billion dollar program. For these and other reasons, I am opposed to H.R. 2751, and I intended to vote "no" on rollcall 314.

HONORING NICHOLAS JACKSON FOR HIS APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young man from Georgia's 11th Congressional District who has distinguished himself as an excellent student and leader and has committed to serving his country. I am proud to announce that Nicholas Jackson from Acworth, Georgia has received an appointment to the United States Air Force Academy.

Nick attends Harrison High School where he has a 3.47 Grade Point Average. Nick is a four year varsity letter winner for the Harrison football and the track and field teams and has proven himself a leader—being selected Captain of the football team on multiple occasions. He was named to the Cobb County Touchdown Club All County football team, the Marietta Daily Journal 2nd team All County football team, and was an honorable mention Atlanta Journal-Constitution All Northwest Georgia football player. Nick brings his love of sports into community service, as well, annually volunteering for the Fellowship of Christian Athlete's football camp as well as the Harrison High School Community Service Day. Nick's athletic accomplishments have not gone unnoticed by the Air Force Academy—earning him a letter of recruitment from the head coach of the Falcons.

Nicholas Jackson is an incredibly well-rounded young man, and I am honored to have the privilege to nominate him for an appointment to the U.S. Air Force Academy. I ask that my colleagues take this time to congratulate Nick as well as his parents, Michael and Colleen, for his accomplishments. It is because of dedicated young people like Nick that America has the finest military in the world. Our nation is fortunate to have his service.

A TRIBUTE TO PATRICK HURLEY

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. BILBRAY. Madam Speaker, I would like to bring to your attention today the many outstanding achievements of Patrick Hurley, the outgoing president of the Carlsbad Hi-Noon Rotary Club. Patrick's leadership during the 2008–2009 Rotary year has contributed significantly to the Hi-Noon Rotary Club, the community of Carlsbad and the mission of Rotary. During his tenure, the Carlsbad Hi-Noon Rotary Club sponsored Interact, a youth service club; RYLA, a youth awareness leadership conference; a Christmas party and provided meals and gifts to needy elementary school children; cosponsored the Oktoberfest fundraiser that benefited the Carlsbad Women's Resource Center and the Carlsbad Boys and Girls Club and completed a very successful golf tournament which funded scholarships for Carlsbad high school students; provided mentors for the City Stuff Program, a program that exposed school children to the workings of city government; promoted literacy by providing dictionaries for English and Spanish speaking elementary school children; provided over nine hundred books to the Jefferson Elementary School students, and provided financial support to our military personnel and their families.

In addition, under President Patrick Hurley's leadership the Carlsbad Hi-Noon Rotary and its membership completed a number of other projects. These projects included providing volunteers to help maintain public and private property, provide food and clothing for the needy and homeless, and assist in the distribution of food, clothing and toys to needy Carlsbad families in conjunction with the Carlsbad Christmas Bureau, and through the Gazebo project, a city landmark structure was refurbished and relocated for public enjoyment.

In the international arena, under President Hurley's leadership, a team of Carlsbad Hi-Noon Rotarians joined with others and traveled to Mexico to build a house for a needy family: a badly needed ambulance was provided and refurbished for the City of Mazatlan, Mexico, and through our support of the Paul Harris Foundation, we co-sponsored numerous other humanitarian projects all over the world including the effort to eradicate polio world wide, and providing funding for the Micro-banking project enabling third world countries to develop entrepreneurial skills and become self sufficient.

I hope my colleagues will join me in recognizing the many fine achievements of Patrick Hurley. Without question, his leadership and fine work of the Carlsbad Hi-Noon Rotary Club are worthy of recognition by the House today.

A TRIBUTE IN RECOGNITION OF ADRIAN STRAKER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Adrian Straker, a tireless advocate for children in our community.

Adrian Mary Levell was raised in Bedford Stuyvesant, Brooklyn, graduated from Midwood High School with honors, received her Bachelor's degree in Sociology from Northwestern University, and attended graduate school at Long Island University, receiving her Master of Science in Counseling and Development.

Following the completion of her studies, Adrian began her career in public service as a caseworker in the foster care unit at St. Vincent's Services in Brooklyn, NY. There Adrian developed her passion for helping to solve the dilemmas and socio-economic challenges of urban life. For the past 17 years, Adrian has been a guidance counselor at Public School 32 serving the Carroll Gardens-Gowanus Housing Development community, where she interacts daily with neighborhood youth and their families serving as the link between classroom teachers, parents, guardians, administration officials, and on-site medical/mental health programs to ensure a student's overall academic achievement and personal development.

Adrian also recently served on the staff of Brooklyn Borough President Marty Markowitz as the Director of Community Boards. In this role, she managed a staff of community relations personnel who maintained interactive relationships with community board chairpersons and district managers. She also served as the borough president's chief architect of faith-based relationships.

Adrian is member of Alpha Kappa Alpha Sorority, Inc. and has served as regional officer and charities chairperson. She is also the past vice chairperson of the Brooklyn Chapter of Jack and Jill of America, Inc. Adrian sits on numerous professional and community boards including Inner City Little League Brooklyn, Northwestern University Alumni Association, St. Mark's Independent Block Association, Cornerstone Baptist Church Support Services and is a founding member of the Concerned Crew of Bedford Stuyvesant.

Madam Speaker, I would like to recognize Adrian Straker, a visionary leader and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Adrian Straker.

A TRIBUTE TO CHICAGO BLUES LEGEND CORA ''KOKO'' TAYLOR (1928–2009)

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. RUSH. Madam Speaker, American music legend, KoKo Taylor, the ''Queen of the Blues,'' died June 3, 2009 in Chicago. Her masterful voice represented the spirit of Chicago—proud, loud and full of life.

Born September 28, 1928, in Bartlett, Tennessee, on a small farm to a family of sharecroppers, Cora Walton would one day be known throughout the world as ''KoKo Taylor.'' She earned her nickname because of a love of chocolate. Orphaned by age 11, along with her five brothers and sisters, Koko developed a love for music from a mixture of gospel she heard in church and blues she heard on radio stations. With one brother accompanying her on a guitar strung with baling wire and another brother on a fife, made out of a corncob, Koko began her career as a blues woman.

In her early 20s, Koko and her soon-to-be husband, the late Robert ''Pops'' Taylor, moved to Chicago looking for work. With nothing but, in Koko's words, ''35 cents and a box of Ritz crackers,'' the couple settled on the city's South Side, the cradle of the rough-edged sound of Chicago blues. Taylor found work cleaning houses for wealthy families in the ritzy northern suburbs. At night and on weekends, Koko and Pops would visit the South and West Side blues clubs, where they would hear singers like Muddy Waters, Howlin' Wolf, Magic Sam, Little Walter and Junior Wells. And, thanks to prodding from Pops, it wasn't long before Taylor was sitting in with many of the legendary blues artists on a regular basis.

Ms. Taylor's big break came in 1963 when, after one of her signature fiery performances, songwriter/arranger Willie Dixon approached her. Much to Koko's astonishment, he told her, ''My God, I never heard a woman sing the blues like you sing the blues.'' Dixon first recorded Koko for USA Records and, then, secured a Chess Records recording contract for her. He produced several singles and two albums for her—including her huge 1966 hit single Wang Dang Doodle—firmly establishing Koko as the world's number one female blues talent.

Over the course of her nearly 50-year career, Ms. Taylor received numerous awards for her music. She signed with Alligator Records in 1975 and recorded nine albums for the label, eight of which were Grammy-nominated, and came to dominate the female blues singer ranks, winning 25 W.C. Handy Awards, more than any other artist. In 1984, she received a Grammy for the live, multi-artist album Blues Explosion on Atlantic Records. In 2004, KoKo was presented with the coveted National Heritage Fellowship Award from the National Endowment for The Arts. She also earned 25 Blues Music Awards, more than any other blues artist, male or female. On March 3, 1993, Chicago Mayor Richard M. Daley honored the songstress with a Legend of The Year Award, and declared ''Koko Taylor Day'' throughout Chicago.

In 1998, Chicago Magazine named Koko ''Chicagoan of the Year'' and, in 1999, she was inducted into the Blues Foundation's Hall of Fame. ''There are many kings of the blues,'' said The Boston Globe at the time, ''but only one queen. Koko's voice is still capable of pinning a listener to the back wall.''

There is no doubt she was the queen of the blues and Koko Taylor's legacy will live on through her music. She has influenced a number of musicians including Bonnie Raitt, Shemekia Copeland and Janis Joplin. Her voice lives on in her recordings. We all are forever indebted to her for her contributions to America's rich music history.

HONORING MR. MARK E. NEIHLS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor a pioneer of private education who has provided 25 years of faithful service to the students, families and staff at Coventry Christian Schools in Pottstown, Pennsylvania.

Mark E. Neihls started planning a preschool and registered Christian school in 1983, pouring amazing amounts of energy into fulfilling his vision of providing a world-class education to students in Montgomery, Chester and Berks Counties.

Coventry Christian was incorporated in 1984 and opened with seven preschool students taught by two volunteer teachers. Thanks to Mr. Neihls' outstanding leadership as superintendent, the School has grown to more than 400 students in preschool through 12th grade and has more than 50 employees on two campuses.

Mr. Neihls earned the respect of students, teachers and their families by refusing a paycheck for 19 years while, at the same time, often working six days a week and being available to students well beyond regular school hours

Madam Speaker, I ask that my colleagues join me today in honoring Mark E. Neihls for his 25 years of humble service as founder and superintendent of Coventry Christian Schools and recognizing his unwavering commitment to a high standard of educational excellence in a Christian setting.

INTRODUCING H.R. 2548, THE KEEP AMERICA'S WATERFRONTS WORKING ACT OF 2009

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Ms. PINGREE of Maine. Madam Speaker, coastal communities across this nation are in trouble. Fishermen who have spent their lives on the water—the sons and daughters of fishermen, the grandchildren of fishermen, fishermen from families that have been fishing for generations, have hung up their boots and do not go out sea any more. My friends and neighbors are giving up a lifetime of fishing. Businesses that depend on the water shut their doors and close their wharves. You see Madam Speaker, I live in a community built around fishing. A community with a working waterfront. A community that is in trouble.

When I was a teenager in my hometown, the island of North Haven, there were more fishermen and the island supported a diverse fishery. Throughout the history of the islands of Penobscot Bay, from the first natives fishing of off the island in dugout canoes to the herring seiners, gill netters, ground fisherman, and lobstermen, fishing has been an important part of the islands—providing jobs and a sense of place.

The fishing vessel *Starlight* seined for herring in the waters off the island and brought fish ashore for lobster bait. Now, most boats fish for lobster. My friends and neighbors on

North Haven, like all fishermen up and down the coast, need a place to land their lobsters, store their bait, load and unload their lobster traps. In some communities fishermen use privately owned piers, in other communities they compete for space at public landings and town docks. Some keep their skiffs upside down on the beach and others on the dock, most park their trucks at the landing.

Coastal landowners who used to allow their friends and neighbors to cross their property to get to the clam flats face rising property taxes and pressure to sell. With these sales to the highest bidder, frequently to build a vacation home or condos on a desirable and ''authentic waterfront,'' access for the community is lost in the process. Condos spring up, displacing the fishermen and boat builders, and the wide variety of businesses that require access to the water. As new construction sprawls, traditional ties to the water are severed and the economic engine that is our coast sputters and stalls for want of a place to land a fish or dock a boat.

Our nation's working waterfronts are disappearing. Less than 20 miles of Maine's 3,300 mile coastline support commercial fishing and other traditional marine based activities—and working waterfronts are continuing to disappear.

These are a very important 20 miles. Maine's Working Waterfront Coalition, a broad and diverse group of stakeholders dedicated to protecting working waterfronts, conducted a study that found that working waterfronts like those supported by this legislation add between $15 and $168 million more to the economy than do the conversion of those properties to high end residential uses.

Working Waterfronts support many communities up and down the coast. Every community is unique but they all are connected by the bond of having a working waterfront. The challenges facing working waterfronts are not unique to Maine. These waterfronts are disappearing up and down our coasts, in all of our coastal states. In Massachusetts, and Rhode Island, Virginia and South Carolina, Florida and Texas, California, Oregon, and Washington and even on the Great Lakes. Across the country, working waterfronts and the jobs they provide are quickly disappearing under the tremendous pressure these communities face from conversion to incompatible uses. As history has shown us, once these business close, and waterfronts stop supporting water dependent businesses, they do not come back.

Together, our nation must take an important step towards protecting these jobs and the families they support—and even, eventually rebuilding our working waterfronts. In honor of the many folks in Maine who have been tirelessly working to ensure these special areas are protected, I am proud to have introduced legislation, H.R. 2548, with Representatives MADELEINE Z. BORDALLO, LOIS CAPPS, BILL DELAHUNT, SAM FARR, BARNEY FRANK, PATRICK J. KENNEDY, RON KLEIN, JAMES R. LANGEVIN, JAMES P. MCGOVERN, MIKE MCINTYRE, MICHAEL H. MICHAUD, JAMES P. MORAN, MIKE THOMPSON, and ROBERT J. WITTMAN that encourages states to consider the importance of working waterfronts and how to best protect them.

Our legislation amends the Coastal Zone Management Act to establish a Working Waterfronts program. The Coastal Zone Management Act is a flexible tool, developed to allow states to manage their coasts in a manner that fits that particular coast. In recognition of this, the Working Waterfronts program broadly defines working waterfronts to be water-dependent, coastal related businesses—this includes commercial fishing, recreational fishing businesses, aquaculture, boat yards and other businesses whose business model requires access to the water.

This bill creates a Working Waterfront Grant program to help states protect and preserve these important areas. In order for states to be eligible for a working waterfront grant, the State must have a working waterfront plan that requires a thoughtful, collaborative, public process to identify the economic and social value of working waterfronts and the plan requires the states to be thoughtful and strategic in their use of federal money. This bill is not designed to require states to undergo a completely new or comprehensive planning process but rather to utilize existing information to the maximum extent practicable.

The program encourages states to use the best information they have available to develop their working waterfronts plan. It is not our intention to require a detailed or in-depth GIS study of the entire coast, an undertaking that may well be beneficial but also could delay and hinder the implementation of the program. We only ask that the coastal states give some thought to what makes a working waterfront in that state and why working waterfronts are particularly important or special to that state.

This bill not only protects working waterfronts and the jobs they provide, this bill also protects public access to our coastline. One of the conditions of the bill states that any working waterfront receiving a working waterfront grant must provide access to the water for the public. The bill makes an exception for commercial fishing if providing access would not be safe.

Those who live on or visit our coasts know how valuable coastal property is—and this is why traditional uses of working waterfronts are vulnerable. Eliminating working waterfronts fundamentally alters the economy, culture and heart of coastal communities. Please join me in supporting the Keep America's Waterfronts Working Act of 2009; help protect working waterfronts and the jobs they provide.

RECOGNIZING THE 75TH ANNIVERSARY OF HOSTELLING INTERNATIONAL USA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. OBERSTAR. Madam Speaker, I rise today in recognition of Hostelling International USA for 75 years of service to intercultural understanding and youth travel.

Hostelling International USA is a nonprofit organization founded in 1934 to promote hostels and hostel related programs in the United States, especially for young travelers. It has grown nationally and currently hosts nearly one million overnight stays by both domestic and foreign travelers. In doing so, it promotes cultural exchange through travel and supports tourism for local economies.

The Minnesota Council of Hostelling International USA operates the Mississippi Headwaters Hostel in Itasca State Park. Since 1992, in partnership with the Minnesota Department of Natural Resources, this hostel offers budget accommodations for families, schools, and youth groups. In addition, the Council promotes global travel to and cultivates cultural understanding in Minnesotans through educational programs in the Twin Cities.

I congratulate Hostelling International USA for its 75 years of service.

INTRODUCING THE RETIREMENT SAVINGS TRANSPARENCY ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Retirement Savings Transparency Act.

More than ever, Americans are relying on 401(k) plans to finance their retirements. Almost 50 million Americans have invested approximately $2.7 trillion in 401(k) retirement plans.

Yet a recent study by the Government Accountability Office (GAO) has found that over 80 percent of Americans do not know what kind of fees are being charged on their hard earned retirement savings.

But even small differences in these 401(k) fees can lead to significant reductions in the amount of money retirees can expect to see.

For example, an increase of only one percent in 401(k) fees can lower a retiree's savings by over $32,000 over the course of a 30-year period.

The same reductions can take place because of even minor differences in the rates of return on a 401(k) investment portfolio.

One of the most persistent barriers to workers understanding their retirement options is the failure of financial disclosures to put these fees and returns in context.

When they are provided with information on fees and returns, consumers often have no frame of reference to which to make comparisons.

Yet these benchmarks are readily available in the marketplace and are regularly used by institutional investors in making their investment decisions.

I believe we need to make these same benchmarks available to all Americans saving for retirement.

We have an obligation to help workers make informed decisions when it comes to their precious retirement savings.

The legislation I am introducing today would provide workers with appropriate points of comparison for both the fees and returns associated with each investment option in their 401(k) accounts.

This will help Americans better understand their investment options and make the right decisions to maximize their retirement savings.

At the same time, the increased transparency in fees and returns will force plan providers to compete, driving down costs and increasing returns.

During the tough economic climate, Americans have already seen their retirements decline. Many retirees have seen their nest eggs

evaporate and some are even being forced to go back to work after retirement.

It is even more important now than ever to help Americans squeeze every penny out of their retirement investments.

I hope we will pass this important legislation and empower Americans to make the most of their hard earned savings.

CONGRATULATING AIRCRAFT OWNERS AND PILOTS ASSOCIATION ON ITS 70TH ANNIVERSARY

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Mrs. MILLER of Michigan. Madam Speaker, I rise today in strong support of H. Res 472, a resolution to congratulate the Aircraft Owners and Pilots Association on their seventieth anniversary, and speak to their dedication to general aviation, to safety, and the important contribution general aviation provides to the United States.

The AOPA was established seventy years ago, on the eve of World War II. This nonprofit association has been dedicated to general aviation, improving general aviation safety, providing pilots with training, education and advocating on their behalf at every level of government.

More than 75% of all flights in the United States are general aviation. America relies on general aviation for business, medical delivery services, sightseeing and for just plain fun and a love of flying.

General aviation is a vital industry in America's economy. Currently there are 19,000 airports nationwide that provide jobs for 1.3 million Americans and bring in more than $100 billion dollars annually.

After the terrorist attacks of 9/11, the AOPA responded by partnering with the TSA to develop a nationwide Airport Watch Program that uses pilots as eyes and ears for observing and reporting suspicious activity.

Flight Safety has remained a principal focus for the AOPA, so they have supported new technologies to make aviation safer. AOPA was a principle advocator of the GPS navigation systems which helped lead the way for the Next Gen Air Transportation System—with aviation-specific applications and advanced innovations such as weather forecasting.

And today, the AOPA represents more than 289,000 American general aviation pilots—including my husband who is a long time member. He started flying when he was a fighter pilot in Vietnam, and now we fly an RV–8, which he built in our garage.

I am proud to support the resolution to honor the AOPA for the commendable work they do in the aviation field.

Their dedication to aviation, aviation safety, training general aviation pilots, and to new technologies makes me proud to support this association.

Congratulations on your first 70 years.

HONORING VICTORIA HAYES FOR HER APPOINTMENT TO THE UNITED STATES MERCHANT MARINE ACADEMY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize a young woman from Georgia's 11th Congressional District who has distinguished herself as an excellent student and leader and has committed to serving her country. I am proud to announce that Victoria Hayes from Acworth, Georgia has received an appointment to the United States Merchant Marine Academy.

For the past year, Victoria has attended New Mexico Institute in Roswell, N.M., which is the prep school for the Merchant Marine Academy. Victoria has worked very hard during her year in prep school and the results speak for themselves. Before the prep school, Victoria attended East Paulding County High School. Victoria was very involved with the East Paulding band program, and has continued to excel in music at the Merchant Marine prep school—participating in the marching, concert, and regimental bands. She also has the honor of being a Silver Taps bugler.

Victoria Hayes is an incredibly well-rounded young woman, and I am honored to have the privilege to nominate her for an appointment to the U.S. Merchant Marine Academy. I ask that my colleagues take this time to congratulate Victoria as well as her parents, William and Mary Ellen Hayes, for her accomplishments. It is because of dedicated young people like Victoria that America has the finest military in the world. Our nation is fortunate to have her service.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. KIND. Madam Speaker, on June 8, 2009, I missed rollcall votes 311, 312, and 313 due to family reasons. Had I been present, I would have voted ''aye'' on each of those votes.

A TRIBUTE IN RECOGNITION OF SANTOS CRESPO, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Santos Crespo, Jr., a visionary leader in New York City's labor community.

Santos Crespo, Jr. was first introduced to the labor movement at the age of 10, when his father, a delegate and executive board member of Local 6, H.E.R.E. (Hotel Employees & Restaurant Employees Union) brought him to meetings where he witnessed the struggles non-unionized employees must endure.

Santos Crespo, Jr. began community organizing at the age of 14 and was recognized by the late W. H. Booth, Chairman of the Committee on Human Rights under then Mayor John Lindsay. He was a founding member of the Black and Puerto Rican Student Union at Bronx Community College and was instrumental in introducing Black and Puerto Rican Studies there. He has received numerous awards, was named by the Daily News Viva as one of New York City's Influential Latinos, and has also served in numerous committees related to youth and substance abuse prevention and intervention.

Santos Crespo, Jr. is currently the Executive Vice President of the New York City Board of Education Employees Union, Local 372, DC 37, AFSCME, the largest local (26,000 members) within DC 37 and also serves as one of DC 37's Vice Presidents. He is also a member of the New York City Chapter of the Labor Council for Latin American Advancement (LCLAA), serves on its Executive Board, and also serves on the Executive Board of the national LCLAA, representing 1.4 million Latino Trade Unionists. He is also a member of many other labor organizations such as the Coalition of Black Trade Unionists (CBTU) and the Asian Pacific American Labor Alliance (APALA) along with civil rights organizations including the Congress for Puerto Rican Rights and the New York NAACP.

Madam Speaker, I would like to recognize Santos Crespo, Jr., a champion of New York City's many labor causes.

Madam Speaker, I urge my colleagues to join me in paying tribute to Santos Crespo, Jr.

CONGRATULATING DANA WYGLE, RECIPIENT OF THE AHWATUKEE FOOTHILLS CHAMBER OF COMMERCE 2009 WOMEN IN BUSINESS SCHOLARSHIP

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate the achievements of Dana Wygle, who is the recipient of the 2009 Ahwatukee Chamber of Commerce Women in Business $1,000 Scholarship. The Ahwatukee Foothills Chamber recently honored Dana at the Ahwatukee Women in Business Faces of Success event, which recognizes present and future businesswomen.

Dana recently graduated from Desert Vista High School. An active and involved student, she also worked at Barro's Pizza throughout high school. Dana danced, served as a team captain for the American Cancer Society's 24-hour Relay for Life in 2008 and 2009, and was a member of DECA, a student business organization. She plans to use the scholarship award to attend the W.P. Carey School of Business at Arizona State University. Her goal is to own and operate a sports bar.

Madam Speaker, please join me in congratulating Dana Wygle for her accomplishments and wishing her the best in all her future endeavors.

A TRIBUTE TO JIMMY DEE CLARK

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. NEUGEBAUER. Madam Speaker, I would like to take this time to recognize Jimmy Dee Clark for his dedication to the 19th Congressional District of Texas. Jimmy retires this month after 23 years of continuous service to the district.

Born to Leeman and Frances Clark on December 12, 1945, Jimmy was raised on a farm in Acuff, Texas. He graduated from Roosevelt High School in 1964 and just two years later, he married his childhood sweetheart, Rita Dunagan. After 20 years of running his family farm, Jimmy began an additional career in public service.

In 1986, my predecessor in Congress, Larry Combest, hired Jimmy as a district representative. As Chairman of the House Agriculture Committee in the 106th and 107th Congresses, Mr. Combest greatly shaped farm policy in this country, and Jimmy brought indispensable insight as a liaison between the fanners and ranchers of the 19th District and their representative. Jimmy was instrumental in helping Chairman Combest shepherd the 2002 Farm Bill through Congress.

Following Chairman Combest's retirement in 2003, Jimmy came to work for me as my District Director and Deputy Chief of Staff. Jimmy's experience and counsel have made him an invaluable asset to my staff. Most notable, however, is Jimmy's ability to relate to his fellow farmers in West Texas and to help ensure I understand their business, their concerns and their role in District 19's economy. Again, Jimmy's guidance and his role as the voice of the farmers of my district were essential in helping me during the 2008 Farm Bill.

Jimmy is also a strong Christian and family man. He and Rita have two daughters, Jill and Randee, and five grandchildren: Caden, Kacie, Josh, Steffanie, and Gabbie, that I know he will now get to spend more time with. A 32nd degree Mason, Jimmy's public service has reached more than just the farmers in West Texas. He has served as a past member and Commander of the Lubbock County Sheriff's Reserve. A licensed pilot, Jimmy's hobbies include flying and home remodeling.

I am enormously appreciative to Jimmy for his hard work and for his contributions to improving the course of agriculture policy in the United States and in West Texas. More important, I am proud to count him as a friend. Those in District 19, including myself, thank him for a job well-done and extend to him our best wishes for his retirement.retirement.

HONORING THE LIFE AND ACCOMPLISHMENTS OF NORMAN BRINKER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor the life and accomplishments of restaurateur Norman Brinker.

Brinker, the chairman emeritus and former chief executive of Brinker International, died June 9th at the age of 78.

Brinker, the founder of Steak and Ale restaurant in 1966, built Brinker International into a restaurant giant. He is most well known for turning Chili's Grill and Bar restaurant from a string of local restaurants into a national chain owned by Brinker International. Brinker's illustrious restaurant career began in my Dallas area district in 1965, opening Brink's Coffee Shop, and I am deeply saddened by the loss of someone so influential to the history of the city.

In his time in the restaurant industry, Mr. Brinker has changed American casual dining, while touching the lives of many in the restaurant industry. At one time or another, essentially every major restaurant chain in the country had as its leader a former employee of Brinker.

Aside from his commitment to the restaurant industry, Mr. Brinker also served as a board member and important counsel for the Susan G. Komen for the Cure foundation.

Mr. Brinker's legacy stands as a testament to interaction with the local community, and a foresight for changes in the restaurant community that would remain for years to come. I ask my fellow members of Congress to join me in honoring Norman Brinker and his impact both in the Dallas area and nationwide.

RECOGNIZING MASSACHUSETTS FOR RESOLUTION

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Ms. TSONGAS. Madam Speaker, as the House is soon to consider comprehensive climate change legislation, I would like to illustrate how individual states stand ready to lead the effort to combat global warming and are willing to take extremely ambitious and necessary stands. On March 12th, my home state of Massachusetts passed a resolution committing to re-power America with 100 percent clean electricity in the next ten years. The resolution was successful in large part because of the tireless efforts of Massachusetts Power Shift, a grassroots organization of climate advocates. Global warming is no longer an academic question for scientists to ponder. It's a very real crisis that requires American leadership. This is not a political issue; this is a critical generational responsibility that will take a commitment from every American. The renewable technologies to reduce greenhouse gas emissions and move towards energy independence exist; the societal will and desire to go green have been demonstrated; and the political climate to finally create sound public policy to do so is now present. Re-powering America with clean energy will create jobs, reduce our dependence on foreign oil, and help reduce greenhouse gas emissions—the clearest solution to preserving our natural treasures for future generations. I am proud to represent the Commonwealth of Massachusetts and congratulate its legislature for such a resolution.

CONDEMNING THE MURDER OF STEPHEN TYRONE JOHNS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mrs. BACHMANN. Madam Speaker, I rise to share in the nation's shock, outrage, and sorrow at the tragic shooting today at the U.S. Holocaust Museum here in Washington. My heart and prayers go out to the family of the young security guard, Stephen Tyrone Johns, who was killed in this senseless crime.

Senator FRANK LAUTENBERG, who serves on the board for the museum, noted the irony that this hateful act took place in this beautiful, peaceful place; a sort of thoughtful sanctuary dedicated to ensuring that the evil of the holocaust never again gains a foothold on this earth. How right he is. How many times must this museum serve to teach the world about the horrible power of hate?

Earlier this week, this body considered two resolutions, one condemning the killing of Dr. George Tiller and one condemning the killing of Army Private William Long and the wounding of Army Private Quinton Ezeagwula. Like today's killing, these acts were simply reprehensible. The taking of innocent life cannot be justified.

Our society has traveled down a road that should never have been trodden. Human life has been devalued. Violence has been glorified. The gift of living has lost its meaning. In accepting his Nobel Prize, Dr. Martin Luther King said, "Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love." As a people, we must promote life, we must celebrate this miracle. And, as a Congress, we must lead the way with laws that protect all, particularly the most vulnerable amongst us, and that encourage loving, life-affirming ways.

46TH ANNIVERSARY OF EQUAL PAY ACT

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to acknowledge the anniversary of an important milestone in our American history.

Today marks the 46th anniversary of the passage of the Equal Pay Act.

In 1963, Congress passed the Equal Pay Act to prohibit employers from wage discrimination on the basis of someone's sex.

This groundbreaking shift was a game-changer for women who were before, and in many places still are, treated as unequals in the workplace.

It was important to level the playing field.

It was important to provide equal pay for equal work.

And it's important for us today to remember that we need more game-changers—that there are more wrongs to right, and that there are inequalities and injustices to remedy.

That those things over which we have no control—our race, our gender, our sexual orientation, our disabilities—should not divide us

or preclude anyone from achieving success and providing for his or her family.

The enactment of the EPA was only the first step, and while women's salaries have risen dramatically, we have more work to do to end employment and pay discrimination.

Let's remember that all Americans are created equal and deserve equal treatment.

We should keep that in mind, not just today on this anniversary, but every day.

CONGRATULATING PATTY DURANT, RECIPIENT OF THE AHWATUKEE FOOTHILLS CHAMBER OF COMMERCE 2009 WOMEN IN BUSINESS PALO VERDE AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate the achievements of Patty Durant as the recipient of the 2009 Women in Business Palo Verde Award. The Ahwatukee Foothills Chamber recently honored Patty at the Ahwatukee Women in Business Faces of Success event, which recognizes present and future businesswomen. The award is given to female Chamber members who are role models for other women in business.

Patty is involved with her local business community in many different ways. She is a long-time Ahwatukee Foothills Chamber of Commerce member, treasurer of the Board of Directors, and past chairwomen of its women in business committee. For the past two years, she has served on the Tukee Home Tour committee, a group which organizes events to allow participants the opportunity to view remodeled homes in the community. In addition to her involvement with the chamber, she is a sales representative for Ahwatukee Foothills and Tempe offices of Empire Title Agency.

Presently, Patty serves as a co-chair of the Chamber Scholarship sub-committee, evidence of her commitment to the support of future businesswomen. At the same event at which she was honored for her achievements, she presented 2009 Desert Vista High School graduate Dana Wygle with the Ahwatukee Chamber of Commerce Women in Business Scholarship award.

Madam Speaker, please join me in recognizing Patty Durant for her contributions to her local business community and her efforts to encourage the endeavors of future businesswomen.

RECOGNIZING THE RECIPIENTS OF THE 2009 SHELTER HOUSE, INC. VOLUNTEER AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Shelter House, Inc., and more particularly the contributions that its volunteers make in service to our community. Shelter House and its outstanding volunteers serve Northern Virginia by coming to the aid of some of those most in need of support and assistance. Volunteers are critical in helping Shelter House achieve its mission of breaking the cycle of homelessness by providing crisis intervention, temporary housing, training, counseling, and programs to promote self sufficiency.

Shelter House is a community-based, nonprofit organization. It was formed in 1981 when several ecumenical groups came together to better serve low-income individuals and families. Shelter House operates two shelters, the Katherine K. Hanley Family Shelter and the Patrick Henry Family Shelter, which provide temporary housing for families in our community who find themselves homeless. In addition, Shelter House offers transitional housing services throughout Fairfax County. As part of the effort to stop the cycle of homelessness, the services provided by Shelter House continue even after individuals enter permanent housing.

Individuals, organizations, and businesses dedicate their time, money, and wherewithal to help Shelter House succeed in its efforts to end homelessness in Fairfax County. These relationships are critical assets to Shelter House and a leading cause for its successes. Shelter House has recognized the specific contributions from its partners and volunteers and named the following recipients of its 2009 Volunteer Awards: Ending Homelessness Award: Lord of Life Lutheran Church; Youth Volunteer Award: Simrun Soni; Unsung Hero Award: Mary Joyce; Special Events Award: Jack and Jill of Northern Virginia; Friend of Shelter House Kids Award for the Patrick Henry Family Shelter: Ira Kirschbaum; Friend of Shelter House Kids Award for the Katherine K. Hanley Family Shelter: Ron Koch; Community Partner Award for the Patrick Henry Family Shelter: Interior Redesign Industry Specialists, National Capitol Area; Community Partner Award for the Katherine K. Hanley Family Shelter: Clifton Community Women's Club; and Community Champion Awards: Miller and Smith; Junior League of Northern Virginia and Capital One.

The outstanding efforts of the above-mentioned individuals and organizations merit special recognition, but one must acknowledge the impact of all Shelter House volunteers who work to provide secure and structured environments for families and connect them with the supportive services they require. These volunteers help make Shelter House one of the most effective organizations in the battle to end homelessness by empowering families to reach their full potential.

Madam Speaker, I ask my colleagues to join me in expressing our gratitude for the efforts of these volunteers and their colleagues at Shelter House. The selfless commitment of these individuals provides enumerable benefits to Northern Virginia as a community as well as life-changing services to the individuals in need.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 11, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 16

9:30 a.m.
Armed Services
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for ballistic missile defense programs; to be possibly followed by a closed session in SVC–217.
SD–106

Banking, Housing, and Urban Affairs
To hold hearings to examine new ideas for sustainable development and economic growth.
SD–538

10 a.m.
Finance
To hold hearings to examine climate change legislation, focusing on tax considerations.
SD–215

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nomination of Inez M. Tenenbaum, Chair, Consumer Product Safety Commission (CPSC).
SR–253

2 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine pandemic influenza preparedness and the federal workforce.
SD–342

2:15 p.m.
Foreign Relations
Business meeting to consider S. 962, to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people; to be immediately followed by a business meeting in SD–419, to consider the nominations of Nancy J. Powell, of Iowa, to be Director General of the Foreign Service, Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Kosovo, and Patricia A. Butenis, of Virginia, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, all of the Department of State.
S–116, Capitol

2:30 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for Army modernization and management of the Future Combat Systems Program.
SR–222

Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine cell phone text messaging rate increases and the state of competition in the wireless market.
SD–226

Commerce, Science, and Transportation
To hold hearings to examine the nominations of Julius Genachowski, of the District of Columbia, to be Chairman, and Robert Malcolm McDowell, of Virginia, to be a Member, both of the Federal Communications Commission.
SR–253

Environment and Public Works
To hold hearings to examine the status and progress of New Orleans hurricane and flood prevention and coastal Louisiana restoration.
SD–406

Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Small Business Administration and the General Services Administration.
SD–138

Health, Education, Labor, and Pensions
Business meeting to consider Affordable Health Choices Act, subcommittee assignments, and any pending nominations.
SR–325

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2010 for the National Park Service and proposed expenditures under the American Recovery and Reinvestment Act.
SD–366

Armed Services
SeaPower Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for Navy shipbuilding programs.
SR–232A

JUNE 17

10 a.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine aviation safety, focusing on the role and responsibility of commercial air carriers and employees.
SR–253

Judiciary
To hold an oversight hearing to examine the Department of Justice.
SD–226

2 p.m.
Aging
To hold hearings to examine Social Security in the 21st Century.
SD–562

2:30 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine over-the-counter derivatives, focusing on modernizing oversight to increase transparency and reduce risks.
SD–538

Commerce, Science, and Transportation
To hold hearings to examine the consumer wireless experience.
SR–253

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 409, to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, S. 782, to provide for the establishment of the National Volcano Early Warning and Monitoring System, S. 874, to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, S. 1139, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and S. 1140, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.
SD–366

3 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for military construction, environmental, and base closure programs.
SR–222

JUNE 18

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for United States Special Operations Command.
SR–222

JUNE 23

9:30 a.m.
Armed Services
Personnel Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010.
SR–232A

11 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010.
SR–222

2 p.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010.
SR–222

3:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010.
SR–232A

5:30 p.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010.
SR–222

JUNE 24

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010.
SR–232A

Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs quality management activities.
SR–418

2:30 p.m.
Armed Services
Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2010.
SR–222

JUNE 25

9:30 a.m.
Armed Services
Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2010.
SR–222

JUNE 26

9:30 a.m.
Armed Services
Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2010.
SR–222

Daily Digest

HIGHLIGHTS

House Committees ordered reported 33 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S6393–S6480

Measures Introduced: Eleven bills and two resolutions were introduced, as follows: S. 1223–1233, and S. Res. 181–182. **Page S6452**

Measures Passed:

National Pipeline Safety Day: Senate agreed to S. Res. 181, designating June 10, 2009, as ''National Pipeline Safety Day''. **Pages S6398–S6400**

Veterans' Compensation Cost-of-Living Adjustment Act: Senate passed S. 407, to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in 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, to codify increases in the rates of such compensation that were effective as of December 1, 2008, after agreeing to the committee amendment in the nature of a substitute. **Pages S6476–77**

Measures Considered:

Family Smoking Prevention and Tobacco Control Act: Senate continued 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, taking action on the following amendments proposed thereto: **Pages S6405–32**

Adopted:

Dodd Amendment No. 1247, in the nature of a substitute. **Page S6406**

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order that Schumer (for Lieberman) Amendment No. 1256 (to Amendment No. 1247), to modify provisions relating to Federal employees retirement, was not germane, and the amendment thus fell. **Page S6406**

By 67 yeas to 30 nays (Vote No. 206), 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 S6412**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 2 p.m., on Thursday, June 11, 2009, and that the time until 2:30 p.m. be equally divided and controlled between Senators Dodd and Enzi, or their designees; provided further that at 2:30 p.m., all post-cloture time debate having expired, Senate vote on passage of the bill. **Page S6478**

Good Neighbor Forestry Act—Referral Agreement: A unanimous-consent agreement was reached providing that the Committee on Agriculture, Nutrition, and Forestry be discharged from further consideration of S. 1122, 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, and the bill then be referred to the Committee on Energy and Natural Resources. **Pages S6477–78**

Nominations Confirmed: Senate confirmed the following nominations:

1 Air Force nomination in the rank of general.

1 Army nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Pages S6432, S6480

Nominations Received: Senate received the following nominations:

Robert V. Abbey, of Nevada, to be Director of the Bureau of Land Management.

Timothy J. Roemer, of Indiana, to be Ambassador to India.

Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2011.

A routine list in the Foreign Service.
Pages S6479–80

Messages from the House: Page S6443

Measures Referred: Page S6443

Measures Read the First Time: Pages S6443–44, S6478

Petitions and Memorials: Pages S6444–52

Executive Reports of Committees: Page S6452

Additional Cosponsors: Pages S6452–54

Statements on Introduced Bills/Resolutions: Pages S6454–75

Additional Statements: Pages S6442–43

Notices of Hearings/Meetings: Page S6475

Authorities for Committees to Meet: Pages S6475–76

Record Votes: One record vote was taken today. (Total—206) Page S6412

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:16 p.m., until 10 a.m. on Thursday, June 11, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6478.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Mercedes Marquez, of California, to be Assistant Secretary of Housing and Urban Development for Community Planning and Development, and Herbert M. Allison, Jr., of Connecticut, to be Assistant Secretary of the Treasury for Financial Stability.

DOMESTIC AUTOMOBILE INDUSTRY

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the state of the domestic automobile industry, focusing on the impact of federal assistance, after receiving testimony from Ron Bloom, Senior Advisor at the Department of Treasury; and Edward Montgomery, Director for Recovery for Auto Communities and Workers.

AVIATION SAFETY AND COMMERCIAL AIR CARRIERS

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine aviation safety, focusing on the Federal Aviation Administration's role in the oversight of commercial air carriers, after receiving testimony from Randolph Babbitt, Administrator, Federal Aviation Administration, and Calvin L. Scovel III, Inspector General, both of the Department of Transportation; Mark V. Rosenker, Acting Chairman, National Transportation Safety Board; and John O'Brien, Flight Safety Foundation, Alexandria, Virginia.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the nominations of Peter Silva Silva, of California, to be Assistant Administrator for Water, and Stephen Alan Owens, of Arizona, to be Assistant Administrator for Prevention, Pesticides, and Toxic Substances, both of the Environmental Protection Agency, and Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration, Department of Transportation.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Kurt M. Campbell, of the District of Columbia, to be Assistant Secretary of State for East Asian and Pacific Affairs, after the nominee, who was introduced by Senator Reed, testified and answered questions in his own behalf.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Tara Jeanne O'Toole, of Maryland, to be Under Secretary for Science and Technology, Department of Homeland Security, and Jeffrey D. Zients, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget, who was introduced by Senator Bennet, after the nominees testified and answered questions in his own behalf.

U.S. EMBASSY IN KABUL

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight concluded a hearing to examine allegations of waste, fraud, and abuse in security contracts at the United States Embassy in Kabul, Afghanistan, after receiving testimony from William H. Moser, Deputy Assistant Secretary of State for Logistics Management, Bureau of Administration; and Samuel Brinkley, Wackenhut Services, Inc., Palm Beach Gardens, Florida.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the nominations of Howard K. Koh, of Massachusetts, to be Assistant Secretary of Health and Human Services,

Martha J. Kanter, of California, to be Under Secretary of Education, Jane Oates, of New Jersey, to be Assistant Secretary of Labor for Employment and Training Administration, and Laurie I. Mikva, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation.

VIOLENCE AGAINST WOMEN ACT

Committee on the Judiciary: Committee concluded a hearing to examine the Violence Against Women Act, after receiving testimony from Catherine Pierce, Acting Director, Office of Violence Against Women, Department of Justice; Karen Tronsgard-Scott, Vermont Network Against Domestic and Sexual Violence, Montpelier; Ann Burke, Lindsay Ann Burke Memorial Fund, Saunderstown, Rhode Island; Collene Campbell, former Mayor, San Juan Capistrano, California, on behalf of Force 100; Sally Wolfgang Wells, Office of the Maricopa County Attorney, Phoenix, Arizona; and Gabrielle Union, Beverly Hills, California.

NOMINATION

Committee on Rules and Administration: Committee concluded a hearing to examine the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission, after the nominee, who was introduced by Senator Schumer, testified and answered questions in his own behalf.

VA CONSTRUCTION PROCESS

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine the Department of Veterans Affairs' construction process, after receiving testimony from Donald H. Orndoff, Director, Office of Construction and Facilities Management, Department of Veterans Affairs; David Wise, Director, Physical Infrastructure Issues, Government Accountability Office; Dennis M. Cullinan, Veterans of Foreign Wars of the United States, Kansas City, Missouri; and J. David Cox, American Federation of Government Employees, AFL–CIO, Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 33 public bills, H.R. 2784–2816; and 4 resolutions, H. Res. 525–528 were introduced. **Pages H6537–38**

Additional Cosponsors: **Pages H6538–39**

Report Filed: A report was filed on June 9, 2009 as follows:

H. Res. 484, expressing support for designation of June 10th as ''National Pipeline Safety Day'' (H. Rept. 111–144, Pt. 1). **Page H6537**

Speaker: Read a letter from the Speaker wherein she appointed Representative Jackson (IL) to act as Speaker Pro Tempore for today. **Page H6417**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, June 9th:

Recognizing the significant accomplishments of the AmeriCorps: H. Res. 453, to recognize the significant accomplishments of the AmeriCorps and to encourage all citizens to join in a national effort to salute AmeriCorps members and alumni, and raise awareness about the importance of national and community service, by a ⅔ yea-and-nay vote of 359 yeas to 60 nays, Roll No. 318 and **Page H6429**

Recognizing the 25th anniversary of the National Center for Missing and Exploited Children: H. Res. 454, to recognize the 25th anniversary of the National Center for Missing and Exploited Children, by a ⅔ yea-and-nay vote of 419 yeas with none voting ''nay'', Roll No. 319 . **Page H6430**

Foreign Relations Authorization Act, Fiscal Years 2010 and 2011: The House passed H.R. 2410, to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011 and to modernize the Foreign Service, by a recorded vote of 235 ayes to 187 noes, Roll No. 328. **Pages H6421–29, H6430–H6518**

Rejected the Burton motion to recommit the bill to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 174 ayes to 250 noes, Roll No. 327. **Pages H6514–17**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Page H6442**

Agreed by unanimous consent that the Chair may reduce to two minutes the minimum time for electronic voting under clause 8 or 9 of rule twenty or under clause 6 of rule eighteen. **Page H6430**

Agreed to:

Polis amendment (No. 3 printed in part C of H. Rept. 111–143) that broadens the experience within the Foreign Service and encourages Foreign Service officers to pursue a functional specialty by making it mandatory to develop a functional focus during an officer's first two years as well as creating a more diverse promotions panel where functional and regional specialists are evenly distributed. It requires the State Department to make materials from libraries and resource centers, including U.S. films available over the Internet when possible and for the advisory commission on public diplomacy to gauge the effectiveness of online outreach authorized under section 214; **Pages H6484–85**

Hunter amendment (No. 4 printed in part C of H. Rept. 111–143) that includes the Secretary of Defense as a member of the Task Force on the Prevention of Illicit Small Arms Trafficking in the Western Hemisphere; **Pages H6485–86**

Nadler amendment (No. 5 printed in part C of H. Rept. 111–143) that expresses the sense of Congress that the United States should continue working with the states of the former Soviet Union to see that immigrants from these states who now live in the United States are paid the pensions they are owed by these states; **Pages H6486–87**

Sessions amendment (No. 8 printed in part C of H. Rept. 111–143) that expresses the sense of Congress that Israel has the right to defend itself from an imminent nuclear or military threat from Iran and other countries and organizations; **Pages H6490–92**

Davis (CA) amendment (No. 9 printed in part C of H. Rept. 111–143) that requires the Inspectors General of the Department of State, the Department of Defense, the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction to modify their auditing and assessment protocols for Afghanistan to include the impact U.S. development assistance has on the social, economic, and political empowerment of Afghan women as part of their auditing and reporting requirements; **Pages H6492–93**

Holt amendment (No. 11 printed in part C of H. Rept. 111–143) that directs the Secretary of State to report within 60 days of enactment on changes in treaty and U.S. laws that could help improve compliance with the Hague Convention on the Civil Aspects of International Child Abduction; **Pages H6494–95**

Bishop (NY) amendment (No. 13 printed in part C of H. Rept. 111–143) that requires a GAO study of the effects of USAID's use of waivers under the Buy America Act for HIV test kits on 1) United States-based manufacturers and 2) availability of and access to HIV testing for at-risk populations in low-income countries; **Pages H6496–97**

Moore (WI) amendment (No. 14 printed in part C of H. Rept. 111–143) that makes clear that passage of laws in Afghanistan that restrict or repress human rights, including the rights of women, undermines the support and goodwill shown by the international community and the U.S. through the considerable financial aid that has been provided to help rebuild Afghanistan and may make it harder to generate public support for those seeking to provide such support in the future; **Pages H6497–98**

Meeks (NY) amendment (No. 16 printed in part C of H. Rept. 111–143) that requires the Secretary of State to report to Congress on bilateral efforts to promote equality and eliminate racial discrimination in the Western Hemisphere; **Pages H6500–01**

Kirkpatrick (AZ) amendment (No. 18 printed in part C of H. Rept. 111–143) that adds to the monitoring and evaluation system established in the bill a requirement to look at the illegal southbound flow of cash; **Pages H6501–02**

Lynch amendment (No. 20 printed in part C of H. Rept. 111–143) that directs the State Department to submit to Congress a report on the 1059 and 1244 Special Immigrant Visa Programs for certain Iraqis and Afghanis who work for, or on behalf of, the U.S. Government; **Pages H6502–03**

Berman amendment (No. 21 printed in part C of H. Rept. 111–143) that requires the Department of State to conduct a cost-benefit analysis in conjunction with all appropriate Federal departments and agencies on how to best use American funds to reduce smuggling and trafficking in persons; **Pages H6503–04**

Peters amendment (No. 22 printed in part C of H. Rept. 111–143) that provides that the Secretary of State shall report to Congress on the flow of people, goods, and services across the international borders shared by the U.S., Canada, Mexico, Bermuda, and the Caribbean region; **Pages H6504–05**

Berman amendment (No. 23 printed in part C of H. Rept. 111–143) that creates the Global Clean Energy Exchange Program, a program to strengthen research, educational exchange, and international cooperation with the aim of promoting the development and deployment of clean and efficient energy technologies; **Pages H6505–06**

Eddie Bernice Johnson (TX) amendment (No. 24 printed in part C of H. Rept. 111–143) that establishes and provides financial assistance for exchange programs between Afghanistan and the United States for women legislators; **Page H6506**

Eddie Bernice Johnson (TX) amendment (No. 25 printed in part C of H. Rept. 111–143) that expresses the sense of Congress that the use of child

soldiers is unacceptable and is a violation of human rights and the prevention and elimination of child soldiers should be a foreign policy goal of the United States; **Pages H6506–07**

Poe (TX) amendment (No. 26 printed in part C of H. Rept. 111–143) that makes it a two year requirement for the President to report total U.S. cash and in-kind contributions to the entire United Nations system each fiscal year by every U.S. agency or department; **Pages H6507–08**

Castle amendment (No. 27 printed in part C of H. Rept. 111–143) that requires reports to Congress every 90 days listing the countries that refuse or unreasonably delay accepting nationals of such countries who are under final orders of removal from the United States. Empowers the Secretary of State to suspend diplomatic visa issuances to any country that continues to deny or unreasonably delay repatriation; **Pages H6508–09**

Matheson amendment (No. 17 printed in part C of H. Rept. 111–143) that provides that the Secretary of State, in consultation with the Attorney General and the Director of the Census Bureau, will conduct a feasibility study and issue a report to Congress on whether there can be implemented a method for using the passports of U.S. citizens living overseas to facilitate voting in U.S. elections and for being counted in the U.S. Census; **Page H6509**

Berman manager's amendment (No. 1 printed in part C of H. Rept. 111–143) that (1) makes a number of minor, technical and conforming changes, including changes to address concerns of other Committees that have jurisdiction over certain provisions of H.R. 2410 and making changes to certain authorizations; (2) adds the relevant text from H.R. 2828, 110th Congress, as passed by the House, relating to compensation of Foreign Service victims of terrorism; (3) adds a provision relating to streamlining export controls to better serve the scientific and research community, consistent with the protection of U.S. national security interests; (4) adds a provision on monitoring and evaluating certain provision U.S. overseas activities; (5) adds a provision to improve the stabilization and reconstruction activities of the Department of State; (6) adds a provision on implementation of an international nuclear fuel bank; (7) adds a provision relating to the development of a food security strategy; (8) adds certain other sense of Congress provisions; and (9) adds a new subsection to section 334 providing that nothing in that section shall be construed as affecting existing statutory prohibitions relating to abortion (by a recorded vote of 257 ayes to 171 noes, Roll No. 320); **Pages H6477–83, H6509–10**

McCaul amendment (No. 6 printed in part C of H. Rept. 111–143) that directs the President to develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan to address the ongoing crisis in Sudan. This includes a description of how the United States assistance will be used to achieve a U.S. policy towards Sudan, financial plan, management of U.S. foreign assistance, and criteria used to determine their prioritization (by a recorded vote of 429 ayes with none voting "no", Roll No. 322); **Pages H6487–89, H6511**

Larsen (WA) amendment (No. 7 printed in part C of H. Rept. 111–143) that provides that the policy of the United States, with respect to the UN Framework Convention on Climate Change, shall be to prevent any weakening of, and ensure robust compliance with and enforcement of, existing international legal requirements for the protection of intellectual property rights, related to energy or environmental technologies (by a recorded vote of 432 ayes with none voting "no", Roll No. 323); and **Pages H6489–90, H6511–12**

Kirk amendment (No. 19 printed in part C of H. Rept. 111–143) that allows the Secretary of State, at her discretion, to make payments from the Rewards for Justice program to officers or employees of foreign governments who provide information leading to the capture of exceptional and high-profile terrorists (by a recorded vote of 428 ayes to 3 noes, Roll No. 326). **Pages H6502, H6513–14**

Rejected:

Brown-Waite (FL) amendment (No. 12 printed in part C of H. Rept. 111–143) that sought to strike section 303, establishment of the Lessons Learned Center; **Pages H6495–96**

Ros-Lehtinen amendment (No. 2 printed in part C of H. Rept. 111–143) that requires the Secretary of State to withhold from the U.S. contribution to the International Atomic Energy Agency an amount equal to nuclear technical cooperation provided by the IAEA in 2007 to Iran, Syria, Sudan and Cuba (by a recorded vote of 205 ayes to 224 noes, Roll No. 321); **Pages H6483–84, H6510–11**

Brown-Waite (FL) amendment (No. 10 printed in part C of H. Rept. 111–143) that sought to strike Sec. 505, domestic release of the Voice of America film entitled "A Fateful Harvest" (by a recorded vote of 178 ayes to 254 noes, Roll No. 324); and **Pages H6493–94, H6512–13**

Royce amendment (No. 15 printed in part C of H. Rept. 111–143) that sought to express the sense of Congress that Eritrea's support for armed insurgents in Somalia poses a direct threat to the national security interests of the United States, that the Secretary of State should designate Eritrea a State Sponsor of Terrorism, and that the United Nations Security Council should impose sanctions against Eritrea

(by a recorded vote of 183 ayes to 245 noes, Roll No. 325). **Pages H6498–H6500, H6513**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H6518**

H. Res. 522, the rule providing for consideration of the bills (H.R. 1886 and H.R. 2410), was agreed to by a yea-and-nay vote of 238 yeas to 183 nays, Roll No. 317, after it was agreed to order the previous question without objection. **Pages H6428–29**

Moment of Silence: The House observed a moment of silence in honor of the victims of the explosion at the ConAgra plant in Garner, North Carolina on June 9, 2009. **Page H6518**

Moment of Silence: The House observed a moment of silence in honor of the victim of the shooting at the United States Holocaust Memorial Museum on June 10, 2009. **Pages H6518–19**

Senate Message: Message received from the Senate today appears on page H6429.

Quorum Calls—Votes: Three yea-and-nay votes and nine recorded votes developed during the proceedings of today and appear on pages H6428–29, H6429, H6430, H6509–10, H6510–11, H6511, H6511–12, H6512–13, H6513, H6513–14, H6517 and H6517–18. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:35 p.m.

Committee Meetings

RURAL DEVELOPMENT PROGRAMS OPERATED BY THE USDA

Committee on Agriculture: Subcommittee on Rural Development, Biotechnology, Specialty Crops and Foreign Agriculture held a hearing to review rural development programs operated by the U.S. Department of Agriculture. Testimony was heard from the following officials of the USDA: Dallas P. Tonsager, Under Secretary, Rural Development; and Phyllis Fong, Office of the Inspector General; and public witnesses.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies approved for full Committee action the Interior, Environment, and Related Agencies appropriations for fiscal year 2010.

EXAMINING THE SINGLE PAYER HEALTH CARE OPTION

Committee on Education and Labor: Subcommittee on Health, Employment, Labor and Pensions held a hearing on Examining the Single Payer Health Care Option. Testimony was heard from Representative Conyers; and public witnesses.

RESOLUTIONS OF INQUIRY

Committee on Energy and Commerce: Ordered reported with no recommendation to the House the following: H. Res. 449, Of inquiry requesting the President to provide certain documents in his possession to the House of Representatives relating to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare; and H. Res. 462, Requesting that the President transmit to the House of Representatives all information in his possession relating to specific communications with Chrysler LLC (''Chrysler'').

FOOD SAFETY ENHANCEMENT ACT

Committee on Energy and Commerce: Subcommittee on Health approved for full Committee action, as amended, H.R. 2749, Food Safety Enhancement Act of 2009.

UIGHURS: HISTORY OF PERSECUTION

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights and Oversight held a hearing on the Uighurs: A History of Persecution. Testimony was heard from Felice D. Gaer, Chair, U.S. Commission of International Religious Freedom; and public witnesses.

INTERNATIONAL FINANCIAL CRISIS— FOREIGN POLICY IMPLICATIONS

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation and Trade held a hearing on Foreign Policy Implications of U.S. Efforts to Address the International Financial Crisis: TARP, TALF and the G–20 Plan. Testimony was heard from public witnesses.

NATIONAL PROTECTION PROGRAMS BUDGET

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled ''The FY 2010 Budget for the National Protection and Programs Directorate and the Transportation Security Administration.'' Testimony was heard from the following officials of the Department of Homeland Security: Philip R. Reitinger, Deputy Under Secretary, National Protection and Programs Directorate; and Gale D. Rossides, Acting Administrator, Transportation Security Administration.

MISCELLANEOUS MEASURES

Committee on House Administration: Ordered reported the following measures: H.R. 1196, To authorize the

Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives; H.R. 2510, Absentee Ballot Tract, Receive and Confirm Act; H.R. 1604, amended, Universal Right to Vote by Mail Act of 2009; H.R. 512, amended, Federal Election Integrity Act of 2009; H.R. 2728, amended, William Orton Law Library Improvement and Modernization Act; H.R. 1752, amended, To provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; H.R. 2393, Military Voting Protection Act of 2008; H. Con. Res. 135, Directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol; and H. Con. Res. 131, Directing the Architect of the Capitol to engrave the Pledge of Allegiance to the flag and the National Motto of " In God We Trust" in the Capitol Visitor Center.

FOREIGN DEFAMATION JUDGMENTS; IMPEACHMENT OF U.S. DISTRICT JUDGE SAMUEL B. KENT

Committee on the Judiciary: Ordered reported the following: H.R. 2765, To amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services; and H. Res. 520, Impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Ordered reported, as amended, the following bills: H.R. 1612, Public Lands Service Corps Act of 2009; H.R. 556, Souther Sea Otter Recovery and Research Act; H.R. 934, To convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; H.R. 1080, Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009; H.R. 2188, Joint Ventures for Bird Habitat Conservation Act of 2009; H.R. 509, Marine Turtle Conservation Reauthorization Act of 2009; H.R. 1454, Multinational Species Conservation Funds Semipostal Stamp Act of 2009; H.R. 1275, Utah Recreational Land Exchange Act of 2009; H.R. 1442, To provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; H.R. 129, To authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; H.R. 409, To provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway; and with no amendments H.R. 762, To validate final patent number 27–2005–0081.

OVERSIGHT—ENVIRONMENTAL RESTORATION PROGRAM AT SPRING VALLEY

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held an oversight hearing on the Environmental Restoration Program at Spring Valley. Testimony was heard from Anu K. Mittal, Director, Natural Resources and Environment, GAO; Addison Davis, Deputy Assistant Secretary, Army Environment, Safety and Occupational Health, Department of the Army; and COL. Peter Mueller, U.S. Army Corps of Engineers; William C. Early, Acting Regional Administrator, EPA; George Hawkins, Director, Department of the Environment, District of Columbia; and public witnesses.

WARTIME CONTRACTING COMMISSION'S FINDINGS

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs, held a hearing on the Wartime Contracting Commission's interim findings on government contract practices in Iraq and Afghanistan. Testimony was heard from the following officials of the Wartime Contracting Commission: Michael J. Thibault, Commissioner and Co-Chair; former Representative Christopher Shays of CT, Commissioner and Co-Chair; Charles Tiefer; and COL Grant S. Green, U.S. Army (Ret.), both Commissioners; and a public witness.

CYBER SECURITY R&D

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on Cyber Security R&D. Testimony was heard from public witnesses.

EXPANDING SMALL BUSINESS ACCESS TO CAPITAL

Committee on Small Business: Held a hearing entitled "Laying the Goundwork for Economic Recovery: Expanding Small Business Access to Capital." Testimony was heard frompublic witnesses.

CONTROL OF ANTI-FOULING SYSTEMS ON SHIPS

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Control of Anti-Fouling Systems on Ships. Testimony was heard from Jeffrey G. Lantz, Director, Commercial Regulations and Standards, U.S. Coast Guard, Department of Homeland Security; and James Jones, Acting Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances, EPA.

VETERANS LEGISLATION

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 1016, amended, Veterans Health Care Budget Reform and Transparency Act of 2009; H.R. 1211, amended, Women Veterans Health Care Improvement Act; H.R. 952, amended, COMBAT PTSD; H.R. 1037, amended, Pilot College Work Study Programs for Veterans Act of 2009; H.R. 1098, amended, Veterans' Worker Retraining Act of 2009; H.R. 1172, amended, 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, amended, Equity for Insured Veterans 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.

CYBER UPDATE

Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence met in executive session to hold a briefing on Cyber Update. Testimony was heard from departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 11, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Housing and Urban Development, 9:30 a.m., SD–138.

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Veterans Affairs, 1:30 p.m., SD–124.

Committee on Armed Services: to hold hearings to examine the nominations of Gordon S. Heddell, of the District of Columbia, to be Inspector General, J. Michael Gilmore, of Virginia, to be Director of Operational Test and Evaluation, Zachary J. Lemnios, of Massachusetts, to be Director of Defense Research and Engineering, Dennis M. McCarthy, of Ohio, to be Assistant Secretary for Reserve Affairs, and Jamie Michael Morin, of Michigan, to be Assistant Secretary for Financial Management and Comptroller, and Daniel Ginsberg, of the District of Columbia, to be Assistant Secretary for Manpower and Reserve Affairs, both of the Air Force, all of the Department of Defense, 9:30 a.m., SD–106.

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine President's proposed budget request for fiscal year 2010 for the National Oceanic and Atmospheric Administration (NOAA), 11 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider pending energy legislation, 2 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine certain North Korea issues, 2 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine health care, 3 p.m., SH–216.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine S. 372, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine reforming the Indian health care system, 2:15 p.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, S. 1107, to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and the nominations of Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit, and Mary L. Smith, of Illinois, to be Assistant Attorney General, Tax Division, Department of Justice, 10 a.m., SD–226.

Subcommittee on Crime and Drugs, to hold hearings to examine the National Criminal Justice Act of 2009, 3 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2 p.m., SVC–217.

House

Committee on Agriculture, to review pending climate legislation, 2 p.m., 1300 Longworth.

Subcommittee on Conservation, Credit, Energy, and Research, hearing to review conditions in rural America, 10 a.m., 1302 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agriculture, to mark up the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations for fiscal year 2010, 1 p.m., 2362 Rayburn.

Committee on Armed Services, Subcommittee on Military Personnel, to mark up H.R. 2647, To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, 11 a.m., 2212 Rayburn.

Subcommittee on Strategic Forces, to mark up H.R. 2647, To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, 1 p.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, to mark up H.R. 2647, To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, 9 a.m., 2118 Rayburn.

Committee on Education and Labor, Subcommittee on Workforce Protections, hearing on the following bills: H.R. 2339, Family Income to Response to Significant Transitions Act, and H.R. 2460, Healthy Families Act, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Communications, Technology and the Internet, hearing on the following bills: H.R. 1084, Commercial Advertisement Loudness Mitigation Act (CALM); H.R. 1147, Local Community Radio Act of 2009; and H.R. 1133, Family Telephone Connection Protection Act of 2009, 10 a.m., 2322 Rayburn.

Subcommittee on Health, hearing on the forthcoming Federal Trade Commission report entitled ''Emerging Health Care Issues: Follow-on Biologic Drug Competition,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled ''Compensation Structure and Systemic Risk,'' 10 a.m., 2128 Rayburn.

Subcommittee on Housing and Community Opportunity, hearing on H.R. 2336,GREEN Act of 2009, 2 p.m., 2128 Rayburn.

Committee on Homeland Security,, Subcommittee on Border, Maritime and Global Counterterrorism, hearing entitled ''The FY 2010 Budget for Immigration and Customs Enforcement, Customs and Border Protection, and the U.S. Coast Guard,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Constitution, Civil Rights and Civil Liberties, to mark up the following bills: H.R. 1843, John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act of 2009; and H.R. 984, State Secret Protection Act of 2009, 2 p.m., 2141 Rayburn.

Subcommittee on Courts and Competition Policy, hearing on H.R. 569, Equal Justice For Our Military Act of 2009, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, hearing on H.R. 2314, Native Hawaiian Government Reorganization Act of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Oversight and Government Reform and the Subcommittee on the Domestic Policy, joint hearing entitled ''Bank of America and Merrill Lynch: How Did a Private Deal Turn Into a Federal Bailout?'' 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Investigations and Oversight, hearing on Fixing EPA's Broken Integrated Risk Information System, 1 p.m., 2318 Rayburn.

Subcommittee on Technology and Innovation, hearing on the Reauthorization of the National Earthquake Hazards Reduction Program: R&D for Disaster Resilient Communities, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Contracting and Technology, to mark up the following: Commercializing Small Business Research and Development Act; Investing in Tomorrow's Technology Act; SBIIR and STTR Enhancement Act; and the Technology Development and Outreach Act, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Regional Air Carriers and Pilot Workforce Issues, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on Cyber Initaitive Budget, 2 p.m., 304–HVC Capitol.

Joint Meetings

Conference: Meeting of conferees on H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, 3 p.m., HC–5, Capitol.

Next Meeting of the **SENATE**

10 a.m., Thursday, June 11

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 2 p.m.), Senate will continue consideration of H.R. 1256, Family Smoking Prevention and Tobacco Control Act, and a period of debate, vote on passage of the bill at 2:30 p.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, June 11

House Chamber

Program for Thursday: Consideration of H.R. 1886—Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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