The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. ALTMIRE).

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DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, JUNE 12, 2009.
I hereby appoint the Honorable JASON ALTMIRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

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PRAYER

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

Lord of the Sabbath, ever attentive to our prayers, may this weekend provide the Members of Congress, their families and their friends the joy of Your presence in their midst. May they find the respite they need for both their bodies and their souls.

So renewed in energy and spirit, may they safely return to serve You and the people of their districts with greater vigor and determination. Then blessed by You, may they accomplish great deeds for this Nation, calling upon Your Holy Name, both now and forever.

Amen.

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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. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE 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 five requests for 1-minute speeches on each side of the aisle.

FUNDING FOR STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

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

Mr. MITCHELL. Mr. Speaker, I rise today to protest the 25 percent cut proposed this week to the State Criminal Alien Assistance Program, otherwise known as SCAAP. SCAAP reimburses States and localities for the arrest, incarceration and transportation of undocumented immigrants who commit crimes in our communities. When State and local governments are forced to step in and do the Federal Government's job, it is only fair that they be reimbursed.

Last year, the Arizona Department of Corrections received $12.8 million from the Federal Government to house up to 5,600 criminal illegal immigrants in State prisons, only 10 percent of what Arizona spent to house illegal inmates that year. This cut is wrong, and as this legislation moves to the floor next week, I urge my colleagues to help me fight this cut.

If we are serious about immigration enforcement, we must restore SCAAP funding and reimburse Arizona for keeping criminal alien immigrants behind bars.

CONCERNS ABOUT CAP-AND-TRADE

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

Mr. CHAFFETZ. Mr. Speaker, I rise with deep concern about the so-called cap-and-trade. If the Democrats and President Obama get their way, we will have one of the single largest tax increases in the history of the United States imposed upon the American people at a time when we are struggling for jobs. We need to remember in this country that manufacturing is good. It is good.

Now the administration will tell you that rebates will come for those that are in the middle class, but the bill cuts off assistance for families making
more than $42,000 or individuals making as little as $23,000. The Congressional Budget Office expects major increases in bureaucracy, adding some $800 million in administration costs annually for just the first 10 years.

Let us remember that the cap-and-trade is one of the largest tax increases in the history of the United States, this despite the President’s promise that 95 percent of Americans would not see one dime in new taxes.

HELPING AMERICANS ACQUIRE AND RETAIN HEALTH INSURANCE

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

Mr. FALLOONE. Mr. Speaker, the House in the next few weeks is about to unveil a health reform plan that will seek to cover all Americans, reduce costs and basically improve the quality of our health care system. When I talk to my constituents, they tell me how it is increasingly difficult for them to find affordable health insurance either because their employer will not provide it or they go on the individual market, and it’s simply too expensive. The current system is simply unsustainable. We want people to be able to keep their health insurance if they like it and if they can afford it, but we must provide alternatives for people that can’t find health insurance or find it increasingly difficult to afford the health insurance that they want. I think this is a real priority for the American people, and it will be a priority for this Congress because we understand that the average American increasingly sees health insurance as an economic issue, something that’s making it increasingly difficult for them to get through the day if they can’t find an affordable plan. So I’m looking forward to this. I think it’s going to be a major achievement for this Congress.

HEALTH CARE RATIONING COULD RESULT IN DEATH PENALTY IN THE UNITED KINGDOM

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

Mr. POE of Texas. Mr. Speaker, do we really want to nationalize health care and let it be run by the government? Well, here’s what’s going on in England’s nationalized system. Recently, a British medical ethics expert proclaimed that people who suffer from dementia have a patriotic duty to die. Baroness Warnock, the government medical adviser, says that “the requirement is expensive and drains the government resources for health care.” This government decision-maker says that people will “soon be licensed to put others at risk.” Isn’t that nonsensical? What are we going to do now? Are we going to train our enlisted men and women in the Armed Forces that when they’re on the battlefield, if someone is suffering, they should pull out their card with the Miranda warnings to make sure that if the person they’re encountering is capable, they have to give them those rights? How about preserving the crime scene? This is nonsense.

RENEWABLE ENERGY WILL HELP THE ECONOMIC RECOVERY

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

Mr. POLIS. Mr. Speaker, I rise today in support of the American Clean Energy and Security Act of 2009. I had the opportunity to visit a factory 2 weeks ago in my district. They’re hiring 400 people to make solar panels. They’re exporting some of those solar panels to China. When we talk about an economic recovery and getting our economy going, renewable energy is going to be one of the most important growth sectors to do that.

The American Clean Energy and Security Act will save families money. A study shows that a family will save $750 a year within 10 years on their power bills monthly and almost $4,000 over 20 years. The incentives and help that this bill puts in place to help families conserve energy and reduce their energy needs in their homes and workplaces will not only improve our national security by ending our reliance on foreign oil, will not only address global warming and climate change but will also mean money back in the pockets of American families.

One of the most important things that we can do to recover from this recession and to grow good jobs for the middle class and for the American people is to ensure that we have continued growth in the renewable energy sector. This bill is critical. That is why hundreds of companies support this bill.

ATTACKING IRRELEVANT SPENDING TO THE IRAQ AND AFGHANIStan SUPPLEMENTAL

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

Mr. WITTMAN. Mr. Speaker, the current debate over the Iraq and Afghanistan supplemental is a perfect example of what frustrates Americans about Washington. The folks in my district and across the country want Congress to pass a clean funding bill for the troops and that means that they certainly don’t want us playing politics with a bill to fund men and women currently in harm’s way. Yet that is exactly what some in Congress are trying to do, using the oldest trick in the book by attaching billions of dollars in barely relevant spending to an emergency war funding bill. But it’s not just the American people that we’re frustrating with these political games. How must Congress look in the eyes of those that we have sent to fight on our behalf? This bill is an attempt to tie troop funding to controversial programs. Furthermore, we must refrain from the temptation to squander...
The American people know we can do better. Republicans also support a comprehensive energy solution that lessens energy prices to "necessarily skyrocket" and that the costs will be passed on to consumers. Various estimates suggest anywhere between 1.8 and 7 million American jobs could be lost. Manufacturing jobs will relocate to countries with less stringent environmental regulations like China and India, inflicting greater harm on American families and small businesses while doing even greater damage to the environment.

The American people know we can do better. Republicans also support a clean environment and have a comprehensive energy solution that lessens our dependence on foreign oil and leads us to a stronger economy.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 2300

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to have all the cosponsors on H.R. 2300 withdrawn.

The names of the cosponsors are as follows:

Mr. Akin
Mr. Alexander
Mrs. Bachmann
Mr. Bonner
Mr. Boozman
Mr. Boozman
Mr. Brady of Texas
Mr. Broun of Georgia
Mr. Brown of South Carolina
Mr. Burton
Mr. Carter
Mr. Cassidy
Mr. Chaffetz
Mr. Coffman
Mr. Conaway
Mr. Culberson
Mrs. Fallin
Mr. Fleming
Mrs. Foxx
Mr. Franks
Mr. Gallegly
Mr. Gingrey
Mr. Goodlatte
Mr. Harper
Mr. Heller
Mr. Hensarling
Mr. Herger
Mr. Hoekstra
Mr. Hunter
Mrs. Jenkins
Mr. Sam Johnson of Texas
Mr. Jordan
Mr. Lamborn
Mr. Latta
Mr. Lee of New York
Mr. Linder
Mr. Lucas
Mrs. Lummis
Mr. Manzullo
Mr. Marchant
Mr. McCaul
Mr. McOtter
Mr. McHenry
Mr. McKeon
Mrs. Myrick
Mr. Neugebauer
Mr. Pence
Mr. Pitts
Mr. Poe
Mr. Price of Georgia
Mr. Radonovich
Mr. Rehberg
Mr. Ryan of Wisconsin
Mr. Scalise
Mr. Sessions
Mr. Simpson
Mr. Smith of Texas
Mr. Souder
Mr. Sullivan
Mr. Thompson of Pennsylvania
Mr. Thornberry
Mr. Wamp
Mr. Westmoreland
Mr. Young of Alaska

Mr. Speaker, I rise in support of the House Resolution 532 and the underlying bill, the Family Smoking Prevention and Tobacco Control Act. I think Chairman Waxman and my colleagues who serve on the Energy and Commerce Committee for their leadership in this bipartisan effort.

This legislation, which passed the House by a margin of more than three to one last July and again passed the House by a vote of 298-112 this past April will finally give the U.S. Food and Drug Administration the authority to regulate the advertising, marketing and manufacturing of tobacco products, and it will also allow them to take additional critical steps to protect the public health. Putting a stop to the tobacco industry from designing products that entice young people and developing programs to help adult smokers quit is the first step in prevention.

Tobacco is currently the number one cause of preventable death in America. It is responsible for about one in five deaths annually, or 435,000 deaths per year, according to the Centers for Disease Control. Smoking-related deaths account for more deaths than AIDS, alcohol, cocaine, heroin, homicide, suicide, motor vehicle crashes and fires combined. Approximately 8.6 million Americans also suffer from chronic illnesses that are related to smoking.

And yet every day, more than 3,500 youth try a cigarette for the first time and another 1,000 will become new, regular, daily smokers. One-third of these youth will eventually die prematurely as a result. America's youth face intense pressure every day from friends, fancy advertisements, and irresponsible adults to make bad decisions that will affect their long-term health and their families.

A 2006 study conducted by the Substance Abuse and Mental Health Services Administration found that 90 percent of all adult smokers began while
they were in their teens or earlier, and two-thirds of adult smokers became regular daily smokers before they reached the age of 19. A shocking number of American children are at least casual smokers before they can even drive.

As a cosponsor of the Family Smoking Prevention and Tobacco Control Act, I am strongly committed to seeing this figure drastically reduced, and this bill is an important step. Congress must work to help make our children’s lives safer and their daily choices easier.

The history of low tar cigarettes illustrates the grave danger to public health caused by fooling consumers by making false and unsubstantiated claims that one kind of cigarette is substantially safer than another. Millions of Americans switched to low tar cigarettes, believing they were reducing their risk of lung cancer. Many were convinced to switch instead of quitting. It wasn’t until decades later that we learned through the deaths of those smoking low tar cigarettes that low tar cigarettes were just as dangerous as full tar cigarettes.

Mr. Speaker, as you may recall during the debate, I spoke of my fellow Coloradan, David Hughes, who as a teenager began smoking and then died last year at the age of 52. I had the chance to speak to his widow.

In 2002, after his first cancer diagnosis, he immediately quit smoking and became one of Colorado’s fiercest anti-smoking advocates. His optimism and strength never went unnoticed as he volunteered for Smoke-Free Loveland. His mission was to prevent others from dying from cancer due to smoking, prevent others from making mistakes, prevent others from making the wrong choices that ultimately cost him his life.

David and so many others of our friends, our sisters, our cousins, our relatives personify the humanity of tobacco addiction, and this is why we must ensure that protections are put in place and this bill is passed and sent to President Obama so that we can fulfill David’s mission and honor the way that so many others have lived and died.

Under this legislation, by empowering the FDA to regulate tobacco products, we will not have to wait until the deaths of more Americans to learn whether a so-called safer cigarette is really what it claims to be. The bottom line: we have an interest in learning whether a so-called safer cigarette is really what it claims to be. The bottom line: we have an interest in learning whether a so-called safer cigarette is really what it claims to be. The bottom line: we have an interest in learning whether a so-called safer cigarette is really what it claims to be.

A study by Brown University reveals that just a few weeks of chewing tobacco can develop leukoplakia of the cheeks and gums, which is the formation of leathery patches of diseased tissue on those parts of the mouth. The most striking figure is that in 20% of these cases of leukoplakia develop into oral cancer.

The American Dental Association, who strongly supports this legislation, calls tobacco use the number one cause of preventable disease in the United States. It should be a no-brainer to responsibly regulate such a dangerous product.

I also want to stress that the bill fully funds FDA’s tobacco activity through user fees on tobacco product manufacturers. All tobacco product-related FDA costs are allocated among the manufacturers of cigarettes, cigarette tobacco, and smokeless tobacco products that are sold in the United States, based on the manufacturer’s respective share of the United States market.

The Congressional Budget Office estimates if this bill is passed, we will reduce youth smoking over the next decade and adult smoking by 2 percent, a small step in the right direction; but there is much more work ahead of us.

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

Ms. FOXX. Mr. Speaker, I appreciate my colleague yielding time.

This bill is being brought to the floor by the majority in a manner that is closed again. We have a record number of closed rules in this and the last Congress. Concurring in the Senate amendment blocks the minority from offering a motion to recommit. By choosing to operate in this way, the majority has cut off the minority from having any input into the legislative process and is simply not the way we should be operating in this country.

I would now like to yield such time as he may permit to my distinguished colleague, the gentleman from North Carolina (Mr. COBLE), the dean of the North Carolina delegation.

Mr. COBLE. Mr. Speaker, I thank the gentlelady from North Carolina for the time. She and I share opposition to this proposal.

I rise in continued opposition, Mr. Speaker, to the Family Smoking Prevention and Tobacco Control Act. During my tenure in the Congress, I have consistently opposed granting the Food and Drug Administration the authority to regulate tobacco. I do so based upon my philosophical beliefs and the ramifications this legislation would have upon my congressional district and my State.

It is my firm belief, Mr. Speaker, that allowing the FDA to regulate tobacco in any capacity would inevitably lead to FDA regulating the family farm. Of course, that is the potential. This could create uncertainty for family farmers at a time when they are already struggling during the current economic downturn.

I have spoken to tobacco farmers in my district. Mr. Speaker, and if this matter is enacted, they see the door ajar, and their fear is tobacco today, the family farm tomorrow. I don’t think this is a knee-jerk reaction. I think it is realistic.

I also have concerns, Mr. Speaker, regarding the negative impact the measure would have upon tobacco manufacturers and their employees, retailers, and wholesalers. Previously this Congress has voted to implement a 62-cent tobacco tax increase to fund children’s health insurance. Today we consider legislation that will create further hardship for the tobacco industry and consumers who use tobacco products.

I have said this countless times before, Mr. Speaker, but I will reiterate it today: we are talking about a product that is lawfully grown, lawfully manufactured, lawfully marketed, lawfully advertised, and lawfully consumed.

Mr. Speaker, H.R. 1256 remains a misguided piece of legislation. It does not achieve the goals identified by the proponents of regulating tobacco content, marketing and advertising. Indeed, it will further exacerbate an already-stretched FDA, negatively impact manufacturers and farmers and create a strain on Federal revenues to the national Treasury.

In my State and in my district and in the district of the distinguished lady from North Carolina, H.R. 1256 will result in job losses to the beleaguered tobacco manufacturing and farming interests, and it will compromise an already overburdened FDA. I cannot in good conscience support this measure.

I again thank the gentlewoman from North Carolina.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Thank you for yielding.

Mr. Speaker, I rise in support of the rule and in strong support of H.R. 1256. I want to take this opportunity to thank Chairman Waxman for his many years of hard work on this legislation. We would not be here today passing this landmark bill without his and Senator Kennedy’s unwavering commitment to have tobacco regulated and their leadership as a physician and Chair of the Congressional Black Caucus Health Brain Trust, as well as a parent and grandparent, I give my full support to the Family Smoking Prevention and Tobacco Control Act.

Today, tobacco is the leading cause of preventable death in this country. It accounts for nearly one in five deaths each year and kills more people than AIDS, fires, cocaine, heroin, alcohol, homicide, car accidents and suicide combined. It is a major public health issue and a key driver of the country’s high health care costs.

This bill empowers States and communities to prevent aggressive tobacco marketing that has the greatest negative impact in the hardest hit communities and among our most vulnerable.
It bans the additives used to manufacture flavored cigarettes which are marketed to children. And while it does not ban menthol immediately, it gives the FDA the authority to do so and sets up a commission to make a recommendation on this issue, so important to the African American community, within a year. Additionally, it speeds up the development of smoking cessation and nicotine replacement therapies, which are key to helping millions of Americans overcome nicotine addiction.

So this bill will help save millions of lives, and in doing so, it will also jumpstart and complement our efforts to improve health and save millions more lives through the broader health care reform bill that will also soon be on the President's desk.

I am pleased that we are taking this bold step necessary to finally address this issue in a comprehensive and thoughtful manner, a step that has not come before. A step that has come without controversy, but a step nonetheless worth taking.

I urge passage of the rule and H.R. 1256.

Ms. FOXX. Mr. Speaker, you know, in many cases, the titles of bills here since the Democrats have been in control have been backwards from what they do, but this bill I think does have a partially appropriate title. It is called the Family Smoking Prevention and Tobacco Control Act.

I think it is emblematic of the concern and the attempt by the majority party to control every aspect of our lives. Everything that we do in this country, they are trying to control. They think they have the answers to everything and that what they want us to do is what should be done. So the emphasis should be on control, because what is it that they are trying to do, is control our lives.

We have more than this legislation will have little impact on overall tobacco use. The Congressional Budget Office has estimated that if this bill is enacted, smoking by adults would decline by only 2 percent after 10 years. This marginal reduction does not warrant this legislation's significant intrusion on free speech rights and expansion of government-run regulatory bureaucracy.

I strongly oppose this bill and this rule and urge my colleagues to vote against both of them.

Mr. Speaker, I yield 15 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I thank the gentlewoman for yielding.

Herbert Hoover in the last century referred to the Volstead Act as a noble experiment. It was grounded on the sincere desire to rid society of theills of alcohol. It was designed to improve health, cut crime and relieve taxpayers of the burden of subsidizing prisons. The problem is we know it as Prohibition. It failed to take into account human nature and the truism that things are apt to go wrong when government tinkers too much with personal choices.

We are about to repeat history. There will be speeches here on the floor. I just heard one, about how this bill is going to help children, how this bill is going to improve public health. Unfortunately, the Kennedy bill that has now just come from the Senate back to the House here is not going to be able to achieve the goals which it desires.

What I will do here this morning, and as I also manage the bill itself, is bring up some of the highlights and concerns. The first highlight and concern is that Members need to do their due diligence and read the legislation that is coming to the floor. Please. There is a herd mentality that is occurring right now whereby there is blind faith that is given to leadership, and people are just voting for things. They have no idea what is truly in the legislation.

So I'm going to highlight some of the great concerns, because we need to be a responsible legislative body. A responsible legislative body is one that doesn't kick the tough questions to the Supreme Court, and that's exactly what we're doing.

I'm going to address the Supreme Court in the First Amendment and Fifth Amendment issues. I'm going to address the First Amendment issues. I'm going to mention how this bill further burdens the FDA and its core mission while, at the same time, the majority is talking about how the FDA cannot protect the American people with regard to tainted food and adulterated and counterfeit drugs. I also would like to mention how this bill actually locks the marketplace to prevent innovation and competition. We are truly on the wave of socialism in this country.

So, first let me refer to the First Amendment. The Kennedy bill directs the Secretary of HHS to promulgate an interim final rule that is identical to the FDA's 1996 rule which legal experts from across the political spectrum have stated would violate the First Amendment. While these expert views should be given serious weight, even more dispositive of the fact that the United States Supreme Court has also weighed in on various provisions of the rule, finding them already unconstitutional—they're already ruled—yet we're going to go ahead and put them right back in legislation. Not very responsible.

So before Members get down here and start pounding their chests as though they're doing great things, this is irresponsible for this body.

In Lull v. Tobacco Company v. Reilly, the United States Supreme Court struck down a Massachusetts statute that was similar in many ways to the FDA's proposed rule. The statute banned outdoor ads within 1,000 feet of schools, parks and playgrounds, and also restricted point-of-sale advertising for tobacco products. The Court held that this regulation ran afoul of the tests established in the Central Hudson case, which defines the protection afforded commercial speech under the First Amendment, as it was not sufficiently narrowly tailored and would have disparate impacts from community to community. The Court then noted that since the Massachusetts statute was based on the FDA's rule, the FDA rule would have similar unconstitutional effects on a nationwide basis. As Justice Sandra Day O'Connor wrote for the Court, "the uniformly broad sweep of the geographical limitation demonstrates a lack of tailoring."

Additionally, the proposed rule in the Kennedy bill would require ads to use only black text on white background. This type of location is the one Justice Byron White, in his opinion for the Court, wrote that pictures and illustrations and ads cannot be banned "simply on the strength of the general argument that the visual content of advertising may, under some circumstances, be deceptive or manipulative."

There are numerous other speech restrictions in this legislation that raise serious First Amendment issues and will create a swarm of lawsuits that will only divert us from trying to develop more effective approaches to tobacco use in the United States.

The Kennedy bill, in fact, does the opposite. It requires that a broad range of experts have stated is almost certain to be struck down would be highly counterproductive, and should not be done by this legislative body. Actually, there probably will be a record time between when this bill is signed into law and when lawsuits begin to be filed in Federal court.

Now, I referred in my opening to these "quit or die" strategies. The "quit or die" strategy, the reason I call it that, is this is an abstinence approach to tobacco use. You either quit or, if you continue to use the product, you die. That's their abstinence approach.

The previous speaker even talked about, well, this bill is going to promote nicotine therapies, and we're going to move people toward these nicotine therapies and they'll get a chance to quit.

Nicotine therapies work for less than 7 percent of the American smokers who use them to quit smoking. Each year, approximately 20 million smokers use nicotine replacement therapies in an attempt to quit smoking.
Now, think about this. You’ve got over 40 million smokers. Two million try to quit, and there’s a 7 percent success rate. This bill locks in the 7 percent success rate and does not allow the marketplace to exercise innovation as a gateway of smokers to smokeless-type products in a harm reduction strategy to lower in a continuum of risk.

Seven percent? So individuals are going to come here to the floor and claim that a 7 percent success rate is wonderful. 7 percent success rate is failure. Why should we, as a body, embrace failure? We should not.

This legislation, the Kennedy legislation, locks down the marketplace. It locks it down. And it says whoever has what particular market share, that’s it. That’s where it’s going to be.

With regard to introduction of new products, oh, no, no, no, no, no. We’re going to create a 2-tier standard. You have to be able to show, with regard to that product, what impact upon the individual and then the population at large. In order to do that, that is a hurdle. It is called a “bridge too far.” When you create a 2-tier standard that is a barrier, as an entry barrier of new products to existence but, you lock down innovation. You secure competition in a present pattern, and then, with regard to these therapies, we’re saying okay, this is cool, this is good. We’re doing something great for public health. We’re going to lock in a 7 percent success rate. Wow.

Now, Members are also going to come to the floor and say oh, this is really great. We’re really going to be helping people quit smoking.

Are you kidding me? You know what this bill does?

This bill increases the success rate, now, of quitting smoking by two-tenths of 1 percent. Two-tenths of 1 percent. You’re proud of that? Two-tenths of 1 percent.

Now, let’s talk about what is two-tenths of 1 percent? Well, let’s go to our friends, one of our strongest allies in our transatlantic alliance, Great Britain. The Royal College of Physicians, also looking at this issue in their report, and they’re looking also to solutions to the smoking epidemic, they write, in their review of other countries, it indicates that the best conventional tobacco control measures reduce the prevalence, by .5 to 1 percentage point per year. Whoo! Great Britain went out there and looked at all these other countries around the world and found that other countries that are taking aggressive measures are able to reduce smoking prevalence by .5 to 1 percentage points per year. And none of them have even taken into account what Mr. MCINTYRE and I presented to the floor and say oh, this is really great. We’re really going to be helping people quit smoking.

So, in the marketplace right now, there are many types of products. Now, what is unique about what’s happening in this country, and that is the greatest concern that I have here today. It is called a “bridge too far.” When you create a 2-tier standard that is a barrier, as an entry barrier of new products to existence but, you lock down innovation. You secure competition in a present pattern, and then, with regard to these therapies, we’re saying okay, this is cool, this is good. We’re doing something great for public health. We’re going to lock in a 7 percent success rate. Wow.

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Are you kidding me? We are not. We’re continuing failure. Failure. So don’t come to the floor and act like someone is the champion here, because we’re not. Two-tenths of 1 percent.

Mr. POLIS. Will the gentleman yield?

Mr. BUYER. I’ll yield to help you with math. Mr. POLIS. I’m asking you the source.

Mr. BUYER. It’s two-tenths of 1 percent.

Mr. POLIS. Will the gentleman yield for a moment?

Mr. BUYER. Two-tenths of 1 percent, 2 percent. You think that’s great. Mr. POLIS. I’d like to yield to your source.

Mr. BUYER. What?

Mr. POLIS. I’d like to ask your source.

Mr. BUYER. Sure. It’s the Royal College of Physicians.

Mr. POLIS. That’s from another country?

Mr. BUYER. Absolutely.

Mr. POLIS. Is the gentleman aware the Congressional Budget Office estimates it will reduce youth smoking by 11 percent over the next 10 years, and adult smoking by 2 percent? Those are our own estimates.

Mr. BUYER. The Royal College of Physicians, I’m indicating, with regard to the reduction of prevalence of smoking of .5 and 1 percentage point per year of places around the world. Two percent. Yeah, because I don’t know where you’re getting your facts. This is CBO. Last time I checked, CBO is in the United States, you think? Yeah. CBO is in the United States.

Now, let me also move to harm reduction strategies. Here’s why I’m really upset. I’m upset because what we really should be doing, if we really had an interest in improving public health, we should be migrating populations, moving populations. And when you move populations, you also want to inform people with regard to choices and the risk associated with products. We do that every day in the types of automobiles we buy, whether you’re going to wear your seatbelt. I suppose, I don’t know, if you want to wear a helmet—did you wear a helmet to work when you drove your car today? I guess that’s a choice you could make. People make harm reduction choices every day. In the foods we eat, what we make. Twenty-five percent of the population does not know where you’re getting your facts. That’s where it’s going to be.

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This is CBO. Last time I checked, CBO is in the United States, you think? Yeah. CBO is in the United States.
Mr. Speaker, I would like to yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Thank you, I thank my colleague from the Rules Committee for allowing me to speak for 3 minutes.

Mr. Speaker, I respectfully disagree with my colleague and member of the Energy and Commerce Committee from Indiana. I rise in strong support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. I am an original cosponsor of the bill, and I am pleased to finally have a piece of legislation to the President. Again, I respectfully disagree with some of the statements earlier.

For many years, Congress has tried to address tobacco use and the impact it has on our people. Nearly 21 percent of Americans smoke cigarettes, which is actually a reduction over the past few years, but almost 23 percent of high school students are smokers—23 percent.

According to the Substance Abuse and Mental Health Services Administration, every day, 1,140 young adults start smoking. Over 1,000 young people start smoking every day. Every day that these young adults start smoking, they're entering a lifelong addiction. Therefore, the number of young adults who start smoking every day is tragic, especially when you consider that cigarette smoking is a leading cause of preventable death in our country. Once you're addicted to tobacco, it's with you for life and death. Most smokers start at 13, 14 or 15 years old.

The Family Smoking Prevention and Tobacco Control Act will give the Food and Drug Administration, the FDA, the authority to regulate tobacco for the first time. As was said earlier, we don't regulate tobacco now. We're finally giving the Food and Drug Administration the authority to regulate it.

This bill is fully paid for, and the FDA activity on tobacco will be fully funded through a user fee, not through the FDA's existing budget. These new funds will not take away or affect any of the FDA's current activities. This bill will also subject all new tobacco products to premarket review. It will give the Secretary of Health and Human Services the ability to restrict the sale, distribution and promotion of tobacco products. The Secretary will be able to establish tobacco product standards and require manufacturers to provide the Secretary with a list of harmful ingredients in tobacco products. We don't even know what we're smoking today. The bill will establish new labeling requirements to tobacco products.

I believe the bill is long overdue, and I am pleased that this bill has the support of tobacco manufacturers such as Philip Morris as well as public health groups like the American Cancer Society for Tobacco-Free Kids. The Family Smoking Prevention and Tobacco Control Act is a step in the right direction to address the issue of smoking in our country.

I ask Members of Congress: How many loved ones and constituents do you know who have died from lung cancer caused by smoking?

This bill can help those 13-, 14- and 15-year-olds, who are growing up now, not to become addicted to tobacco. I strongly support the bill, and I urge my colleagues to support it as well.

Ms. FOXX. Mr. Speaker, I would like to point out a couple of issues. It seems to me that, if a head of lettuce has more rules than tobacco, then we have a problem. Yet, there is undisputable evidence, that companies have deliberately increased the levels of addictive nicotine in tobacco, because of its nicotine content, is highly addictive. Again, there is undisputable evidence, that companies have deliberately increased the levels of addictive nicotine in tobacco products.

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The legislation we are voting on today is the product of a decades-long crusade by our colleague Henry Waxman, by Senator Edward Kennedy, by the Campaign for Tobacco-Free Kids, and by scores of public health groups. It is a big downpayment on health care reform.

Mr. Speaker, California alone spends over $9 billion annually treating tobacco-related diseases. This critical funding could be put towards our failing health care infrastructure and towards making health care more affordable for everyone. With its passage today, I hope this bill will become law promptly, and I hope that the CBO will find the way to score the savings that come from this and from other preventative health measures.

If we can do this, we can find a way to cut the cost of health care reform, of national health care reform, which is urgently needed this year. So, as I see it, this is a downpayment on health care reform. It’s a downpayment on the health of our children and of our grandchildren. This bill will save lives and scarce resources. This bill is a slam dunk. Vote “aye” on the rule and on the underlying legislation.

Ms. Speaker, I would like to yield briefly to my colleague, the gentleman from Indiana (Mr. Buyer), who has a very important point to make on this issue.

Mr. Buyer. Mr. Speaker, I would just say to my good friend from California that I am not an advocate of tobacco. I think that the tobacco industry is using every possible means of trying to get us to support this legislation. This is a downpayment on the health of our children and grandchildren. This bill will save lives and scarce resources. This bill is a slam dunk. Vote “aye” on the rule and on the underlying legislation.

Ms. Speaker, I would like to yield to my good friend from California (Ms. HARMAN), who has a very important point to make on this issue.

Ms. HARMAN. Mr. Speaker, I am so sincere about a harm reduction strategy. I embrace your personal story, and that’s why I am so sincere about a harm reduction strategy.

On this issue, sure, let’s work together on a harm reduction strategy. I think this bill, which I’m for and you’re obviously against, goes only partway. There is a lot more to do, and a lot more terrible stories like mine, and I embrace the fact that you’re against smoking. I surely hope that becomes a much more prevalent practice by our young kids. That’s what my purpose here is. I never want anyone else to have the kind of tragedy that I had with parents who were addicted like mine.

Mr. Buyer. Reclaiming my time, I will embrace that, and probably what we need to do is if the President signs this bill into law, I offer to work with the gentlelady and we’ll introduce a bill to incorporate harm reduction. I agreed with Chairman Waxman, he recognizes that a pragmatic approach is truly incorporation of harm reduction with abstinence. And when we’re talking about teenage sex or the use of tobacco, if we really, truly want a hand, four fingers and a thumb don’t make a hand without a palm. So you have to use pragmatism along with new science.

And I will welcome the opportunity to work with the gentlelady.

Mr. FOLIS. I want to highlight that this legislation is supported by over 1,000 public health, faith, and other organizations, including the American Cancer Society Action Network, the American Heart Association, American Dental Association, and American Lung Association. I would also like to think that the recent dialogue between the Representative from California and the Representative from Indiana, that, of course, this bill is just a start.

With regard to many strategies that need to be used and employed to reduce youth smoking, certainly the banning of targeted marketing towards youth and tobacco products that clearly have names that affect youth, creating a regulatory structure for the first time around tobacco products, are constructive steps; and I would agree with the gentleman from Indiana not mutually inconclusive steps, mutually inconsistent steps with many other things that we need to do for the common good. I hope that we share to reduce youth smoking.

Madam Speaker, I would like to yield to the gentleman from Illinois (Mr. Quigley).

Mr. QUIGLEY. Madam Speaker, the tobacco industry has been feeding us a line. In addition to selling tobacco, the industry is now selling. They have targeted our children as prime consumers of their deadly product, and they have produced and marketed a product that is the leading cause of preventable death in the United States an estimated 438,000 people each year.

It is past time to empower the FDA to step up and stop the tobacco companies from continuing to make false claims about tobacco and start telling the truth. For too many years, the tobacco industry has sold us a line. They’ve attempted to tell us what they’re selling, but in reality, the only thing they’ve been selling us is sickness and death.

Ms. FOXX. Madam Speaker, I want to say that Mr. Buyer has brought up again the issue that the Republicans have alternatives that are proven more effective. But those alternatives are not being properly considered by the majority party. Department of Health and Human Services Secretary Levin has noted that this legislation could be viewed by foreign countries as a hostile trade action.

Many of the cloves and other flavored cigarettes that are banned under this bill are manufactured in foreign countries. However, this bill expressly permits production of menthol cigarettes, which could lead Indonesia or other foreign governments to file complaints at the World Trade Organization claiming discrimination against their products. Ultimately, retaliatory measures could be taken against American-made products which could lead to unnecessary trade disputes with a negative effect on economic growth.

As Mr. Buyer again pointed out earlier, most of us do not want to encourage smoking. But we oppose this bill on the basis that it is establishing a new Federal authority for the regulation of the tobacco industry in putting the FDA in charge of this. The tobacco industry should continue to be regulated at the State level. We should not expand the Federal Government to add...
another layer of bureaucracy to the already overburdened Food and Drug Administration and another layer of regulation to American consumers and lives. This is not the direction we need to go, but it is the direction, again, that the administration and the majority party want to go, that is, more control of the lives of Americans.

And with that, Madam Speaker, I yield back.

Mr. POLIS. Madam Speaker, this bill is not a hostile trade action. Every sovereign State, every country has the full ability to regulate public health issues. Tobacco is a killer: 443,000 deaths per year. Smoking-related deaths, as I mentioned earlier, are more than the deaths caused by AIDS, alcohol, cocaine, heroin, homicide, suicide, motor vehicle crashes, and fires combined. It is a matter of national sovereignty, a concept that I know the gentlewoman from North Carolina is also a strong supporter of, that countries have the ability in their duty, to regulate public health issues.

Madam Speaker, this bill specifically achieves critical public health goals. This legislation would ensure that tobacco products are not advertised or sold to kids. As I mentioned, 90 percent of adult smokers start before the age of 19.

Addiction to tobacco begins almost universally in childhood and adolescence. Tobacco companies have long taken advantage of this vulnerability by promoting their products through cartoon advertisements, free, tobacco-themed merchandise that appeals to kids, and sponsorships of sports and entertainment events.

By reinstating the FDA’s 1996 rule, we will be able to ban all outdoor tobacco advertising within 1,000 feet of schools and playgrounds. Again, common sense. We will ban free giveaways of any nontobacco items with the purchase of tobacco products that appeal to children; we restrict vending machines and self-service displays to adult-only facilities; and require retailers to verify age for all over-the-counter products and for Federal enforcement and penalties for retailers who sell to minors.

Barring the sale of certain flavored tobacco products, such as fruits and chocolate, will protect the health of children who are lured to smoking by these kid- and smoker-friendly flavors with little, if any, impact on adult enjoyment of tobacco.

The opponents of this legislation often cite the American value of individual or personal responsibility. Certainly informed adults are responsible for making their own choices and dealing with the consequences, including the choice of whether to smoke. Where we differ is our treatment of the fact that 90 percent of the Americans who smoke began as chargers between the ages of 12 and 17. Opponents ask kids to make grave, health-related choices with incomplete information and hold those kids responsible for childhood mistakes with their lives. When 80 percent of kids smoke the most heavily advertised brands, it’s easy to infer the influence of advertising on children.

Big Tobacco claims they don’t market to kids. Nevertheless, they do a remarkable job of getting kids to use their products. This has to change.

This legislation will also require that tobacco products marketed as safer and smoke tests to be fact demonstrated to be safer by scientific proof. No more will consumers be duped into believing that is such a thing as healthy cigarettes, light or low tar. By imposing scientifically backed, new labeling requirements for such products, this bill will ensure that tobacco consumers not only receive accurate information about what is in such products, but also are protected from poisonous substances that are injurious to health.

Madam Speaker, I would like to inquire as to how much time remains.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman has 10 minutes remaining.

Mr. POLIS. Madam Speaker, I would like to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY). Mr. CONNOLLY of Virginia. I thank my friend from California.

I rise in support of the underlying legislation, and I thank my friend from Colorado for his passion on the subject.

We know that if we can deter teenage smoking, we can deter a lifetime of health risks.

I must confess, Madam Speaker, some concern about accepting the Senate provision here. There were other provisions in the House bill that I passionately supported that protect our Federal workforce, and I specifically refer to the provision allowing the counting of sick leave for retirement and allowing those who are under the Federal Employment Retirement Servicest to re-employ, pick up where they left off of part-time provisions, Madam Speaker, because the Federal workforce, as we look out to the future, is going to be challenged with a brain drain.

The baby boom generation is going to be retiring. As many as 40 percent of the current workforce will be retiring over the next decade. In order to attract talent for the future Federal workforce, we need more flexible work rules; we need to provide more amenities for that workforce. I was disappointed that the Senate, on an amendment by Mr. DEMINT of South Carolina, dropped those provisions from this bill that were carefully crafted from the Committee on Oversight and Government Reform here in the House, and I hope we can revisit those issues in the future.

But the underlying bill with respect to tobacco is a very important bill. And, again, I thank Mr. POLIS from Colorado for his leadership and passion to the subject.

Mr. POLIS. I would like to thank the gentleman from Virginia for bringing up another important issue that is no longer included in this bill, and hopefully he and other of our colleagues can work to ensure that we have a competitive workforce for our Federal Government.

Madam Speaker, tobacco is the deadliest product on the market today. It kills over 400,000 Americans every year. Despite that grim statistic, tobacco companies have enjoyed a great deal of influence over public policy—indeed, a privileged state—avoiding the appropriate oversight of their dangerous business. By giving the Food and Drug Administration the authority to exercise their proper oversight duties, we strip Big Tobacco of their special privileges and power.

We owe consumers the same levels of protection with regard to tobacco use as we do with food and drink consumption, prescription and over-the-counter drugs, and even makeup and cosmetics. Why should tobacco, such an obviously harmful product, be subject to the same scrutiny as a head of lettuce or mascara or a drink?

The FDA is more than capable of handling this new responsibility. We entrust the most sensitive regulation oversight efforts already to the FDA: the regulation of what we put in our own bodies. We must give this agency the opportunity to succeed, providing the necessary resources to get the job done; and this bill does that.

By providing the Health and Human Services Secretary with the authority to regulate tobacco product standards and product testing based on scientific evidence, this legislation will promote and protect the Nation’s public health.

And as my friend and colleague and Representative from California, Ms. HARMAN, said, this is an important nexus in the health care debate in reducing costs and helping ensure that Americans are healthier.

But the underlying bill with respect to tobacco is a very important bill. And, again, I thank Mr. POLIS from Colorado for his leadership and passion to the subject.

Mr. BUYER. Will the gentleman yield?

Mr. POLIS. Yes.

Mr. BUYER. I want to make sure the record is clear.

Earlier in your remarks you referred to the issue on spiking. Spiking was an allegation that was made in a newspaper article; the investigation had taken place. Former FDA Commissioner Kessler found that spiking allegations of nicotine were found to be false.

Mr. POLIS. Thank you for clarifying. This bill also promotes public health by requiring the Health and Human Services Secretary to ban the marketing of tobacco replacement product on a fast-track FDA approval process. If we want Americans to stop smoking, we must
provide them with the help they need to kick the habit. Holding up these smoking cessation aids, in an age of bureaucratic red tape, is no longer an option. I believe that that’s a concept that’s consistent with the harm-reduction strategy that my colleague from Indiana had discussed earlier.

By creating a special category of small tobacco product manufacturers, the bill will ensure that small businesses have the assistance they need from the FDA to comply with the new regulations. Supported by over 1,000 health and faith-based groups from across the country, including the American Cancer Association, the American Heart Association, the American Lung Association, the Campaign for Tobacco Free Kids, and the American Dental Association. This bill also preserves States rights by not pre-empting State tobacco laws. It’s extremely important to respect that many States have already enacted tobacco laws. The State of Colorado, already recognize the dangers of smoking and the role that regulation can play and have excellent laws on the books that keep cigarettes out of the hands of children and adolescents second-hand smoke from possessing tobacco products.

I’m very proud to say that my home State of Colorado is recognized as a leader in tobacco control, as demonstrated by our leadership in enacting a comprehensive smoke-free law that includes casinos. Additionally, Colorado is working on enacting a youth-access policy statewide. A senator from my district, the State senator, introduced a bill last year that required ID checks for tobacco purchases and prohibited youths from possessing tobacco products.

I would like to highlight, in conclusion, a story of a hero in the cancer awareness movement from my district, a type of story that, unfortunately, is all too common.

Susan DeWitt was a typical soccer mom from Superior, Colorado. She made a DVD video about the struggles of her family during her 8-year battle with cancer that ultimately cost her her life. She had earlier worked as a reporter in Boulder County. She had been a light smoker in her teens and continued into her twenties, and she quit in 1992, in her early twenties. She passed away at the age of 42 from lung cancer. She created “Through My Child’s Eyes,” a personal story, and her family founded the Susan DeWitt Foundation to continue her work.

How many more Susan DeWitts must there be in this country? This plague has touched almost all American lives. How many of us have lost a friend or relative to lung cancer and to smoking?

This bill is a critical important first step in finally creating a regulatory structure to discourage young people from ever beginning to smoke and regulating the safety of tobacco products.

Madam Speaker, I urge a “yes” vote on the rule and the underlying bill.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. WAXMAN. Madam Speaker, pursuant to House Resolution 1015, I call up from the Speaker’s table the bill (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, with a Senate amendment thereunto, and have a motion at the desk.

The Clerk reads the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment. The text of the Senate amendment is as follows:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.
(a) Short title.—This subchapter may be cited as the “Family Smoking Prevention and Tobacco Control Act”.
(b) TABLE OF CONTENTS.—The table of contents for this subchapter is as follows:

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TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION


(A) Services—(1) In general.—This subchapter may be cited as the “Family Smoking Prevention and Tobacco Control Act”.

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

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TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

Sec. 201. Cigarette label and advertising warning requirements.

Sec. 202. Authority to revise cigarette warning label statements.

Sec. 203. State regulation of cigarette advertisement.

Sec. 204. Smokeless tobacco labels and advertising warnings.

Sec. 205. Authority to require smokeless tobacco product warning statements.

Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

TITLE III—PREVENTION OF ILICIT TOWARDS TOBACCO PRODUCTS

Sec. 301. Labeling, recordkeeping, records inspection.

Sec. 302. Study and report.

SEC. 2. FINDINGS.

The Congress finds the following:

1. The use of tobacco products by the Nation’s children is a pediatric disease of considerable proportions that results in widespread consequences of tobacco-dependent children and adults.

2. A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

3. Nicotine is an addictive drug.

4. Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

5. Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

6. Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive regulations on the sale, promotion, and distribution of such products are needed.

7. Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

8. Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

9. Under article I, section 8 of the Constitution, the Congress, in exercising its legitimate power to regulate interstate commerce and commerce with Indian tribes.

10. The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a national basis. The regulation of such products has a substantial effect on the Nation’s economy.

11. The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

12. It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from preventing future generations from smoking would be significant in human and economic terms.

13. Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year, and approximately 8,600,000 Americans have chronic illnesses related to smoking.

14. Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today’s children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco-induced disease. Such a reduction in youth smoking would also result in approximately $75,000,000,000 in savings attributable to reduced health care costs.

15. Tobacco advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products. These efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

16. In 2005, the cigarette manufacturers spent more than $13,000,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

17. Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and has been seen by minors.

18. Tobacco product advertising is regularly seen by persons under the age of 18, and persons...
under the age of 18 are regularly exposed to tobacco product promotional efforts. (19) Through advertisements during and sponsorship of sporting events, tobacco has become stronger than sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with vigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to underestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media planarizes it use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco marketing than adults: more than 80 percent of youth smoke three heavily marketed brands, while only 54 percent of adults, 26 and older, smoke those same brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who are more sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people’s use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis of youth smoking. The tobacco industry's use of nicotine, its addiction potential, and the substantial health risks associated with tobacco use are well known.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 29, 2006, Federal Register (71 Fed. Reg. 4615–4618) for inclusion as part 897 of the Federal Register. (41) As the Federal Trade Commission has found, many smokers mistakenly believe that “low tar” and “light” cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mis-taken beliefs about the health consequences of smoking “low tar” and “light” cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government’s substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health conse-quences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. These restrictions are designed to address the crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not succeed in reducing such problems addressed by such regulations. The reason-able restrictions on the advertising and pro-motion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The purpose described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are required to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use or otherwise not consume tobacco products or would otherwise not consume tobacco products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products. (42) Permitting manufacturers to make unsub-stantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interven-tions to achieve long-term or permanent absti-nence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely. Products that are not in fact reduced risk, were used to fa-cilitate and finance criminal activities both dom-estically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorism.

(35) It is essential that the Food and Drug Ad-ministration review products sold or distributed as modified risk products. (43) The Food and Drug Ad-ministration routinely makes decisions about whether and how products may be marketed in the United States.

(36) Tobacco products that purport to reduce the risk of tobacco use by actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would other-wise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products and who receive false information about the harmfulness of such products, may actually increase the risk of harm, the Food and Drug Adminis-tration is required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account the health of those who currently use tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risk of tobacco use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would otherwise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products and who receive false information about the harmfulness of such products, may actually increase the risk of harm, the Food and Drug Adminis-tration is required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account the health of those who currently use tobacco products and persons who do not currently use tobacco products.

(38) As the National Cancer Institute has found, many smokers mistakenly believe that “low tar” and “light” cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking “low tar” and “light” cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(39) Recent research has demonstrated that there has been no reduction in risk on a popula-tion-wide basis from “low tar” and “light” cigarettes, and such products may actually increase the risk of tobacco use.

(40) The purposes of this division are—


(41) As the Federal Trade Commission has found, many smokers mistakenly believe that “low tar” and “light” cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking “low tar” and “light” cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(42) Permitting manufacturers to make unsub-stantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstan-tiated modified risk tobacco products is to em-power the Food and Drug Administration to re-quire that products that tobacco manufacturers sold or distributed for risk reduction be reviewed in advance of marketing, and to require that the evidence relied on to support claims be fully verified.

(44) The Food and Drug Administration is a regulatory agency with the scientific expertise to evaluate harmful tobacco products to which consumers are exposed, to design standards to limit exposure to those substances, to evaluate scientific studies supporting claims about the safety of products, and to evaluate the impact of labels, labeling, and advertising on consumer behavior in order to reduce the risk of harm and promote understanding of the im-pact of the product on health. In connection with its mandate to promote health and reduce the risk of harm, the Food and Drug Adminis-tration routinely makes decisions about whether and how products may be marketed in the United States.

(45) The Food and Drug Commission was cre-ated to protect consumers from unfair or deceptive practices or practices that are unfair methods of competition. Its focus is on those marketplace practices that deceive or mislead consumers, and those that give some competitors an unfair advantage. Its mission is to regulate activities in the marketplace. Neither the Fed-eral Trade Commission nor any other Federal agency except the Food and Drug Administration possesses the scientific expertise necessary to implement effectively all provisions of the Fam-ily Smoking Prevention and Tobacco Control Act.

(46) If manufacturers state or imply in communi-cations directed to consumers through the media or through a label, labeling, or advertising, that a tobacco product is approved or inspected by the Food and Drug Administration or complies with Food and Drug Administration standards, consumers are likely to be confused and misled. Depending upon the particular language used and its context, such a statement could result in consumers being misled into be-lieving that the product is endorsed by the Food and Drug Administration, that the product is safe, or that consumers are being misled about the harmfulness of the product because of such regulation, inspec-tion, approval, or compliance.

(47) In August 2006 the United States district court judge found that the major United States cigarette companies continue to target and market to youth. USA v. Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), August 17, 2006).

(48) In August 2006 a United States district court judge found that the major United States cigarette companies dramatically increased their advertising and promotional spending in ways that encourage youth to start smoking subse-quent to the signing of the Master Settlement Agreement in 1998. USA v. Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), Au-gust 17, 2006).

(49) In August 2006 a United States district court judge found that the major United States cigarette companies dramatically increased their advertising and promotional spending in ways that encourage youth to start smoking subsequent to the signing of the Master Settlement Agreement in 1998. USA v. Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), August 17, 2006).

SEC. 3. PURPOSE.

The purposes of this division are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products
under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products as provided for in this division;

(2) to ensure that the Food and Drug Administration has the authority to address issues of public health importance to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to promulgate national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide an effective enforcement authority to ensure that there is effective oversight of the tobacco industry’s efforts to develop, introduce, and promote less harmful tobacco products;

(5) to test the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that consumers are better informed, to require tobacco product manufacturers to conduct research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote cessation to reduce disease risk and the social costs associated with tobacco-related diseases; and

(10) to strengthen legislation against illicit trade in tobacco products.

SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this division (or an amendment made by this division) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or tribal court, or any agreement, consent decree, or order entered by any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this division (or an amendment made by this division) shall not be construed to affect any authority of the Secretary of Agriculture under the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.) as amended by adding at the end the following:

"(rr) The term ‘tobacco product’ means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product);"

(2) The term ‘tobacco product’ does not mean an article that is a drug under subsection (g)(1), a device under subsection (k), or a combination product described in section 503(y).

(3) The products described in paragraph (2) shall be subject to chapter V of this Act.

(c) REVENUE ACTIVITIES.—The provisions of this division (or an amendment made by this division) which authorize the Secretary to take certain actions with regard to tobacco products shall not be construed to affect any authority of the Secretary of the Treasury under chapter 52 of title 26 of the Internal Revenue Code of 1986.

SEC. 5. SEVERABILITY.

If any provision of this division, or the amendments made by this division, or the regulations promulgated under this division (or under such amendments), or the application of any such provision to any person or circumstance is held to be invalid, the remainder of this division, such amendments and such regulations, or the application of such provisions to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

SEC. 6. MODIFICATION OF DEADLINES FOR SECURITARY ACTION.

(a) DELAYED COMMENCEMENT OF DATES FOR SECURITARY ACTION.—

(1) SMALL TOBACCO PRODUCTS.—Except as provided in subsection (c), with respect to any time periods specified in this division (or in an amendment made by this division) that begin on the date of enactment of this Act, within which the Secretary of Health and Human Services is required to carry out and complete specified activities, the commencement of such time periods shall commence on the date described in subsection (b).

(2) LIMITATION.—Subsection (a) shall only apply with respect to obligations of the Secretary of Health and Human Services that must be completed within a specified time period and shall not apply to the obligations of any other person or to any other provision of this division (including amendments made by this division) that do not create such obligations of the Secretary and are not contingent on actions by the Secretary.

(b) DATE DESCRIBED.—The date described in this subsection is the first day of the first fiscal quarter following the initial 2 consecutive fiscal quarters of fiscal year 2010 in which the Secretary of Health and Human Services has collected fees under section 919 of the Federal Food, Drug, and Cosmetic Act (as added by section 101).

(c) EXCEPTION.—Subsection (a) shall not apply to any time period (or date contained—

(1) in section 102, except that the reference to “180 days” in subsection (b)(2)(A)(i) of such section shall be deemed to be “270 days”;

(2) in sections 201 through 204 (or the amendments made by such sections); or

(3) in section 905(i)(1).

(d) ADJUSTMENT.—The Secretary of Health and Human Services may extend or reduce the duration of one or more time periods to which such a subsection applies if the Secretary determines appropriate, except that no such period shall be extended for more than 90 days.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(tt) The term ‘tobacco product’ means any product which is prepared, treated, packaged, or labeled in any way to be offered to or purchased by consumers as tobacco for making cigarettes. Unless otherwise stated, the term shall include tobacco used in an application or in a composition of such tobacco used, tar content, nicotine content, flavoring used, size, filtration, packaging, logo, registered trademark, brand name, identifiable pattern of colors, or any combination of such attributes."

(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 910 as sections 1001 through 1010; and

(3) by inserting after chapter VII the following:

"CHAPTER IX—TOBACCO PRODUCTS"

SEC. 900. DEFINITIONS.

In this chapter—

(1) ADDITIVE.—The term ‘additive’ means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring or coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco or a pesticide chemical residue in or on raw tobacco products included in the term ‘brand’.

(2) BRAND.—The term ‘brand’ means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, packaging, logo, registered trademark, brand name, identifiable pattern of colors, or any combination of such attributes.

(3) CIGARETTE.—The term ‘cigarette’—

(4) CIGARETTE TOBACCO.—The term ‘cigarette tobacco’ means any product of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the term shall also apply to cigarette tobacco.

(5) COMMERCE.—The term ‘commerce’ has the meaning given in section 3(2) of the Federal Cigarette Labeling and Advertising Act.

(6) COUNTERFEIT TOBACCO PRODUCT.—The term ‘counterfeit tobacco product’ means a tobacco product (or the container of such a product) that, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, and is offered to, or purchased by, consumers as a counterfeit or as roll-your-own tobacco.

(7) DISTRIBUTOR.—The term ‘distributor’ as regards tobacco products means any person who furthers the distribution of a tobacco product, whether domestic or imported, at any point from the original place of manufacture to the person who sells or deals in the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

(8) ILICIT TRADE.—The term ‘illicit trade’ means any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

(9) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning given such term in section 1151 of title 18, United States Code.

(10) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given in section 4(e)(12) of title 25, United States Code.

(11) LITTLE CIGAR.—The term ‘little cigar’ means a product that—

(12) LICENSURE.—The term ‘license’ means a permit, authorization, or order issued by the appropriate Federal agency or the State, to permit the practice of a profession or the fulfillment of a duty imposed by Federal or State law.

(13) PACKAGE.—The term ‘package’ means a container, box, carton, or container of any kind or, if no other container, any wrapping (including a cellophane), in which a product is offered for sale, sold, or otherwise distributed to consumers.

(14) RETAILER.—The term ‘retailer’ means any person, government, or entity who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

(15) ROLL-YOUR-OWN TOBACCO.—The term ‘roll-your-own tobacco’ means any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

(16) SMALL TOBACCO PRODUCTS.—The term ‘small tobacco product manufacturer’ means a tobacco product manufacturer...
(1) In GENERAL.—Nothing in this chapter, or any policy issued or regulation promulgated hereunder, or in sections 101(a), 102, or 103 of title I, title II, or title III of the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect, expand, or limit the Secretary’s authority over (including the authority to determine whether products may be regulated), or to be subject to, products that are not tobacco products under chapter V or any other chapter.

(2) LIMITATION OF AUTHORITY.—(A) In general.—Nothing in this chapter shall apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

(B) EXCEPTION.—Notwithstanding subparagraph (A), if a producer of tobacco leaf is also a tobacco product manufacturer, the producer shall be subject to this chapter in the producer’s capacity as a manufacturer. The exception in this subparagraph shall not apply to a producer of tobacco leaf who grows tobacco under a contract with a tobacco product manufacturer and who is not otherwise engaged in the manufacturing process.

(3) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production.

(4) RULEMAKING PROCEDURES.—Each rule-making order in this chapter shall be in accordance with chapter 5 of title 5, United States Code. This subsection shall not be construed to affect the rulemaking provisions of section 912(a) of the Family Smoking Prevention and Tobacco Control Act.

(5) CENTER FOR TOBACCO PRODUCTS.—Not later than 90 days after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish within the Food and Drug Administration the Center for Tobacco Products, which shall report to the Secretary by regulation; the Center shall be responsible for the implementation of this chapter and related matters assigned by the Commissioner.

(6) OFFICE TO ASSIST SMALL TOBACCO PRODUCT MANUFACTURERS.—The Secretary shall establish, by regulation, an identifiable office to provide technical and other nonfinancial assistance to small tobacco product manufacturers to assist them in complying with the requirements of this Act.

(7) CONSULTATION PRIOR TO RULEMAKING.—Prior to promulgating rules under this chapter, the Secretary shall endeavor to consult with other Federal agencies as appropriate.

(8) UNIFORMITY OF FEDERAL REGULATIONS.—Nothing in this chapter shall be construed to affect, expand, or limit the Secretary’s authority over (including the authority to determine whether products may be regulated) or to be subject to, tobacco products that are not tobacco products under chapter V or any other chapter.

(9) DETERMINATION.—The Secretary shall, in promulgating regulations required under this chapter, provide for such regulations to be in all respects in conformity with such standard.

(10) CENTER FOR TOBACCO PRODUCTS.—The Center shall be established by the Secretary by regulation; the Center’s functions as the other agency centers within the Food and Drug Administration shall be in the same manner as the other agency centers within the Food and Drug Administration. The Center shall be responsible for the implementation of this chapter and related matters assigned by the Commissioner.

(11) OFFICE TO ASSIST SMALL TOBACCO PRODUCT MANUFACTURERS.—The Secretary shall establish, by regulation, an identifiable office to provide technical and other nonfinancial assistance to small tobacco product manufacturers to assist them in complying with the requirements of this Act.

(12) CONSULTATION PRIOR TO RULEMAKING.—Prior to promulgating rules under this chapter, the Secretary shall endeavor to consult with other Federal agencies as appropriate.

(13) UNIFORMITY OF FEDERAL REGULATIONS.—Nothing in this chapter shall be construed to affect, expand, or limit the Secretary’s authority over (including the authority to determine whether products may be regulated) or to be subject to, tobacco products that are not tobacco products under chapter V or any other chapter.

(14) DETERMINATION.—The Secretary shall, in promulgating regulations required under this chapter, provide for such regulations to be in all respects in conformity with such standard.
by the manufacturer, packer, or distributor with respect to that tobacco product.—

"(A) a true statement of the tobacco product's established name as described in paragraph (4), printed prominently; and

"(B) a brief statement of—

"(i) the uses of the tobacco product and relevant health precautions, side effects, and contraindications; and

"(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for comment.

"(9) if it is a tobacco product subject to a tobacco product standard established under section 907, unless it bears such labeling as may be prescribed in such tobacco product standard;

"(10) if there was a failure or refusal—

"(A) to comply with any requirement prescribed under section 904 or 908; or

"(B) to furnish any material or information required under section 909.

SEC. 904. SUBMISSION OF LABEL STATEMENTS.—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product to ensure that such statements comply with other provisions of the Family Smoking Prevention and Tobacco Control Act (including regulations made by the Secretary).

"(1) Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required of a tobacco product manufacturer under this subsection.

"(2) In general.—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required under subsection (a).

"(3) DISCLOSURE OF ADDITIVE.—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

"(4) REQUIREMENT.—Each tobacco product manufacturer who is required to list such tobacco products and may require that persons changing the container, wrapper, or labeling of a tobacco product or tobacco products, or employees duly designated by the Secretary, inspect, to any person so requesting, any registration information under this section.

"(5) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

"(6) PUBLIC ACCESS TO REGISTRATION INFORMATION.—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

"(7) TABULAR DISPLAY OF INFORMATION.—Every establishment registered with the Secretary under this section shall be subject to inspection under section 704 or subsection (d) of section 907.

"(8) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

"(9) PUBLIC ACCESS TO REGISTRATION INFORMATION.—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

"(10) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.
the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) and shall include provisions for registration of any such establishment that adequately and objectively means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from the tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission into any of the grounds set forth in section 801(a).

(i) REGISTRATION INFORMATION.—

(A) in the case of a tobacco product contained in the applicable list with respect to which the Secretary has already determined that such tobacco product contained in such list is not subject to a tobacco product standard or regulation prescribed under section 911 or 912, a copy of all labeling for such tobacco product; and

(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product.

(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a tobacco product standard established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of such tobacco product which has not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

(A) in the case of a tobacco product contained in the applicable list with respect to which the Secretary has already determined that such tobacco product contained in such list is not subject to a tobacco product standard established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of such tobacco product; and

(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product.

(2) CONSULTATION WITH RESPECT TO FORMS.—

The Secretary shall consult with the Secretary of the Treasury concerning the forms to be used for registration under this section to minimize the burden on those persons required to register with both the Secretary and the Tax and Trade Bureau of the Department of the Treasury.

(3) BIENNIAL REPORT OF ANY CHANGE IN PRODUCT LIST.—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

(A) a list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this paragraph or paragraph (2).

(B) a list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

(B) If since the date the registrant last made a report under this paragraph that person has not manufactured, prepared, compounded, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A) or paragraph (1), notice of discontinuance, the date of such discontinuance, and the identity of its established name.

(C) if since the date the registrant reported under subparagraph (A) or paragraph (1) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the identity of such tobacco product, the date of such resumption, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

(4) REPORTING IN A PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.—

If the registrant who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce of a tobacco product that is substantially equivalent and that is in compliance with the requirements of this Act; or

(ii) the tobacco product is modified within the meaning of paragraph (3), the modifications are made to a product that is commercially marketed and in compliance with the requirements of this Act, and all of the modifications are covered by exemptions established by the Secretary pursuant to paragraph (3); and

(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

(2) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007 PRODUCTS.—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall be submitted to the Secretary not later than 21 months after such date of enactment.

(3) EXEMPTIONS.—

(A) IN GENERAL.—The Secretary may exempt from the requirements of this subsection relating to the demonstration that a tobacco product is substantially equivalent within the meaning of section 910, tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive, if the Secretary determines that—

(i) such modification would be a minor modification of a tobacco product that can be sold under this Act;

(ii) a report under this subsection is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; and

(iii) such modification is otherwise appropriate.

(B) REQUIREMENTS.—Not later than 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations to implement this paragraph.

SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.

(g) IN GENERAL.—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, section 911, or subsection (d) of this section, and any requirement established by or under section 902, 903, 905, or 909 is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, section 911, or subsection (d) of this section shall not apply to such tobacco product.

(h) INFORMATION ON PUBLIC ACCESS AND COMMENT.—Each notice of proposed rulemaking under section 902, 903, 905, or 909, 910, 911, or 912 under this section, any other notice which is published in the Federal Register with respect to any other action taken under this Act, and any other action for which the Secretary determines that reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

(i) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

(ii) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

(i) LIMITED CONFIDENTIALITY OF INFORMATION.—Any information reported to or otherwise disclosed by the Secretary which is representative under section 903, 904, 907, 908, 909, 910, 911, or 914, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that such information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

(j) RESTRICTIONS.—

(1) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may impose restrictions on the advertising and promotion of a tobacco product consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

(2) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

(k) LIMITATIONS.—

(A) IN GENERAL.—No restrictions under paragraph (j) shall—

(i) prohibit the sale of any tobacco product in face-to-face transactions by a specific category of retail outlets; or

(ii) prohibit the sale of any tobacco product to any person older than 18 years of age.
“(B) MATCHBOOKS.—For purposes of any regulation issued by the Secretary, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away free with the purchase of tobacco products, shall be considered as adult-written publications which shall be permitted to contain advertising. Notwithstanding the preceding sentence, the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may take such action as may be necessary to assure that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packaging, and storage of a tobacco product conform to current good manufacturing practice, or hazard analysis and critical control point systems as may be necessary to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Such regulations may provide for a tobacco product to be granted the variance under subparagraph (A) if the Secretary has found that the additive, constituent, or flavor used in the tobacco product is not appropriate for the protection of the public health.

(2) REQUIREMENTS.—The Secretary shall—

(i) within 2 years after such date of enactment, issue regulations to address the promotion and marketing of tobacco products that are sold or distributed other than through means other than a direct, face-to-face exchange between a retailer and a consumer in order to prevent the sale and distribution of tobacco products to individuals who have not attained the minimum age established by applicable law for the purchase of such products, including requirements for age verification processes; and

(ii) within 2 years after such date of enactment, issue regulations to address the promotion and marketing of tobacco products that are sold or distributed other than through means other than a direct, face-to-face exchange between a retailer and a consumer in order to prevent the sale and distribution of tobacco products to individuals who have not attained the minimum age established by applicable law for the purchase of such products.

(3) RELATION TO OTHER AUTHORITY.—Nothing in this section shall preclude the Secretary from taking additional actions under the other paragraphs of this subsection.

(4) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—

(i) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

(A) IN GENERAL.—In applying manufacturing restrictions to tobacco, the Secretary shall, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packaging, and storage of a tobacco product conform to current good manufacturing practice, or hazard analysis and critical control point systems as may be necessary to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Such regulations may provide for a tobacco product to be granted the variance under subparagraph (A) if the Secretary has found that the additive, constituent, or flavor used in the tobacco product is not appropriate for the protection of the public health.

(B) REQUIREMENTS.—The Secretary shall—

(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

(iii) provide the Tobacco Products Scientific Advisory Committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A); and

(iv) in establishing the effective date of a regulation required under this section, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources and the existing manufacturing practices of the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to the manufacturing practices required by the regulation.

(5) PROHIBITION.—No tobacco product manufacturer shall be required to comply with a regulation under subparagraph (A) for at least 4 years following the effective date established by the Secretary for such regulation.

(6) EXCEPTIONS; VARIANCES.—

(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement.

(B) PETITION.—Before promulgating any regulation under subparagraph (A), the Tobacco Products Scientific Advisory Committee shall submit recommendations with respect to the regulation proposed to be promulgated; and

(C) PETITION.—Before promulgating any regulation under subparagraph (A), the petitioner shall have an opportunity for an informal hearing.

(7) COMPLIANCE.—Compliance with requirements under this section shall not be required before the end of the 3-year period following the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

(8) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstration purposes relating to the manufacture, processing, or sale of tobacco products and may obtain tobacco products for research, testing, and demonstration purposes.

SEC. 907. TOBACCO PRODUCT STANDARDS.

(1) IN GENERAL.—

(A) SPECIAL RULE FOR CIGARETTES.—Beginning 3 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or on a per unit basis or, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, cocoa, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. Nothing in this subparagraph shall be construed to limit the Secretary's authority to require the inclusion of a tobacco product section or sections of this Act applicable to menthol or any artificial or natural flavor, herb, or spice not specified in this subparagraph.

(B) MINIMUM AGES.—Two years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a tobacco product manufacturer shall not use tobacco, including foreign grown tobacco, that contains a pesticide chemical residue that is at a level greater than is specified by any tolerance applicable under Federal law to domestically grown tobacco.

(2) REVISION OF TOBACCO PRODUCT STANDARDS.—The Secretary may revise the tobacco product standards in paragraph (1) in accordance with subsection (c).

(3) TOBACCO PRODUCT STANDARDS.—

(A) IN GENERAL.—The Secretary may adopt tobacco product standards under this section on the basis of—

(i) the risks and benefits to the population as a whole, including users and nonusers of tobacco products, of the proposed standard;

(ii) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

(iii) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

(B) DETERMINATIONS.—

(i) CONSIDERATIONS.—In making a finding described in paragraph (A), the Secretary shall consider scientific evidence concerning—

(I) the risks and benefits to the population as a whole, including users and nonusers of tobacco products, of the proposed standard;

(ii) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

(iii) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

(ii) ADDITIONAL CONSIDERATIONS.—In the event that the Secretary makes a determination, set forth in a proposed tobacco product standard in a proposed rule, that it is appropriate for the protection of public health to require the reduction of a flavor, additive, or any other constituent (including a smoke constituent), or component of a tobacco product because the Secretary has found that the additive, constituent, or component is harmful, any party objecting to the proposed standard on the ground that the proposed standard will not result in a reduction of harm or less harm may provide for the Secretary's consideration scientific evidence that demonstrates that the proposed standard will not reduce or eliminate the risk of illness or injury.

(3) CONTENT OF TOBACCO PRODUCT STANDARDS.—A tobacco product standard established under this section for a tobacco product shall—

(A) include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

(i) for nicotine yields of the product;

(ii) for reducing or eliminating the content of other constituents, including smoke constituents, or harmful components of the product; or

(iii) relating to any other requirement under subparagraph (B);

(B) shall, where appropriate for the protection of the public health, include—

(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the tobacco product; and

(ii) provisions for the testing on a sample basis or, if necessary, on an individual basis of the tobacco product;
“(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the standard established for that tobacco product under this section to the public health; and

“(c) a provision requiring that the sale and distribution of the tobacco product be restricted but that a later sale and distribution of a tobacco product may be restricted under a regulation under section 906(d); (c) shall, where appropriate, require the use and presence in the form and content of labeling for the proper use of the tobacco product; and

“(d) shall require tobacco products containing tobacco to meet the same standards applicable to tobacco products containing domestically grown tobacco.

“(5) PERIODIC REEVALUATION OF TOBACCO PRODUCT STANDARDS.—The Secretary shall provide for periodic evaluation of tobacco product standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (4)(B) by any person.

“(5) INVOLVEMENT OF OTHER AGENCIES: INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall endeavor to—

“(A) consult with other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting entities; and

“(B) invite appropriate participation, through joint or other conferences, workshops, or other means, by persons representing scientific, professional, industry, agricultural, or consumer organizations who in the Secretary’s judgment can make a significant contribution.

“(6) CONSIDERATIONS BY SECRETARY.—

“(1) TECHNICAL ACHIEVABILITY.—The Secretary shall consider information submitted in connection with a proposed standard regarding the technical achievability of compliance with such standard.

“(2) OTHER CONSIDERATIONS.—The Secretary shall consider all other information submitted in connection with a proposed standard, including information concerning the countervailing effects of a tobacco product standard on the health of adolescent tobacco users, adult tobacco users, or nontobacco users, such as the creation of a significant demand for contraband or other tobacco products on the market that does not meet the requirements of this chapter and the significance of such demand.

“(c) PROPOSED STANDARDS.—

“(1) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

“(2) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

“(A) set forth a finding with supporting justifications that the tobacco product standard is no longer appropriate for the protection of the public health; and

“(B) invite interested persons to submit a draft or proposed tobacco product standard for consideration by the Secretary.

“(C) invite interested persons to submit comments on structuring the standard so that it does not advantage foreign-grown tobacco over domestically grown tobacco; and

“(D) invite the Secretary of Agriculture to provide any information or analysis which the Secretary of Agriculture believes is relevant to the proposed tobacco product standard.

“(1) IN GENERAL.—The Secretary shall provide for a comment period of not less than 60 days.

“(2) PROMULGATION.—

“(1) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under subsection (c) respecting a tobacco product standard and after consideration of comments submitted under subsections (b) and (c) and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

“(A) if the Secretary determines that the standard or the requirements under the standard would be appropriate for the protection of the public health, promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in subsection (c); or

“(B) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

“(2) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect earlier than 6 months after the date of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established in consultation with the public health, economic loss, and disruption or dislocation of, domestic and international, trade. In establishing such effective date or dates, the Secretary shall consider information submitted in connection with a proposed product standard by interested parties, including manufacturers and tobacco growers, regarding the technical achievability of compliance with the standard, and including information concerning the existence of patents that make it impossible to comply in the timeframe envisioned in the proposed regulation. The Secretary determines, based on the Secretary’s evaluation of submitted comments, that a product standard can be met only by manufacturers requiring substantial changes to the methods of farming the domestically grown tobacco used by the manufacturer, the effective date of that product standard shall be not less than 2 years after the date of publication of the final regulation establishing the standard.

“(3) LIMITATION ON POWER GRANTED TO THE FOOD AND DRUG ADMINISTRATION. Because of the importance of a decision of the Secretary to issue a regulation—

“(A) banning all cigarettes, all smokeless tobacco products, or all cigarettes with less than 0.5% tar, all pipe tobacco, or all roll-your-own tobacco products; or

“(B) requiring the reduction of nicotine yields of a tobacco product to zero,

such regulation, together with all underlying information before it, shall be submitted to the Tobacco Products Scientific Advisory Committee under section 917(c), and the Secretary shall make a copy of each report and recommendation under paragraph (D) publicly available.

“(6) MENTHOL CIGARETTES.—

“(1) REFERRAL; CONSIDERATIONS.—Immediately upon the establishment of the Tobacco Products Scientific Advisory Committee under section 917(a), the Secretary shall refer to the Committee for report and recommendation, under section 917(c)(4), the issue of the adverse health effects and impact of the use of menthol in cigarettes on the public health, including such use among children, African-Americans, Hispanics, and other racial and ethnic minorities. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsections (a)(3)(B)(i) and (b).

“(2) REPORT AND RECOMMENDATION.—Not later than 1 year after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary’s authority to take action under this section or other sections of this Act applicable to menthol.

“(4) DISOVLUSABLE TOBACCO PRODUCTS.—

“(A) REFERRAL; CONSIDERATIONS.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee for report and recommendation, under section 917(c)(4), the issue of the adverse health effects and impact of dissolvable tobacco products on the public health, including such use among children. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsection (a)(3)(B)(i).

“(B) REPORT AND RECOMMENDATION.—Not later than 2 years after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary’s authority to take action under this section or other sections of this Act at any time applicable to the dissolvable tobacco product.

“SEC. 906. NOTIFICATION AND OTHER REMEDIES.

“(a) Notification.—If the Secretary determines that—

“(i) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

“(ii) notification under this subsection is necessary to eliminate the unreasonable risk of
such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk, the Secretary may issue such order as may be necessary to accomplish the purpose of the proposed order and maintain such records, make such reports, and provide such information, as the Secretary may require by regulation, to assure that adequate notification is provided to all persons who should properly receive such notice. Regulations prescribed under the preceding sentence—

“(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, unexpected adverse health consequences, or death, the Secretary shall, except as otherwise provided in this section, notify the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product; and the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraphs (2) and (3) shall not apply to reports or information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

“(2) AMENDMENT OF ORDER TO REQUIRE RECALL.—

(A) IN GENERAL.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of a tobacco product, including such tobacco product as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a time period in which the tobacco product recall shall be undertaken and shall provide such notice as required by the order, the Secretary shall vacate the order.

(B) NOTICE.—An amended order under subparagraph (A)—

(i) shall not include recall of a tobacco product from individuals; and

(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other appropriate persons to assure adequate notice to the consumer. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(c).

“(3) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by section 705(c).

SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

“(A) IN GENERAL.—Every person who is a tobacco product manufacturer or importer of a tobacco product shall keep such records and maintain such records, make such reports, and provide such information, as the Secretary may require by regulation, to assure that adequate notification is provided to all persons who should properly receive such notice. Regulations prescribed under the preceding sentence—

“(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, unexpected adverse health consequences, or death, the Secretary shall, except as otherwise provided in this section, notify the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product; and the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraphs (2) and (3) shall not apply to reports or information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

“(2) AMENDMENT OF ORDER TO REQUIRE RECALL.—

(A) IN GENERAL.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of a tobacco product, including such tobacco product as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a time period in which the tobacco product recall shall be undertaken and shall provide such notice as required by the order, the Secretary shall vacate the order.

(B) NOTICE.—An amended order under subparagraph (A)—

(i) shall not include recall of a tobacco product from individuals; and

(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other appropriate persons to assure adequate notice to the consumer. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(c).

“(3) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by section 705(c).

SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS.

“(A) IN GENERAL.—For purposes of this section the term ‘new tobacco product’ means—

(A) any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of February 15, 2007; or

(B) any modification (including a change in design, any component, any part, or any combination of such, whether implemented in the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product which the modified product was commercially marketed in the United States after February 15, 2007.

“(2) PREMARKET REVIEW REQUIRED.—

(A) IN GENERAL.—No order under subsection (c)(1)(A)(i) for a new tobacco product is required unless—

(i) the manufacturer has submitted a report under section 905(a), and the Secretary has issued an order that the tobacco product—

(ii) is substantially equivalent to a tobacco product commercially marketed (other than for marketing) in the United States as of February 15, 2007; and

(iii) is in compliance with the requirements of this Act; or

(B) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—Subparagraph (A) shall not apply to a tobacco product—

(i) that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; or

(ii) for which a report was submitted under section 905(i) within such 21-month period, except that subparagraph (A) shall apply to the tobacco product if the Secretary issues an order that the tobacco product is not substantially equivalent.

“(3) SUBSTANTIALLY EQUIVALENT DEFINED.—

(A) IN GENERAL.—In this section and section 905(i), the term ‘substantially equivalent’ or ‘substantial equivalence’ means, with respect to the tobacco product being compared to the predicate tobacco product, the Secretary, by order has found that the tobacco product—

(i) has the same characteristics as the predicate tobacco product; or

(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

(B) CHARACTERISTICS.—In subparagraph (A), the term ‘characteristics’ means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

(C) LIMITATION.—A tobacco product may not be considered to be substantially equivalent to a predicate tobacco product that has been removed from the market at the initiative of the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

“(4) HEALTH INFORMATION.—

(A) SUMMARY.—As part of a submission under section 905(i) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

(B) REQUIRED INFORMATION.—Any summary submitted under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

“(5) APPLICATION.—Subparagraphs (A) through (D) by themselves or in combination with other paragraphs of this section apply to a tobacco product—

(A) full reports of all information, published or otherwise made available, that the manufacturer has submitted to the Secretary or that has been determined by a judicial order to be misbranded or adulterated.;
tobacco product presents less risk than other tobacco products;

"(B) a full statement of the components, ingredients, additives, and properties, and of the principles, concepts, and practices of operation, of such tobacco product;

"(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, packaging, and, when appropriate, the design, testing, and installation of, such tobacco product;

"(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard;

"(E) the premarket review of such tobacco product and of components thereof as the Secretary may reasonably require;

"(F) specimens of the labeling proposed to be used for such tobacco product; and

"(G) such other information relevant to the subject matter of the application as the Secretary may require.

"(2) REFERRAL TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

"(A) may, on the Secretary's own initiative; or

"(B) may, upon the request of an applicant, refer such application to the Tobacco Products Scientific Advisory Committee for review and recommendation regarding the application, together with all underlying data and the reasons or basis for the recommendation.

"(c) ACTION ON APPLICATION.—

"(1) DETAILED ACTION.—(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under subsection (b)(2), shall—

"(i) issue an order that the new product may be introduced or delivered for introduction into interstate commerce if the Secretary finds that none of the grounds specified in paragraph (2) of this subsection applies; or

"(ii) issue an order that the new product may not be introduced or delivered for introduction into interstate commerce if the Secretary finds that one or more of the grounds specified in paragraph (2) of this subsection apply.

"(B) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order under subparagraph (A)(i) may require that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

"(C) DENIAL OF APPLICATION.—The Secretary shall by order deny an application submitted under subsection (b) if, upon the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

"(i) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

"(ii) the methods used in, or the facilities or controls used for, the manufacture, processing, packaging, or production of such tobacco product do not conform to the requirements of section 906(e); or

"(iii) based on a fair evaluation of all material facts, the proposed labeling is false or misleading.

"(D) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, and there is a lack of adequate information to justify the deviation from such standard.

"(2) BASIS FOR FINDING.—For purposes of this section, the finding as to whether the marketing of a tobacco product for which an application has been submitted is appropriate for the protection of the public health shall, with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

"(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

"(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

"(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary finds there is reasonable probability that the continuation of distribution of a tobacco product under an order would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the authorization that would otherwise allow the manufacture or introduction of such tobacco product.

"(4) BASIS FOR FINDING.—(A) INVESTIGATIONS.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

"(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product, the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

"(5) BASIS FOR ACTION.—

"(A) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from the Tobacco Products Scientific Advisory Committee, and after due notice and opportunity for informal hearing for a tobacco product for which an order was issued under subsection (c)(1)(A)(i), issue an order withdrawing such order if the Secretary finds that—

"(i) the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

"(ii) the order was based on or accompanied by an untrue statement of a material fact;

"(C) that the applicant—

"(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 906(e);

"(ii) has refused to permit access to, or copying or verification of, such records as required by section 906(e);

"(iii) has not complied with the requirements of section 905;

"(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before the Secretary when the application was reviewed, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact, or

"(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was reviewed, that the labeling of such tobacco product present[s] in all respects to a tobacco product standard in effect under section 907, and there is a lack of adequate information to justify the deviation from such standard.

"(5) REFERRAL TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—(A) IN GENERAL.—Section 907(e) shall not apply to an application issued pursuant to subsection (c)(1)(A)(i) for an order withdrawing an order issued pursuant to subsection (c)(1)(A)(ii), upon request filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with section 912.

"(b) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

"(1) in person by any officer or employee of the department designated by the Secretary; or

"(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant's last known address in the records of the Secretary.

"(f) RECORDS.—

"(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an order issued pursuant to subsection (c)(1)(A)(i) for an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary under this section, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary for the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such order.

"(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge of custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of this chapter under such conditions as the Secretary may by regulation prescribe.

"SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

"(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless an order issued pursuant to subsection (g) is effective with respect to such product.

"(b) DEFINITIONS.—In this section:

"(1) MODIFIED RISK TOBACCO PRODUCT.—The term 'modified risk tobacco product' means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

"(2) SOLD OR DISTRIBUTED.—
(A) IN GENERAL.—With respect to a tobacco product, the term ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’ means a tobacco product—

(1) the label, labeling, or advertising of which represents explicitly or implicitly that—

(i) the tobacco product presents a lower risk of disease or is less harmful than one or more commercially marketed tobacco products;

(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

(iii) the tobacco product or its smoke does not contain or is free of a substance;

(2) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product’s label, labeling, or advertising, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, respecting the product that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to a substance, or contains no substance;

(3) the tobacco product shall be considered to be ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’ except as described in subparagraph (A).

(B) SMOKELESS TOBACCO PRODUCT.—No smokeless tobacco product shall be considered to be ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’ solely because its label, labeling, or advertising uses the following phrases to describe such product and its use: ‘smokeless tobacco’, ‘smokeless tobacco product’, ‘not consumed by smoking’, ‘does not produce smoke’, ‘smokefrei’, ‘smoke-free’, ‘without smoke’, ‘no smoke’, or ‘not smoke’.

(2) EFFECTIVE DATE.—The provisions of paragraph (2)(A)(ii) shall take effect 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act for those products whose label, labeling, or advertising contains the terms described in such paragraph on such date of enactment. The effective date shall extend to the date on which the information contained in the application which are trade secrets or other types of confidential or proprietary information are conditionally made available to the Secretary.

(c) TOBACCO DEPENDENCE PRODUCTS.—A product or product component that is intended to be used for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product under this section if it has been approved as a drug under section 505 of the Food, Drug, and Cosmetic Act for the indication and is subject to the requirements of chapter V.

(d) FILING.—Any person may file with the Secretary an application for a modified risk tobacco product. Such application shall include—

(1) a description of the proposed product and any proposed advertising and labeling;

(2) the formulation of the product;

(3) the formulation of the product;

(4) sample product labels and labeling;

(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the tobacco product and its use on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

(6) data and information on how consumers actually use the tobacco product; and

(7) such other information as the Secretary may require.

(e) PUBLIC AVAILABILITY.—The Secretary shall make the information described in subparagraph (d) publicly available (except matters in the application which are trade secrets or otherwise confidential, commercial information) and shall send to interested persons on the information contained in the application and on the label, labeling, and advertising accompanying such application.

(f) ADVISORY COMMITTEE.—(1) IN GENERAL.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee any application submitted under this section.

(2) RECOMMENDATIONS.—Not later than 60 days after the date an application is referred to the Tobacco Products Scientific Advisory Committee under paragraph (1), the Advisory Committee shall report its recommendations on the application to the Secretary.

(g) MARKETING.—

(1) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall, with respect to an application submitted under this section, issue an order that a modified risk tobacco product may be commercially marketed only if the Secretary determines that the applicant has satisfied all applicable standards, as it is actually used by consumers, will—

(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—(A) IN GENERAL.—The Secretary may issue an order under paragraph (1) if the Secretary determines that the applicant has demonstrated that, as the applicant proposes to label and market the product, consumers will be misled in believing that the product—

(i) is or has been demonstrated to be less harmful or

(ii) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products;

and

(iv) issuance of an order with respect to the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

(C) CONDITIONS OF MARKETING.—

(i) IN GENERAL.—Applications subject to an order under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

(ii) AGREEMENTS BY APPLICANT.—An order under this paragraph shall be conditioned on the applicant’s agreement to conduct market surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the order on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the order was based in accordance with a protocol approved by the Secretary.

(iii) ANNUAL SUBMISSION.—The results of such postmarket surveillance and studies described in clause (ii) shall be submitted annually.

(B) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

(A) the scientific evidence submitted by the applicant; and

(B) scientific evidence and other information that is made available to the Secretary.

(D) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

(B) the increased or decreased likelihood that existing users of tobacco products who would otherwiseswitch to such products will switch to the tobacco product that is the subject of the application;

(C) the increased or decreased likelihood that persons who do not use tobacco products will start using the tobacco product that is the subject of the application;

(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence; and

(E) comments, data, and other information submitted by interested persons.

(F) ADDITIONAL CONDITIONS FOR MARKETING.—(A) MODIFIED RISK PRODUCTS.—The Secretary shall require for the marketing of a product under this section that any advertising or labeling concerning modified risk products emphasize the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

(B) COMPARATIVE CLAIMS.—
“(A) IN GENERAL.—The Secretary may require for the marketing of a product under this subsection that a claim comparing a tobacco product to 1 or more other commercially marketed tobacco products be supported by a postmarket surveillance study that addresses the following—

(i) The population in which the tobacco product is marketed;

(ii) The use of the tobacco product that is appropriate to the population addressed in paragraph (i);

(iii) The use of the tobacco product that is appropriate to the population addressed in paragraph (i) and the use of tobacco products that are marketed to a comparable population;

(iv) Whether the tobacco product is marketed in a manner that is appropriate to the population addressed in paragraph (i); and

(v) Whether the tobacco product is marketed in a manner that is appropriate to the population addressed in paragraph (i) and the tobacco products marketed to a comparable population.

(2) REQUIREMENTS.—

(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court to the Secretary.

(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition is filed—

(i) the record of the proceedings on which the regulation or order was based; and

(ii) a statement of the reasons for the issuance of such a regulation or order.

(C) DEFINITION OF REGULATION.—In this section, the term ‘regulation’ means a final order issued under section 907 establishing, amending, or revoking a tobacco product standard, or an order pursuant to section 910.

(3) ACTIONS.—

(A) IN GENERAL.—Not later than 30 days after

(i) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard, or

(ii) a denial of an application under section 910(c),

the Secretary shall file in the court in which such petition was filed—

(i) the record of the proceedings on which the regulation or order was based; and

(ii) a statement of the reasons for the issuance of such a regulation or order.

(4) TIME.—An order issued under subsection (g)(1) shall be effective for a specified period of time.

(5) ADVISING.—The Secretary may require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the product comply with requirements relating to advertising and promotion of the tobacco product.

(6) POSTMARKET SURVEILLANCE AND STUDIES.—

(A) IN GENERAL.—The Secretary shall require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the product comply with requirements relating to advertising and promotion of the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

(B) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days notice to the Secretary that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance.

(C) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g), or the Secretary may so notify the applicant, on written request of the applicant, to the extent that adequate scientific evidence exists, establish minimum standards for postmarket surveillance, and studies for such a tobacco product to determine the impact of the order on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

(7) ADVERTISING.—The Secretary may require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the product comply with requirements relating to advertising and promotion of the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

(8) POSTMARKET SURVEILLANCE AND STUDIES.—

(A) IN GENERAL.—The Secretary shall require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the product comply with requirements relating to advertising and promotion of the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

(B) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days notice to the Secretary that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance.

(C) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g), or the Secretary may so notify the applicant, to the extent that adequate scientific evidence exists, establish minimum standards for postmarket surveillance, and studies for such a tobacco product to determine the impact of the order on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

(D) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days notice to the Secretary that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance.

(E) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g), or the Secretary may so notify the applicant, to the extent that adequate scientific evidence exists, establish minimum standards for postmarket surveillance, and studies for such a tobacco product to determine the impact of the order on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

(F) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days notice to the Secretary that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance.

(G) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g), or the Secretary may so notify the applicant, to the extent that adequate scientific evidence exists, establish minimum standards for postmarket surveillance, and studies for such a tobacco product to determine the impact of the order on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

(H) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days notice to the Secretary that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance.

(I) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g), or the Secretary may so notify the applicant, to the extent that adequate scientific evidence exists, establish minimum standards for postmarket surveillance, and studies for such a tobacco product to determine the impact of the order on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

(J) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days notice to the Secretary that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance.

(K) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g), or the Secretary may so notify the applicant, to the extent that adequate scientific evidence exists, establish minimum standards for postmarket surveillance, and studies for such a tobacco product to determine the impact of the order on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

(L) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days notice to the Secretary that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance.

(M) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g), or the Secretary may so notify the applicant, to the extent that adequate scientific evidence exists, establish minimum standards for postmarket surveillance, and studies for such a tobacco product to determine the impact of the order on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

(N) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days notice to the Secretary that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance.

(O) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g), or the Secretary may so notify the applicant, to the extent that adequate scientific evidence exists, establish minimum standards for postmarket surveillance, and studies for such a tobacco product to determine the impact of the order on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.
authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

(2) Testing, Reporting, and Disclosure.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive practice under subsection (a) of the Federal Trade Commission Act and shall be considered a violation of a rule promulgated under section 18 of that Act.

(a) Testing, Reporting, and Disclosure.—(1) First compliance date.—The Secretary shall promulgate regulations under this section that meet the requirements of subsection (b).

(b) Conditions.—The regulations promulgated under subsection (a) shall provide that, with respect to any subsequent or additional testing and reporting required under this section, such testing and reporting by a small tobacco product manufacturer shall be conducted in accordance with the timeframes described in paragraph (2)(A), except that, in the case of a new product, or if there has been a modification described in section 509(a)(1)(B) of any product of a small tobacco product manufacturer since the last testing and reporting required under this section, the Secretary shall require that any subsequent or additional testing and reporting be conducted in accordance with the timeframes described in paragraph (2)(A).

(c) Testing, Reporting, and Disclosure.—The Secretary shall allow any 2 or more small tobacco product manufacturers to join together to purchase laboratory testing services required by this section on a group basis in order to ensure that such testing services are available to, and fair pricing of, such testing services.

(d) Small Tobacco Product Manufacturers.—(1) First compliance date.—The initial regulations promulgated under subsection (a) shall not impose requirements on small tobacco product manufacturers before the later of—

(A) the end of the 2-year period following the first promulgation of such regulations; and

(B) the initial date set by the Secretary for compliance with such regulations by manufacturers that are not small tobacco product manufacturers.

(2) Testing and reporting initial compliance period.—(A) 4-year period.—The initial regulations promulgated under subsection (a) shall give each small tobacco product manufacturer a 4-year period over which to conduct testing and reporting for all of its tobacco products. Subject to paragraph (b) of this section, no such 4-year period shall coincide with the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers or the end of the 2-year period following the final promulgation of such regulations, as described in paragraph (2)(A) of this section, a small tobacco product manufacturer shall be required—

(i) to conduct such testing and reporting for 25 percent of its tobacco products each year of such 4-year period, and

(ii) to conduct such testing and reporting for its largest-selling tobacco products (as determined by the Secretary at such time) or tobacco products, or in such other order of priority as determined by the Secretary.

(B) Case-by-case delay.—Notwithstanding subparagraph (A), the Secretary may, on a case-by-case basis, delay the date by which an individual small tobacco product manufacturer must conduct testing and reporting for its tobacco products under this section based upon a showing of undue hardship to such manufacturer. Notwithstanding the preceding sentence, the Secretary shall not extend the deadline for a small tobacco product manufacturer to conduct testing and reporting for all of its tobacco products beyond a total of 5 years after the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers.

(3) Subsequent and additional testing and reporting requirements.—The regulations promulgated under section 18 of that Act that meet the requirements of subsection (b) shall provide that, with respect to any subsequent or additional testing and reporting required under this section, such testing and reporting by a small tobacco product manufacturer shall be conducted in accordance with the timeframes described in paragraph (2)(A), except that, in the case of a new product, or if there has been a modification described in section 509(a)(1)(B) of any product of a small tobacco product manufacturer since the last testing and reporting required under this section, the Secretary shall require that any subsequent or additional testing and reporting be conducted in accordance with the timeframes described in paragraph (2)(A).

(e) Extensions for limited laboratory capacity.—(1) In general.—The regulations promulgated under subsection (a) shall provide that a small tobacco product manufacturer shall be considered to be in violation of this section before the later of—

(A) the conclusion of the 2-year period following the last testing and reporting required by the Secretary; and

(B) the end of the 2-year period following the last testing and reporting required by the Secretary, if the Secretary has not made a finding before the expiration date of the 2-year period following the last testing and reporting required by the Secretary that the conditions described in paragraph (2) have been met, or if 1 year after the reporting deadline, whichever occurs sooner.

(2) Conditions.—Notwithstanding the requirements of this paragraph, the Secretary may, on a case-by-case basis, provide an extension for a small tobacco product manufacturer that demonstrates to the Secretary that the conditions described in paragraph (2)(A) have not been met in a timely manner.

(3) Extension.—The Secretary, taking into account the laboratory testing capacity that is available to tobacco product manufacturers, shall review and verify the evidence submitted by a small tobacco product manufacturer in accordance with paragraph (2). If the Secretary finds that the conditions described in such paragraph are met, the Secretary shall notify the applicable tobacco product manufacturer that the manufacturer shall not be considered to be in violation of the testing and reporting requirements of this section until the testing is reported on a small tobacco product manufacturer in accordance with paragraph (2). If the Secretary finds that the conditions described in such paragraph are not met, the Secretary shall provide notice to the applicable tobacco product manufacturer that the manufacturer shall be considered to be in violation of the testing and reporting requirements of this section until the testing is reported on a small tobacco product manufacturer in accordance with paragraph (2).

(4) Additional extension.—In addition to the time that may be provided under paragraph (3), the Secretary may provide further extensions of time, in increments of no more than 1 year, for required testing and reporting to occur if the Secretary determines, based on evidence properly and timely submitted by a small tobacco product manufacturer in accordance with paragraph (2), that a lack of available laboratory capacity prevents the manufacturer from completing the required testing during the period in which the required testing is required.

(f) Rule of construction.—Nothing in subsection (d) or (e) shall be construed to authorize the extension of any deadline, or to otherwise affect any timeframe, under any provision of this Act or the Family Smoking Prevention and Tobacco Control Act other than this section.

SEC. 916. PRESERVATION OF STATE AND LOCAL AUTHORITY.

(a) In general.—(1) Preservation.—Except as provided in paragraph (2)(A), nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including a law, rule, regulation, or other measure relating to the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age, information reporting to the public, and the establishment of fairness standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, tribal, or local taxation of tobacco products.

(b) Preemption of certain state and local requirements.—(1) In general.—No State or political subdivision of a State may establish or continue in effect any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, for the sale, distribution, possession, advertising, labeling, registration, good manufacturing standards, or modified risk tobacco products.

(2) Exception.—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of, tobacco products by individuals of any age, or relating to the fire safety standards for tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as a trade secret and confidential information by the State.
(b) Rule of Construction Regarding Product Liability.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or proceeding of any person under the product liability law of any State.

SEC. 917. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

(a) Establishment.—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a 12-member scientific advisory committee, to be known as the Tobacco Products Scientific Advisory Committee (in this section referred to as the ‘Advisory Committee’).

(b) Membership.—

(1) Members.—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and experience in medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

(iii) 1 individual as a representative of the general public;

(iv) 1 individual as a representative of the interests of the tobacco manufacturing industry;

(v) 1 individual as a representative of the interests of the tobacco manufacturing industry, which position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on the relevance of the topics being considered by the Advisory Committee; and

(vi) 1 individual as a representative of the interests of the tobacco growers.

(B) Nonvoting Members.—The members of the committee appointed under clauses (iv), (v), and (vi) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

(c) Conflicts of Interest.—No members of the committee, other than members appointed pursuant to clauses (iv), (v), and (vi) of subparagraph (A) shall, during the member’s tenure on the committee for the 18-month period prior to becoming such a member, receive any salary, grants, or other payments or support from any business that manufactures, distributes, markets, or sells cigarettes or other tobacco products.

(2) Limitation.—The Secretary may not appoint to the Advisory Committee any individual who is an employee of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as ex officio members.

(3) Chairperson.—The Secretary shall designate 1 of the members appointed under clauses (i), (ii), and (iii) of paragraph (1)(A) to serve as chairperson.

(d) Duties.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

(1) as provided in this chapter;

(2) on the effects of the alteration of the nicotine yields from tobacco products;

(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

(4) on its review of other safety, dependence, or health effects of tobacco products as requested by the Secretary.

(1) Compensation and Travel.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or other Federal advisory committees or while serving away from their homes or regular places of business and performing services in connection with the performance of their duties as members of the committee, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect under the Senior Executive Service (as defined in section 5542(b) of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) Administrative Support.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

(3) Nonapplication of FACA.—Section 14 of the Federal Advisory Committee Act does not apply to the Advisory Committee.

(4) Proceedings of Advisory Panels and Committees.—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript material under section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) that is exempt from disclosure under section 552(b) of title 5, United States Code.

SEC. 918. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

(a) In General.—The Secretary shall grant designations for tobacco cessation, including nicotine replacement products, as fast track research and approval products within the meaning of section 506.

(2) consider approving the extended use of nicotine replacement products (such as nicotine patches, nicotine gum, and nicotine lozenges) for the treatment of tobacco dependence; and

(3) review and consider the evidence for additional indications for nicotine replacement products, such as for craving relief or relapse prevention.

(b) Reporting on Innovative Products.—

(1) In General.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary, after consultation with recognized scientific, medical, and public health experts (including both Federal agencies and nongovernmental entities, the Institute of Medicine of the National Academy of Sciences and the Society for Research on Nicotine and Tobacco), shall submit to the Congress a report that examines how best to regulate, promote, and encourage the development of innovative products and treatments (including nicotine replacement products and treatments) to better achieve, in a manner that best protects and promotes the public health—

(A) total abstinence from tobacco use;

(B) reductions in consumption of tobacco; and

(C) reductions in the harm associated with continued tobacco use.

(2) Recommendations.—The report under paragraph (1) shall include the recommendations of the Secretary on how the Food and Drug Administration should coordinate and facilitate the exchange of information on such innovative products and treatments among relevant Federal agencies, the Food and Drug Administration and within the National Institutes of Health, the Centers for Disease Control and Prevention, and other relevant agencies.

SEC. 919. USER FEES.

(1) Establishment of Quarterly Fee.—Beginning on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall in accordance with this section establish a user fee in excess of the percentage share of such manufacturer's or importer's tobacco products subject to this chapter. The fees shall be assessed and collected with respect to each quarter of each fiscal year, and the total amount assessed and collected for each fiscal year shall be the amount specified in subsection (b) for such fiscal year.

(2) Amendment of User Fee.—

(A) In General.—The total amount of user fees authorized to be assessed under subsection (a) for any fiscal year is the following, as applicable to the fiscal year involved:

(B) Fiscal year 2010, $235,000,000.

(C) Fiscal year 2011, $450,000,000.

(D) Fiscal year 2012, $550,000,000.

(E) Fiscal year 2013, $565,000,000.

(F) Fiscal year 2014, $534,000,000.

(G) Fiscal year 2015, $566,000,000.

(H) Fiscal year 2016, $599,000,000.

(I) Fiscal year 2017, $635,000,000.

(J) Fiscal year 2018, $672,000,000.

(K) Fiscal year 2019 and each subsequent fiscal year, $712,000,000.

(3) Nonapplication of FACA.—Section 14 of the Federal Advisory Committee Act does not apply to the Advisory Committee.

(b) Application Percentage.—

(1) In General.—For purposes of subsection (a), the applicable percentage for a fiscal year for each of the following classes of tobacco products shall be determined in accordance with clause (ii):

(I) Cigarettes,

(II) Cigars, including small cigars and cigars other than small cigars,

(III) Snuff,

(IV) Chewing tobacco,

(V) Pipe tobacco,

(VI) Roll-your-own tobacco.

(2) Allocation.—The applicable percentage of each class of tobacco product described in clause (i) for a fiscal year shall be the percentage determined under section 625(c) of Public Law 108–357 for each such class of product for such fiscal year.

(3) Requirement of Regulations.—Notwithstanding clause (ii), no user fees shall be assessed on a class of tobacco products unless such class of tobacco products is listed in section 901(b) or is deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter.

(4) Reallocation.—In the case of a class of tobacco products that is not listed in section 901(b) or deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter, the amount of user fees that would otherwise be assessed to such class of tobacco products shall be reallocated to the classes of tobacco products that are subject to this chapter in the same manner and based on the same relative percentages otherwise determined under clause (ii).

(5) Determination of User Fee By Company.—

(A) In General.—The total user fee to be paid by each manufacturer or importer of a particular class of tobacco products shall be determined for each quarter by multiplying—

(i) such manufacturer’s or importer’s percentage share as determined under paragraph (4); by

(ii) the portion of the user fee amount for the current quarter to be assessed on all manufacturers and importers of tobacco products as determined under subsection (2).

(B) No Fee in Excess of Percentage Share.—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the percentage share of such manufacturer or importer.
(4) Allocation of Assessment Within Each Class of Tobacco Product.—The percentage share of each manufacturer or importer of a particular class of tobacco products of the total user fee that shall be assessed against each manufacturer or importer of that class of tobacco products shall be the percentage determined for purposes of allocations under subsections (a) through (h) of section 623 of Public Law 108-267.

(5) Allocation for Cigars.—Notwithstanding standing paragraph (4), if a user fee assessment is imposed on a particular class of tobacco products subject to this section of the Act, the Secretary shall notify each manufacturer or importer of cigars subject to the assessment. The Secretary shall apply the percentage share of each manufacturer or importer of cigars subject to the assessment to the user fee paid by the manufacturer or importer of cigars subject to such assessment.

(6) Treatment of Reimbursed Amounts.—Amounts reimbursed under clause (i) shall be available for programs and activities for which funds allocated for the start-up period were available until September 30, 2010, notwithstanding any other provisions of law.

(7) Credits.—The Secretary may apply the percentage share of each manufacturer or importer of a particular class of tobacco products of the total user fee subject to paragraph (6) to the amounts specified in subsection (b)(1) for the fiscal year 2010, if the Secretary determines that such application will result in no net change in the total amount of funds otherwise available, for the period from October 1, 2008, through September 30, 2009, for Federal Food and Drug Administration programs and activities (other than tobacco regulation activities) for such period.

(8) Reimbursement of Start-up Period.—Notwithstanding the first sentence of paragraph (1f), fees under subsection (a) may be collected through September 30, 2009, under subsection (a)(ii) and shall be available for obligation and remain available until expended.

(9) Crediting and Availability of Fees.—Fees authorized under this section as the ‘quarterly fee amounts’ shall be credited to the salaries and expenses account of the Food and Drug Administration subject to subchapter II of chapter 37 of title 5 United States Code.

(10) Obligation of Start-up Period.—For fiscal year 2009 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the amounts specified in subsection (b)(1) for the fiscal year.

(11) Collection of Unpaid Fees.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

(12) Authorization of Appropriations.—For fiscal year 2009 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the amounts specified in subsection (b)(1) for the fiscal year.

(13) Applicability to Fiscal Year 2009.—If the date of enactment of the Family Smoking Prevention and Tobacco Control Act occurs during fiscal year 2009, the following applies, subject to subsection (c):

(1) The Secretary shall determine the fees that would apply to a ‘single quarter of such fiscal year according to the application of subsection (b) to the amount specified in paragraph (1a) of this subsection (referred to in this subsection as the ‘quarterly fee amounts’).

(2) For the quarter in which such date of enactment occurs, the amount of fees assessed shall be a pro rata amount, determined according to the number of days remaining in the quarter (including such date of enactment) and according to the daily equivalent of the quarterly fee amounts. Fees assessed under the preceding sentence shall not be collected until the next quarter.

(3) For the quarter following the quarter to which paragraph (2) applies, the full quarterly fee amount shall be assessed, in addition to collection of the pro rata fees assessed under paragraph (2).

(c) Conforming Amendment.—Section 91 of the Comprehensive Tobacco Health Education Act of 1986 (15 U.S.C. 4408(i)) is amended to read as follows: ‘‘(1) The term ‘smokeless tobacco’ has the meaning given in section 9001(b) of the Federal Food, Drug, and Cosmetic Act.’’.

SEC. 102. Final Rule.

(a) Cigarettes and Smokeless Tobacco.—

(1) In General.—On the first day of publication of the Federal Register that is 180 days or more after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a rule regarding cigarettes and smokeless tobacco, which—

(A) is deemed to be issued under chapter 9 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this division; and

(B) shall be deemed to be in compliance with all applicable provisions of chapter 5 of title 5, United States Code, and all other provisions of law relating to rulemaking procedures.

(2) Contents of Rule.—Except as provided in this division, the final rule published under paragraph (1), shall be identical in its provisions to part 987 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register.

(B) vary or modify the rulemaking procedures in effect for the final rule published under paragraph (1), and

(C) may not make an ‘‘other than cigarettes or smokeless tobacco’’.

(E) include such modifications to section 987.3 and insert definitions of the terms ‘‘qualified adult-only facility’’ and ‘‘smokeless tobacco’’ as defined in section 900 of the Federal Food, Drug, and Cosmetic Act.

(F) include ‘‘or roll-your-own paper’’ in section 987.30 after ‘‘other than cigarettes or smokeless tobacco’’.

(G) add such definitions to section 987.40

(H) include such modifications to sections 987.20(j) and 987.20(k) as are necessary to reflect the enactment of this Act.

(I) require that the Secretary determine, by rulemaking procedures, the percentage share of each manufacturer or importer of a particular class of tobacco products subject to this section of the Act, of the total user fee subject to paragraph (1), and

(J) applicable to all such fees.

(2) Authorization of Appropriations.—For fiscal year 2009 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the amounts specified in subsection (b)(1) for the fiscal year.

(3) Applicability to Fiscal Year 2009.—If the date of enactment of the Family Smoking Prevention and Tobacco Control Act occurs during fiscal year 2009, the following applies, subject to subsection (c):

(1) The Secretary shall determine the fees that would apply to a ‘single quarter of such fiscal year according to the application of subsection (b) to the amount specified in paragraph (1a) of this subsection (referred to in this subsection as the ‘quarterly fee amounts’).

(2) For the quarter in which such date of enactment occurs, the amount of fees assessed shall be a pro rata amount, determined according to the number of days remaining in the quarter (including such date of enactment) and according to the daily equivalent of the quarterly fee amounts. Fees assessed under the preceding sentence shall not be collected until the next quarter.

(3) For the quarter following the quarter to which paragraph (2) applies, the full quarterly fee amount shall be assessed, in addition to collection of the pro rata fees assessed under paragraph (2).

(c) Conforming Amendment.—Section 91 of the Comprehensive Tobacco Health Education Act of 1986 (15 U.S.C. 4408(i)) is amended to read as follows: ‘‘(1) The term ‘smokeless tobacco’ has the meaning given in section 9001(b) of the Federal Food, Drug, and Cosmetic Act.’’.
shall not be subject to the limitations in section 897.34(c).

(D) Distribution of samples of smokeless tobacco products permitted under this subparagraph, or any free samples also shall take reasonable steps to prevent access to those samples, except for those samples that are being distributed: 

(1) at a sports team or entertainment event;

(2) at any football, basketball, baseball, soccer, or any other sporting or entertainment event determined by the Secretary to be covered by this subparagraph.

(4) The Secretary shall implement a program to ensure compliance with this paragraph and submit a report to the Congress on such compliance not later than 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

(5) Nothing in this paragraph shall be construed to limit the authority of the Secretary to amend, in accordance with chapter 5 of title 5, United States Code, the regulation promulgated pursuant to this section, including the provisions of such regulation relating to distribution of free samples.

§ 331. Control of Retail Sale.

(1) The preamble to the proposed rule in the document titled ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents'' (60 Fed. Reg. 41314–41372 (August 11, 1995)) is amended—

(1) in subsection (a), by inserting ''tobacco product,'' after ''device,'';

(2) in subsection (b), by inserting ''tobacco product,'' after ''device,'';

(3) in subsection (c), by inserting ''tobacco product,'' after ''device,'';

(4) in subsection (e)—

(1) in paragraph (4)—

(A) by striking the subparagraph containing such paragraph, and in its place inserting a paragraph stating that the following is added—

''(q) the product is safe or less harmful by virtue of—

(A) its regulation or inspection by the Food and Drug Administration;

(B) its compliance with regulatory requirements set by the Food and Drug Administration; including any such statement or representation regarding the product misbranded under section 902;''

(C) in subparagraph (b)(1)—

(i) by inserting after ''penalty,'' the following:

''(D) The Secretary may compromise, modify, or terminate the order,''; and

(ii) by striking ''penalty'' the second time it appears after ''penalty,'' and inserting, ''or the period to be covered by a no-tobacco-sale order,'';

(D) by adding the following:

''(pp) The introduction or delivery for introduction into interstate commerce of a tobacco product in violation of section 911.

(ee) by adding, after ''section 911'' the following:

''(ff) The charitable distribution of tobacco products.

(ff) The failure of a manufacturer or distributor to notify the Attorney General and the Secretary of the Treasury of their knowledge of tobacco products used in illegal trade.

(II) by making any express or implied statement or representation directed to consumers with respect to a tobacco product, in a label or labeling or through the media or advertising, that either encourages or would mislead consumers into believing that—

''(1) the product is approved by the Food and Drug Administration;

(2) the Food and Drug Administration deems the product to be safe for use by consumers; or

(3) the product is endorsed by the Food and Drug Administration for use by consumers; or

(4) the product is safe or less harmful by virtue of—

(A) its regulation or inspection by the Food and Drug Administration; or

(B) its compliance with regulatory requirements set by the Food and Drug Administration; including any such statement or representation regarding the product misbranded under section 902.

(C) Section 303—Section 303(f) (21 U.S.C. 333(f)) is amended—

(1) in paragraph (2)—

(A) by striking ''paragraphs (1), (2), (3), or (4)'' and inserting each place such paragraph appears and inserting ''paragraphs (1), (2), (3), (4), or (9)''

(B) in subparagraph (A)—

(i) by striking ''assessed'' the first time it appears and inserting, ''assessed, or a no-tobacco-sale order may be imposed,''; and

(ii) by striking ''the second time it appears and inserting ''penalty, or upon whom a no-tobacco-sale order is to be imposed,;''

(C) in subparagraph (B)—

(i) by inserting after ''penalty,'' the following:

''(B) the following:--

``(i) the period to be covered by a no-tobacco-sale order,'';

and

(ii) by adding at the end following:

''A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order.''

(2) in paragraph (3)—

(A) by inserting, ''or the imposition of a no-tobacco-sale order'' after the term ''penalty,'' each place such term appears; and
(B) by striking “issued,” and inserting “issued, or on which the no-tobacco-sale order was imposed, as the case may be;” and

(3) by adding at the end the following:

“(B) The Secretary—

(a) by striking “and” before “(D)” and inserting “and a tobacco product in—

(B) by striking “or restricted devices” each place it appears and inserting “or tobacco products”;

(C) by striking the term “drugs or devices” each time such term appears and inserting “drugs, devices, tobacco products”;

(D) by providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing that civil money penalties for multiple violations shall increase from one violation to the next violation pursuant to paragraph (2) within the time periods provided for in such paragraph;

(F) providing that good faith reliance on the presentation of a false government-issued photograph identification that contains a date of birth does not constitute a violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations, including—

(i) adopting and enforcing a written policy against such sales;

(ii) informing its employees of all applicable laws;

(iii) establishing disciplinary sanctions for employee noncompliance; and

(iv) requiring its employees to verify age by way of photographic identification or electronic scanning device;

(G) providing for the Secretary, in determining whether to impose a no-tobacco-sale order and in determining whether to commence, modify, or terminate such an order, to consider whether the retailer has taken effective steps to prevent violations of the minimum age
requirements for the sale of tobacco products, including the steps listed in subparagraph (F).

(2) PENALTIES FOR VIOLATIONS.—

(A) IN GENERAL.—The amount of the civil penalty for violations of this subsection promulgated under section 906(d), as described in paragraph (1), shall be as follows:

(i) With respect to a retailer with an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, $0.00 together with the issuance of a warning letter to the retailer;

(ii) in the case of a second violation within a 24-month period, $250;

(iii) in the case of a third violation within a 24-month period, $500;

(iv) in the case of a fourth violation within a 24-month period, $2,000;

(v) the Secretary on a case-by-case basis.

(B) ADVERTISING REQUIREMENTS.—The Secretary shall—

(i) convene an expert panel to conduct a study on the public health implications of raising the minimum age to purchase tobacco products; and

(ii) not later than 5 years after the date of enactment of this Act, submit a report to the Congress on the results of such study.

(3) PENALTIES FOR VIOLATIONS.—The Secretary of Health and Human Services shall—

(A) impose a civil penalty for a violation of any restriction promulgated under section 906(d), as described in paragraph (1) in minority communities.

(B) violators described in subsection (a) a report concerning—

(1) the types of tobacco products purchased by the children; and

(2) the numbers of such products purchased by each individual.

(4) SPECIAL EFFECTIVE DATE.—The amendment made by subsection (c) shall take effect on the date that is 12 months after the date of enactment of this Act, and not later than 5 years after the date of enactment of this Act.

(5) REPORT REQUIREMENTS.—The Federal Food, Drug, and Cosmetic Act (as amended by this division) shall take effect on the date that is 12 months after the date of enactment of this Act.

(6) ADVERTISING REQUIREMENTS.—The advertising requirements of section 903(a)(8) of the Federal Food, Drug, and Cosmetic Act (as amended by this division) shall take effect on the date that is 12 months after the date of enactment of this Act.

(7) IMPLEMENTATION.—The Secretary of Health and Human Services shall take all necessary steps to ensure that the provisions of this section are implemented in a manner that is consistent with the requirements of this Act, and the Protection of Children Act.

(8) IMPORTS AND SHIPMENTS.—The Secretary of Health and Human Services shall take all necessary steps to ensure that the provisions of this section are implemented in a manner that is consistent with the requirements of this Act, and the Protection of Children Act.

(9) REVIEW.—Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on the results of such study.
Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by inserting "and tobacco products concurrently into the distribution chain of the tobacco product manufacturer, packager, distributor, or retailer of smokeless tobacco products for sale or distribution within the United States.".

"(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that—

"(A) contains a warning label;"

"(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products;"

"(C) is not altered by the retailer in a way that is material to the requirements of this subsection;"

"(6) REQUIRED LABELS.—

"(1) It shall be unlawful for any tobacco product manufacturer, packager, distributor, or retailer of any tobacco product to advertise or cause to be advertised with any tobacco product if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.

Sec. 203. STATE REGULATION OF CIGARETTE ADVERTISING AND PROMOTION.

Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by adding at the end of the section the following:

"(c) EXCEPTION.—Notwithstanding subsection (b), a State or locality may enact statutes and promulgate regulations, based on smoking and tobacco control activities, that apply to the distribution chain of the Family Smoking Prevention and Tobacco Control Act, imposing specific bans or restrictions on the time, place, and manner, but not content, of the advertising or promotion of any cigarette.".

Sec. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

(a) AMENDMENT.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

"SEC. 3. SMOKELESS TOBACCO WARNING.

"(a) GENERAL RULE.—

"(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

"(A) WARNING: This product can cause cancer.

"(B) WARNING: This product can cause gum disease and tooth loss.

"WARNING: Smokeless tobacco is addictive.

"(2) Each label statement required by paragraph (1) shall be—

"(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 30 percent of each such display panel; and

"(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted by the plan submitter, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

"(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

"(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, sell, offer to sell, or import smokeless tobacco products for sale or distribution within the United States.

"(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that—

"(A) contains a warning label;"

"(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and"

"(C) is not altered by the retailer in a way that is material to the requirements of this subsection;"

"(6) REQUIRED LABELS.—

"(1) It shall be unlawful for any tobacco product manufacturer, packager, distributor, or retailer of any tobacco product to advertise or cause to be advertised with a United States any smokeless tobacco

"(2) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

"(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

"(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, sell, offer to sell, or import smokeless tobacco products for sale or distribution within the United States.

"(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that—

"(A) contains a warning label;"

"(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and"

"(C) is not altered by the retailer in a way that is material to the requirements of this subsection;"

"(6) REQUIRED LABELS.—
product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

(2)(A) Each label statement required by subsection (a) for a tobacco product shall comply with the standards set forth in this paragraph.

(B) For press and point-of-sale, each such label statement shall appear in conspicuous and legible type.

(C) No label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

(D) Each label statement shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital ‘W’ of the word ‘WARNING’ in the label statements.

(3) The text of such label statements shall be in a typeface pro rata to the following requirements:

- 45-point type for a whole-page broadsheet newspaper advertisement;
- 28-point type for a half-page broadsheet newspaper advertisement;
- 22.5-point type for a 4-column advertisement;
- 18-point type for a 2-column advertisement; and
- 15-point type for a 20 centimeter by 3 column zine or whole-page magazine advertisement;
- 12-point type for a half-page broadsheet newspaper advertisement;
- 9-point type for a half-page tabloid newspaper advertisement; and
- 9-point type for a double page spread magazine or whole-page magazine advertisement.

(4) The Secretary may, through a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary’s sole discretion) whether and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act, that disclosure would be for the purpose of tracking or tracing the tobacco product through the distribution system.

§ 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCTS WARNING LABEL STATEMENTS

(a) IN GENERAL.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 201(a) of this Act, is further amended by adding at the end the following:

(4) ORIGIN LABELING.—

(1) RESOLUTION OF DIFFERENCES.—Any difference in origin labeling under this section, and shall appear within the area specified in subsection (b) of this section.

(b) REGULATIONS CONCERNING RECORD-KEEPING FOR TRACKING AND TRACING.—

(1) IN GENERAL.—The Secretary shall promulgate regulations requiring the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

(2) INSPECTION.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products.

(c) CODES.—The Secretary may require codes on the labels of tobacco products or other descriptive material for the purpose of tracking or tracing the tobacco product through the distribution system.
“(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.”

“(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not authorize any retailer to void records relating to individual purchasers of tobacco products for personal consumption.”

“(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product, which is a part of an illicit trade or smuggling or is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, possesses, transmits, or distributes tobacco products shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and under reasonable conditions and in a reasonable manner, upon the presentation of appropriate credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such article that are needed to assist the Secretary in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products. The Secretary shall not authorize an officer or employee of the government of any of the several States to exercise authority under the preceding sentence on Indian country without the express written consent of the tribe involved.”

“(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—

“(1) NOTIFICATION.—If the manufacturer or distributor of a tobacco product has knowledge which would have been obtained upon the exercise of due care, of circumstances relating to the manufacture, sale, distribution, transportation, or receipt of such tobacco product which would have led the control of such person may be or has been—

“(A) imported, exported, distributed, or offered for sale in interstate commerce by a person without paying duties or taxes required by law; or

“(B) imported, exported, distributed, or diverted for possible illicit marketing.”

“(2) KNOWLEDGE DEFINED.—For purposes of this subsection, the term ‘knowledge’ as applied to a manufacturer or distributor means—

“(A) the actual knowledge that the manufacturer or distributor had; or

“(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.”

“(e) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Attorney General of the United States and the Secretary of the Treasury of such knowledge.”

“SEC. 302. STUDY AND REPORT.

“(a) The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

“(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

“(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising; and

“(3) collect data on the health effects (particularly among individuals under 18 years of age) resulting from cross-border trade in tobacco products, including the health effects resulting from—

“(A) illicit trade of tobacco products and the trade of counterfeit tobacco products; and

“(B) the differing tax rates applicable to tobacco products.”

“(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

“DEFINITION.—In this section:

“(1) The term ‘cross-border trade’ means trade across a border of the United States, a State or Territory, or Indian country.

“(2) The term ‘Indian country’ has the meaning given to such term in section 1151 of title 18, United States Code.

“(3) The terms ‘State’ and ‘Territory’ have the meanings given to those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).”

“DIVISION B—FEDERAL RETIREMENT REFORM ACT

“SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This division may be cited as the ‘Federal Retirement Reform Act of 2009’.

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

“DIVISION B—FEDERAL RETIREMENT REFORM ACT

“Sec. 100. Short title; table of contents.

“Sec. 101. Short title.

“Sec. 102. Automatic enrollments and immediate appointment of agency contributions.

“Sec. 103. Qualified Roth contribution program.

“Sec. 104. Authority to establish mutual fund window.

“TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

Sec. 201. Increase in monthly amount of special survivor indemnity allowance for widows and widowers of deceased members of the Armed Forces affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.”

“TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

“SEC. 101. SHORT TITLE.

“This title may be cited as the ‘Thrift Savings Plan Enhancement Act of 2009’.

“SEC. 102. AUTOMATIC ENROLLMENTS AND IMMEDIATE EMPLOYING AGENCY CONTRIBUTIONS.

“(a) IN GENERAL.—Section 8432b of title 5, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

“‘(2A) The Executive Director shall by regulation provide for an eligible individual to be automatically enrolled to make contributions under subsection (a) at the default percentage of basic pay.’

“(B) For purposes of this paragraph, the default percentage shall be equal to 3 percent or such other percentage, not less than 2 percent or more than 5 percent, as the Board may prescribe.

“(C) The regulations shall include provisions under which any individual who would otherwise be automatically enrolled in accordance with subparagraph (A) may—

“(i) modify the percentage or amount to be contributed pursuant to automatic enrollment, (ii) elect to enroll at any time prior to the end of the following period following receipt of the election by the appropriate processing entity; or

“(ii) decline automatic enrollment altogether.

“(D)(i) Except as provided in clause (ii), for purposes of this paragraph, the term ‘eligible individual’ means any individual who, after any regulations under subparagraph (A) first take effect, is appointed, transferred, or reappointed to a position in which that individual becomes eligible to contribute to the Thrift Savings Plan.

“(ii) Members of the uniformed services shall not be eligible individuals for purposes of this paragraph.

“(E) Sections 8431(a)(1), 8440a(a)(1), 8440b(a)(1), 8440c(a)(1), 8440d(a)(1), and 8440e(a)(1) shall be applied in a manner consistent with the purposes of this section.

“(b) TECHNICAL AMENDMENT.—Section 8432(b)(4) of title 5, United States Code, is amended by striking the parenthetical matter in subparagraph (B).

“SEC. 103. QUALIFIED ROTH CONTRIBUTION PROGRAM.

“(a) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting after section 8422c the following:

“§8432d. Qualified Roth contribution program

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

“(1) the term ‘qualified Roth contribution program’ means a program described in paragraph (1) of section 402(a) of the Internal Revenue Code of 1986 which meets the requirements of paragraph (2) of such section; and

“(2) the terms ‘designated Roth contribution’ and ‘elective deferral’ have the meanings given such terms in section 402A of the Internal Revenue Code of 1986.

“(b) AUTHORITY TO ESTABLISH.—The Executive Director shall by regulation provide for the inclusion in the Thrift Savings Plan of a qualified Roth contribution program, under such terms and conditions as the Board may prescribe.

“(c) REQUIRED PROVISIONS.—The regulations under subsection (b) shall include—

“(1) provisions under which an election to make designated Roth contributions may be made—

“(A) by any individual who is eligible to make contributions under section 8351, 8432(a), 8440a, 8440b, 8440c, 8440d, or 8440e; and

“(B) by any individual, not described in subparagraph (A), who is otherwise eligible to make elective deferrals under the Thrift Savings Plan;

“(2) any provisions which may, as a result of enactment of this section, be necessary in order to clarify the meaning of any reference to an ‘eligible individual’ made in section 842(e); and

“(3) any other provisions which may be necessary to carry out this section.

“(d) CERCLICAL AMENDMENT.—The analysis for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 842c the following:

“§8432d. Qualified Roth contribution program.”

“SEC. 104. AUTHORITY TO ESTABLISH MUTUAL FUND WINDOW.

“(a) IN GENERAL.—Section 8438(b)(1) of title 5, United States Code, is amended by inserting after the item relating to section 8432c the following:

“§8432d. Qualified Roth contribution program.

“SEC. 105. AUTHORITY TO ESTABLISH MUTUAL FUND WINDOW.

“(a) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432c the following:

“§8432d. Qualified Roth contribution program.

“(b) REQUIREMENTS.—Section 8438(b)(4) of title 5, United States Code, is amended by adding at the end the following:

“(5A) The Board may authorize the addition of a mutual fund window under the Thrift Savings Plan if the Board determines that such addition would be in the best interests of participants.”
(D) The Board shall consult with the Employee Thrift Advisory Council (established under section 8475) before authorizing the addition of a mutual fund window or establishing a service that enables participants to invest in mutual funds.

(3) Technical and Conforming Amendment.—Section 8430(d)(1) of title 5, United States Code, is amended by inserting “and options” after “investment funds”.

SEC. 105. REPORTING REQUIREMENTS.

(a) Annual Report.—The Board shall, not later than June 30 of each year, submit to Congress an annual report on the operations of the Thrift Savings Plan. Such report shall include, for the prior calendar year, information on the number of participants as of the last day of such prior calendar year, the median balance in participants’ accounts as of such last day, demographic information on participants, the percentage allocation of amounts among investment funds or options, the status of the development and implementation of the mutual fund window, the directives of any security or investment adviser, or other entity retained to invest and manage the assets of the Thrift Savings Fund, and such other information as the Board considers advisable. Any such annual report under this subsection shall be made available to the public through an Internet website.

(b) Reporting of Fees and Other Information.—

(1) In general.—The Board shall include in the periodic statements provided to participants under section 8436(c) of title 5, United States Code, a schedule of fees, management fees, administrative expenses, and any other fees or expenses paid with respect to each investment fund and option under the Thrift Savings Plan. Any such schedule shall also provide a statement notifying participants as to how they may access the annual report described in subsection (a), as well as any other information concerning the Thrift Savings Plan that might be useful.

(2) Use of Estimates.—For purposes of providing the information required under this subsection, the Board may provide a reasonable and representative estimate of any fees or expenses described in paragraph (1) and shall indicate any such estimate as being such an estimate. Any such estimate shall be based on the previous year’s experience.

(c) Definitions.—For purposes of this section—

(1) the term “Board” has the meaning given such term by 5 U.S.C. 515 of title 5, United States Code;

(2) the term “participant” has the meaning given such term by section 8471(3) of title 5, United States Code; and

(3) the term “account” means an account established under section 8429 of title 5, United States Code.

SEC. 106. ACKNOWLEDGMENT OF RISK.

(a) In General.—Section 8439(d) of title 5, United States Code, is amended—

(1) by redesigning subparagraph (C) as subparagraph (C)(i); and

(2) by adding at the end the following:

“(D) A fiduciary shall not be liable under subparagraph (B) for any such fund or option if the subscription to which such fund or option relates was made by an individual who has provided the information required under this subsection.’’. THE CONGRESSIONAL RECORD — HOUSE

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SECTION 107. SUBPOENA AUTHORITY.

(a) In General.—Section 8430(b) of title 5, United States Code, is amended by inserting after section 8439 the following: ‘‘$8430. Subpoena authority

“(a) In order to carry out the responsibilities specified in this subchapter and subchapter III of this chapter, the Executive Director may issue subpoenas commanding each person to whom the subpoena is directed to produce designated books, documents, records, electronically stored information, or tangible materials in the possession or control of such person.

“(b) Notwithstanding any Federal, State, or local law, any person, including officers, agents, or employees of the Executive Director, may, when exercising subpoena authority under this section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of the United States or to any individual, domestic or foreign corporation or upon a partnership or other unincorporated association for such production.

“(c) When a person fails to obey a subpoena issued under this section, the district court of the United States for the district in which the investigation is conducted or in which the person fails to obey the subpoena is directed to produce designated books, documents, records, electronically stored information, or tangible materials in the possession or control of such person, or the Executive Director is entitled to receive a report of the expenses described in paragraph (1) and shall in such report estimate any fees or expenses paid with respect to such production.

“(d) The Executive Director shall prescribe regulations to carry out subsection (a).’’.

(b) Technical and Conforming Amendment.—The tables of sections for chapter 84 of title 5, United States Code, are amended by inserting after the item referring to section 8409 the following:

“$8480. Subpoena authority.’’.

SEC. 108. ACCOUNTS FOR SURVIVING SPOUSES.

(a) Annual Report.—Section 8473(e)(3) of title 5, United States Code, is amended in the first sentence by striking “or relating to the enforcement of a judgment for the physically, sexually, or emotionally abusing a child as provided under section 8467(a)” and inserting “the enforcement of an order for restitution under section 366A of title 18, forfeiture under section 842(q)(5) of this title, or the bidding of the Executive Director to make a payment to another person under section 8467 of this title.”.

(b) Technical and Conforming Amendment.—Section 8433(e) of title 5, United States Code, is amended—

(1) by striking “(1)” after “(e)”;

(2) by adding at the end the following:

“(2) Notwithstanding section 8424(d), if an employer, Member, former employee, or former Member were the employee or Member of the Thrift Savings Fund, and such other information as the Executive Director determines to be appropriate.

(c) Definitions.—For purposes of this section—

(1) the term “Board” has the meaning given such term by 5 U.S.C. 515(5) of title 5, United States Code;

(2) the term “participant” has the meaning given such term by section 8471(3) of title 5, United States Code; and

(3) the term “account” means an account established under section 8429 of title 5, United States Code.

(d) Technical and Conforming Amendment.—The tables of sections for chapter 84 of title 5, United States Code, are amended by inserting after the item referring to section 8409 the following:

“$8480. Subpoena authority.’’.

TITLE II.—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

SEC. 201. INCREASE IN MONTHLY AMOUNT OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR WIDOWS AND WIDowers OF DECEASED MEMBERS OF THE ARMED FORCES AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN.

(a) Payment Amount Per Fiscal Year.—

(1) in subparagraph (E), by striking “and” after the semicolon; and

(2) by striking subparagraph (F) and inserting the following new subparagraphs:

“(F) for months during fiscal year 2014, $1,500; for months during fiscal year 2015, $2,000; for months during fiscal year 2016, $2,750; and

“(G) for months during fiscal year 2017, $3,300.”.

(b) Duration.—Paragraph (6) of such section is amended—

(1) by striking “February 28, 2016” and inserting “September 30, 2017”; and

(2) by striking “March 1, 2016” both places it appears and inserting “October 1, 2017”.

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker pro tempore. The Clerk will report the motion. The Clerk reads as follows:

Mr. Waxman moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 532, the motion shall be decided upon immediately, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

The gentleman from California (Mr. WAXMAN) and the gentleman from Indiana (Mr. BUYER) each will control 30 minutes.

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The Chair recognizes the gentleman from California.

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

It is hard to believe that we have finally reached this day. It is more than a decade of effort and with countless delays and defeats along the way, at last we are about to enact truly historic legislation to protect the public health and to end the tobacco epidemic.

I am proud that we have made it to this point, but it has taken us far too long. It has been more than 45 years since the landmark Surgeon General report that found that cigarette smoking was responsible for a 70 percent increase in the mortality rate of smokers over nonsmokers and a 10 to 20 times greater risk of developing lung cancer.

Forty-five years. That delay is a tragic testament to the power and influence of Big Tobacco in our country and on Congress. The power in the tobacco industry's ability to block essential public health legislation has come to an end.

Today is a day when strong and effective regulation is established for the crucial counterweight to the efforts and even deceptive practices of this industry. This is the day when Americans can begin to truly kick the habit with the full force of our laws marshaled to protect consumers, and especially our young people.

Many of us remember vividly the milestones that have led us to this moment. In 1994, tobacco executives stood up before my subcommittee and swore under oath that nicotine was not addictive. In 1996, the FDA tried to regulate tobacco products, but the Supreme Court told them they needed Congress to give them that specific legal authority. And now, 13 years later, here we are finally giving FDA that authority to regulate the leading preventable cause of death in America.

Regulating tobacco is the single most important thing that we can do right now to curb this deadly toll. And FDA is the only agency with the right combination of scientific expertise, regulatory experience, and public health mission to oversee these products effectively.

I am pleased that the Senate acted quickly to send us back legislation nearly identical to what we passed 2 months ago with overwhelming support in this House. This legislation will direct FDA to end marketing and sales of tobacco to kids, to stop manufacturers from calling cigarettes "light" or "less dangerous" when they're not, and to require changes to what is in a cigarette, like toxic ingredients such as formaldehyde, benzene, radioactive elements, and other deadly chemicals.

Some have objected that this bill is too big a challenge for an already overburdened FDA. I disagree. It's clear to me that FDA's recent struggles are primarily a result of years of chronic underfunding and a failure of leadership in the last administration.

This history does not mean that FDA, with the strong and committed leadership it now has, cannot take on this critical role of protecting the country against the harm from cigarettes and other tobacco products. It simply means that when we give the agency this new responsibility, we must also give it the resources necessary to do the job and to do it well.

We hope this will happen. The tobacco program will be fully funded through new user fees paid for by the industry. That money will go exclusively to the new tobacco center and will be enough for FDA to handle this task well. Furthermore, by setting up this system, we have ensured that the new tobacco program will have no impact on other vital programs at FDA. In fact, the agency's new commissioner, Dr. Margaret Hamburg, has expressed her enthusiastic support for the bill, saying that a "significant increase in protecting the public health."

In a recent letter to Senator KENNEDY about this legislation, Commissioner Hamburg made clear that FDA is eager to begin carrying out its new responsibilities. President Obama has also praised this legislation as both historic and common sense, describing it as an integral part of his plan to protect America's children and reform our health care system. And I am proud to be part of this historic moment when Congress finally stands up to Big Tobacco and stands up for the health of all Americans. That is the task before us as we send this bill on to the President of the United States.

Madam Speaker, I wish to reserve the balance of my time.
Now, if we wanted to work together and truly have a new scientific, pragmatic approach to improve the public health of our country, we would be doing both; we would be doing abstinence along with harm reduction. You see, that's exactly what HENRY WAXMAN and others in this body do when it comes to teenage sex. They say, okay, by this body, Democrats and Republicans enjoin, we have both; we promote abstinence while also we have policies that promote harm reduction in our efforts to lower sexually transmitted diseases.

With regard to HIV, there are needle-exchange programs while we also try to promote abstinence. But all of a sudden now, when it comes to tobacco, approaches that we take in other forms of public health, whether it's in sanitary issues or whether it's in teenage sex issues or in HIV issues, all of a sudden we don't want to apply it to tobacco. It is a curious thing for me that we don't want to apply harm reduction strategies to tobacco.

So I would say to my good friend, Mr. WAXMAN, I think where we are is that you can have your day in the light, you have earned it, but we are going to have to come back to the table because what we have done is we have locked down the marketplace. You have given a big checkmark to Phillip Morris and said that your market share is okay. And when you lock down the marketplace, and we then stifle innovation and we do not have competition in that marketplace, we truly don't have the ability, then, for these companies to track at-risk capital to make investments in a harm reduction strategy whereby we can migrate people down the continuum of risk.

So if this bill becomes law, we've got some real challenges in front of us. One of them is we stand up this new mission within FDA, an agency that is already very stressed and underresourced, and we're already going to be addressing issues in the committee regarding food safety and drug safety while we pile on more missions.

So I would say to my good friend that as soon as this bill is signed into law, a couple of things are going to happen. Number one, the lawyers will make a run to the Federal courts, and the Supreme Court will be back sitting in judgment over the provisions on advertising restrictions, not only potential unconstitutional provisions on the First Amendment with regard to the regulation of commercial speech, but also in the Fifth Amendment with regard to whether it's a constitutional taking or not.

So while that is going on, I will introduce legislation, I'll work with Ms. HARMAN, I'll work with others. I'll work with my colleagues, on how we can best incorporate these harm-reduction strategies to truly improve public health.

Madam Speaker, I embrace the sincerity of Mr. WAXMAN and Mr. KENNEDY that they truly want to improve public health in the country, but this legislation, when we lock ourselves down to only what is presently available and that these nicotine replacement therapies only have a 7 percent success rate, I don't believe anyone here would endorse a 7 percent success rate as a good thing. It's failure. So we are going to have to go back to the drawing board here and figure out how do we do a harm-reduction strategy to improve public health.

Madam Speaker, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I want to inform my colleagues that there is a section in this bill that gives the FDA authority to develop harm-reduction strategies, and I think that's where it ought to be, in the hands of people who will follow the science in order to protect the public health.

Madam Speaker, I yield, at this time, 2 minutes to the chairman of our Health Subcommittee of the Energy and Commerce Committee, who has been a staunch supporter of this legislation and has looked after all the health matters that come before the Congress, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank Chairman WAXMAN for his tireless work on this tobacco legislation. Madam Speaker, today is long overdue, and he should be so proud of the fact that this is finally passing today and going to the President's desk.

As we pursue serious and historical health care reform, this legislation comes at the right time. Smoking kills. Smoking also is a major cause of cardiovascular disease, cancer, and a host of other conditions, and almost half a million Americans die from their own cigarette smoking a year. And even more alarming, studies have estimated that more than 6 million children alive today will ultimately die from smoking.

In President Obama's call for health care reform, he cited the need to use our resources wisely and efficiently. Tobacco is a health care issue that taxes and burdens our health care system. The costs to private and public payers are over $96 billion annually. Regulating tobacco products is a win-win for our Nation's health and our need to be fiscally responsible in a time of economic hardship.

This bill will finally give the FDA the authority to regulate tobacco products, restrict tobacco marketing, especially the marketing techniques designed to entice and addict our children. These activities are vulnerable and insidiously, and the tobacco industry exploits that.

I was proud to be an original co-sponsor of this bill in the House, and I'm even prouder to vote for this bill today because I know that it is long overdue.

Mr. BUYER. Madam Speaker, I yield myself 30 seconds to respond to my good friend Mr. WAXMAN.

To say that harm-reduction strategies are best left to the FDA gives me great concern. If you truly believe that, then you should have never set a 2-tiered standard and built a paradigm in which they are to make judgments, if you truly believed that they're the ones who should have designed the strategies to improve public health. So I would be more than happy to work with the gentleman to repeal the 2-tiered standard if we're going to let them do the job that the sound science to improve public health.

Madam Speaker, I now yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I appreciate the gentleman's yielding time to me, especially given that we have different views on this piece of legislation.

Madam Speaker, I rise in strong support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. I appreciate the Senate's swift consideration of this bill. After many years of consideration, I'm pleased that this important public health legislation will finally be signed into law.

This bill, one of the defects of the products on the market, tobacco must be subject to the same serious regulation and oversight that most other products consumed by Americans are subject to. This bill will help to ensure that Americans are fully aware of the harmful effects posed by tobacco products.

Most importantly, this legislation will ensure that tobacco products are not advertised to or sold to children. Addiction to tobacco begins almost universally in childhood and adolescence. Tobacco companies have long taken advantage of this vulnerability by promoting their products through such tactics as cartoon advertisements, free tobacco products on school grounds, that appeals to kids, and sponsorship of sporting and entertainment events. With health care costs spiraling out of control every year, the cost of treating these smokers later in life is fast becoming prohibitive. Prohibiting advertising to children will go a long way in preventing young people in America from starting to smoke and will save billions of dollars and, most importantly, countless lives in the years to come.

It is important to emphasize that this bill does not ban tobacco products. Rather, H.R. 1256 allows the FDA to scientifically evaluate the health benefits and risks posed by ingredients in cigarettes and takes steps to reduce the harm caused by tobacco products. This legislation preserves an adult's choice to smoke and makes sure that tobacco products marketed as safe alternatives to cigarettes are, in fact, scientifically safer.

I am pleased to have worked with my colleague, the distinguished chairman of the House Energy and Commerce Committee, HENRY WAXMAN, the gentleman from California, on this legislation. I commend him for his leadership on this issue as well as former Congressman Tom Davis.
I encourage a “yes” vote.

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

It is nicotine that causes the consumption of tobacco. So I understand how truly, in my words, outraged then Chairman WAXMAN and myself still regard to testimony that occurred years ago when he was the chairman of the Subcommittee on Health.

Now, if it is the nicotine from which adult users receive their satisfaction, the real issue is how do they gain access to nicotine in a manner that reduces their health risk? That’s the issue. That’s my passion.

I am not a smoker. I don’t advocate for people to smoke. My charge and challenge is how do we improve public health in our country? And I don’t want this abstinence-only approach. So if it’s nicotine for which people want gain access to and it’s an adult product, then shouldn’t we be trying to figure out ways to regulate products where people can gain access to nicotine that is less harmful?

During the debate on the rule, Madam Speaker, I would share to my colleague, Chairman WAXMAN, an individual brought up a head of lettuce and said that there is more regulation on a head of lettuce than on tobacco. And I guess it was an effort to be cute, but guess it was an effort to be cute, but I think that’s what is extremely important. And let’s stop this premise that all tobacco products are equally risky; that Swedish snus, even though it’s 98 percent less harmful than an unfiltered cigarette, should not be treated as though they’re both just as harmful. They’re not. If you’re able to pasteurize and take away the nitrosamines, yet people can gain access to their nicotine, you know what? That ought to be something we should talk about. That ought to be something we should promote.

And the reason, Madam Speaker, that if we just turn this over to the FDA, like Chairman WAXMAN has just suggested, and let them come up with good policy going to be able to get into the hands of the American people because of the 2-tiered standard that has been set in this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I yield 3 minutes to my esteemed colleague from the State of Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding, my good friend and colleague of 34 years ago. We entered Congress together.

I do not propose to read this entire document, but it is the report of the hearings, the committee report conducted by my predecessor in Congress, John Blatnik, in 1957 on false and misleading advertising. So I’m going back to this harm reduction. So despite decades of intense efforts to eradicate smoking, more than 40 million adults continue to smoke cigarettes, and they’re likely to continue because we don’t have this ability to migrate them to other products. It’s extremely important, when we talk about a harm-reduction strategy, that not only is it the access to a particular product, it is the education of the parents as to what type of products that they can avail themselves to that have less harmful health results. That should be our goal and that has been achieved.

The American Association of Public Health Physicians notes last year that enhanced and current tobacco policies based on the premise that all tobacco products are equally risky will yield only small and barely measurable reductions in tobacco-related illness and death.

So in the public debate, there is sort of this presumption that all tobacco products are harmful. Well, all tobacco products have a degree of health hazards, but some are more harmful than others. So smoke and pipe are not subject to this legislation; yet they are the most harmful to the human body of all of the carcinogens that can be inhaled.

So how do we migrate people? And I think that’s what is extremely important. And let’s stop this premise that all tobacco products are equally risky; that Swedish snus, even though it’s 98 percent less harmful than an unfiltered cigarette, should not be treated as though they’re both just as harmful. They’re not. If you’re able to pasteurize and take away the nitrosamines, yet people can gain access to their nicotine, you know what? That ought to be something we should talk about. That ought to be something we should promote.

And the reason, Madam Speaker, that if we just turn this over to the FDA, like Chairman WAXMAN has just suggested, and let them come up with good policy going to be able to get into the hands of the American people because of the 2-tiered standard that has been set in this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. OBERSTAR. I thank the gentleman for yielding, my good friend and colleague of 34 years ago. We entered Congress together.

I do not propose to read this entire document, but it is the report of the hearings, the committee report conducted by my predecessor in Congress, John Blatnik, in 1957 on false and misleading advertising among a number of products and the failure of the Federal Trade Commission to intervene on behalf of the public.

The leading testimony on false and misleading advertising on filter-tipped cigarettes was a statement of Dr. Kyler Hammond, Director of Statistical Research for the American Cancer Society: We found lung cancer death rates to be extremely low among non-smokers and high among heavy cigarette smokers; 2,665 excess deaths, and this was 1957, among smokers. The conclusion of Dr. Hammond: The sum total of scientific evidence establishes beyond reasonable doubt that cigarette smoking is a causative factor in the rapidly increasing incidence of human epidermoid carcinoma of the lung.

Fifty-two years ago we still have people in this Chamber and in the other body saying it’s not a problem. The report of the committee goes on to say, Benzpyrene is one of the substances containing carcinogenic agents. A known cancer-producing agent has been found in the smoke from cigarette paper and an amount from the filter tip component is known as 3,4-benzpyrene.

The report of the committee concludes: The cigarette manufacturers have received the American public through their advertising of filter-tip cigarettes. Ironically, while denying the alleged health hazards of cigarette smoking, the industry has, in its advertising, made these charges appear true. Further, the consumer who chooses a filter tip for clean smoking; snowy white; pure; miracle tip; 20,000 filter traps, gives you more of what you changed to a filter for.

The committee concludes: The Federal Trade Commission has failed to approach the problem of false and misleading advertising.

They failed then, 52 years ago. They failed us today. It is way long past time, many millions of deaths later, for this Congress to act decisively in the public interest. And also as a tribute to my predecessor, John Blatnik, who led this charge 52 years ago and who was rewarded with dissolution of his subcommittee for having rung the bell on false and misleading advertising by the cigarette companies.

Mr. WAXMAN. Madam Speaker, I am pleased at this time to yield to one of the people without whom this bill would not even be possible, and that is Mr. DINGELL, from the State of Michigan, who is the Whipman, who is the Speaker pro tempore. The gentleman from California is recognized for 1 minute.

Mr. PELOSI. Madam Speaker, I thank the gentleman for his generous recognition and rise to say, as a mother and a grandmother, what an important day this is for America’s children and to say thank you to Mr. DINGELL. Some of the giants of the Congress have worked to help the children of America. Mr. DINGELL, Mr. WAXMAN, and Mr. PALLONE on the committee. On the Senate side, this legislation passing also is a real tribute to the leadership of Senator Ted KENNEDY. It’s really a great day. It’s momentous. It’s historic. We can’t say that all the time about the legislation that we pass here. It would be impossible to exaggerate the importance of what is happening here today.

Today we have an opportunity to protect public health and prevent disease; and today we have an opportunity to honor our responsibility to our children, to protect them from the harm that can come to them from the use of tobacco.

Madam Speaker, tobacco is the number one cause of preventable deaths in the United States. According to the Centers for Disease Control, it is responsible for about 400,000, or 433,000, deaths annually. Again, I want to acknowledge the great work of Chairman WAXMAN, Chairman DINGELL and Chairman PALLONE. We passed this bill before Easter. Happily last night, yesterday, it passed the Senate so that we can now pass the bill and send it to the President’s desk for his signature.

Mr. OBERSTAR, in his role on Transportation and understanding how we...
had to get smoking out of Transportation, spelled out for us what the study told us and how it has been 52 years since we should have taken action. There is so much support on the outside of the Congress as well. A thousand more from the American Cancer Society, which we would expect, the Campaign For Tobacco-Free Kids, the AARP, and the Presbyterian Church, just to name a few. They believe that passing this bill will save lives.

Every day Americans benefit from the oversight of the FDA on foods that we eat and medicines we take. That’s their jurisdiction. Yet despite the fact that tobacco is one of the deadliest products in America, the FDA has no authority to regulate it. This is just not right, and today we can correct that wrong. Right now tobacco is exempt from standards that apply to a can of soda or a box of pasta. Tobacco makes kids sick from critical and basic consumer protections, such as ingredient disclosure, product testing and restrictions on marketing to children.

This legislation grants the FDA the authority to regulate tobacco products. It also requires detailed disclosure of tobacco product ingredients and restrictions tobacco marketing and sales to young people, among other things. And this legislation does all of this in a fiscally responsible way, funding the FDA tobacco activity through a user fee on tobacco manufacturers.

Because of lost productivity and health care expenditures, cigarette smoking costs our Nation more than $193 billion a year, almost $200 billion a year. By reducing the number of smokers, not only will this legislation save lives and reduce chronic disease, it will also reduce health care costs.

Today, approximately 3,500 young people will try a cigarette for the first time and another 1,000 will become addicted and become new regular, daily smokers. One-third of those children will die prematurely because of smoking. We must do all that we can to prevent premature death from smoking, and today we have that opportunity.

Madam Speaker, I urge all of my colleagues to support the aptly named Family Smoking Prevention and Tobacco Control Act. I hope that the children of America will see a strong bipartisan vote. This legislation deserves it, and then we can send it on to the President to sign into law hopefully no later than next week.

Again, Mr. DINGELL, as a mother and a grandmother, I’m deeply in your debt for what you’re doing for America’s children. And, again, thank you so much for bringing this bill to the floor. We went into session in January. Before Easter this bill had passed the House. Thank you for your leadership. Mr. FALLONE was very much a part of it. Again, Mr. OBEMARST, thank you for your leadership.

But let’s just say about Senator KENNEDY, this has been part of his life’s work. He’s worked on this for a very long time, of itself, discretely, the tobacco and smoking issue and then, of course, just as with Mr. DINGELL, the larger health issue for America. Today in passing this legislation, enabling the FDA to regulate tobacco, we are taking a giant step forward in making America healthier. Thank you all for your leadership.

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

It is with great disappointment that I hear the words of the Speaker because she is truly endorsing a 7 percent success rate as an acceptable level of success for those who are trying to quit smoking. Also, if we really wanted to try to help children, then she should have endorsed what I sought to do; that is, put tobacco on an equal plain as alcohol to make it illegal to possess. But we’re not doing that today.

I also said that the States, with regard to the Master Settlement Agreement, the States are not spending the money like they should. In the last 10 years, States have spent just 3.2 percent of their tobacco-generated revenue on prevention and cessation programs. In the current fiscal year, for a year, no State is funding tobacco prevention programs at levels recommended by the CDC. So I had offered an opportunity here to the body to strengthen and truly protect children, yet it was not adopted by this body. So we be very careful about coming to the floor and saying we’re doing it for the children when, in fact, the opportunity was there and you did not.

I now yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. I thank the gentleman for yielding.

Madam Speaker, I don’t think anybody can argue at all with the intentions of the proposal of this bill. There is no question that cigarettes are very harmful. The question for me here is this process, and I find the process here atrocious because it assumes that authoritarianism is right, proper and that it works and that volunteerism, education, self-reliance and depending on oneself to take care of oneself is a proper approach. We totally reject our society and we just have tobacco police roaming the country, that all of a sudden bad habits are going to be cleared up. We’re dealing with bad habits, and these are bad for health. But let me tell you, I can bring you a list here of dozens and dozens of bad habits that lead to death. As a matter of fact, one of the things that we ought to consider is, how many people die from our drug war? We have a drug war going on, and tens of thousands of people die. It’s so exasperating at times because we always have two proposals here, or we have two ways of solving problems or dealing with tobacco. For decades, what did we do? We subsidized tobacco, and now we want to prohibit tobacco. Why don’t we just let the people decide. This whole idea of either having to subsidize something or prohibit something is just, to me, a huge mess that I think we ought to challenge.

One part of this bill that I find particularly bad, but it is pervasive in so much of what we do, about 100 years ago we took the First Amendment and from there we split it into pieces. We have political speech. Of course we like that. We’re in the business of politics. But we take commercial speech, and we put it over here, and we regulate the living daylight out of commercial speech. That’s not a First Amendment. That’s chopping freedom in half, and that just leads to more problems. But this will lead to prohibition, and it won’t work. This will just give us a lot more trouble.

You say, Well, how will these problems be handled if we just prohibit people to advertise? Well, you are not allowed to commit fraud; you are not allowed to commit libel or slander or fraud. So there are prohibitions. But this approach can’t work. It is assumed that people are total idiots, that they won’t respond to education, that we have to be the nanny state. We want to expand the war on drugs, which is a total failure.

And look at what happened to the prohibition of alcohol. You say, Well, no, this is not going to be a prohibition. It is going to be prohibition. This is a form of prohibition. When you have prohibition or even approach prohibition, what do you create? You create the black market. We will see the black market come. Already the taxes are opening up the doors of the black market.

All I ask for is people to reconsider, believe that freedom, self-reliance and individualism can solve these problems much better than a bunch of politicians, bureaucrats and tobacco police here from Washington, D.C.

Mr. BUYER. I yield myself 30 seconds.

I would say that the gentleman and I are not always in total agreement. The substitute that I brought to the floor actually sought to regulate tobacco, and I know you did not agree with my substitute. I believe in the regulation of tobacco. I sought to do that. I just don’t believe it should be done in FDA. We tried to create a harm reduction center to do that. But I respect the gentleman’s views.

I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I am pleased at this time to yield 3 minutes to the very distinguished chairman emeritus of the Energy and Commerce Committee, the gentleman from Michigan (Mr. DINGELL), who has played an essential role in fighting against tobacco and getting us to this day today.

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Mr. DINGELL. I thank my good friend and colleague, the chairman of the committee, Mr. WAXMAN; and I commend him up with legislation to protect Americans from dangerous foods and to give the Food and Drug Administration the authority and the money which it needs. That will be followed by additional legislation to address the question of pharmaceuticals.

I urge my colleagues to recognize that this not only does what needs doing, but it also gives to the Food and Drug Administration the authority and the money which it needs and the personnel which it needs to carry forward its mission as it goes about its business. I would point out, for too long we have starved them for authority, resources and personnel. It is time something is done about this. I am not going to give you an argument about this situation—that will be in my written extended remarks—but I want to tell you a story about the way the Food and Drug Administration is working. Mr. WAXMAN. I yield an additional 1 minute.

Mr. DINGELL. I thank the gentleman.

He pulled out another lung. He said, Now, this is the lung of a smoker. It was black, dirty and nasty, and you would not want to have it inside of you.

He said, Now, my message to the committee is very simple. If you smoke long enough, you are going to die of cancer of the lung or you are going to die of some other kind of ailment which is induced by your smoking, whether it is of the lung or whether it is of some other organ, including the mouth, the throat, or another part of the body as far away as the fingertips.

I just want my colleagues to understand, finally we are doing something. If a person wants to be silly enough to smoke, he can still do so; but he is going to get a warning, and the tobacco companies are going to have to provide proper, decent, honorable behavior, and they are going to have to do the things that warn the American people of this.

We have a responsible agency which this legislation will properly fund and finance. We will give them the authority and the personnel and the capabilities of doing what they need to do. We are going to follow it with other legislation.

I urge my colleagues to support this and support the other legislation when it comes.

Mr. WAXMAN. Madam Speaker, I rise today in strong support of the Senate Amendment to H.R. 1256, "Family Smoking Prevention and Tobacco Control Act."

The decision to vote in favor of today's bill is a very easy one. It was an easy one, because I am convinced that the "Family Smoking Prevention and Tobacco Control Act" will go a long way in regulating the most unregulated consumer product on the market today.

A product which is the leading preventable cause of death in the United States.

Kills more than 400,000 Americans annually; and

Accounts for more than $96 billion in health care costs every year.

Every day, approximately 3,500 kids will try a cigarette for the first time, and another 1,000 we become new, regular habituate smokers.

The legislation will restrict marketing and sales to youth; grant FDA authority to restrict tobacco marketing; require detailed disclosure of ingredients; and allow FDA to require changes to tobacco products to protect the public health.

I commend Chairman WAXMAN and my dear friend, Senator KENNEDY, for their persistent leadership on this legislation in the Congress. I am honored to have my name associated with the legislation and for the opportunity I had to work with them on this issue.

Madam Speaker, I know firsthand that the "Family Smoking Prevention and Tobacco Control Act" is good piece of legislation. I had the distinct pleasure of shepherding it through the Energy and Commerce Committee last year. Today's legislation largely reflects the work we did then.

Madam Speaker, this legislation has been in the works for a long time. Nothing stands in our way to send it to the President's desk. I urge my colleagues to vote in favor of the "Family Smoking Prevention and Tobacco Control Act"—the American people need it and they deserve it.

Mr. BUYER. Madam Speaker, I now yield 2 minutes to the gentleman from California (Mr. MCLINTOCK).

Mr. MCLINTOCK. I thank the gentleman for yielding.

Madam Speaker, many years ago, author and commentator Bruce Herschensohn made the point that for every pleasure in life, there is a corresponding risk. I think that is a universal truth: for every pleasure in life, there is a corresponding risk.

And he pointed out it is true that with enough taxes and laws and restrictions and regulations and penalties and lectures, government can produce a virtually risk-free society, but it will also be one of the most colorless, pleasureless, tedious, and miserable societies ever conceived by the mind of man.

I think that is the case. The health dangers of smoking are real and they are well-documented. We all agree on that. It is a very bad thing to do.

Our schools rightly make a concerted effort to inform every child of the health risks associated with tobacco products, and they do a good job of it.

Our government warns every adult of the risks associated with tobacco products, and they do a good job of it, too.

But once those warnings are issued, how much further should government go? And they probably think others are making bad decisions when they decide to go skiing or bungee jumping or living or the hundreds of other pleasures that incur corresponding and calculated risks.

I would ask today, whatever happened to the notion of individual responsibility? And whatever happened to the notion, as Jefferson put it, of a wise and frugal government, which shall restrain men from injuring one another, but shall leave them other wise free to regulate their own pursuits of industry and improvement?

Mr. WAXMAN. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Health Subcommittee.
Ms. SCHAKOWSKY. Madam Speaker. I rise today in strong support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. I do it with enormous gratitude to Chairman WAXMAN for working for years to get legislation at this point that would improve public health by strengthening the regulation of tobacco products.

There are a lot of diseases that we don't have the cure for today. There are lots of resources put into medical research that hopefully will find a cure to cancer, HIV/AIDS and other terrible diseases. But we do know how we can prevent over 435,000 tobacco-related deaths that occur each year, and that is by preventing smoking.

There are over 44 million smokers in the United States of America. In Illinois alone, 24.3 percent of adults and 29.2 percent of youth smoke tobacco. In Illinois, 16,000 people die from smoking-related illnesses and 29,000 adults and children die of secondhand smoke in Illinois annually. $3.2 billion is spent in direct medical expenditures related to smoking in Illinois. And every day 4,000 kids try their cigarette, and about half of them become addicted.

Finally, we have legislation giving the FDA the power and resources to regulate the tobacco industry and safeguard the public health and our children. It would lessen the cost of smoking-related medical illnesses and prevent adolescents and teens from smoking as a young adult.

In Illinois, I want to congratulate Alexandra Slane, an elementary school student from Peoria, Illinois, who won the Tar Wars anti-smoking annual poster contest with her drawing of a light bulb shaped as a human head. She wrote the caption in the human-shaped light bulb warning America, "Be Bright, Don't Light".

Let's start by passing H.R. 1256.

Mr. WAXMAN. We have no other requests for speakers and I would like to close the debate. We continue to reserve our time.

Mr. BUYER. Madam Speaker, there are a couple of issues that I would like to address that I mentioned in my opening. The last two issues that I will address are, one, on the constitutionality, and, secondly, is the FDA the right agency.

While we all agree that steps need to be taken to reduce the uptake of tobacco products by underage youth, we must not do so in ways that clearly violate the First Amendment. Unfortunately, the bill in front of us I believe fails to meet that test.

The speech restrictions in this bill are overreaching and sweeping in the history of the United States for any legal product. Numerous top legal experts from every point of the political spectrum have looked at these provisions and declared that they will not meet First Amendment scrutiny.

During the debate on the rule, I questioned the responsibility of this body. I believe it is irresponsible for us to pass legislation that is prima facie unconstitutional.

What we are doing in this body is two things: we are taking the regs from the 1996 rule that the Supreme Court found unconstitutional and are making them statutory, which means, attention to lawyers in America: you have an access and avenue right back to Federal Court immediately upon the President's signature of this legislation.

Also under the Constitution, private speech, private speech and the regulation of private speech among individuals, that is, companies, if individuals seek to restrict their speech between the regulation of industry seeing to communicate, they can do that in the private marketplace between themselves. Where the First Amendment comes in is when governments, States, municipalities or the Federal Government then step in and begin to regulate speech.

In this case, it is commercial speech, and that is what we are doing. When we take the MSA, the master settlement agreement, and also place these restrictions and then make them statutory, bang, we are right back to the Supreme Court. And I just find that very bothersome.

Larry Tribe, the noted constitutional expert and Harvard University law professor, commenting on the types of provisions in this legislation, stated, "Given the extensive regulation of tobacco manufacturing for example, the creation of manufacturing standards, the regulation of tobacco advertising, the creation of manufacturing standards, and so on) elsewhere in the proposed legislation, and the mandates for new and improved warnings, it would be difficult to defend the sweeping restrictions on advertising as being narrowly tailored to a governmental interest. The paternalistic view that tobacco advertising must be restricted because consumers might find it pervasively anti-ithetical to the assumption on which the First Amendment is based."

Wow. Now you are going to find me quoting the American Civil Liberties Union. You may want to listen to this, because it is probably the first time I have ever cited the commercial speech that is not merely tailored to the legitimate governmental interest.

In Bolger v. Youngs Drug Products Corporation, the court stated that efforts to restrict advertising cannot leak to speech are necessary to meet First Amendment scrutiny. And I find that troubling and counterproductive.

Now, we're going to turn to the FDA and say, we want you to regulate the tobacco product. So we take the gold standard of the FDA now and apply it to tobacco, and now there is this inference that somehow the FDA has said that tobacco's a safe product. That is something we should not be doing. It's why I sought to create a separate agency, rather than the FDA, creating a task that is counter to their present mission.

You see, if you use a cigarette and follow the instructions, and you do...
that every day, it will kill you. Now, think about that. It will kill you. We don’t want the FDA to create some type of inference into society that somehow it’s okay.

President Obama stated on March 14 of this year that 95 percent of America’s 150,000 food processing plants and warehouses go uninspected each year. Wow. Each year, 74 million people in the United States are sickened by tainted food, and about 5,000 die, according to the CDC. That’s on food alone.

Then, with regard to drugs, I look forward to working with Chairman WAXMAN, Madam Speaker, and with Mr. DINGELL, with regard to drug safety because right now we have 11 international mail facilities by the United States Government. You count the three private carriers that also have international mail facilities, and they are taking up to around 30,000 drug packages that are coming into our country. By the way, people who are going to the Internet. Every time we do an inspection of those mail packages, we find that 80 percent of them are either counterfeit knockoffs or adulterated drugs. When, in fact, you do the math and you do the research, take 14 times 30,000 times 365, then times 80 percent, we are looking at 96 million. Think about that. 96 million drug packages coming in. So what we’re doing now is we’re lumping this onto the Internet, and FDA, and FDA is a challenged, a very challenged agency.

I urge individuals to vote “no” on this legislation. There is a better way to regulate tobacco.

Mr. WAXMAN. So, Madam Speaker, it’s come down to this, a musing that perhaps FDA is not the right agency; we ought to create a brand new one, but don’t give them any power to do anything.

Or what we need is harm reduction, even as a result of this legislation, gives the FDA the ability to look for ways to reduce the harm from cigarette smoking. But the best way, the best way is not to smoke. And the best way is to make sure that people don’t start smoking. And if they do smoke, to give it up.

And then the next argument, it’s not constitutional. And my colleague has cited the fact that he believes the Supreme Court, when they ruled on the issue of the regulations being proposed by the FDA, that they said that those were unconstitutional.

Well, the truth of the matter is the Supreme Court said FDA did not have the legal authority and that Congress had to vote to give them the legal authority to adopt those regulations. That is what we are about to do today.

I’ve been working on the issue of tobacco for over three decades, and in fact, I thought about this issue as I prepared a book that’s going to be coming out on a lot of different issues in the next couple of weeks.

And I remember the hearings we had where the tobacco industry had so-called scientists argue there really wasn’t any harm from cigarette smoking. It was just coincidental.

I remember well when the CEOs came before our committee, and that was a real turning point. And they took an oath to tell the truth, and they said, no, no, it’s not connected to lung cancer; it’s not connected to cancer; it’s not connected to heart disease; it’s not connected to all these other problems; it’s only a coincidental. They said cigarette smoking was not addictive because nicotine is not addictive. They swore that under oath that they could manipulate the nicotine to make it even stronger and more addictive a product. And they said, with righteous indignation, they certainly wouldn’t target kids to smoke.

Well, after that appearance in 1994, we pierced the veil that hung over the industry and started to find out what they were saying in their own corporate boardrooms and what their own scientists understood the case to be.

We later found out there was a scientist that worked for the tobacco industry told us he understood the harm. The industry wanted to know what harm it did, and they knew that, in fact, it caused a tremendous amount of harm. The industry didn’t worry about that. They were now looking at ways to patent new ways to raise the nicotine levels so they can keep people smoking, because they were very well aware of the fact that nicotine was addictive and they could, in fact, manipulate the nicotine to grab on to those smokers and kept them captive to that habit.

And the Joe Camel advertising campaign was marketed in France to see if it really got kids to be loyal to that brand. And in their boardroom they discussed how important it was to get kids to start smoking at 14 or 15 years of age because then they would be loyal to that brand, let alone addicted to the product.

We later found out how the tobacco industry spent millions and millions of dollars on a phony operation to say that they were studying whether the harm was there from cigarette smoking, and what they did was manipulate the media, deceived the American people, to argue the science wasn’t really there to claim cigarettes was a problem. The science is still out.

By the way, we hear this about global warming today. Even though the overwhelming consensus was there from reputable scientists, they tried to make people believe, don’t worry about it, you can continue to smoke; it’s not going to do you harm.

And they tried so hard and successfully, for decades, to keep secret the fact that nonsmokers were harmed by simply being in the presence of smokers.

I remember the power of the tobacco industry that kept the Congress from acting, and it was by one vote that the House of Representatives decided to try and experiment to see if we could have airplane flights, commercial airplane flights of an hour or less, without any smoking permitted. And Members stood up on the floor of the House and said smokers would never tolerate such a thing.

Well, it was so widely popular that it’s hard to find any airline in the world that allows smoking on airplane flights of whatever length they are.

The public has come to understand this industry, and they know the dishonesty of this industry, and they know that the clout of this industry kept the government from acting for decades.

But people now don’t realize how it was 30 years ago. Thirty years ago people who smoked felt they had the right to light up a cigarette, no matter where they were.

We’ve heard the argument that the Court may look at the constitutionality of any free speech matter that might relate to advisories about cigarette smoking. It’s hard for me to believe that a Supreme Court that once said the Constitution does not mean that the freedom of speech allows people to yell “fire” in a crowded room would now come to the point where they’d say it would be unconstitutional to prohibit airlines from taking steps to protect children and to allow them to buy in any State of the Union.

I think we are, today, at the last gasp of the tobacco industry’s efforts to protect their profits at the expense of the health and lives of millions of people and to get children to take up this habit. We’re moving away from it fast in this country. The FDA will help us succeed in ending this tobacco epidemic.

My heart goes out to people around the world as American tobacco companies are telling people in other countries, be like Americans. If you’re a woman, you can smoke—don’t let your culture keep you from taking up this habit. As they tell children around the world that allows smoking on airplane flights of whatever length it may be.

Mr. VAN HOLLEN. Madam Speaker, this is a very important and historic day for the American people. I rise in strong support of the bipartisan Family Smoking Prevention and Tobacco Control Act, of which I am a proud original cosponsor and coauthor, of which I am an original cosponsor and coauthor, of which I am an original cosponsor and coauthor. This legislation long overdue. The legislation is a critical step in protecting the health and well being of millions of Americans from the deadly effects of
tobacco use. It is a shame that tobacco products were not regulated in this country. Though the FDA has the authority to regulate products that are not addictive, we always had this gap in their regulatory authority when it came to the very addictive products of nicotine and tobacco. This is why this bill is so important.

For far too long, the tobacco companies have taken advantage of this loophole and have exploited it by marketing their deadly products to young people. Generation after generation, the tobacco companies knowingly targeted our kids through flavored cigarettes, manipulating them in their products with false advertising and other deceiving methods—all to ensure that their profit margins remained high. In fact, they had to do that. In order for these companies to continue to make their profits, they had to find ways to hook people on tobacco products.

I am very proud of the efforts Maryland has taken to curb the effects of tobacco use. It has increased the tobacco tax and youth smoking has declined. Maryland also passed a comprehensive smokefree indoor air law in 2007. I am pleased that the Congress took some additional steps earlier this year to decrease tobacco use by increasing federal excise taxes on cigarettes as part of the reauthorization of the State Children’s Health Insurance Program.

Let’s make sure that future generations of young people do not get addicted to tobacco products. Addiction to tobacco products has had a huge cost to our society in terms of lives and money by killing over 400,000 Americans each year. This legislation will save lives and money. I strongly urge my colleagues to join me in putting an end to this deadly cycle and vote yes on this very important bill.

Ms. FOXX. Madam Speaker, this bill includes more than $5 billion in new tax increases on tobacco companies and gives sweeping control of the tobacco market to the FDA. Chairman DINGELL, discussing the salmonella outbreak last summer, was quoted in The Wall Street Journal as saying that “there’s a total inability of the FDA to carry out its mission.” This isn’t the first Democrat to raise questions about the effectiveness of the FDA. It is time, I believe, for the majority of us to extend the agency’s regulatory authority to a multi-billion dollar industry of which the FDA has no expertise.

This bill undermines the established purpose of the FDA. As FDA Commissioner Andrew von Eschenbach testified before the House Energy and Commerce Committee in October 2007, the FDA is an agency intended to promote and protect the public health. In the Commissioner’s opinion, requiring the FDA to “approve” tobacco products as a result of this bill would dramatically change the agency’s focus. Mr. von Eschenbach stated that “Associating any agency whose mission is to promote public health with the approval of inherently dangerous products would undermine its mission and likely have perverse incentive effects.”

While establishing FDA authority to regulate tobacco products, this bill would also retain the FTC’s federal authority to regulate tobacco advertising and circulation. It would provide only limited pre-emption of state laws, allowing more rigid state restrictions on tobacco advertising.

This bill imposes undue bureaucratic and logistical hardships on tobacco manufacturers by burying them under multiple layers of regulation. It is important to remember that the sale of tobacco is legal in the United States and is credited with hundreds of thousands of jobs across the country. We cannot afford to lose more American jobs especially when we are facing such economic challenges.

FDA regulation will have a devasting economic impact on small tobacco companies, their employees, associated businesses, and the largely rural communities which they support. Under this legislation they will not be able to comply with and afford what is sure to be a costly and complex regulatory regime.

The FEPA will force $50 small tobacco manufacturing companies throughout the United States. Together with their suppliers, vendors, distributors and tobacco growers, these companies employ thousands of people. Tobacco growing in particular has long been an important part of rural communities. As most of these companies are located in rural, economically depressed areas, the jobs, employee health and pension benefits and revenue they provide is critical to our local economies.

While large tobacco companies can absorb the cost of FDA regulation, many of these smaller companies cannot. This legislation will force them to close their doors, leaving their employees jobless.

Ms. LEE of California. Madam Speaker; I rise in strong support of the Senate Amendment to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

I want to thank Chairman WAXMAN and his staff, and Senator KENNEDY for their tireless work over the years to ensure that we could get to this moment.

The federal regulation of tobacco has been a long time coming. I’m pleased that today’s action will complete consideration of this bill and send it on to the President to finally get it enacted into law.

According to the Centers for Disease Control and Prevention, smoking is the leading cause of premature death in the United States. More than one in five Americans smoke, and according to the CDC’s most recent report, in 2004 this included about 21 percent of adults and more than 22 percent of high school students.

Each year about 1 in 5 deaths, about 443,000 people, are a result of smoking or exposure to secondhand smoke. And for each person who dies from a smoking related disease, about 20 more are living with a smoking attributable chronic illness—or about 8.6 million people.

In addition to the significant effects of smoking on the health of our constituents, the estimated costs of smoking-related medical expenses and loss of productivity exceed $167 billion annually.

Thankfully, in my state of California we have known the dangers of smoking for a long time, and we were one of the first states to move forward in banning indoor smoking in public places, including bars and restaurants. As a result our State has the second lowest prevalence level of smoking among both adults and youth, at 14.8 percent and 13.2 percent respectively.

It is long past time that we try to take a national approach to address the dangers of smoking.

I’m pleased that this bipartisan legislation will grant the Food and Drug Administration authority to regulate the advertising, marketing, and manufacturing of tobacco products. And I’m also pleased that it takes steps to ban flavor additives, including menthol, as well as further restricting marketing directed to our children.

But passage of this bill really is just the first step. We’ve also got to make sure that we follow through on the regulatory authority provided in this bill to help encourage smokers to quit, and to provide help to those who choose to do so.

However I’m pleased that we are finally taking action today, and I’m convinced that it will help to improve public health and reduce costs to our health care system in the long run.

I urge my colleagues to support this bill.

Mr. McINTYRE. Madam Speaker, I rise today to express grave concerns about H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

This bill will grant the Food and Drug Administration (FDA) authority to dictate to primary role of protecting our dramatic changes in product design and leaf cultivation, a concern that has been raised repeatedly by the tobacco growers in my district. The last thing we want is government bureaucrats coming on the farm.

The tobacco industry contributes over $36 billion to the U.S. economy each year, employing over 19,000 individuals nationwide. In my home state of North Carolina, over 8,600 people are employed by the industry with a statewide economic impact of over $23.9 billion.

The manufacturing provisions and “FDA on the farm” provisions of this bill will put many companies and growers out of business. In this time of economic uncertainty, we can’t afford to lose more jobs.

In addition, the FDA is already overburdened with its food safety and drug approval mission. Placing another large regulatory burden on an already overwhelmed agency will further divert attention away from the FDA’s primary role of protecting our food supply and regulating prescription drugs.

Mr. TOWNS. Madam Speaker, today, I rise in support of H.R. 1256 because of the public health benefits this legislation will provide to the country.

I am deeply troubled, however, that the legislation we are voting on today does not include many provisions of great importance to Federal employees. These provisions were adopted unanimously by this chamber and were included in the tobacco legislation that was sent to the Senate.

The Oversight and Government Reform Committee worked closely with the sponsors of H.R. 1256 in crafting this legislation. The bill modernizes the Federal Employee Thrift Saving Plan, and these changes to the TSP provide the revenue that covers the cost of new tobacco prevention programs. As a matter of simple fairness, a portion of this revenue generated by Federal employees was devoted to simple fixes to the Federal retirement system that will make it more fair and efficient for Federal employees and management.

The House-passed legislation included provisions to eliminate inconsistency in how part-time service, breaks in service, and unused sick leave are considered in calculating retirement benefits. These provisions would help encourage highly-talented individuals to return to government service at a time when we need to be attracting such individuals to prepare for a wave of upcoming retirements, and
would help that wave of retirements be more predictable and orderly.

Unfortunately, the Senate amendments to this bill left out these critical provisions. It is very disappointing, and unfair to Federal employees, that they are used to generate the revenue for these important changes, but that a portion of the revenue will not fund important reforms that will make the Federal personnel system more efficient. I will continue to work with my colleagues to ensure that these inequities and inefficiencies in the Federal retirement system are addressed.

Mr. WAXMAN. Madam Speaker, I rise today in support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, and ask my colleagues to agree to the Senate amendments.

The statistics being heard on this floor are handed out on this floor like candy. Because numbers are often passed off as nothing more than empty words, we fail to realize what they mean—in this Speaker, I rise today in support case we are talking about people’s lives. It was Irving Selikoff, a medical researcher who discovered a cure for tuberculosis who said, “Statistics are real people with the tears wiped away.”

For instance, smoking-related diseases cause an estimated 440,000 American deaths each year. And a 2004 study by the CDC’s National Center for Chronic Disease Prevention and Health Promotion found that cigarette smoke contains over 4,800 chemicals, 69 of which are known to cause cancer.

Ninety percent of adult smokers are addicted to tobacco before they reach the age of 18; 50 percent before the age of 14. Currently the average age of initiation to tobacco is 11. Forty-eight million adults smoke in the U.S., which is 22.9 percent of the population overall, and 33 percent of youth currently smoke.

Those real people are our parents and children, our family and friends, who suffer the consequences of addiction to tobacco. I want my children to grow up healthy and to make healthy decisions. To help that happen, H.R. 1256 will put in place the proper authority for the Food and Drug Administration to establish regulations for tobacco products. We need the FDA to protect our population from the harmful effects of cigarettes and tobacco products by being able to provide sound, scientific regulations governing these products.

Even with all the warnings, and the money spent on education campaigns, kids are still picking up smoking at the alarming rate of 3,000 a day in the United States.

The health concerns that will face these children are costly, painful, and deadly. But they are also ultimately preventable.

I am acutely concerned that tobacco companies have used Portland, Oregon, as a test market for new smokeless tobacco products. Products like snus, or other tobacco-based nicotine delivery products have been repeatedly tested in markets like Portland.

Many of these products look like candy and taste sweet. They are an addictive tobacco trap for children and should be either banned or heavily regulated away from kids.

I ask my colleagues to agree to the Senate amendments to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, and send this bill to the President’s desk for him to sign.

Mr. WAXMAN. I yield back the balance of my time.
days to revise and extend their remarks. The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

**PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT**

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted a privileged report (Rept. No. 111–146) on the resolution (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, which was referred to the House Calendar and ordered to be printed.

**PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT**

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted a privileged report (Rept. No. 111–147) on the resolution (H. Res. 462) requesting the President transmit to the House of Representatives all information in his possession relating to specific communications with Chrysler LLC ("Chrysler"), which was referred to the House Calendar and ordered to be printed.

**PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009**

Mr. OBEY. Madam Speaker, I ask unanimous consent that the managers on the part of the House may have until 11:59 p.m. on June 12, 2009, to file a conference report on H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin? There was no objection.

**PERMISSION TO FILE PRIVILEGED REPORT ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2010**

Mr. OBEY. Madam Speaker, I ask unanimous consent that the Committee on Appropriations may have until 11:59 p.m. on June 12, 2009, to file a privileged report on a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin? There was no objection.

**LEGISLATIVE PROGRAM**

(Mr. CANTOR asked and was given permission to address the House for 1 minute.) Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend for yielding.

On Monday, Madam Speaker, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. And on Friday, as is unusual, the House will meet at 9 a.m. for legislative business. Madam Speaker, we will consider several bills under suspension of the rules. A complete list of suspension bills will be noted by the end of the day.

In addition, we will consider a conference report on H.R. 2346, the Supplemental Appropriations Act on the 2010 Commerce, Justice, Science, and Related Agencies Appropriation Act and the 2010 Homeland Security Appropriations Act. And I yield back.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

I would say to the gentleman that he has noticed two appropriations bills for next week: Commerce, Justice and Science; and the Homeland Security appropriations bills. Madam Speaker, I would ask the gentleman, does he expect the House, as is its custom, to consider these bills under an open rule? And I yield.

Mr. HOYER. I thank the gentleman for yielding.

It certainly would be our intent to proceed with an open rule on the consideration of the Commerce, Justice, and State bill—I guess it’s Science now. The intent, of course, as the gentleman knows based upon our discussions, is that we will finish all 12 appropriation bills individually between now and the 30th of July. This will give the Senate and the House the opportunity to agree on a conference report on the 12 appropriation bills and hopefully enact those bills and send them to the President prior to the onset of the fiscal year October 1. If we do that, of course, it will be unusual, and it is an ambitious schedule. But because of that, it will be necessary for us to consider these bills in an effective, but also efficient, fashion and stay within time constraints that will allow us to accomplish those 12 bills within that time frame. I am hopeful that as Mr. OBEY and Mr. LEWIS proceed and the subcommittee Chairs proceed, that we can agree on that occurring.

The gentlelady from California, if she has discussed, we will see how the first bill goes, or the second or third, and hopefully they will go in that fashion. The only constraint that we want is to utilize the time so we can effect the objective of passing these bills by the August break so we will have time to finish them before the beginning of the fiscal year.

I would tell my friend that, in addition to that, there would be one, however, additional request that the chairman of the Appropriations Committee has made—with which I strongly agree and that I think is fair to all the Members and to the committee Chairs and subcommittee Chairs—and that is that there will be a requirement for preprinting an amendment. There will be no selection in the CJS bill of amendments, but there will be a requirement that they be preprinted and included in the RECORD.

If, however, I want to assure the gentleman, there is some problem with the RECORD reflecting an amendment that has been prefiled but doesn’t make it in the RECORD, we would proceed as if that had been included in the printed RECORD.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

As the gentleman knows, in 2005 this House did abide by a schedule such as the one that he proposes, and did so under an open rule on each bill. I ask the gentleman if, given this preprinting requirement that we are proceeding under, if there is a need for a perfecting amendment that comes upon the adoption of an amendment, how is it that we will be necessarily guaranteeing Members’ perfecting amendments the right to be heard? Will there be a UC granted for such a perfecting amendment? I yield.

Mr. HOYER. I thank my friend for yielding.

I have discussed this matter with the chairman of the Appropriations Committees, and it is his view—and I share that view, certainly—that in that instance granting a unanimous consent would be appropriate. Obviously, if the circumstances change and such an amendment were necessary, I think the gentleman will find that the chairman is inclined—and I believe the subcommittee chairman will be inclined—to give unanimous consent to achieve that objective.

Mr. CANTOR. I thank the gentleman. Madam Speaker, I would say to the gentleman that the Speaker of the House has announced a goal of considering the cap-and-trade bill on the floor prior to the July 4 recess. I would ask the majority leader, does he expect the Speaker’s goal to be met? And I yield.

Mr. HOYER. I thank the gentleman for yielding.
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We certainly hope so. The Speaker and I have both indicated, with respect to the energy bill, which seeks to not only address the conservation of our energy and making us energy independent, but also seeks to address the global warming challenge that confronts us. This legislation in a timely fashion. It passed out of committee, as the gentleman knows, the week when we left for the Memorial Day break, so it has been pending now for at least 3 weeks.

It is unfortunate that we can move forward on this as early, perhaps, as the last week in June, which would be immediately before the July 4 break. Time and circumstances will dictate whether or not that is possible, but we certainly do hope to consider that in the near term.

In addition, as the gentleman undoubtedly knows, we also have under consideration the health care bill, which the President has made a very high priority and which we have made a very high priority. So that bill will also, we hope, be considered prior to the August break.

So those two bills are major pieces of legislation that we hope to consider, but I want to give an exact date on those because they are complicated pieces of legislation. We hope that we can reach agreement on—and we would like to reach agreement across the aisle as well—if not all facets, at least some of the bill. I'm sure your side has considerations that will help us perfect a bill. I think we will probably have some agreements, but, nevertheless, we hope to move forward together on both bills.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

I would like to ask a followup of the majority leader, specifically for the minority leader, whether or not the IMF will be included in the energy bill?

Mr. HOYER. I thank the gentleman for yielding.

Let me, first of all, say that the principle purpose of this bill was, is, and will be on Tuesday the funding of our troops in the field, providing them with the necessary resources to complete successfully or pursue successfully the task that we've given them and to provide for their safety and well-being to the possible extent we can. So that was the intent, it is the intent, and will remain the intent.

Now, let me make a suggestion that providing for some of the poorest nations in the world to be more successful economically will not only be beneficial to our country and to the international economy generally, but also to the safety of our troops, very frankly. It is, obviously, in deep poverty and frustration from which many of the terrorists that we have seen have been recruited. To the extent we provide for the economies of all, the troubled countries, we may well be a safer world, not only economically better off, but from a security standpoint better off. So we perceive the IMF as an integral part of a process of seeking security.

I might say that the IMF, as I quoted last week, very strongly supported by Ronald Reagan, very strongly supported by both President Bushes, but particularly his father. First, Jay Bartley. So I, for one, am pleased with the Congress to enact legislation that achieves the objectives we share.

With respect, lastly, Mr. Whip, to the detainees, as you know, the gentleman warned in fact, transferred to the United States, to New York, for the purposes of trial. That is not unusual. As the gentleman knows, many terrorists have been tried in the New York District Court in which this trial will occur. In addition to that, four Uyghurs have been ordered released by the court because the court concluded there was no proof of terrorist activity by the Uyghurs. They've been released to Bermuda.

One Iraqi detainee, Mr. Sadkhan, was returned to Iraq. One Chadian detainee was returned to Chad. And Mr. Ghailani, to whom I have referred to earlier, has been transferred to New York City, where there is a standing indictment against him. He'll be tried for his role in the 1998 attacks in Tanzania and Kenya in which the father and brother of one of my constituents, Edith Bartley, were killed. Julian and I were there. So I, for one, am pleased that this gentleman, and I use that term loosely, unfortunately, but this individual will be tried and brought to justice.

All four Biscoe conspirators have been found guilty and are serving out their careers in the U.S. supermax prison. It has been agreed under the language, as I understand it, that has been adopted that detainees would be brought to the United States for no other purpose than to prosecute.

Mr. CANTOR. Thank you.

And, Madam Speaker, I would respond by going back to the gentleman's question because your first was about the security of the troops—the third question of Guantanamo, let me, first of all, read a letter, a paragraph of a letter dated June 11 to Mr. Obey and Mr. Insuvey, the Senate chairman of the Appropriations Committee, from President Obama.

He says, On May 13 I announced I would resist the release of additional detainee photos because I did not believe it would add any additional benefit to our understanding of what happened in the past and that the most direct consequences of releasing them would be to further inflame anti-American opinion and put our troops in greater danger. Earlier today the Second Circuit granted the government's motion that will stay the earlier court order releasing the detainee's photos, and we will now move forward with a petition to the Supreme Court to appeal the case.

He goes on to say, I deeply appreciate all you have done to help with the effort to secure for our troops, and I assure you that I will continue to take every legal and administrative remedy available to me to ensure that the DOD detainee photographs are not released. Should a legislative solution prove necessary, I am committed to working with the Congress to enact legislation that achieves the objectives we share.

With respect, lastly, Mr. Whip, to the detainees, as you know, the gentleman warned in fact, transferred to the United States, to New York, for the purposes of trial. That is not unusual. As the gentleman knows, many terrorists have been tried in the New York District Court in which this trial will occur. In addition to that, four Uyghurs have been ordered released by the court because the court concluded there was no proof of terrorist activity by the Uyghurs. They've been released to Bermuda.

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All four Biscoe conspirators have been found guilty and are serving out their sentence in the U.S. supermax prison. It has been agreed under the language, as I understand it, that has been adopted that detainees would be brought to the United States for no other purpose than to prosecute.

Mr. CANTOR. Thank you.
original statement concerning the principal purpose of the war funding bill, and that he said, if I could paraphrase, the intent of the bill is to fund our troops. So I am at somewhat of a loss to understand why we have taken 29 days. We’ve already had one strong bipartisan argument against this, but we are nearly unanimous on our side of the aisle to provide the necessary funding for our troops, so I’m at somewhat of a loss to understand why the delay.

The gentleman speaks of the urgent need for us, as U.S. taxpayers, to fund a global bailout, and the gentleman said that there is indication that somehow if we address the issue of poverty that we will then be lessening the number of terrorists. I don’t know. Madam Speaker, if all of us would agree with that or not. No question, reducing poverty is a laudable goal, but we are also in the business here in Washington of setting priorities. Priority one should be the funding of our troops and to secure this country and its citizens. And thank God we have our men and women in uniform there. They should be our priority in executing in terms of advocating for the safety and fighting for the security of this country.

So I have to use the gentleman’s word from last week, confounded as to why it is we cannot have the IMF funding go through regular order in this House. As you know, reports have indicated that actions have been taken by this administration, especially Secretary Geithner, to cast a vote in favor of increasing access to money and credit for the member nations of the IMF. That is done without congressional approval. And we’re talking here specifically about the special drawing rights of nations at the IMF. We have also found out that the nation of Iran will have the ability to access funding of over a billion dollars through this process. To me, that calls for congressional oversight and action. It doesn’t warrant putting it on the table. It doesn’t warrant putting on the backs of our troops the funding of nations, frankly, that are providing support for the destruction of our efforts and endangering our troops on the ground in Iraq and in the region.

So I have a question to the gentleman of why it is so important that we go ahead and fund a global bailout when the primary mission is to fund our troops. And I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding to me.

The gentleman articulates a number of premises that I reject, I don’t agree with. Nobody is putting anything on the back of the troops. The gentleman has been in this body for some period of time, and he knows that from time to time the other body adds amendments to bills and it is incumbent upon us to consider those amendments. As the gentleman noted, when we passed the bill through the House, it did not have the IMF funding in the bill. The Senate added it to the bill. It was a subject of the conference report. The President of the United States has asked for the IMF funding. We happen to agree with the President of the United States that the IMF funding is appropriate funding and does, in fact, as I will restate for the gentleman, we believe, add a security dimension to our funding of the troops that is the primary purpose of this bill.

Secondly, I reject your premise that somehow this money is going to go to people who are going to harm us. In fact, if I recall, the last time Iran, which you mentioned, received money was when Ronald Reagan was President of the United States in 1984. There is no expectation, in my opinion, that Iran, while it may be eligible technically, is going to get any money, as it has not for the last quarter of a century.

I would reiterate what I said last week in quoting Ronald Reagan, no individual who wanted to give aid and comfort to the enemy. Very forthright and other programs in his drug war and in his despotism. He said, “I have an unbreakable commitment to increase funding for the IMF.” As I cited to you, he went on to say, “The IMF is the linchpin of the international financial system.”

The gentleman and his side of the aisle continue, in my opinion, to misrepresent what is intended by that funding. The President of the United States, Ronald Reagan, the President of the United States, George Bush the First, George Bush the Second, or any other President, that goes to an international meeting with 19 of the other large industrial nations in the world and they sit down together and attempt to try to bring the global economy back to vibrancy and agree that, in part, what is needed is some assistance to the poorest nations in this world who are themselves being dragged down and, in the process, adversely affect the global markets. Generally agree to make a substantial commitment of loan guarantees available. As the gentleman knows, the United States has about a 20 percent vote on this, and this is about a 20 percent contribution that the President has agreed to. The other 19 nations agreed to come up with 80 percent of these dollars. All of them agreed that this is in the best interest of restoring our global economy and, I suggest to you as well, stabilizing the security situation of course to the international community.

President Bush said—and this is the last quote I’ll give. You may be tired of hearing these quotes, but your side of the aisle has been making a great hue and cry over the IMF, it was some specious, dangerous pursuit. This is not a bail-out. This is an assistance to people to try to grow back and be positive, contributing members of the international global marketplace.

George Bush would say this: “The IMF and World Bank, given their central role in the world economy, are key to helping all of us through this situation by providing a combination of policy advice and financial assistance.” George Bush said that on September 25, 1990, a time of economic stress internationally for the same reason that President Obama and the 19 other industrialized nations of the world agreed that this was an appropriate intention to the IMF and the IMF funding is appropriate funding.

I would hope the gentleman would urge his party to support this, consistent with the principles of Ronald Reagan and George Bush. Mr. CANTOR. I thank the gentleman.

Madam Speaker, I think, as the gentleman knows, we are probably going to have to leave this topic and agree to disagree. It is very concerning, given the new times we are in, and, frankly, the facts and information have come forward about the special drawing rights about the fact and knowledge that we have at this point knowing U.S. taxpayer dollars will help facilitate countries like Iran, Venezuela, Burma, and others to have more money to do what it is that they think is in their interest and certainly not in the interest of the U.S.

But I would like to turn the gentleman’s attention back to his statement and the intention of the IMF funding. The primary purpose of the war funding bill, which, again, to loosely paraphrase, was to provide for troop safety and security, and that’s the underlying purpose. The gentleman indicated that the President has already taken the position that most of us believe, in this House have taken so far as these photos are concerned and the release of the photos of the detainees. So I am again at somewhat of a loss to understand why is it that even if the White House and the President himself have sided with what I think the majority of the American people feel as well as the Members of this House, why it is that we are doing the opposite in the text of the report that we will be voting on.

And I would say to the gentleman, Commander Ray Odierno, General Odierno, Commander of the Multinational Forces in Iraq, someone that I’m sure the gentleman has had occasion to meet and I as well, who we know is a very respected and serious leader of our troops, he said just a few weeks ago, I strongly believe the release of these photos will endanger the lives of U.S. soldiers, airmen, marines, sailors, and civilians as the lives of our Iraqi partners. Certain operating units are at particular risk of harm from release of the photos. And he went on to describe those particular risks that are specific.

The gentleman, I think, can agree with me is not in the interest of securing the safety of our troops for us to remain silent or for us not to take congressional action ensuring that nothing occurs for us to possibly harm our troops in this bill. That is why I asked the question of how and when we sat here and delayed consideration of the bill because now we had to ensure inclusion in the bill the stripping of the
provision which provides the safety of our troops?

And I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Maybe one of the answers is we have less enthusiasm on this side of the aisle for interposing in cases that the court is considering. I was called back on a Sunday by your side of the aisle many years ago to do exactly that. It ended up having no effect.

There are a lot of people on my side of the aisle who believe that the objective that is being sought, which the President of the United States and, to this extent, General Odierno agrees with the Commander in Chief that these photos ought not to be released, as I pointed out to you in the paragraph that I read from the President’s letter. In fact, the court has stayed the release of those pending a review by the Supreme Court of the United States. This matter is under consideration. General Odierno and the Commander in Chief were somewhat dismayed again about the language is important. The American people do. It is counterintuitive to think that FBI agents are not getting the right messages, that somehow their safety, security and the funding of their efforts doesn’t come first.

I would just lastly like to ask the gentleman: How is it that when we left the House and we had the broad bipartisan support of the provisions which I will never say that we’re not trying to be safer, it is a better policy for us to try and achieve the rights and protect the rights of the terrorists at the potential expense of endangering U.S. citizens? I yield to the gentleman.

Mr. HOYER. As the gentleman knows, there’s no money in here for transferring. The $80 million that was requested was not included in the House; was not included in the Senate; it’s still not in the bill. It prohibits current detainees from being released in the continental United States, Alaska, Hawaii or D.C., as the gentleman knows. It prohibits current detainees from being transferred to the current United States, Alaska, Hawaii or D.C. unless and only after Congress receives a plan detailing: risks involved and a plan for mitigating such risk; cost of the transfer; legal rationale and court demands; and a copy of the notification provided to the Attorney General 14 days before a transfer with a certification by the Attorney General that the individual poses little or no security risk.

In addition, the bill provides current detainees cannot be transferred or released to another country unless the President submits to Congress 15 days prior to such transfer: the name of the individual and the country the individual will be transferred to; an assessment of risks and a plan taken to mitigate such risks; and the terms of the transfer agreement with the other country, including any financial assistance.

Lastly, it requires the President to submit a report to Congress describing the disposition of each current detainee before the facility can be closed. But let me say in the final analysis, many Republicans, including the former Secretary of State, Colin Powell, the former Chairman of the Joint Chiefs of Staff, adviser to a number of Republican Presidents, said on a news program almost a year ago now that he believed that Guantanamo ought to be closed; he believed it should have been closed yesterday when he was speaking. That was a year ago. The President of the United States has indicated he thinks Guantanamo ought to be closed. There is disagreement on that. I understand that. But if it’s going to be closed, a plan has to be put in place with those who are at Guantanamo, and the President is working on such a plan. The Congress in both bodies made a determina-

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tion until we have such plan, we’re not going to take action to facilitate that. That’s what I think the conference agreement sets forth, and I think it sets forth protections that can give the American people a confidence level.

But in the pursuance of the policies enunciated by the President of the United States when he ran for office, when he substantially elected by the American people, he told them exactly what he thought ought to be done. He is pursuing what he said to the American people he would do. He is doing it in my opinion in a thoughtful way that will protect the American public and will bring to justice those who have committed international crimes. I think that is something that we are trying to work through.

I want to reiterate. The gentleman has now mentioned so many times that we have allowed the funding of the troops to get caught up with other issues. Surely the gentleman, I know, does not mean, because he’s been here long enough to know, that when the House and the Senate and the Presidency were in the hands of his party, the funding of the troops got tied up from time to time with other issues. That’s the nature of the legislative process. But I’m hopeful that the gentleman, because he’s so focused on getting money to protect the American people, he would do. He is pursuing what he said to the American people, he told them exactly what he thought ought to be done. He is pursuing what he said to the American people.

Lastly, Madam Speaker, I would just say to the gentleman. I think that is something that we are trying to work through.

I would just say to the gentleman and his plea for support in his bill, knowing good and well that this bill did not go out of this House without some support from Republicans that were necessary for its passage in its original form.

I would just say to the gentleman and thank him for his description of the POW camp in Texas. But here we are dealing with individuals who are not necessarily soldiers of war, they’re enemy combatants, an entirely different set of circumstances that we have today.

Mr. HOYER. Will my friend yield on that question?

Mr. CANTOR. I will yield.

Mr. HOYER. I thank the gentleman for yielding.

He is one of the strongest supporters in this body. Those POWs were part of a regime that killed 6 million people. I remind him,
and the gentleman doesn’t need reminding of that, but these were not simply soldiers of a regime that was pursuing a war that you and I might view in a different way.

Mr. CANTOR. Reclaiming my time, I would just say to the gentleman, as he does know, there were applicable provisions at law which govern the treatment of soldiers at war and there is a much less definitive, more nebulous environment in which we are to look towards enemy combatants, which is my point. Because with the trial of enemy combatants on U.S. soil, we are confronting, as the gentleman knows, cases of first impression at every turn, and we are confronting uncertainty as to the disposition of these cases which brings up potential harm for U.S. citizens.

I would just go back to the gentleman’s plea that he would like to see us support this bill. If the primary purpose is to protect the security and safety of our troops and provide them with funding, it is a reach for me to understand how allowing for a release of photos, how allowing for the transfer of enemy combatants—terrorists—to U.S. soil furthers that end.

So I would say in closing, Madam Speaker, if the gentleman is satisfied with deferring to the White House and deferring to this President on the very core purpose of securing this country at all levels and doesn’t feel the Congress should take affirmative action, then I believe his support of this bill is well put. But it is certainly the opinion of many of us in this House as indicated by votes as late as yesterday that we can do better, that we can take action to secure our troops, get them the money they need and get rid of the unrelated items in this bill.

Mr. HOYER. I simply want to observe, as I pointed out in the five or six points I made, particularly that current detainees cannot be transferred or released to another country without notice to us, nor can they be released here in the United States without further action. So that the gentleman’s premise is, I think, not correct, that the President has the authority to, or the intent to release people at this time in the United States before or after trial.

Having said that, I would say, the gentleman continues to talk about the add-ons, but I will tell the gentleman, as the gentleman knows, over 80 percent of this bill deals with the funding and security of our troops and the prosecution of the effort to defeat terrorism. Over 80 percent of this bill. It is in that context that I would hope the gentleman would see his way clear to urging his colleagues to join with us in passing this needed legislation.

Mr. CANTOR. Madam Speaker, I thank the gentleman very much for his suggestion and counsel, and I yield back the balance of my time.

CONCLUDING BONUSES FOR BANKERS

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

Ms. KAPTUR. Madam Speaker, since January, the American people have endured another loss of $1.33 trillion of their wealth, having already faced the worst drop in wealth since 1951 in the prior quarter. Yet despite being at the root of our economy’s tailspin, Wall Street continues to issue huge bonuses. For example, Merrill Lynch has issued $4 billion in bonuses to the very bankers who created the mess that are now nested over at the Bank of America. This is yet another sign that America needs to rein in the false money wizards and reward those who create real wealth in our society, starting with hardworking Americans.

So let me ask the question, when will Wall Street’s profits translate into a better life for everyone else? With wealth declining and unemployment rising, America should not be hollowed out. Wall Street’s business should translate into a better way of life for the American Republic. We have wandered far from that mark.

WASHINGTON.—American households lost $1.33 trillion of their wealth in the first three months of the year as the recession took a bite out of stock portfolios and dragged down home prices.

The Federal Reserve reported Thursday that the household net worth fell to $50.38 trillion in the January-March quarter, the lowest level since the third quarter of 2004. The
first-quarter figure marked a decline of 2.6 percent, or $1.33 trillion, from the final quarter of 2008. Net worth represents total assets such as homes and checking accounts, minus liabilities like mortgages and credit card debt. The damage to wealth in the first quarter came from the sinking stock market. The value of stock holdings dropped 5.8 percent from the final quarter of last year.

The stock market began to rally from 12-year lows in early March after Citigroup Inc. reported it was profitable in the first two months of the year. Since peaking in October 2007, it had been the worst bear market since the aftermath of the crash of 1929.

Another hit came from falling house prices. The value of household real-estate holdings fell 2.4 percent, according to the Fed report.

Collectively, homeowners had only 41.4 percent equity in their homes in the first quarter. That was down from 42.9 percent in the fourth quarter and was the lowest on records dating to 1945.

The Case-Shiller national home price index, a closely watched barometer, last month showed that house prices dropped 7.5 percent during the first quarter. Prices have fallen 32.2 percent since peaking in the second quarter of 2006.

The latest snapshot of Americans’ balance sheets was contained in the Fed’s quarterly report called the flow of funds.

Despite the drop, the speed at which net worth shrank slowed at the start of the year. During the recession’s deepest point in the October-December period, Americans’ net worth fell a record 8.6 percent, according to revised figures. That was the largest drop on records dating to 1951.

With wealth declining and unemployment rising, there are questions about how consumers—the lifeblood of the economy—will behave in the coming months.

If they continue to spend, even at a subdued pace, the recession likely will end this year as predicted by Fed Chairman Ben Bernanke and other economists. However, if consumers hunker down and cut spending again, that could delay any recovery. In the final quarter of last year, Americans slashed spending at an annualized rate of 4.3 percent, the most in 28 years.

Still, there was some encouraging news on consumer spending Thursday.

Retail sales rose 0.5 percent in May, following two straight monthly declines, the Commerce Department reported. Meanwhile, the number of newly laid-off workers filing for unemployment benefits fell last week by 24,000 to 601,000, the lowest level since late January.

DON’T GIVE TERRORISTS CONSTITUTIONAL RIGHTS

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

Mr. SMITH of Texas. Madam Speaker, your remarks show the importance of the defense of the Constitution, which expresses beautifully the terrible, terrible burden that this Congress, this liberal majority, is passing on to our kids.

Now, there was debt run up under the previous administration. I as a member of the fiscally conservative minority voted against $2.3 trillion worth of new spending under the previous administration. I already voted against $1.6 trillion in this administration. And no matter who you are, fiscal conservative or liberal, each one of us needs to remember as parents, as husbands, as responsible citizens, that we cannot pass on a burden of debt to our kids.

On every vote on every issue, we need to remember that our children are inheriting the biggest debt and the biggest tax burden in the history of America. As bad as the deficit was under Mr. Bush, the Economist points out it will quadruple this year and stay over $1 trillion a year out into the future.

Madam Speaker, every vote on every issue, this Congress needs to cut spending. No new taxes, no new spending, and no new debt.

SPECIAL ORDERS

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

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

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE WAR FOR THE BORDER CONTINUES

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

Mr. POE of Texas. Madam Speaker, the out-of-control violence along our border is made up of more complex elements than most people realize. The criminal cartels controlling our southern border are a lot more powerful than we are led to believe. They are international organized crime cartels that make money off the weaknesses of others. They traffic drugs, money, weapons and human beings across our southern border. They leave death, doom, and destruction in their wake.

Make no mistake about it, there is corruption on both sides of the border that facilitates the lawlessness that is taking place there. Just last month the former sheriff of Starr County, Texas, Rey Guerra, pled guilty to Federal narcotics charges. He admitted to facilitating intelligence that helped Mexican drug traffickers invade the United States and evade counternarcotics efforts. That included trying to find out the identity of confidential informants.

Madam Speaker, he needs to be locked up forever for his betrayal of this country and law enforcement. But he is just one of a growing number of recruits from both sides of the border that are facilitating this avalanche of corruption and anarchy along the southern frontier.

The Mexican criminal cartels have added a layer of intelligence that better resembles foreign recruitment of spies during the Cold War than a traditional criminal enterprise. The huge
amounts of money paid to these officials allow these criminals to traffic people and drugs into our land. There is a huge difference in the size and scope of these international criminal activities and the typical domestic law enforcement agencies and their duties. As more of the violence spills over into Texas and other border States, there is an urgent need to get this lawlessness under control. The cost of this culture of crime is humbling. The Border Patrol is overwhelmed, and our troops are stretched too thin. They don’t have the manpower to address this cross-border corruption, and they are fighting domestic Federal crime and jihadists. Right now we are asking local sheriffs in border States to do double duty, as if they are agents of Interpol. Our domestic police forces should be freed up to do what they do best, fight crime in their counties and their communities. Our Drug Enforcement Agency is doing a noble effort to control these international criminal cartels that more and more resemble an army at the border than the Coja Nostra, but the FBI has not been given enough American resources. The Border Patrol is overstretched, and our troops are told now that we should not, because of political correctness, use that term.

The first duty of government is to protect the people. The government needs to focus on border protection. Meanwhile, the border war continues. And that’s just the way it is.

ENDING MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN

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

Ms. WOOLSEY. Madam Speaker, the supplemental appropriations bill to continue our military operations in Iraq and in Afghanistan will soon return to the House for another vote. I voted against it in the first place, and I am going to vote against it again. I cannot support it because it will prolong our military involvement in Iraq and it will increase our military buildup in Afghanistan.

I would gladly vote to fund the safe withdrawal of our troops and contractors out of Iraq. But the supplemental gives me a feeling of deja vu. Haven’t we been there before, voting to include billions of dollars for the occupation of Iraq?

Congress has voted to increase funding for Iraq many times, even though the American people want the occupation to end, and it seems the Iraqi people want us out of their country as well.

The supplemental also calls for sending more troops to a foreign land, this time Afghanistan, with no exit strategy. Talk about repeating past mistakes. Talk about deja vu. Afghanistan feels exactly the same as Iraq did to me.

President Obama has said that a campaign against extremism will not succeed with bullets and bombs alone. He is absolutely correct about that. But the money in the supplemental is overwhelmingly devoted to military operations. It includes very little for the economic development, humanitarian aid, and diplomatic efforts that we really need to stop extremists in Afghanistan and in Pakistan.

The ratio is 90-10, 90 percent to the Department of Defense, 10 percent to the smart alternatives. I believe the supplemental also violates the spirit of President Obama’s historic speech in Cairo where he offered the Muslim world the hand of friendship. In that speech he said that we must leave Iraq to the Iraqis. But the supplemental will only delay the day of sovereignty to the Iraqi people.

And then there is the little matter of the recession, Madam Speaker. When the American people are feeling such great pain and need so much help right here at home, we can’t afford to squander another $100 billion on foreign military adventures that will not make our country safe.

Instead of approving the supplemental bill, the House should be urging the administration to fundamentally change our mission in Iraq, and our mission in Afghanistan. We can do this in several ways.

First, we should support the bill offered by Jim McGovern of Massachusetts, which calls upon the administration to submit an exit strategy for Afghanistan.

Second, I urge my colleagues to consider the plan that I have offered in House Resolution 363. It’s called the Smart Security Platform For the 21st Century. Smart Security attacks the root causes of violence by fighting poverty and giving people hope for a better future. It controls the spread of nuclear and conventional weapons of mass destruction, and it strengthens our national security by reducing our dependence on foreign oil.

And finally, we should insist that at least 80 percent of all future funding for Afghanistan be devoted to the Smart Security I just described. Right now, the supplemental, as I told you, devotes more than 90 percent of its dollars to purely military efforts, efforts that are getting us nowhere.

Madam Speaker, we must not repeat these mistakes of the past. We’ve got to stop writing more blank checks for open-ended occupations. This is what the American people want, and Congress must listen.

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.)
HONORING WILLIAM C. "DUB" MCCARTY

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

Mr. HENSLERLING. Madam Speaker, today I honor the life of William C. "Dub" McCarty, and recognize his commitment and service to his community, the State of Texas and to our great Nation.

Dub, a resident of Athens, Texas, passed away last month. He was a loving husband of 58 years to JoAnn. He was a proud father to daughters Cynthia and Mary Lou. He was a devoted grandfather of Cole, Kyle, and Michelle, and great grandfather of Kristen, Preston, and Daniel. And finally, Madam Speaker, he was my dear friend.

Dub was born in 1929 in Scruffy County, Texas, and graduated from Lamesa High School. After graduation, Dub proudly, proudly defended our Nation during the Korean War by serving in the United States Army.

When his service ended, Dub began what became a legacy of leadership in our free enterprise system and service to his community, to a lifelong friendship.

Dub returned to Lamesa to work and eventually own his own clothing business. He gave back to his small West Texas community by shaping the lives of younger men as an Order of DeMolay Dad and as a longtime Boy Scout leader in Lamesa.

Dub then moved to my hometown of Dallas, Texas, where he began a long career in corporate group insurance management. After that, he set his sights eastward to the pine trees and lakes of East Texas, and began a fire and casualty insurance business in Henderson County.

As a business owner, he helped countless members of his community achieve the American dream. He took great pride in his community. His record of service today is still unmatched in East Texas. He served as the Cedar Creek Chamber of Commerce president. He helped establish the Cedar Creek Library. He was a charter member of the library's board of directors, and he and his wife, JoAnn, worked tirelessly to support and grow that library. He led the Cedar Creek Kiwanis Club and was Division 26 lieutenant governor for over two years.

He served as secretary treasurer of the Athens Kiwanis Club. He took a leadership in their annual pancake breakfast. He was an active member of the Athens Rotary Club. And, Madam Speaker, the list of community service goes on and on.

Now, we all know across America that the Rotary motto is "service above self." Dub lived those words every day of his life. He led by example, and his example represents the best of the American character.

Madam Speaker, Dub was not indifferent to the direction of his State and Nation either. He cared passionately about faith and family and free enterprise and freedom, and he chose to put his principles into action by serving as chairman of the Henderson County Republican party for 8 years. That's where I first met Dub McCarty, this kind, giving, caring individual. He was a man with a smile on his face and he always knew that if we worked together, that America's best days would lay ahead of her. He made a difference.

As the congressman for the Fifth District of Texas, I honored and, frankly, humbled to recognize my good friend, Dub McCarty. On behalf of all the constituents of the Fifth District of Texas, and a grateful Nation, I would like to extend our heartfelt condolences and prayers to JoAnn and the family.

Dub will be greatly missed, but I take solace in knowing that his contributions will live on, and that the people who had their lives touched by Dub McCarty will never forget.

Madam Speaker, I am one of those people.

Godspeed to Dub McCarty. He has left us, but he has gone on to now hear those words in a different place, "Well done, good and faithful servant."

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

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DENOUNCING THE MURDEROUS ATTACK ON THE HOLOCAUST MEMORIAL MUSEUM

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

Mr. SMITH of New Jersey. Madam Speaker, yesterday, as ranking member of the Africa Subcommittee, I joined several colleagues at an important Foreign Affairs Committee meeting with Prime Minister Morgan Tsvangirai of Zimbabwe. It was an extraordinary opportunity to discuss Zimbabwe's progress towards democracy and away from dictatorship, its problems with hyperinflation, and multiple health crises, including cholera, and to obtain a fuller understanding of what additional steps the United States can take right now to help.

That meeting, however, occurred at precisely the same time that the House considered H. Res. 529, a resolution condemning the June 10th violent attack on the Holocaust Memorial Museum, a despicable anti-Semitic act that killed Officer Stephen Tyrone Johns. And as so eloquently articulated by so many of my colleagues yesterday, the efforts of Officer Johns for his bravery and his courage, and extend our deepest condolences to his family.

I rise today not only to express my support for H. Res. 529, but also to thank my good friend and colleague, Mr. KLEIN, for introducing it and for including me as a cosponsor.

Madam Speaker, the Holocaust Memorial Museum is a noble and vitally important symbol of remembrance and responsibility for all of us, and honor the victims of the Holocaust. The memorial itself is a witness to truth and the promotion of human dignity and tolerance.

Yesterday's attack on that museum by a crazed, hate-filled gunman is yet another chilling reminder that our society still harbors a dangerous collection of bigots and racists who hate Jews.

Unparalleled since the dark days of the Second World War, Jewish communities around the world are today facing violent attacks against synagogues, Jewish cultural sites, cemeteries and individuals. Anti-Semitism is an ugly reality that won't go away if we ignore it or try to sweep it away. It must be combated with resolve and tenacity, and it must be defeated.

The sad and deeply troubling reality is that James von Brunn cannot be dismissed as an aberration, but is connected to a worldwide hate-fueled movement that results in violence against Jews in America and around the world on practically a daily basis.

The Anti-Defamation League recently issued its annual audit of anti-Semitic incidents. While the ADL is to be congratulated for its careful research on an unpleasant but absolutely necessary subject, the ugly facts that the report documents makes for painful reading.

In 2008, the ADL noted 1,352 reported incidents of vandalism, harassment, and physical assaults on Jewish people or Jewish-owned property nationwide. Sadly, and shamefully, my own State of New Jersey had more reported anti-Semitic incidents, 238, than any other State in the Union.

The attack on the Holocaust Museum is the most ominous aspect of this evil wave that we have seen worldwide and in our own country. The Holocaust Museum is a unique institution. It is a memorial, a museum, a center of Holocaust scholarship, and a promoter of tolerance and preventer of genocide. It is a powerful symbol of the solidarity of America with those murdered in the Holocaust, and with the Jewish people as well.

Madam Speaker, at this critical moment, we need government officials at all levels to denounce, without hesitation or delay, every anti-Semitic act, whether and whenever it occurs, no exceptions. At this moment, not to speak out enables the purveyors of hate. They never take a holiday. They never grow weary, nor should we.

Just as Mr. Brunn attacked the Holocaust Memorial Museum and murdered Officer Johns, we must take every opportunity to stand with that museum and its protection. Holocaust remembrance and tolerance education must dramatically expand, and we need to
ensure that our respective laws punish those who hate and incite violence against Jews.

Finally, if we are to protect our children from the evil of Anti-Semitism, we must re-educate ourselves and systematically educate our children. While that starts at our homes, the classroom, and our communities, it must be the incubator of tolerance as well. It seems to me that only the most hardened racist can remain unmoved by Holocaust education and remembrance. Only the most crass, evil and prejudiced among us can study the horror of the Holocaust and not cry out: Never again!

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

(Ms. Richardson 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 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 North Carolina (Mr. Wolf) is recognized for 60 minutes as the designee of the minority leader.

Mr. Wolf. Madam Speaker, as ranking member on the Commerce, Justice, Science Appropriations Subcommittee, which last week considered the fiscal year 2010 appropriations bill, I have a keen interest in and oversight responsibility for a host of counterterrorism and related initiatives. The bill which is expected to come before the full House next week includes over $7 billion to support the work of the Federal Bureau of Investigation, the FBI, whose top priorities include protecting and defending the United States against terrorism and foreign intelligence threats.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS AND POLICIES OF CERTAIN MEMBERS OF THE GOVERNMENT OF BELARUS AND OTHER PERSONS THAT UNDERMINE DEMOCRATIC PROCESSES OR INSTITUTIONS IN BELARUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-47)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency is to continue in effect beyond June 16, 2009.

According to the Department of Justice, “From its inception, the Holy Land Foundation existed to support Hamas. The government’s case included testimony that, in the early 1990s, Hamas’ parent organization, the Muslim Brotherhood, planned to establish offices in the United States to spread a militant Islamist message and raise funds for Hamas. The defendants sent Holy Land Foundation-raised funds to Hamas-controlled zakat committees and charitable societies in the West Bank and Gaza.”

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

Mr. Flake. Madam Speaker, I yield to the gentleman from Kansas.

Mr. Moran. The preceding remarks were made by the gentleman from Arizona. I will be happy to answer any questions.

THE WHITE HOUSE, June 12, 2009.

COUNCIL ON AMERICAN-ISLAMIC RELATIONS—CAIR

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Virginia (Mr. Wolf) is recognized for 60 minutes as the designee of the minority leader.

Mr. Wolf. Madam Speaker, as ranking member on the Commerce, Justice, Science Appropriations Subcommittee, which last week considered the fiscal year 2010 appropriations bill, I have a keen interest in and oversight responsibility for a host of counterterrorism and related initiatives. The bill which is expected to come before the full House next week includes over $7 billion to support the work of the Federal Bureau of Investigation, the FBI, whose top priorities include protecting and defending the United States against terrorism and foreign intelligence threats.

The FBI was intimately involved in a 15-year investigation, which culminated last fall in the Holy Land Foundation and five of its former organizers being found guilty of illegally funneling more than $12 million to the terrorist group Hamas. It was an “Islamist thinker and reformer and onetime Islamist extremist from Egypt. He was a member of a terrorist organization, Jemaah Islamiyah, with Dr. Ayman al-Zawahiri, who became later the second in command of al Qaeda.”

Mr. Wolf. Madam Speaker, I yield to the gentleman from North Carolina.

Mr. Moran. Thank you, Mr. Chairman.

Mr. Moran. The preceding remarks were made by the gentleman from Arizona. I will be happy to answer any questions.

On May 25 of 2007, in a Wall Street Journal op-ed, Hamid wrote the following, “In America, perhaps the most conspicuous organization to persistently accuse opponents of Islamophobia is the Council of [sic] American Islamic Relations.” The observations of Mr. Tawfik, himself a Muslim, are particularly relevant in light of recent news reports.

On January 30, 2009, Fox News reported that the FBI was “seizing its once close ties with the Nation’s largest Muslim advocacy group, the Council on American-Islamic Relations, amid mounting evidence that it has links to a support network for Hamas.”

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The preceding remarks were made by the gentleman from Arizona. I will be happy to answer any questions.
FRANK R. WOLF,  
Member of Congress.

DEAR MR. HEIMBACH: I was deeply disappointed with regard to CAIR, is there any indication that this decision is being revisited by the new administration? If so, what new evidence would justify a change in course?

Is CAIR's national office still in contact with the FBI?

Has the FBI severed ties with CAIR? If so, how is the FBI planning to formally notify Members of Congress and other government officials of this decision?

In 1998 I authored the legislation that created the National Commission on Terrorism. Regrettably, it was not implemented until after the attacks on 9/11. I take seriously the responsibility of congressional oversight, especially in matters with potential national security implications. For six years I served as chairman of the appropriations subcommittee with jurisdiction over the FBI and count myself among the Bureau's strongest supporters. Having resumed a leadership role this year as ranking member on the Commerce-Justice-Science Appropriations subcommittee, it is important to me that the FBI provide timely and detailed responses. And so again, I request answers to the following straightforward questions:

Has the FBI severed ties with CAIR? If so, how is the FBI planning to formally notify Members of Congress and other government officials of this decision?

If FBI policy has changed with regard to CAIR, is there any indication that this decision is being revisited by the new administration? If so, what new evidence would justify a change in course?

Is CAIR's national office still in contact with the FBI?

The FBI has had to limit its formal contact with CAIR field offices until certain issues are addressed by CAIR's national headquarters. Why is there a distinction between field offices and FBI headquarters? What specifically are the "certain issues" which you have raised with CAIR? Is there still informal contact with any field offices? If so, what is the distinction between formal and informal and is there a distinction between field offices?

To your knowledge, does CAIR receive financial contributions from foreign sources? If so, which ones and how much?

I look forward to your timely response, and to working with you in the days ahead in my new role as ranking member of the House Commerce-Justice-Science Appropriations subcommittee.

Best wishes.

FRANK R. WOLF,  
Member of Congress.

June 12, 2009

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Best wishes.

FRANK R. WOLF,  
Member of Congress.
whether there continues to be a connection between CAIR or its executives and Hamas, the FBI does not view CAIR as an appropriate liaison partner."

I submit a copy of the Bureau’s response to Senator Kyl for the Record.

As you know, CAIR was named as an indirect co-conspirator of the Holy Land Foundation for Relief and Development in United States v. Holy Land Foundation et al. (E.D. N.Y. 2007). During that trial, evidence was introduced that demonstrated a relationship among CAIR, individual CAIR founders (including its current President and Executive Director), and the Palestine Committee. Evidence was also introduced that demonstrated a relationship between the Palestine Committee and Hamas, which was designated as a terrorist organization in 1995. In light of that evidence, the FBI suspended all formal contacts between CAIR and the FBI.

The FBI made its own decision vis-a-vis contacts was not intended to reflect a wholesale severance of all ties between CAIR and the FBI. While it has worked with the organization, which it views as a legitimate political organization, it does not view CAIR as an appropriate liaison partner. It is important to note, however, that although the FBI has suspended all formal outreach activities with CAIR at this time, CAIR, its officers, and members have been encouraged to report any hate crime, violation of federal civil rights or suspicious activity to the FBI.

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Sincerely yours,

RICHARD C. POWERS,
Assistant Director, Office of Congressional Affairs.

June 12, 2009

CONGRESSIONAL RECORD — HOUSE

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Sincerely yours,

RICHARD C. POWERS,
Assistant Director, Office of Congressional Affairs.
Now, at last, the FBI-CAIR relationship has changed.

In a letter dated March 9, 2009, FBI Assistant Director John Miller wrote to U.S. Rep. Frank Wolf, confirming that the bureau has “suspended any formal engagement with Council on American-Islamic Relations (CAIR) field offices around the country.” This adjustment “comes in part as a result of evidence gathered through FBI investigation and presented in connection with the Holy Land Foundation trial.” Miller referred to the Holy Land Foundation, or HLF, having been convicted of terrorism finance violations in 2006.

CAIR and its allies in the “Wahhabi lobby” reacted aggressively to the FBI’s decision to distance itself from CAIR. Ten extremist Muslim groups announced on March 17, 2009, that they are “considering suspending outreach relations with the FBI” based on vague claims that “American mosques and Muslim groups have been targeted.” CAIR’s supporters included American Muslims for Palestine, the Islamic Circle of North America, and the moderate American Muslim Association, as well as the leading pro-Iranian Muslim element in America, the Islamic Educational Center of Orange County, Ca.

We, the American Muslims, have long known the true character of CAIR and its allies. Therefore:

- We observe that they denounce “terrorism” but not the specific actions of Islamist groups like Hamas or Hezbollah. They denounce violence but not the ideologies behind it.
- We observe their commitment to radical aims, their attempts to chill free speech by calling critics of radical Islam “Islamophobes,” and their false, ugly accusations against American Muslims who disagree with their agenda.
- We reject any claim that CAIR and its supporters are legitimate civil liberties advocates or appropriate partners between the U.S. government and American Muslims.
- We congratulate the FBI for adopting a firmer posture toward CAIR, as a defense of Americans of all faiths from the menace of radical Islam, including Muslims of all backgrounds—Sunni, Shia, Sufi, secular, etc.
- We applaud the Department of Justice to affirm and continue this decision.
- We call on the entire United States government to follow suit in rejecting relations with the Council on American-Islamic Relations.


I plan to take the remainder of my time to explore many of these same concerns, and talk about what I’ve heard and observed has led me to believe that the Bureau’s decision is not only defensible but advisable and that it ought to, in fact, in-

form the actions of other public officials, policymakers and the press, many of whom consistently—and I would argue mistakenly—look to CAIR to speak for mainstream Muslim Americans.

Zuhdi Jasser, himself a Muslim and president of the Islamic Forum for Democracy, makes a critical distinction between “Islam” and “Islamism.” “Islam” is, of course, a faith which has an estimated worldwide following of 1.6 billion people. “Islamism,” however, according to Mr. Jasser, is “a coercive governmental and political construct that seeks to impose sharla—Islam jurisprudence—upon society.”

In 2007, in the publication Family Security Matters, Jasser wrote that CAIR uses “the protection of religion when the facts are not on their side. They use the discourse of politics when they want to push forth their Islamist agenda with the presumption of speaking for all Muslims. They will delve into the political on its own terms in both foreign and domestic policy, but when they are on the receiving end of political criticism, they run for cover under the guise of victimization.” A dispassionate look at CAIR’s public posturing suggests that Mr. Jasser’s observations ring true.

In 1998, I authored the legislation that created the National Commission on Terrorism. That same year, in CAIR’s own words from a press release, “asked Muslim leaders of a House-Senate conference committee and urge them to amend or eliminate new legislation that would create a National Commission on Terrorism.” This was a misguided lobbying effort at best. Fortunately, it was unsuccessful, and the bipartisan commission was authorized to conduct its work.

A Congressional Research Service report described the main finding of the commission this way: “It calls on the U.S. Government to more actively prevent and deal with a future mass casualty, catastrophic terrorist attack.” Regrettably, the commission’s recommendations, sent to Congress in June 2000, were generally ignored until after the attacks of September 11, 2001, when 3,000 people were killed, including 30 from my congressional district.

Following the commission’s public report, CAIR’s executive director, Nihad Awad, announced in a press release, “The fight against terrorism is one that should be undertaken, but that struggle should not be based on stereotypes, false assumptions or the political agendas of foreign governments. If the past is any indication, all too often, these new provisions will be used to target Muslims in this country and worldwide. It is American Muslim groups whose fund-raising will be restricted. It is Muslim students who will be monitored.”

Indeed, the FBI has restricted the fund-raising of some Muslim groups, but only when those organizations have been found to have been a cover for terrorist financing, as was true most notably with the Holy Land Foundation.

When the Holy Land Foundation was shuttered 3 months after 9/11, CAIR warned in a December 4, 2001, press release that this was an “unjust and counterproductive move that can only damage America’s credibility with Muslims in this country and around the world and could create the impression that there has been a shift from a war on terrorism to an attack on Islam.” This purported “attack on Islam” proved to be baseless in the face of the Holy Land Foundation verdicts.

A November 25, 2008, Department of Justice press release following the initial verdicts in the Holy Land Foundation trial states: “This prosecution demonstrates our resolve to ensure that humanitarian relief efforts are not used as a mechanism to disguise and enable support for terrorist groups.”

As I noted earlier, CAIR was named as an unindicted co-conspirator in the Holy Land Foundation case, which makes its cautionary word about the “injustice” of closing the “charity” suspect.

In a Federal court filing from December 2007, Federal prosecutors described CAIR as “having conspired with other affiliates of the Muslim Brotherhood to support terrorists.” The government also stated “proof that the conspirators used deception to conceal from the American public their connections to terrorists was introduced” in the Holy Land Foundation trial.

In a footnote, government prosecutors pointed out: “From its founding in 1994, CAIR has conspired with other affiliates of the Muslim Brotherhood to support terrorists.”

Further, according to Senate testimony, CAIR received a $5,000 donation for the Holy Land Foundation. Initially, in written testimony submitted September 10, 2003, to the Senate Subcommittee on Terrorism, Technology and Homeland Security, CAIR denied that this was the case. Specifically, Mr. Awad, in his initial testimony, said “we were ‘outright lies. Our organization did not receive any seed money from the Holy Land Foundation.” But when confronted with the IRS form on which the Holy Land Foundation disclosed the contribution, Mr. Awad changed his position in supplemental testimony submitted to the subcommittee saying that the amount in question was a donation like any other.

CAIR ultimately filed an amicus brief seeking removal from the list of unindicted co-conspirators in the Holy Land Foundation case. In September of 2007, prosecutors made several arguments in favor of maintaining CAIR's
status, saying: “CAIR has been identified by the government at trial as a participant in an ongoing and ultimately unlawful conspiracy to support a designated terrorist organization, a conspiracy from which CAIR never withdrew.”

The Holy Land Foundation trial revealed more about CAIR than simply its ties to that particular entity. Rather, the trial brought to light, in the public square, the genesis of the organization’s support of Hamas, a designated terrorist organization, by groups and individuals associated with CAIR.

The prosecutor who led the 1995 prosecution of John Doe passengers, John Doe passengers, was the leader of the terrorist group Hamas.’’ Marzook. . . . He’s also the political leader of the terrorist group Hamas this story described the connection between Hamas and the Islamic Association of Palestine. According to testimony that in the early 1990s, Hamas’ parent organization, the Muslim Brotherhood, planned to establish a network of organizations in the U.S. to spread pro-Hamas messages here without attracting too much attention.”

A Department of Justice press release issued on November 24, 2008, when the Holy Land Foundation verdicts came down: “The government case included testimony that in the early 1990s, Hamas’ parent organization, the Muslim Brotherhood, planned to establish a network of organizations in the U.S. to spread a militant Islam message and to raise money for Hamas. . . . HLF became the chief fundraising arm for the Palestine Committee in the U.S. created by the Muslim Brotherhood to support Hamas. According to a wiretap of a 1993 Palestine Committee meeting in Philadelphia, former Holy Land Foundation President and CEO Shukri Abu Baker spoke about playing down Hamas’ ties in order to keep raising money in the U.S. Another phone call included Abdulrahman Odeh, Holy Land Foundation’s New Jersey representative, referring to a suicide bombing as ‘a beautiful operation.’”

According to a National Review article in the pre-CAIR days, both Nihad Awad and Omar Ahmad were top officials in the Islamic Association for Palestine. Former FBI counterterrorism chief Oliver “Buck” Revell called Awad’s former employer, the Islamic Association for Palestine, “a front organization for Hamas that engages in propaganda for Islamic militants.”

A September 24, 2001, L.A. Times story described the connection between the Islamic Association of Palestine and the Holy Land Foundation in this way: “The IAP and the Holy Land were founded and funded by Mousa Abu Marzook. . . . He’s also the political leader of the terrorist group Hamas.”

Andrew McCarthy, a former Federal prosecutor who led the 1995 prosecution against Sheikh Omar Abdel Rahman, the “blind sheik” who was found guilty of planning the 1993 World Trade Center bombing, in a National Review article notes that there are “several persons connected to CAIR who have been convicted of Federal felonies including terrorism.”

McCarthy includes in the group Ghaith, one of the following members of CAIR’s Dallas-area chapter, and also co-founder and former chairman of the Holy Land Foundation. According to July 9, 2007, Dallas Morning News report, Elashi was sentenced to 16 years in prison for doing business with a terrorist and violating export laws.” In a 1994 forum discussion videotaped at Barry University, CAIR’s Mr. Awad said, “I’m in support of the Hamas movement.”

CAIR has subsequently sought to discredit his video on his Web site by saying that his quote was in response to a specific question and that Hamas was only designated a “foreign terrorist organization” in January 1995 and did not commit its first wave of suicide bombings until late 1994. Mr. Awad made the comment. It is noteworthy that Hamas’ 1988 covenant describes itself as “one of the wings in the Muslim Brotherhood in Palestine” and says that “the day of judgment will not come until Muslims fight Jews and kill them.”

CAIR’s defense and Mr. Awad’s quote based simply on chronology is wanting in light of Hamas’ founding principles which clearly embrace violence. As the Washington Post’s Richard Cohen wrote in April of 2009: “Read the Hamas charter. It is not some uplifting cry of a downtrodden people seeking its freedom but a repellant anti-Semitic screed.”

CAIR’s mission statement focuses on protecting the civil rights of Muslims in America and on improving Islam’s image. But CAIR’s action under the umbrella of civil rights raises troubling questions.

In November 2006, US Airways removed six imams from a flight following passenger reports of unusual behavior. An Investor’s Business Daily piece described the imams’ action this way: “At the gate before boarding, they angrily cursed the U.S. Then they bowed to Mecca and prayed ‘very loud’ shouting ‘Allah Allah, Allah’ according to the gate agent and another witness. On the plane, they didn’t take their assigned seats and instead fanned out to the front, the middle, and the rear of the plane, where they sat back and talked to each other in Arabic. Adding to suspicions, most of them asked for seatbelt extensions even though they didn’t need them—or even use them.”

Following the incident, the imams and CAIR filed a lawsuit against US Airways, the Minneapolis-St. Paul Metropolitan Airports Commission and ‘John Doe passengers,” meaning the passengers on the plane. In 1996, the New York attorney who represented the imams was a former president for the board of directors for CAIR, New York. The suit charged that the John Doe passengers “may have made false reports against plaintiffs solely with the intent to discriminate against them on the basis of their race, religion, ethnicity and national origin.”

CAIR subsequently called on the Department of Justice to investigate violations of civil liberties for the six religious leaders taken off the plane.

The then-president of the Becket Fund for Religious Liberty, Washington, DC public interest-based law firm protecting the free expression of all religious traditions, wrote the following letter to CAIR regarding suit against the John Doe passengers: “This is the first for us. We have never opposed someone else’s claim for religious discrimination but this tactic of threatening suit against ordinary citizens is so far beyond the traditions of loving the neighbor in the United States that we must oppose it to defend the good name of religious liberty itself.”

It is noteworthy that the Becket Fund has successfully argued cases for CAIR’s approach in this case was not simply an inconvenience. Rather, it had potential security implications as well. Airports nationwide implore travelers to report suspicious activities. Signs on major highways, bridges and tunnels throughout America do the same. New York Metropolitan Transit Authority introduced an ad campaign which has been adopted by municipalities across the country as their own anti-terrorism campaign. The ad features the following admonition: if you see something, say something.
But CAIR would have had Americans thinking. If you see something, think twice before you say something, lest you get mired in a lawsuit. USA Today editorialized in the days following the imams’ suit and said: “This legal tactic seems intended to intimidate wingers willing to do exactly what authorities have requested—say something about suspicious activity.” The paper went on to report that “the imams want to know the names of an elderly couple who turned around to watch and then made cell phone calls presumably to authorities.”

In response to the incident at the Minneapolis Airport, Congressman Peter King first moved to provide immunity to those on public transportation who report suspicious activity through a re- commendation in the Rail and Public Transportation Security Act of 2007, which the House overwhelmingly passed in March 2007 by a vote of 301–121.

Later in the 110th Congress, despite CAIR’s public lobbying effort, Mr. King and Senator Joe Lieberman were successful in adding a section to the 9/11 Commission Implementation Act, Public Law 110-53, which provides legal immunity to individuals who report terror- orially or suspicious activity which they see on trains or planes to law en- forcement.

In what has become a familiar re- frain, Nihad Awad, on FOX News, March 5, 2007, said that Peter King’s legislative efforts were encouraging Islamophobia. In fact, the bill language had the potential to encourage other John Does who encounter suspicious activity to report it to authorities.

CAIR’s funding also is a source of interest. Apart from the financial link with Holy Land Foundation, there is much that is unclear as to whether and to what degree CAIR is receiving con- tributions from foreign governments. In an interview with the Chicago Tribune, Ahmed Rehab, CAIR-Chic- ago’s executive director, said, “Neither CAIR chapters nor the national office solicits or accepts money from any foreign government.”

A January 2007 open letter on CAIR’s Web site says they are “proud to receive support of every individual, whether Muslim, Christian, Jewish, or of another faith background, who sup- ports our work to promote justice and mutual understanding as long as they are not an official of any foreign government and there are no strings attached to the request.”

Yet in a sensitive, but unclassified, May 5, 2007 State Department cable, which was brought to my attention, U.S. embassy staff in Abu Dhabi cabled that the UAE press was reporting that “Sheikh Hamdan bin Rashid al-Maktoum, deputy ruler of Dubai and UAE Minister of Finance and Industry, has ‘endorsed a proposal to build a property in the U.S. to serve as an en- dowment for CAIR.’”

In another sensitive, but unclassified, June 2006 State Department cable, U.S. embassy staff in Saudi Arabia reported the following after meeting with a CAIR delegation. The cable said, “One admitted reason for the group’s current visit to the KSA (Kingdom of Saudi Arabia) was that they were seeking $50 million in governmental and nongovernmental contributions.” I submit both cables for the RECORD.

According to the June 2006 cable, “The meeting took place at the headquarters of CAIR. Board Chairman Dr. Parez Ahmed, Exec- utive Director Nihad Awad, and Com- munications Director Cary (Ibrahim) Hooper.” On an MSNBC talk show with Tucker Carlson in September 2006, just 3 months after the trip, Ibrahim Hoo- per claimed, “To my knowledge, we don’t take money from the Govern- ment of Saudi Arabia.”

I want to make it clear that it is im- portant to understand that American Muslims, like all Americans, are enti- tled to participate and engage in the political process; such are the makings of a vibrant democracy. They have taken advantage of the oppor- tunity America provides for every background. They are teachers, doctors, policemen, they are mothers and fathers and neighbors.

I am reminded of a young Pakistani American who is Muslim that I had the privilege of meeting during one of my visits to Walter Reed Hospital. I met him when he had just come out of his physical therapy, therapy that was necessary because he had lost both legs while in combat in Iraq. Despite his tremendous sacrifice, he was com- mitted to the hard work of rehabilita- tion, in part because he hoped to go back to Iraq. He was a patriot of the sort that ought to give us pause and ought to make us proud.

I want to be absolutely clear that concerns I have with CAIR are specific to the organization and not to the Mus- lims, like all Americans, are entitled to participate and engage in the political process; such are the makings of a vibrant democracy. They have taken advantage of the oppor- tunity America provides for every background. They are teachers, doctors, policemen, they are mothers and fathers and neighbors.

I was one of the first Members to raise concerns about CAIR’s broad interpretation of Muslims in China, and continue to speak out when few others do.

Further, I was the author of the International Religious Freedom Act which created the U.S. Commission on International Religious Freedom as well as the International Religious Freedom Office at the State Depart- ment. Central to the act was the assertion that “freedom of religious beliefs and practices is a universal human right and fundamental freedom.” The legislation, and ultimately the offices it created, strengthens the United States’ advocacy on behalf of individ- uals persecuted in foreign countries on account of religion, which, of course, includes persecuted Muslims.

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anyone who raises alarms about the dangers of Islamic extremism. CAIR's rationale is that discussions of Islamic extremism lead to animosity not just toward those who twist Islam into a justification for terrorism, but toward all Muslims. "CAIR's concern is understandable, but its response is unreasonable." They went on to say, "The group acts properly when it hammers home the point that only a small number of Muslims support religiously motivated violence, and that speaking of law-abiding Muslims is wrong. Where CAIR errs is in labeling anyone who discusses Islamic terrorism a bigot and hatemonger, an Islamophobe, to use CAIR's favorite slur." Ironically, some of CAIR's most pointed attacks have in fact been aimed at other Muslims who dare to have differing views.

In a 2006 Philadelphia Inquirer piece, CAIR's Hooper is quoted as saying Zuhdi Jasser, President of the American Islamic Forum for Democracy, who has been critical of CAIR, was "providing others with an opportunity to advance an agenda that is hostile to the American Muslim community."

Given CAIR's genesis, its associations with terrorist entities and individuals, and its tactics—namely, attempting to discredit anyone who dares to speak out against its organization—their cries of victimization and accusations of religious bigotry appear disingenuous.

And given the dangerous world in which we live today, any attempt to literally silence honest discourse about the nature of the threats facing our country is intolerable and must be addressed.

I stand today with other elected officials who have raised questions about CAIR. Senator SCHUMER describes CAIR as an organization "which we know has ties to terrorism." Demo-

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Democratic Senator BARBARA BOXER withdrew an award she gave to an official at a local CAIR chapter because she "had concerns about statements by some CAIR officials and about claims of financial links to terrorism." And other Senators, including Republicans Jon KYL and Tom COBURN, have voiced support for the FBI's actions in severing with CAIR.

I stand today with counterterrorism experts, including Steven Pomerantz, the FBI's former chief of counterterrorism, who has stated, "CAIR, its leaders, and its activities effectively give aid and comfort to international terrorist groups."

And perhaps most importantly, I stand with thousands of American Muslims for whom CAIR does not speak. In June, 2007, the Washington Times published a report which ana-

lyzed CAIR's tax documents and found that CAIR's membership has declined by 90 percent since 9/11. Zuhdi Jasser of the American Islamic Forum for Democracy was quoted in the article as saying, "This is the untold story in the myth that CAIR represents the American Muslim population. They only represent their membership and donors." In 1995, the Islamic Supreme Council of America, ISCA, issued an open letter to all Muslims after Shaykh Kabbani, Chairman of the ISCA, spoke at a State Department open forum on Islamic extremism and subsequently came under public attack from several organizations, including CAIR. In the open letter, ISCA says the organizations attacking Kabbani, among them CAIR, "have not quoted a single statement of Shaykh Kabbani in full or in context. Moreover, the statements were augmented with emotionally charged words like 'promoted and generalized an allegation,' 'outrageous statements,' and 'Islamophobic,' thereby thwarting his original intention and message.' The letter goes on to say, 'In their action and remarks, CAIR has a chronic tendency to negatively juxtapose Islam and Americans.'

Consider, too, the words of Dr. Hedieh Mirahmadi, then general secretary of the Islamic Supreme Council of America. In a 1996 ISCA press release following this same incident, she remarked, "The carefully orchestrated and calculated plot to intimidate Shaykh Kabbani into retracting his statements only goes to prove the unwavering reluctance of the organization to tolerate differences of opinion and belief, as well as the extent to which they would go to silence the voice of opposition."

Or consider the testimony of Zeyno Baran, a prominent Turkish American scholar who is presently a senior fellow at the Hudson Institute. In July of 2008, speaking before the Senate Committee on Homeland Security and Governmental Affairs, she stated that she believed CAIR was created by the Muslim Brotherhood to infiltrate the U.S. government, Congress, and NGOs, along with academic and media groups" and lamented that, "despite being founded by leading Islamists, CAIR has successfully portrayed itself as a mainstream Muslim organization over the past 15 years and has been treated as such by many U.S. Government officials."

Or most recently, an April 2009 advertisement in the Weekly Standard authored by "American Muslims" applauded the FBI for rejecting CAIR. The signatories included representatives of six different organizations, and I submit a copy of the ad for the RECORD. The signatories wrote, "We observe that they (CAIR) denounce 'terrorism' in general terms, but not the specific actions of Islamic groups like Hamas or Hezbollah. They denounce violence, but not the ideologies behind it." Further, the group acknowledged CAIR's "attempts to chill free speech by calling critics of radical Islam 'Islamophobes.'"

Finally, I would like to close my speech by recognizing the men and women of the FBI and the hard work they do every day to keep this country safe, and to restate the FBI's own words, "Until we can resolve whether there continues to be a connection between CAIR or its executives and the FBI, we do not view CAIR as an appropriate liaison partner."

I completely agree.

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SENSITIVE
FOR NEA/ARP, NEA/TPD, INFO NEA/FO, R EK 12968: N/A
TAGS: KISL, SOCI, PHUM, PGOV, KDEM, AE
SUBJECT: VISIT BY COUNCIL ON AMERICAN ISLAMIC RELATIONS (CAIR) TO UAE

1.(U) On May 21, the Council on American Islamic Relations (CAIR) paid a courtesy call on U.S. Ambassador Craig Piercy to discuss the organization's issues, outreach strategies, and its visit to the UAE. The UAE press has reported that Sheikh Hamdan bin Rashid Al Maktoum, Deputy Prime Minister and Minister of Finance and Industry, "has endorsed a proposal to build a property in the U.S. to serve as an official office for CAIR." DCM, PAO and MEPI Regional Director also participated in the meeting.

2.(U) The group expressed ideas about countering negative stereotypes about Muslims in the U.S. ("Islamophobia") and addressing anti-Americanism in the Middle East. They mentioned previous meetings with State Department officials, U.S. Senator John McCain (R-AZ), and Al-Maktoum, Deputy Ruler of Dubai and UAE Minister of Finance and Industry, "has endorsed a proposal to build a property in the U.S. to serve as an official office for CAIR." DCM, PAO and MEPI Regional Director also participated in the meeting.

3.(U) Mr. Don Myers, representing Washington, D.C. public relations firm Hill & Knowlton, provided a short demonstration of a PR campaign designed to support CAIR's overall organizational objectives defined as: 1) political empowerment of Muslims, 2) public relations efforts to improve community relations with non-Muslims, 3) launching of an effective, long-term (5 year) advertising/outrach campaign to counter negative stereotypes and advertising; and addressing anti-Americanism in the Middle East. They mentioned previous meetings with State Department officials, U.S. Senator John McCain (R-AZ), and Al-Maktoum, Deputy Ruler of Dubai and UAE Minister of Finance and Industry, "has endorsed a proposal to build a property in the U.S. to serve as an official office for CAIR." DCM, PAO and MEPI Regional Director also participated in the meeting.

4.(U) Members of the CAIR delegation included: Hon. Larry Shaw, Senator (North Carolina General Assembly); Hon. Paul Fin-dley, Former U.S. Representative; Don Myers, Washington, D.C. public relations firm Hill & Knowlton; Nihad Awad, CAIR Executive Director and Co-Founder; Cary (Ibrahim) Hooper, CAIR Communication Di-rector and Co-Founder; Dr. Parvez Ahmed, CAIR Board Chairman; and Dr. Nabil Sadoun, CAIR Board Member.

5.(U) CAIR delegation also paid a call earlier in the day on Sheikh Sultan bin Muham-mad al-Qassimi, Ruler of Sharjah, which was covered in the press.

6.(U) Sheikh Ali al-Hashemi, UAE President-onial Adviser on Islamic affairs, is hosting a reception at his home on May 22, in honor of the CAIR group; Ambassador and PolOff to attend. Al-Hashemi also thanked the Ambassador for receiving the CAIR delegation.

7.(SBU) Comment: CAIR Executive Direc-tor Nihad Awad told us that while they were pleased with the results of the meeting with Sheikh Hamdan bin Rashid, they had no con-crete information on the size of the endow-ment or whether it might be forthcoming. Awad also mentioned that the Bin Hamoodah Foundation (a $50 million endowment) was established by three Emirati brothers and represents Haliburton, IBM, EMC Corporation
AIG BONUSES

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Ohio (Mr. LA TOURETTE) is recognized for 60 minutes.

Mr. LA TOURETTE. Madam Speaker, we have been coming to the floor for about 4 months now in an attempt to get to the bottom of one or two mysteries. I had hoped to be able to come to the floor today to indicate that one of those mysteries had been solved or that we were closer to its resolution.

The Speaker will recall that earlier this year the United States Congress passed a stimulus bill that was requested by the new President of the United States, about $789 billion. And whether you agreed with that legislation or not, during its path through the Congress, there was great concern—and continues to be great concern; I heard one of my colleagues give a Special Order this afternoon about the bonuses, the millions of dollars of bonuses that are being paid to executives on Wall Street, executive who work for companies who in some instances, have led us to the floor still to find ourselves in financially.

When the stimulus bill was being crafted over in the other body, the United States Senate, two Senators—one Republican and one Democrat, the Republican is OLYMPIA SNOWE of Maine, the Democrat is RON WYDEN of Oregon—they crafted language that would have put strings on, would have protected the $173 million in bonuses. And you should have heard the hue and cry around this place, Madam Speaker. Everybody was shocked. The President of the United States was shocked. Members of Congress were shocked. People at the Department of Treasury were shocked.

Well, they shouldn’t have been shocked because, after this language was inserted, the bill came back to both the House and the Senate. Every Republican voted against it; every Democrat, save 11, voted for the stimulus. And that paragraph that protected the $173 million in bonuses has been coming to the floor for the last several months to try to find out why because nobody was following up. Nobody has said, hey, you know what? I took out the first language and I put in this language, and maybe you could tell us why. But nobody will do that.

Everybody wants this issue to go away. And as a matter of fact, people have been so shocked that the major party’s reaction, was to come up with really a stupid bill, and that was to tax these bonuses, rather than doing back and doing the right thing and taking out their mistake, to tax these bonuses at 90 percent.

And I will tell you why I call that a stupid bill, Madam Speaker. I call it a stupid bill because the person who got the biggest bonus at AIG got $6.4 million. I think it was a man. So if you’re really mad at that guy, why just take away 90 percent of his bonus? Why don’t you take away 100 percent of his bonus? So that stupid piece of legislation, and, thankfully, President Obama didn’t think much of it and neither did the Senate, but the legislation over here still would have left that guy at AIG with $640,000. Well, Madam Speaker, in my district in northeastern Ohio, it would take 16 years for somebody making $40,000 a year to make $640,000. And as a matter of fact, rather than correcting the mistake, they came up with—it wasn’t even a fig leaf, it was a fig tree to pretend that they were really mad about the bonuses that they authorized with their vote.

So we, myself and other Members, Mr. MCCOTTER from Michigan, have been coming to the floor. And I grew up playing a game called Clue, a very wonderful game to play around the kitchen table with your kids. Hasbro, I think, is the manufacturer of it. And so we decided that there are bonuses, but this paragraph specifically protected any bonus that was given to any official, including the ones that became controversial a little later, AIG, and said any bonus that was agreed to before February 11, and February 11 was the day that the stimulus bill was passed, so anything agreed to before that day was protected. Then about a week later, the news came out that AIG, the company that’s received billions of dollars of taxpayers’ money, was going to pay its executives $173 million in bonuses.

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CONGRESSIONAL RECORD — HOUSE
June 12, 2009

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Somehow, somewhere in that con-

The core delegation consisted of CAIR

references in them, we have to appoint a

The Speaker will recall that earlier

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The multi-year broadcast and print

2.(U) Following up on a similar visit to

of ‘accurate books about Islam’ to schools

secretary on the visit to the Kingdom of

CAIR group visited Mecca and Jeddah.

5.(SBU) Mr. Don Myers, representing

and General Motors, is CAIR’s main bene-

Secretary Rice and Undersecretary

and Knowlton, gave a short demonstration of

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Update on the KSA. After recall-

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But nobody will do that. Everybody wants this issue to go away. And as a matter of fact, people have been so shocked that the major party’s reaction, was to come up with really a stupid bill, and that was to tax these bonuses, rather than doing back and doing the right thing and taking out their mistake, to tax these bonuses at 90 percent.

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Secretary Rice and Undersecretary

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We were given the request of Senator Dodd, the chairman of the Banking Committee, might be the person we should focus in on. He’s made some public statements, but the public statements now have gone back and forth. He was asked to put into the Senate bill at the request of the Treasury. The Treasury says that they put it in at the request of Senator Dodd.

So here’s what we did. Being the sleuths that we’re attempting to be, we took the pen and wrote this paragraph over in the United States Senate. So this is really a disappointment to these folks. So you have to find out who did it. You have to find out where it happened in Clue, and you have to find out where the weapon is.

Now, the great news is that we know what the weapon is. It wasn’t a gun or the lead pipe or the rope or any of that stuff. It was a pen. Somebody took a pen, took out the language that would have prohibited the bonuses, and then took the pen and wrote this paragraph into the bill.

So we got a third of the way there and I was feeling pretty good about it. And in our subsequent discussions here on the floor, we’ve pretty much narrowed it down. Here you have the Banking Committee, the Speaker’s office, the conference room. And pretty clearly, it either happened in the Speaker’s office or this conference room. We go that from published reports, the shuttle diplomacy. I wish I could tell you that there was a Republican suspect in this, but there weren’t any Republicans permitted into the conference room. So we believe, and I think it’s important to let them to come forward and tell us “I did it,” and I was promised a letter talking about policy options and had nothing to do with this particular issue. And he was feeling pretty good about it.

The missing piece and where I really thought we were getting close was who did it. Let’s finish Clue, that it was Barney Frank with a pen in the conference room. And around this board we have the people that we believe, we know, were in the room and were capable of making this insertion. Madam Speaker, I know you know who they are, and I think we’re running around the board here, down here Charlie Rangel, the distinguished chairman of the Ways and Means Committee. Here, a former colleague of ours, Rahm Emanuel, who is President Obama’s Chief of Staff. Up here is Mr. Orszag, the OMB Director, the fellow that’s the bean counter down at the White House. Over here is Senator Dodd from Connecticut, who is the chairman of the Banking Committee over in the Senate. Over here is Mr. Pelosi, the distinguished Speaker of the House of Representatives, and Mr. Harry Reid, the distinguished majority leader over in the United States Senate. So we have narrowed it down to one of these fellows.

And the question mark down there, and this is really a disappointment to me, sadly, some are just saying that it was some staffer that put the thing in. So the question mark is this staffer who apparently has the language to change law and make law. And it may have been a staffer who was using the pen, but clearly a staffer had to be directed by somebody to do that.

We thought originally that Senator Dodd, the chairman of the Banking Committee, might be the person we should focus in on. He’s made some public statements, but the public statements now have gone back and forth. His advice was that they put it into the bill at the request of the Treasury. The Treasury says that they put it in at the request of Senator Dodd.

In the upper corner is Ms. Pelosi, the Speaker, I know you know who they are. But just sort of running around Speaker’s office or in the conference room so we can figure it out with documents. Chairman Frank said to the Treasury, Look, just sit down with the people that are interested in finding out the truth here and hand things over.

So we had some conversations, and, sadly, I have to report to the House, Madam Speaker, that we’ve had a setback. And while I wanted very much to come and be able to solve this game so we could get on to something else, but there was a meeting, a conversation, on June 3 between representatives of the Financial Services Committee and a fellow by the name of Damon Munchus, M-u-n-c-h-u-s, who is the Deputy Assistant Secretary for Legislative Affairs. He said so, which I think is only appropriate since he signed the bill that executed it into law. But what we are really looking for is that shadowy figure between the President of the United States, who may or may not have known the bonus was in the bill, and the poor staffer that may have been directed to do this. So we want to point out that we are trying to be fair. We have not determined whether the President even knew the AIG bonus was in the stimulus bill, which was an issue on a critical deadline that he set, and the staffer who may potentially receive all the culpability unfairly.

Just two quick inquiries of the distinguished gentleman from Ohio. First, I was wondering if you considered the response from Mr. Munchus to be indicative of the most transparent administration in history. And, secondly, I would like to commend you for putting the question mark signifying the poor staffer who will be blamed if we continue this, unless, of course, someone who thinks Mr. Munchus, looks into the matter, because I remember growing up and I watched reruns of Star Trek. Whenever the captain and Bones or Spock would get on that transporter platform, they would always say somebody didn’t recognize, and you knew they weren’t coming back. So when I see that question mark, I just think of the poor staffer that, at the direction of someone else, actually utilized the pen, because if this inquiry continues, as it will, you know that he may not be coming back.

Mr. Lautrette. I thank the gentleman. And the answer to the first part of your question is clearly this is indicative of the most transparent administration in history. Look, all we want to do is move on and find out why somebody felt it necessary in a dark room in the dark of night to put in language that protected these $173 million worth of bonuses and why they did it. We just want a great explanation. I doubt it, but they may have a great explanation. We just want them to come forward and tell us “I did it” and why they did it.

I can’t report to Madam Speaker, that we have solved this particular episode of Clue. And, sadly, we have another mystery that has sort of reared its ugly head here on Capitol Hill.

Mr. McCotter. I thank the gentleman for yielding through the Chair. Let’s put out that we have, in fact, understood from the White House, in fairness to them, that the President has taken responsibility for the AIG bonus. He said so, which I think is only appropriate since he signed the bill that executed it into law. But what we are really looking for is that shadowy figure between the President of the United States, who may or may not have known the bonus was in the bill, and the poor staffer that may have been directed to do this. So we want to point out that we are trying to be fair. We have not determined whether the President even knew the AIG bonus was in the stimulus bill, which was an issue on a critical deadline that he set, and the staffer who may potentially receive all the culpability unfairly.
Mr. LaTOURETTE. I thank the gentleman for that. And I would go a step further. I am certain that President Obama did not know that this had been inserted into the stimulus bill because he appeared on television the next day and said he was shocked that these bonuses have been given, and people in his administration said they were going to do everything within their power to get this money back. So I agree with you 100 percent. The President did not know, to the best of my knowledge, that this was occurring. And even our colleagues in the House, Mr. McCOTTER, the Democrats who voted for the stimulus bill, except for 11 of them, I don’t think they knew it either.

I’m not just trying to be a nitpicker. I will tell you that one of the problems is you may remember that stimulus bill that spent $789 billion of our constituents’ money. It was about 15 thousand pages long. So it was like the phone book of New York City. And as that bill was coming to the floor that week, one of our colleagues on the Republican side made a motion and came up with what he named this novel idea about how the stimu-

Mr. Speaker, I would like to put Mr. Nardelli’s letter on the record.

Hon. Governor Jim Doyle, East State Capitol, Madison, WI. DEAR GOVERNOR DOYLE: I want to start by expressing my sincere apologies about the confusion surrounding comments I made on a conference call with you and other elected officials about the Kenosha Engine Plant on April 30, 2009. In response to a question from Congresswoman Moore regarding the future of the Kenosha Plant, I mistakenly conveyed the status of the Kenosha plant with Trenton, Michigan, Trenton, Michigan, doesn’t sound like Kenosha, Wisconsin, to me. It’s not only not a sound-alike, they’re in different States for crying out loud. 

Mr. Speaker, I would like to put Mr. Nardelli’s letter of May 7 into the Record.
program with Daimler was redefined as a Chrysler only engine. This reduced the number of production sites to three.

These three sites would have the capability of producing V6 engines. Early in 2007, for a variety of reasons, the Corporation was required to reduce its capital investments in all programs which required a new plant or new equipment for the Fiat engine. Therefore, Chrysler decided to reduce the number of greenfield plant locations to two. In May and June of 2007 the Company chose to close the plants and announced the greenfield investments of $730 million in Trenton and $570 million in Saltittio and broke ground on the construction of the facili- ties. The greenfield decisions were based on the advocacy of the proposed plants to the point-of-use assembly locations.

In February of 2007, Chrysler notified the State of Wisconsin and Kenosha officials that a greenfield site was no longer viable, but rather that a retool of the existing Keno- sha Engine Plant was under consideration. The Kenosha retooling plan resulted in neces- sary capital savings; however, it required the Kenosha site to continue to produce its current engines through December of 2010.

In late 2007 and 2008, deterioration in indus- try volume resulted in a drop of the 1.3 million unit demand to 680,000. This reduc- tion was used to fund the Kenosha Engine Plant to produce its current engines resulted in the company deciding to defer the retooling strategy.

Chrysler kept Kenosha Area Business Alli- ance updated on the status of the retool through 2008. As the market began to col- lapse through late 2008 and 2009, a decision was made to idle the Kenosha Engine Plant in December of 2010. This and other restruc- turing actions were included in the Chrysler LLC February 17, 2009 Viability Plan submis- sion to the United States Treasury and the President’s Auto Task Force. The specific plant actions, including Kenosha Engine Plant, were not made public because it would have been presumptuous to assume that the plan was going to be approved and inappro- priate to communicate prior to thorough dis- cussion with the United Auto Workers union.

On April 3, 2009, Chrysler officials met with the Kenosha Task Force and reiterated the need to defer the Phoenix Program. Upon emergence from Chapter 11, plans continue to produce the current engine families through December of 2010 at the Kenosha En- gine Plant in order to support our current production logistics. What was known is not yet completely facilitated and will launch when we exit from Chapter 11. The Saltittio Engine site has also been facilitated and is scheduled to launch mid-to-late 2010.

We would have hoped to have been able to convey this information to you and the com- munity in a more timely fashion, but cir- cumstances simply did not afford us an op- portunity to do so. It is expected that virtu- ally all employees associated with Kenosha and the other closures announced in our Chapter 11 filings will be offered employment with the new company.

While the company continues to address difficult market conditions, we expect that the Chrysler Fiat alliance will ultimately provide customers and dealers a broader competitive line of fuel-efficient vehicles and technology, and will result in the preser- vation of more than 30,000 jobs in the United States along with thousands of employees at dealers and suppliers.

Again, please accept my sincere apologies for the confusion. We will continue to work with the people of Kenosha to ensure an or- derly transition.

Sincerely,

BOB NARDELLI,
Chairman and CEO.
Mr. McCOTTER. I appreciate that recap of exactly what happened. And now subsequent to these events which have had such a devastating effect upon our community. Michigan, the entire Midwest and America’s manufacturing base, when the administration made the decision that there was no way the plants would be closed. They did not determine which plants would be closed. They did not determine which dealerships would be closed. That is a factually true statement. But by omission they do not add that they did not determine how many jobs would be lost and how many dealerships would be closed. Because when they rejected those viability reports, they said they did not go deeply enough quickly enough to provide viability to Chrysler or a path forward for General Motors.

Put in terms of the human cost, that means more people had to lose their jobs, more plants had to close, more dealers had to be culled from the franchise ranks.

So I would hope that in the future with the task force, again that the most transparent administration in United States history by its own professionals, with the clearly stated objective that all these car dealers costing American people as to where the decision for these lost jobs came from, not merely which ones faced the ax.

Mr. LaTOURETTE. I thank the gentleman.

That leads to the next point. Because Mr. Bloom from the President’s task force testified yesterday, or the day before in the United States Senate and the House of Representatives. He said:

‘‘Hey, I don’t understand a couple of things. First of all, it’s a strange business model that you can sell more stuff with less stores. I never learned that in Econ 101 or anywhere else while I was in school.’’

So through the Chair to the gentleman from Ohio, we see a pattern emerging. Again, I absolutely agree with the gentleman from Ohio. I believe that the President had no idea his administration had put the AIG beam on the fan. The story they tell us is that the President of the United States had absolutely no idea about what would follow the consequences of the Chrysler and GM bankruptcies in terms of the human cost to the working people of America.

But what I cannot figure out is that if that is the case, if we are correct in our assessment, why the President of the United States, A. does not want to find out who in his administration put him in that position, and more importantly, B. if the people of the auto companies and the workers in that position, or the taxpayers of America in that position, and then as the most
transient administration in American history does not want to tell the American people who those actors were. It would seem to me that would serve the country well and it would serve our President well.

I yield back.

Mr. LATOURETTE. I thank the gentleman. And just to continue talking about the dealers and the 200,000 people, and you know what? It is more than 200,000 people, because I assume most of them have families, husbands, wives, children, grandchildren, whatever the case may be.

The other interesting thing about car dealers, at least in my part of the world in Ohio, if you go to one of your children's Little League games or soccer games, you always see that it is a car dealer that has sponsored the team. The car dealer sponsors the chamber of commerce. The car dealer gives to charity. The car dealer does the food drive. So you are talking about not only 200,000 people; you are talking about ripping the heart out of a number of communities.

You could understand it if these dealerships were somehow a drain on Chrysler and GM. But on June 3, Amy Browne, a former employee for the affected Chrysler dealers, had the opportunity to cross-examine the aforementioned Mr. Nardelli, who was the chief executive officer of Chrysler, and was asked why it was necessary to eliminate the franchise either the government or Fiat, the group that is buying Chrysler out of bankruptcy, asked for it to happen.

Mr. Nardelli said the 789 dealers represent a host of expenses. But then he was asked to quantify how much those things cost the automaker, and Mr. Nardelli said he couldn't, and he wasn't sure if his company had ever determined those exact costs.

At a hearing last week up in bankruptcy court, we had a number of dealers in, and there are a number of dealers here on Capitol Hill testifying in front of the Energy and Commerce Committee. But just three quotes from car dealers who testified up in New York in the bankruptcy court.

Leo Jerome, who owns a car dealership in Lansing: "I just want my day in court and give me a fair hearing. After I had a 10-month supply of cars, they gave me three weeks to sell them all. I think Governor Javits in New York is trying to run this thing through."

Tony Manicotti, who has a car dealership in Sterling Heights, Michigan, said, "They've ripped our heart and soul out. It's been part of me since I was a child. It's hard to believe what the government has done. They are supposed to save employment—not create unemployment."

And an Orleans Dodge Chrysler Jeep dealer, Mike Comiskey, who was responding to a question by the bankruptcy judge, Judge Gonzalez, his dealership had been ruined by Hurricane Katrina but he reopened it 5 months later. During the course of Hurricane Katrina, he provided fleet vehicles to police departments and fire stations in every parish of Louisiana that was affected by the hurricane, and also provided vehicles for the State of Louisiana and the City of New Orleans.

Mr. Comiskey says, "I will probably end up living in a car as a result of this set of decisions."

Now, it brings me to I think where the gentleman was going, and that is the Clue travel edition: Who is this game and who made the decision to close eight Chrysler plants without telling the workers that it was going to happen, throwing 9,000 people out of work? Who made the decision to be more aggressive and throw 200,000 people out of work that work for auto dealers?

Now, before I talk about the Auto Task Force qualifications and where we are going to go with the game of Clue, I have to tell you I have mentioned Mr. Manzo, who is the Chrysler restructuring attorney, and you may recall, Mr. Speaker, there was some discussion about bondholders. God forbid someone could take some of their money and invest it in a company in this country and be told that they were secured creditors. The secured creditors at Chrysler had invested money. And you know what? They have since been characterized as "unpatriotic" or "not wanting to go with the flow."

But the one group that was most prominent in this is the Indiana State Teachers Pension Fund. So the Indiana State Teachers Pension Fund thought that buying Chrysler stock was a good investment and they couldn't lose, because as bondholders they were first in line should something like a bad bankruptcy happen. Well, we have rewritten the 200 years of bankruptcy law, and it doesn't matter if you are a secured creditor or not.

But Mr. Manzo called Matthew Feldman, who is an attorney for the President's Auto Task Force, on the day before this announcement was made, and he basically said, Hey, I think I have a way that we can avoid the bankruptcy of Chrysler and restructure some of this debt and work with the bondholders.

Sadly, this is from an email submitted in the bankruptcy court up in New York. Mr. Feldman's first response by email, not real grownup, it says, "I'm not now talking to you. You went where you shouldn't."

Well, Mr. Manzo apologizes in a subsequent email, and it comes back, "It's over. The President doesn't negotiate second rounds. We have given and lent billions of dollars so your team could manage this properly. And now you're telling me to bend over to a terrorist like Lauria?" Mr. Lauria is the lawyer that represents the Indiana teachers' pension fund. "That's BS."

Of course, the next day we have the bankruptcy.

But you say, you know, maybe this task force of the President's, which I believe is not serving the President well, is made up of people who are really knowledgeable in business, in the car industry, in the car dealership industry, and so we should probably defer, because I don't happen to be any of these things. So maybe we should defer to their judgment in this matter.

The gentleman has a thought he would like to share?

Mr. MCCOTTER. Yes. Through the Speaker to the gentleman from Ohio, first I want to quote Mr. Feldman, you may get a PG-13 rating for your Special Order.

But I would also like to point out that many of us in Detroit had grave concerns when the membership of the Auto Task Force was announced because of the absence of an understanding of the auto industry and manufacturing, and, to be quite honest with you, the absence of some of the money that appeared in the Detroit News.

I yield back.

Mr. LATOURETTE. I thank the gentleman, and that is where we were going to go next. There was a hearing here in Capitol Hill two days ago in the Judiciary Committee and the witnesses were asked by a colleague of ours who joined us the last time we did this, Mr. JORDAN of Ohio. Do any of these individuals on the Auto Task Force have any expertise in how car manufacturing or car dealership businesses operate? The witness indicated the answer is none; they have no experience. He went on to say that The Wall Street Journal actually did a survey of the members of the Task Force and discovered that a substantial portion of them don't even own cars.

Now, I want to be fair, because I think that witness was talking without all of the facts. But there is an article that appeared in the Detroit News, close to the gentleman's home, on February 23, and that is not quite right. Of the 10 senior policy aides who work on the President's task force, two own American cars and the rest either own European cars or they own cars manufactured in other countries, foreign cars.

Does the gentleman have a thought on that?

Mr. MCCOTTER. Yes. I would just like to go back to the quotes from the emails, because it is very important that we catch one of the underlying sub-texts to this entire situation.

We were told that it was the investment forced Chrysler into bankruptcy due to their obstinacy and greed. And yet from the emails we see here, this is precisely one of those investors who is seeking to come to an agreement with the Auto Task Force to preclude that bankruptcy.

So, I don't know what the gentleman showed us from the UAW, who had gone through a very grueling, excruciating process to find an agreement with the Auto Task Force. And you, when Chrysler went into bankruptcy, which was clearly we should not to do everything possible to avoid, people started to pit the investors and the auto workers against each other.
I would submit to all that it was the process of the Auto Task Force, its arbitrary nature and its lack of accountability that pitted workers and investors against each other in a race to beat the inevitable bankruptcy which would occur.

I think that is one of the crucial things that needs to be pointed out, and I think it also bears repeating, why the individual, the distinguished gentleman from Ohio, Mr. KUCINICH, as well as yourself and other Members of this body, sent a letter to the administration saying we wanted the Auto Task Force to revert back to an advisory capacity. Because many of us remember the 1970s when a congressionally led assistance of the Chrysler Motor Corporation brought the stakeholders together in an equitable process and resulted not only in the survival of the company, but Lee Iacocca presenting a check with interest for those loans to President Ronald Reagan.

Mr. LATOURETTE. I thank the gentleman very much. Mr. Speaker, could I inquire as to how much time is left?

The SPEAKER pro tempore. The gentleman has 14 minutes.

Mr. LATOURETTE. I want to finish Clue the travel edition and get to something I talked about at the beginning of the hour. But just to finish it, again, the game of Clue, manufactured by Hasbro, we know that the weapon, in this case, not the pen, but the ax, an ax has been used to get about 210,000 people, make them unemployed in this country. And again, we have the same rooms. It happened in one of these rooms. And around the board, down there is Mr. Nardelli, the former chief executive officer of Chrysler, Larry Summers, senior adviser on the economy to the President, President Obama, of course. Over here is Ron Bloom, who I’ve talked about. Here is Mr. Geithner, who is the Secretary of the Treasury, and here is former President Bush. So this group forms our new Clue travel edition. And as we move forward, I think, again, it is important that the American public know who made the call to force these car companies into bankruptcy: who made the call to lie to 9,000 auto workers at 8 plants across the country, and who made the call that, even though they don’t cost anybody any money, that we have to close all these dealerships and put people out of work.

And I keep hearing, and the gentleman has heard it too, that this task force of the hour, to run the day-to-day operations of Chrysler and GM. But sadly, for them, there is an article that appeared on May 11 out of Detroit that indicated that Chrysler wanted to spend $134 million in advertising during the period of its bankruptcy, and this underline told the world that they couldn’t spend any money on advertising. Now, they finally relented and said okay, you can spend half of it. But for a bunch of folks that are claiming they don’t want to run the car company, they’ve now set up the situation where they didn’t want them to advertise and they didn’t want them to have as many stores as they used to have to sell their cars. Again, that’s a strange, strange thing.

So we will be back, Mr. Speaker, as we move forward during the course of these discussions, to try and figure out who did it and what room it happened in and why they did it.

I want to add another point to the observation that I made at the beginning of the hour. At the beginning of the hour I talked about the AIG bonuses and the fact that legislation that was approved in a bipartisan fashion, 64-0, has not been brought to the House floor by the distinguished majority leader for discussion and debate. And we keep hearing how busy we are here, and we heard that last year. And my colleagues will remember last year, when gasoline was going through the roof and our phones were ringing off the hook and people said, Hey, can you give us a national energy policy, for crying out loud? We’re dying. We can’t afford to put gas in our car and drive to work. We were told as you well know, to lie to the American people. And I get that. This is the most deliberative body in the world. We have a lot of important work to do. And if the majority truly feels we were too busy to deal with the national energy policy, I would have taken them at their word. But sadly, there is a chart, and then we’ll go to the second chart.

When the new majority became the majority, we Republicans did such a bang-up job that the voters threw us out and they installed the Democrats as the majority party beginning on January 29 of 2007. At the time the retail price of gas in the country was $2.22. And on that day the most important thing that they could come up with to debate on the floor was to commemorate the University of California Santa Barbara soccer team. I like soccer. I congratulate them. And gas isn’t so bad—$2.22.

It goes up to $2.84 a gallon. We’re not debating the price of gas or a national energy policy. We’re commemorating the Houston Dynamo soccer team. Now, those of us in public life are told that you don’t get elected unless you get the soccer moms. So I guess, you know, while gas is going up to $3.03, we’ve got the soccer moms; we’re all squared away.

Gas goes up to $3.77. The most important thing the majority can put on the floor is National Train Day. It’s getting serious. $3.84. A lot of people are calling me saying, Hey, what are you doing? We passed Great Cats and Rare Canids Day. And I have to tell you, I didn’t even know what a rare canid was, but I Googled it, and it’s a dog. So when my constituents were paying $3.84 a gallon, we were doing cats and dogs here in the United States Congress.

It goes over $4. All you think, man, we’re going to get to the bottom of it now. But the majority determined that the most important thing we could do on that day was declare the International 2008—a lot of my constituents did know, a congratulatory day for the International Year of Sanitation.

Gas crested at $4.14 a gallon in my part of the world on June 17 of 2008. Surely we’re going to talk about energy; surely we’re going to talk about gas. No, we were too busy. We had to pass the Monkey Safety Act on that particular day.

So we thought maybe folks had learned as a result of that because, clearly, when gas has gone up to that point, the Monkey Safety Act isn’t the foremost thing on my constituents’ minds.

So we come to this year. And this year, as we’ve talked about during this hour, there are a lot of people at Chrysler, people losing their livelihoods. At the beginning of this Congress, January, 4,000 people at Chrysler are losing their jobs. And you’d think that we’d have a discussion here. I would think. But we’re too busy because on that day we needed to commemorate the life of Claiborne Pell, who was a former Senator. He deserves to be honored. But why are we taking floor time to do that when 4,000 people are out of work just at Chrysler.

It goes up to 9,500. The most important thing that we can do on that day is to support the goals and ideals of national teen dating, an issue that we’re all concerned about certainly, but now we have 5,900 Chrysler workers out of work.

It goes up to just shy of 10,000 and, son of a gun, we have to, we’ve got time to come back, this year, and pass the Monkey Safety Act again. And I want to be clear. I don’t want anyone to read my words in the CONGRESSIONAL RECORD and think that I want monkeys who aren’t safe. I want safe monkeys. But when you’ve got 10,000 people out of work at Chrysler, maybe we could do something other than save monkeys.

And son of a gun, and now you’re up to 13,000 people, and you want to commemorate the National 2008—a lot of my constituents who didn’t pass the cat and dog legislation, so we have to consider that again.

Sixteen thousand people are out of work; the most important thing they can schedule to be on the floor is to declare October National Passport Month. A lot of my constituents didn’t know what National Passport Month, what month it occurred in. Now they know.

Gas goes up to $3.03 a gallon. We’re not debating the price of gas or a national energy policy. We’re commemorating the Houston Dynamo soccer team.

Now, those of us in public life are told that you don’t get elected unless you get the soccer moms. So I guess, you know, while gas is going up to $3.03, we’ve got the soccer moms; we’re all squared away.

Gas goes up to $3.77. The most important thing the majority can put on the floor is National Train Day. It’s getting serious. $3.84. A lot of people are calling me saying, Hey, what are you doing? We passed Great Cats and Rare Canids Day. And I have to tell you, I didn’t even know what a rare canid was, but I Googled it, and it’s a dog. So when my constituents were paying $3.84 cents a gallon, we were doing cats and dogs here in the United States Congress.
Now, I want to be fair to the majority because we do do other stuff here. And I don’t want anybody to believe that all we do is monkeys and cats and dogs. Just since the beginning of this year, when Chrysler and General Motors are going belly up and bankrupt, we had to play governor to this list because we did a couple this week, we’ve named post offices. And so these 16 post offices, we took an hour of debate here in the House of Representatives, 16 hours, to make sure that the American people, who happens to see this list, live in these towns, they should feel assured that they can now go in and buy those 44 cent stamps because the United States Congress has named their post office.

And again, it’s an important part of what we do here, honoring people who deserve to be honored. But 16 hours, when we could have been talking about Chrysler, when we could have been talking about General Motors, when we could have been talking about the dealers, instead we were naming post offices. And I don’t think that the country is better off for that enterprise.

But then again, to be fair, let’s say that we are in the majority and you didn’t see this coming and that perhaps, you know, you didn’t recognize it was going to be as serious as it was.

We came back last week and went back into session last week. Surely, over the Memorial Day recess, people got an earful from their constituents, saying, What are you going to do about these car companies? What are you going to do about the dealerships? Yet, when we came back last week, you know, maybe we weren’t quite ready. Maybe we hadn’t formalized how to get at the problem. We passed bills directing fish stocking in the lakes of Washington; we recognized the 75th anniversary of the Smoky Mountains; and we shifted from soccer to basketball, and we honored the University of Tennessee Women’s Basketball Team.

Then you say, okay, that was the first week back. Everybody is a little sleepy. We haven’t quite gotten up to speed with our legislative agenda. This week, rather than dealing with Chrysler, rather than asking some questions of the unelected task force appointed by the President and that doesn’t own cars, we recognized that this was National Physical Education and Sport Week.

Also, I didn’t know this, but maybe my colleagues know this—and I apologize for being ignorant. June 10 is National Pipeline Safety Day, and we spent an hour of time here on the floor making sure that everybody understood that June 10 is National Pipeline Safety Day.

Mr. Speaker, this is a big problem. I mean we have a double delegation here. The House has punted to the President. The President has punted to this task force of people who don’t own American cars, the majority of them, or they don’t own any cars, and they have no experience in the car business. They are making decisions that affect hundreds of thousands of Americans.

Mr. MCCOTTER talked about the letter that we sent to the President. Thirty-six of us sent a letter to the President saying, Mr. President, please pull these people back. Let’s have a dialogue. Let’s bring the best and the brightest. You know, Mr. MCCOTTER talked about Chrysler. We made $35 million on the Chrysler stock in 1990. The only problem was nobody expected it, and Congress didn’t know how to spend the money. Now, people need to rest easy. We figured it out, but nobody knew how to spend that money. Let’s talk about it, and let’s do this the right way.

Mr. LATOURETTE. I give you 30 seconds.

Mr. McCOTTER. Thank you for the 30 seconds.

I just want to point out that, while all of this has been lighthearted, this is very important. We have twice seen the President unaware of what his own administration was doing. We hear calls for alacritous action. We hear people saying that we must rush to do health care, that we must rush to do climate change legislation. Let us never forget that government haste makes taxpayer waste. Due deliberateness and prudence are always the best course of action in legislative affairs. We should do a lot more of it here.

I yield back.

Mr. LATOURETTE. I thank the gentleman. I thank the Chair. I yield back.

CONFERENCE REPORT ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. OBEY submitted the following conference report and statement on the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

CONFERENCE REPORT (H. REPT. 111-115)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House, recedes from its disagreement to the amendment of the Senate and agrees to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for “Public Law 480 Title II Grants”, $700,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 101. Notwithstanding any other provision of law, amounts made available to provide assistance under the emergency conservation program-established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 and 2202) and unobligated as of the date of the enactment of this Act shall be available to the Secretary of Agriculture, until expended, for expenses under that program related to recovery efforts in response to natural disasters.

SEC. 102. (a) For an additional amount for grants to eligible States, $7,500,000, to remain available until September 30, 2010. (b) For an additional amount for grants to States for direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund: direct farm ownership loans, $300,000,000; direct operating loans, $400,000,000; and unsubsidized guaranteed operating loans, $50,201,000.

(b) For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in subsection (a) of section 1132 of the Supplemental Appropriations Act, 2009, as follows: direct farm ownership loans, $22,860,000; direct operating loans, $47,160,000; and unsubsidized guaranteed operating loans, $1,250,000.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for “Economic Development Assistance Programs”, $40,000,000, to remain available until September 30, 2010. Provided, That the amount provided under this heading shall be for Trade Adjustment Assistance for Communities under subsection (b)(1)(A) of section 118 of the Trade Act of 1974 (19 U.S.C. 2141 et seq.) and Trade Adjustment Assistance for Firms under chapter 3, title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.).

DEPARTMENT OF JUSTICE

DEBTOR TRUSTEE

For an additional amount for “Detention Trustee”, $60,000,000, to remain available until September 30, 2010.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “SALARIES and EXPENSES”, $1,648,000, to remain available until September 30, 2010.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “SALARIES and EXPENSES”, $15,000,000, to remain available until September 30, 2010.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for “SALARIES and EXPENSES”, $10,000,000, to remain available until September 30, 2010.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for “SALARIES and EXPENSES”, $1,389,000, to remain available until September 30, 2010.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “SALARIES and EXPENSES”, $35,000,000, to remain available until September 30, 2010.
There is hereby established in the Treasury of the United States the "Pakistan Counterinsurgency Fund". For the "Pakistan Counterinsurgency Fund": $400,000,000, to remain available until September 30, 2010; provided, That such funds shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, notwithstanding any other provision of law, for the purpose of assisting the Government of Pakistan's military and Frontier Corps, and of which up to $2,000,000 shall be available to provide urgent humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for Pakistani security forces receiving assistance under the "Pakistan Counterinsurgency Fund" and to assist the Government of Pakistan in creating such a program beginning in fiscal year 2010; provided further, That the authority to provide assistance under this provision is in addition to any other authority to provide assistance to foreign nations; provided further, That the Secretary of Defense may transfer such amounts as the Secretary may determine from the funds provided herein to any appropriated fund to accomplish the purposes provided herein: Provided further, That funds so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriated fund to which transferred: Provided further, That the authority of the Secretary of Defense to obligate or transfer funds pursuant to this paragraph shall apply only to funds appropriated for such purposes in this Act (including funds appropriated by another paragraph of this Act that are transferred to the "Pakistan Counterinsurgency Fund" by such other paragraph), and such authority shall not be continued beyond the expiration date specified in the matter preceding the first proviso, except with respect to funds transferred to the "Pakistan Counterinsurgency Fund" by another paragraph of this Act: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the Committees on Appropriations in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY
For an additional amount for "Aircraft Procurement, Army", $1,192,744,000, to remain available until September 30, 2011.

MISSILE PROCUREMENT, ARMY
For an additional amount for "Missile Procurement, Army", $704,941,000, to remain available until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACTED COMBAT VEHICLES, ARMY
For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $981,971,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY
For an additional amount for "Procurement of Ammunition, Army", $230,675,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, ARMY
For an additional amount for "Other Procurement, Army", $7,113,742,000, to remain available until September 30, 2011.
For an additional amount for “Aircraft Procurement, Navy”, $636,669,000, to remain available until September 30, 2011.

For an additional amount for “Weapons Procurement, Navy”, $29,480,000, to remain available until September 30, 2011.

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $349,919,000, to remain available until September 30, 2011.

For an additional amount for “Other Procurement, Navy”, $197,193,000, to remain available until September 30, 2011.

For an additional amount for “Procurement, Marine Corps”, $1,526,447,000, to remain available until September 30, 2011.

For an additional amount for “Procurement, Air Force”, $1,802,083,000, to remain available until September 30, 2011.

For an additional amount for “Missile Procurement, Air Force”, $49,716,000, to remain available until September 30, 2011.

For an additional amount for “Procurement of Ammunition, Air Force”, $158,684,000, to remain available until September 30, 2011.

For an additional amount for “Other Procurement, Air Force”, $1,902,082,000, to remain available until September 30, 2011.

For an additional amount for “Procurement, Defense-Wide”, $237,868,000, to remain available until September 30, 2011.

For an additional amount for “National Guard and Reserve Equipment”, $500,000,000,000, to remain available until September 30, 2011: Provided, That such funds may be used only to procure killing weapon systems and equipment that may be used by reserve component units for combat missions and units’ missions in support of the State National Guard and the Reserve components, shall not later than 60 days after the enactment of this Act, individually submit to the congressional defense committees a listing of items of equipment to be procured for their respective National Guard or Reserve component.

For the “Mine Resistant Ambush Protected Vehicle Fund” (INCLUDING TRANSFER OF FUNDS) for the “Mine Resistant Ambush Protected Vehicle Fund”, $9,551,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 301. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2009.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Upon the determination of the Secretary of Defense, the authority to make such transfer is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority in this section: Provided further, That the Secretary shall notify the Congress in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 1005 of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110–132) except for the forth provision.

SEC. 303. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(INCLUDING TRANSFER OF FUNDS)

SEC. 304. During fiscal year 2009, and funds from in the “Defense Cooperation Account”, as established by 10 U.S.C. 2608, the Secretary of Defense may transfer up to not $6,500,000 to such appropriations or the appropriation of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall transfer to the Congress all transfers made pursuant to this authority.

SEC. 305. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or “Aircraft Procurement, Navy” and “Procurement, Marine Corps” may be used to purchase items having an investment unit cost of not more than $50,000: Provided, That the Defense Secretary, within 15 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

SEC. 306. (a)(1) Of the funds appropriated in chapter 2 of title IX of Public Law 110–252 under the heading, “Iraq Security Forces Fund”, $1,000,000,000 is rescinded.

SEC. 307. (a) In any fiscal year, and an additional amount for “Iraq Security Forces Fund”, $1,000,000,000, to remain available until September 30, 2010: Provided, That such amounts may not be transferred from this fund until 15 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(b) Notwithstanding any other provision of this Act, each amount in this section is designated as an emergency requirement and necessary to meet emergency situations as such amounts are designated by the Congress, the concurrent resolution on the budget for fiscal year 2010, and any other requirement in this Act, funds made available in this title, and executed in accordance with section 432(b) of title 2 of Public Law 110–152 (except for the fourth provision of sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 308. During fiscal year 2009, and funds from in the “Defense Cooperation Account”, as established by 10 U.S.C. 2608, the Secretary of Defense may transfer up to not $6,500,000 to such appropriations or the appropriation of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall transfer to the Congress all transfers made pursuant to this authority.

SEC. 309. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(RECISIONS)
Resolution on the Budget and the Balanced Budget and Emergency Deficit Control Act of 1985, as amended;  
Procurement, Marine Corps, 2007/2009; $54,400,000;  
"Other" Procurement, Army, 2008/2010; $29,300,000;  
Procurement, Marine Corps, 2008/2010; $10,300,000;  
Aircraft Procurement, Air Force, 2008/2010; $44,000,000;  
Research, Development, Test and Evaluation, Navy, 2008/2009; $11,300,000;  
Research, Development, Test and Evaluation, Navy, 2008/2009; $169,124,000;  
Operation and Maintenance, Navy, 2009/2009; $325,359,000;  
Operation and Maintenance, Marine Corps, 2009/2009; $925,203,000;  
Operation and Maintenance, Marine Corps Reserve, 2009/2009; $54,400,000;  
Operation and Maintenance, Air Force, 2009/2010; $11,300,000;  
Operation and Maintenance, Defense-Wide, 2009/2009; $267,635,000;  
Operation and Maintenance, Marine Corps Reserve, 2009/2010; $1,250,000;  
Operation and Maintenance, Air Force Reserve, 2009/2009; $163,786,000;  
Procurement, Army, 2009/2011; $22,600,000;  
Procurement, Ammunition, Army, 2009/2011; $107,100,000;  
Procurement, Air Force, 2009/2011; $245,000,000;  
Procurement, Marine Corps, 2009/2011; $16,300,000;  
"Other" Procurement, Air Force, 2009/2011; $17,500,000;  
Procurement, Defense-Wide, 2009/2011; $6,400,000;  
Research, Development, Test and Evaluation, Army, 2009/2010; $187,710,000;  
Research, Development, Test and Evaluation, Navy, 2009/2010; $217,096,000; and  

(INCLUDING TRANSFER OF FUNDS)

SEC. 310. (a) RETROACTIVE STOP-LOSS SPECIAL PAY COMPENSATION TO ELIGIBLE CLAIMANTS.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $534,400,000 is appropriated to the Department of Defense, to remain available for obligation until expended: Provided, That such funds shall be available to the Secretaries of the military departments only to make payment of claims specified in subsection (b) to members of the Armed Forces, including Members of the reserve components, and former and retired members under the jurisdiction of the Secretary who, at any time during the period beginning on September 11, 2001, and ending on September 30, 2009, served on active duty while the members’ enlistment or period of obligated service was extended, or whose eligibility for retirement was suspended or who were subject to stop-loss authority, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the Secretary of Defense; and  
(b) CLAIMS SUBMISSION REQUIRED.—Claims for retroactive Stop-Loss Special Pay compensation under this section shall be submitted to the Secretary of the Department concerned not later than 1 year after the date on which the implementing rules of subsection (d) take effect.  
Sec. 314. None of the funds appropriated or otherwise made available by this Act shall be obligated or expended by the United States Government for a purpose as follows:  
(1) To establish any military installation or base for the purpose of the permanent stationing of United States Armed Forces in Iraq.  
(2) To exercise United States control over any oil resource of Iraq.  
Sec. 315. None of the funds appropriated or otherwise made available by this Act shall be obligated or expended by the United States Government for the purpose of establishing any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.  

SEC. 316. (a) REPORT ON IRAQ TROOP DRAW-DOWN STATUS, GOALS, AND TIMETABLE.—In recognition and support of the policy of President Barack Obama to withdraw all United States combat brigades from Iraq by August 31, 2010, and all United States military forces from Iraq on December 31, 2011, the Secretary of Defense (in consultation with other members of the National Security Council) to prepare a report that identifies troop drawdown status, goals and milestones, and  
(1) a detailed, monthly-by-month description of the transition of United States military forces and equipment out of Iraq; and  
(2) a detailed, monthly-by-month description of the transition of United States contractors out of Iraq.  
(b) ELEMENTS OF REPORT.—At a minimum, the Secretary of Defense shall address the following:  
(1) How the Government of Iraq is assuming the responsibility for reconciliation initiatives as the mission of the United States Armed Forces transitions;  
(2) How the drawdown of military forces complies with the President’s planned withdrawal of combat brigades by August 31, 2010, and all United States forces by December 31, 2011.  
(3) The roles and responsibilities of remaining contractors in Iraq as the United States mission evolves, including the anticipated number of United States contractors to remain in Iraq after August 31, 2010, and December 31, 2011.  
(c) SUBMISSION. — (1) Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter through September 30, 2010, the Secretary of Defense shall submit the report required by subsection (a) and a classified annex to the report, as necessary.  
(2) The Secretary may submit the report required by subsection (a) separately as provided in paragraph (1) or include the information required by this report when submitting reports required of the Secretary under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410).  
SEC. 317. (a) REPEAL OF SECRETARY OF DEFENSE REPORTS ON TRANSITION READINESS OF IRAQ AND AFGHAN SECURITY FORCES.—Subsection (a) of section 9205 of Public Law 110–252 (122 Stat. 2412) is repealed.  
(b) MODIFICATION OF REPORTS ON USE OF CERTAIN SECURITY FORCES FUNDS.— (1) PREPARATION IN CONSULTATION WITH COMMANDER OF CENTCOM.—Subsection (b)(1) of such section is amended by striking "the Commander of the United States Central Command;" and inserting "the Secretary of Defense;".  
(2) PERIOD OF REPORTS.—Such subsection is further amended by striking "the last 60 days after the date of the enactment of this Act and every 90 days thereafter" and inserting
not later than 45 days after the end of each fiscal year quarter.

(3) FUNDS COVERED BY REPORTS.—Such subsection is further amended by striking “and ‘Afghanistan Funds’” and inserting “‘Afghanistan Security Forces Fund’, and ‘Pakistan Counterinsurgency Fund’.”

(c) NOTICE NEW PROJECTS AND TRANSFERS OF FUNDS—The amendment made by this subsection is amended by striking “the headings” and all that follows and inserting “the headings as follows:”.


“(2) ‘Afghanistan Security Forces Fund’.

“(3) ‘Pakistan Counterinsurgency Fund’.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 318. (a) Section 1174(h)(1) of title 10, United States Code, is amended to read as follows:

“(1) A member who has received separation pay under this section, or separation pay, severance pay, readjustment pay under any other provision of law, based on service in the armed forces, and who later qualifies for retired or retainer pay under this title shall be entitled to receive such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member’s dependents, until the total amount deducted is equal to the total amount of voluntary separation incentive so paid, severance pay, and readjustment pay so paid.”.

(b) Section 1174(e)(3)(A) of title 10, United States Code, is amended to read as follows:

“(3)(A) A member who has received the voluntary separation incentive and who later qualifies for retired or retainer pay under this title shall not be entitled to receive from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member’s dependents, until the total amount deducted is equal to the total amount of voluntary separation incentive so paid. If the member elected to have a reduction in voluntary separation incentive for any period pursuant to paragraph (2), the deduction required by the preceding sentence shall be reduced as the Secretary of Defense shall specify.”.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any repayments of separation pay, severance pay, readjustment pay under any other provision of law, based on service in the armed forces, and who later qualifies for retired or retainer pay under this title.

SEC. 319. (a) REPORTS REQUIRED.—Not later than 60 days after enactment of this Act and every 90 days thereafter, the President shall submit to the members and committees of Congress specified in subsection (b) a report on the former population at the detention facility at Naval Station Guantanamo Bay, Cuba.

(b) SPECIFIED MEMBERS AND COMMITTEES OF CONGRESS.—The members and committees of Congress specified in this subsection are the following:

(1) The majority leader and minority leader of the Senate.

(2) The Chairman and Ranking Member on the Committee on Armed Services of the Senate.

(3) The Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.

(4) The Chairman and Vice Chairman of the Committee on Appropriations of the Senate.

(5) The Speaker of the House of Representatives.

(6) The minority leader of the House of Representatives.

(7) The Chairman and Ranking Member on the Committee on Armed Services of the House of Representatives.

(8) The Chairman and Vice Chairman of the Permanent Select Committee on Intelligence of the House of Representatives.

(9) The Chairman and Ranking Member of the Committee on Appropriations of the House of Representatives.

(c) MATTERS TO BE INCLUDED.—Each report submitted under subsection (a) shall include the following:

(1) The name and country of origin of each detainee at the detention facility at Naval Station Guantanamo Bay, Cuba, as of the date of such report.

(2) A current summary of the evidence, intelligence, and information used to justify the detention of each detainee listed under paragraph (1) at Naval Station Guantanamo Bay.

(3) A current accounting of all the measures taken to transfer each detainee listed under paragraph (1) to the individual’s country of citizenship or another country.

(4) A current description of the number of individuals released or transferred from detention at Naval Station Guantanamo Bay who are confirmed as returning to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(5) An assessment of any efforts by al Qaeda to recruit or reexploit released individuals from detention at Naval Station Guantanamo Bay.

(d) ADDITIONAL MATTERS TO BE INCLUDED IN INITIAL REPORT.—The first report submitted under subsection (a) shall also include the following:

(1) A description of the process that was previously used for screening the detainees described in this section for characterization prior to their release or transfer from detention at Naval Station Guantanamo Bay, Cuba.

(2) An assessment of the adequacy of that screening process for reducing the risk that detainees previously released or transferred from Naval Station Guantanamo Bay would return to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(3) An assessment of lessons learned from previous releases and transfers of individuals who returned to terrorist activities after reducing the risk that detainees released or transferred from Naval Station Guantanamo Bay will return to terrorist activities after their release or transfer.

TITLE IV
DEPARTMENT OF THE ARMY
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL OPERATION AND MAINTENANCE
For an additional amount for “Operation and Maintenance” to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters, $4,875,000, to remain available until expended:

“Provided, That the Secretary of the Army is directed to use $439,000,000 of the amount provided under this heading for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast. Provided further, That this work shall be carried out at full Federal expense. In addition, further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.”.

DEPARTMENT OF ENERGY
ENERGY PROGRAMS
STRATEGIC PETROLEUM RESERVE
TRANSFER OF FUNDS
For an additional amount for “Strategic Petroleum Reserve’, $21,585,723, to remain available until expended, to be derived by transfer from the ‘SPR Petroleum Account’ for oil maintenance activities.

ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY ADMINISTRATION
WEAPONS ACTIVITIES
For an additional amount for “Weapons Activities”, $30,000,000, to remain available until expended, to be divided among the three national security laboratories and other entities to fund a sustainable capability to analyze nuclear and biological weapons intelligence: Provided, That the Secretary of Energy and the Director of National Intelligence, with the

DEFENSE NUCLEAR NONPROLIFERATION
For an additional amount for “Defense Nuclear Nonproliferation”, $35,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE
LIMITED TRANSFER AUTHORITY
SEC. 401. Section 403 of title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended, is further amended by striking all of the text and inserting the following:

“SEC. 403. LIMITED TRANSFER AUTHORITY.

“The Secretary of Energy may transfer up to 0.5 percent from each amount appropriated to the Department of Energy in this title to any other appropriate account within the Department of Energy, to be used for management and oversight activities: Provided, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of enactment of this Act on how the Department of Energy will invest these resources to sustain technical and core analytical capabilities.”

WAIVER OF FEDERAL EMPLOYMENT REQUIREMENTS
SEC. 402. Section 4601(c)(1) of the Atomic Energy Defense Act (30 U.S.C. 2061(c)(1)) is amended by striking “September 30, 2009” and inserting “September 30, 2009”.

CORPS OF ENGINEERS TECHNICAL FIX
SEC. 403. (a) IN GENERAL.—Section 3181 of the Water Resources Development Act of 2007 (Public Law 110-148; 124 Stat. 1158) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (4) through (11) as paragraphs (5), (6), (8), (9), (10), (11), and (12), respectively; and

(B) by inserting after paragraph (3) the following:

“(12) The Secretary of the Army is directed to use $439,000,000 of the amount provided under this heading for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast.”
TITLE V
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,936,000, of which $800,000 shall remain available until expended and $2,136,000 shall remain available until September 30, 2010.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OFFICE OF THE JUDICIAL COUNCIL

SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until September 30, 2010. Provided, That notwithstanding section 302 of division D of Public Law 111-8, funding shall be available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives.

INDEPENDENT AGENCIES

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111-21), $8,000,000, to remain available until February 15, 2011.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for necessary expenses for the Securities and Exchange Commission, $10,000,000, to remain available until September 30, 2010, for investigation of securities fraud.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. (a) IN GENERAL.—Section 3(c)(2)(A) of Public Law 110-428 is amended—

(1) by striking "or (d)" and inserting "(d)";

(2) by striking paragraph (15) and (16); and

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1041).

CORPS OF ENGINEERS REPROGRAMMING AUTHORITY

SEC. 404. Unlimited reprogramming authority is granted to the Secretary of the Army for funds provided in title IV—Energy and Water Development of Public Law 111-5 under the heading "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil".

BUREAU OF RECLAMATION REPROGRAMMING AUTHORITY

SEC. 405. Unlimited reprogramming authority is granted to the Secretary of the Interior for funds provided in title IV—Energy and Water Development of Public Law 111-5 under the heading "Bureau of Reclamation, Water and Related Resources".

COST ANALYSIS OF TRITIUM PROGRAM CHANGES

SEC. 406. No funds in this Act, or any other Act, shall be provided to fund activities related to the mission relocation of either the design authority for the gas transfer systems or tritium research and development facilities during the current fiscal year and until the Department can provide the Senate Appropriations Committee an independent technical mission review and cost analysis by the JANSON’s as posed in the Complex Transformation Site-Wide Programmatic Environmental Impact Statement.

CORPS OF ENGINEERS PROJECT COST CEILING INCREASE

SEC. 407. The project for ecosystem restoration, Upper Newport, Bay, California, authorized by section 101(b)(9) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a cost of $59,659,000, with an estimated Federal cost of $32,928,000 and a non-Federal cost of $17,731,000.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

SEC. 408. The matter under the heading "Title 17 Innovative Technology Loan Guarantee Program" of title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 619) is amended in the ninth proviso—

(1) by striking "(or (d))" and inserting "(d)"; and

(2) by striking the "guarantee" and inserting the "guarantee; (e) contracts, leases or other agreements entered into prior to May 1, 2009 for front-end nuclear fuel cycle projects, where such contracts, leases, or other agreements entered into in accordance with 1501(a)(5) of title 31, United States Code, on or before May 1, 2009".

"(B) any nondepositary institution operating in such State, shall be equal to not more than the greater of the State’s maximum lawful annual percentage rate or 17 percent—

(c) EFFECTIVE PERIOD.—The amendments made by subsection (b) shall remain in effect until September 30, 2011.

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $46,200,000, to remain available until September 30, 2010, of which $6,200,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which $40,000,000 shall be for response to border security issues on the Southwest border of the United States.

AIR AND MARINE INTERDICT, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", $5,600,000, to remain available until September 30, 2010, for border security issues on the Southwest border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $68,800,000, to remain available until September 30, 2010, of which $11,800,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which $55,000,000 shall be for response to border security issues on the Southwest border of the United States.

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $129,903,000, of which $129,903,000 shall be for Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, and of which $10,000,000 shall be for Coast Guard maintenance, major repairs, and improvements.
TITLE VIII
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Public Health and Social Services Emergency Fund” to prepare for and respond to an influenza pandemic, including the development and purchase of vaccines, diagnostics, and other surveillance tools and to assist international needs relating to the 2009–H1N1 influenza outbreak, $1,850,000,000, to remain available through September 30, 2011.

OFFICE OF THE SECRETARY
PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” to prepare for and respond to an influenza pandemic, including the development and purchase of vaccines, diagnostics, and other surveillance tools and to assist international needs relating to the 2009–H1N1 influenza outbreak, $1,850,000,000, to remain available through September 30, 2011.

SEC. 701. Public Law 111–8, division E, title III, Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Toxics and Environmental Public Health is amended by inserting “per eligible employee” after “$1,000”.

SEC. 606. The Administrator of the Federal Emergency Management Agency shall extend case management programs related to Hurricane Katrina, an additional $100,000,000 are rescinded.

(b) Appropriation.—For “Federal Emergency Management Agency, State and Local Programs”--appropriated an additional $100,000,000, to remain available until expended, for a grant to the State of Mississippi for an interconnected telecommunications system required in the aftermath of Hurricane Katrina.

SEC. 605. Notwithstanding any provision under (a)(1)(A) of 15 U.S.C. 2229a specifying that grants to increase the number of firefighters in fire departments, the Secretary of Homeland Security may, in making grants described under 15 U.S.C. 2229a for fiscal year 2009 or fiscal years thereafter, waive the requirements of subsection (a)(1)(B), subsection (c)(1), subsection (c)(2), and subsection (c)(4)(A), and may award grants for the hiring, rehiring, and retention of firefighters.


SEC. 5. The Department of Homeland Security Appropriations Act, 2009 (Public Law 110–329) is amended under the heading “Federal Emergency Management Agency, Management and Administration” after “(a)(1)(B), subsection (c)(1), subsection (c)(2), and subsection (c)(4)(A), and may award grants for the hiring, rehiring, and retention of firefighters.”

SEC. 506. Section 553 of division E of the Consolidated Appropriations Act, 2008 (Public Law 110–111) is amended by striking “local educational agencies” and inserting “primary or secondary school sites” and by inserting “and Section 408(c)(2)” after “Section 408(c)(1)”.

SEC. 406. For purposes of qualification for loans made under the Disaster Assistance Direct Loan Program as allowed under Public Law 111–5 (the Stafford Disaster Relief and Emergency Assistance Act) (42 U.S.C. 5171–5172–DR) (issued September 13, 2008) the base period for tax determining loss of revenue may be fiscal year 2009 or fiscal year 2010.

SEC. 407. Section 606 of the Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170d) is amended by inserting “and the Secretary of Homeland Security, as designated by the President in one or more written notices of the need for these additional funds: Provided further, That such funds shall only become available if funds provided previously for wildfire fire suppression will be exhausted immediately and after the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That the Secretary of the Interior may transfer any of these funds to the Secretary of the Treasury to transfer enhances the efficiency or effectiveness of Federal wildfire fire suppression activities.

DEPARTMENT OF AGRICULTURE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Department of Agriculture, $30,000,000, to remain available until expended: Provided, That such funds shall only become available if funds provided previously for wildfire fire suppression will be exhausted immediately and after the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That such funds shall only become available if funds provided previously for wildfire fire suppression will be exhausted immediately and after the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That the Secretary of Agriculture may transfer not more than $30,000,000 of these funds to the Secretary of the Interior if the transfer enhances the efficiency or effectiveness of Federal wildfire fire suppression activities.

GENERAL PROVISION—THIS TITLE

SEC. 701. Public Law 111–8, division E, title III, Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Toxics and Environmental Public Health is amended by inserting “per eligible employee” after “$1,000”.

TITLE VIII
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
REFUGEE AND ENTRANCE ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance”, for grants to provide for unaccompanied alien children as authorized by section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, $82,000,000, to remain available through September 30, 2011.

OFFICE OF THE SECRETARY
PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” to prepare for and respond to an influenza pandemic, including the development and purchase of vaccines, diagnostics, and other surveillance tools and to assist international needs relating to the 2009–H1N1 influenza outbreak, $1,850,000,000, to remain available through September 30, 2011.

OFFICE OF THE SECRETARY
PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” to prepare for and respond to an influenza pandemic, including the development and purchase of vaccines, diagnostics, and other surveillance tools and to assist international needs relating to the 2009–H1N1 influenza outbreak, $1,850,000,000, to remain available through September 30, 2011.
Section 219F-4 of the Public Health Service Act: Provided further, That transfers to other Federal agencies shall be made in consultation with the Secretary of Management and Budget: Provided further, That none of the funds provided in this paragraph shall be made available for obligation until 15 days following the submission of a detailed obligation plan to the Committees on Appropriations of the House of Representatives and the Senate by the Department of Health and Human Services or any other Federal agency receiving funds: Provided further, That such plan shall be coordinated with the Executive Office of the President, shall identify the amounts and the activities for which funds are specified by the President, and shall be subject to reprogramming procedures: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act.

**GENERAL PROVISIONS—THIS TITLE (TRANSFER OF FUNDS)**

SEC. 801. Section 800(a) of division A of Public Law 110–182 (Public Law 110–182) (‘‘ARRA’’) is hereby inserted and, as so inserted, may be transferred by the Department of Labor to any other account within the Department for such purposes before the end period.

SEC. 802. Title II of division F of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended under the heading ‘‘Children and Families Services Programs’’—

(1) by striking the first proviso in its entirety; and

(2) by striking ‘‘Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act.’’

**CONGRESSIONAL BUDGET OFFICE**

**SALARIES AND EXPENSES**

For an additional amount for ‘‘Salaries and Expenses’’, $2,000,000, to remain available until September 30, 2010.

**TITLE X**

**DEPARTMENT OF DEFENSE**

**MILITARY CONSTRUCTION, ARMY**

For an additional amount for ‘‘Military Construction, Army’’, $1,326,231,000, of which $680,850,000 shall remain available until September 30, 2010, and of which $454,381,000 for other military construction projects not otherwise authorized by law: Provided further, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design of military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $68,081,000 shall be available for capital, design, and engineering services provided further, That of the funds provided under this heading, not to exceed $11,000,000 shall be available for study, planning, design, and architect and engineer services.

**MILITARY CONSTRUCTION, AIR FORCE**

For an additional amount for ‘‘Military Construction, Air Force’’, $235,620,000, of which $85,000,000 shall remain available until September 30, 2010, and of which $235,620,000 for child development centers and planning and design shall remain available until September 30, 2010: Provided, That none of the funds provided under this heading, not to exceed $12,070,000 shall be available for study, planning, design, and architect and engineer services.

**MILITARY CONSTRUCTION, NAVY AND MARINE CORPS**

For an additional amount for ‘‘Military Construction, Navy and Marine Corps’’, $235,681,000, to remain available until September 30, 2010: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $11,000,000 shall be available for study, planning, design, and architect and engineer services.

**MILITARY CONSTRUCTION, DEFENSE-WIDE**

For an additional amount for ‘‘Military Construction, Defense-Wide’’, $661,552,000, to remain available until September 30, 2010: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $12,070,000 shall be available for study, planning, design, and architect and engineer services.

**NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

For an additional amount for ‘‘North Atlantic Treaty Organization Security Investment Program’’, $263,300,000, to remain available until September 30, 2010: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $12,070,000 shall be available for study, planning, design, and architect and engineer services.

SEC. 1002. (a) ENTITLEMENT.—Section 3311 of title 38, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

‘‘(9) An individual who is the child of a person who, on or after September 11, 2001, dies in line of duty while serving on active duty as a member of the Armed Forces; and

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

‘‘(f) MARINE GUNNER SERGEANT JOHN DAVID FYR SDIHLUPH.—‘‘(1) IN GENERAL.—Educational assistance payable by reason of paragraph (9) of subsection (b) shall be known as the ‘Marine Gunner Sergeant John David Fyr Scholarship’.

‘‘(2) DEFINITION OF CHILD.—For purposes of that paragraph, the term ‘child’ includes a married individual or an individual who is otherwise the legal parent of the decedent.

‘‘(b) AMENDMENT.—Section 3313(c)(1) of such title is amended by striking ‘‘section 3311(b)(1) or 3311(b)(2)’’ and inserting ‘‘(1), (2), or (9) of section 3311(b)’’.

‘‘(c) TIME LIMITATION FOR USE.—Section 3321(b) of such title is amended by adding at the end the following new paragraph:

‘‘(4) APPLICABILITY TO CHILDREN OF DECEASED MEMBERS.—The period during which an individual entitled to educational assistance by reason of section 3311(b)(1) or 3311(b)(2) may use such individual’s entitlement expires at the end of the 15-year period beginning on the date of such individual’s eighteenth birthday.

‘‘(d) EFFECTIVE DATE; APPLICABILITY.—

‘‘(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2009.

‘‘(2) APPLICABILITY.—The Secretary of Veterans Affairs shall begin making payments to individuals entitled to educational assistance by reason of paragraph (9) of section 3311(b) of title 38, United States Code, as added by subsection (a), by not later than August 1, 2010. In the case of an individual entitled to educational assistance by reason of such paragraph for the period beginning on August 1, 2009, and ending on July 31, 2010, the Secretary shall make retroactive payments to such individual for such period by not later than August 1, 2010.

TITLE XI
DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for ‘‘Diplomatic and Consular Programs’’, $997,900,000, to remain available until September 30, 2010, of which $146,358,000 is for Worldwide Security Protection and shall remain available until expended: Provided, That the Secretary of State shall make retroactive payments to individuals entitled to educational assistance by reason of section 3311(b)(1) or 3311(b)(2) of such title, as added by subsection (a), by not later than August 1, 2010. In the case of an individual entitled to educational assistance by reason of such paragraph for the period beginning on August 1, 2009, and ending on July 31, 2010, the Secretary shall make retroactive payments to such individual for such period by not later than August 1, 2010.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for ‘‘Office of Inspector General’’, $24,122,000, to remain available until September 30, 2010, of which $7,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $7,200,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: Provided, That the Special Inspector General for Afghanistan Reconstruction may exercise screening units.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA
For an additional amount for ‘‘Assistance for Europe, Eurasia and Central Asia’’, $272,000,000, to remain available until September 30, 2010, of which $242,000,000 shall be available for assistance to the Palestinian Authority: Provided further, That none of the funds made available under this heading may be transferred to, and merged with, funds available under the heading ‘‘United States Agency for International Development, Funds Appropriated to the President, Economic Support Fund’’ to conduct oversight of programs in the West Bank and Gaza: Provided further, That none of the funds made available under this heading may be transferred to, and merged with, funds available under the heading ‘‘Millennium Challenge Corporation’’ in prior law: Provided further, That none of the funds made available under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.
For an additional amount for “International Narcotics Control and Law Enforcement”, $487,500,000, to remain available until September 30, 2010: Provided, That not less than $160,000,000 shall be made available for assistance for Mexico to combat drug trafficking and related crimes, organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that notifications shall be transmitted in the information advance of the availability of any funds appropriated under this heading: Provided further, That none of the funds appropriated in this title may be made available for the cost of fuel for aircraft provided to Mexico, or for operations and maintenance of aircraft purchased by the Government of Mexico: Provided further, That in order to enhance border security and cooperation in law enforcement efforts between Mexico and the United States, funds appropriated in this title that are available for assistance for Mexico may be used to purchase equipment or communications equipment only if such equipment utilizes open standards and is compatible with, and capable of operating with, radio communications systems and equipment utilized by Federal law enforcement agencies in the United States to enhance border security and cooperation in law enforcement efforts between the United States and Mexico.

For an additional amount for “Nonproliferation, Anti-Terrorism, Demining, and Related Programs”, $390,000,000, to remain available until expended.

For an additional amount for “Migration and Refugee Assistance”, $390,000,000, to remain available until expended.

For an additional amount for “International Security Assistance Funds Appropriated to the President—Peacekeeping Operations”, $185,000,000, to remain available until September 30, 2010: Provided, That up to $168,000,000 may be made available for assistance for Somalia, of which up to $115,900,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia: Provided further, That of the funds appropriated under this heading, $15,000,000 shall be made available for assistance to the Democratic Republic of the Congo and $2,000,000 shall be made available for the Multinational Force and Observer mission in the Sinai.

For an additional amount for “International Military Education and Training”, $27,000,000, to remain available until September 30, 2010, for assistance for Iraq.
efforts undertaken by the Department of State and the United States Agency for International Development (USAID) to utilize this authority in order to enhance participation by Afghan entities in development activities in Afghanistan: Provided, That the Secretary of State and the Administrator of USAID shall consult with the Committees on Appropriations regarding the exercise of this subsection prior to submitting the report required by this paragraph: Provided further, That the exercise of such authority in excess of $15,000,000 for any single development activity in any country be subject to the regular notification procedures of the Committees on Appropriations.

(d) ANTICORRUPTION—Ten percent of the funds appropriated in this title shall be made available for assistance for the Government of Afghanistan to combat corruption.

(e) ACQUISITION OF PROPERTY.—Not more than $20,000,000 of the funds appropriated in this title should be made available to pay for the acquisition of property for diplomatic facilities in Afghanistan.

(f) UNITED NATIONS DEVELOPMENT PROGRAM.—Funds appropriated in this title may be made available for programs and activities of the United Nations Development Program (UNDP) in Afghanistan if the Secretary of State reports to the Committees on Appropriations that UNDP is fully cooperating with efforts of the United States Agency for International Development (USAID) to investigate expenditures by UNDP of USAID funds associated with the Quick Impact Program in Afghanistan.

(g) NATIONAL SOLIDARITY PROGRAM.—Of the funds appropriated in this title under the heading “Economic Support Fund” that are available for assistance for Afghanistan, not less than $70,000,000 shall be made available for the National Solidarity Program.

(h) AIRWAYS.—The use and oversight of aircraft purchased or leased by the Department of State and the United States Agency for International Development by funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs required to coordinate the authority of the United States Chief of Mission in Afghanistan: Provided, That such aircraft may be used to transport Federal and non-Federal personnel of the Department of State and United States Agency for International Development programs and activities: Provided further, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

ALLOCATIONS

Sec. 1103. (a) Funds appropriated in this title for the Department of State and the United States Agency for International Development by funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs shall be made available for programs and countries in the amounts contained in the respective tables included in the joint statement accompanying this Act.

(b) By the for purposes of implementing this section, and only with respect to the tables included in the joint statement accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose ceiling amounts reflected in the joint statement accompanying this Act, subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

Sec. 1104. (a) SPENDING PLAN.—Not later than 45 days after the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a report detailing planned spending for each country included in this title, except for funds appropriated under the headings “International Disaster Assistance” and “Migration and Refugee Assistance”.

(b) NOTIFICATION.—Funds made available in this title shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

GLOBAL FINANCIAL CRISIS

Sec. 1105. (a) IN GENERAL.—Of the funds appropriated in this title under the heading “Economic Support Fund”, not more than $255,000,001 may be made available for assistance for vulnerable populations in developing countries severely affected by the global financial crisis that—

(1) have a 2007 per capita Gross National Income of $3,705 or less;

(2) have seen a contraction in predicted growth rates of 2 percent or more since 2007;

(3) demonstrate consistent improvement on the democracy and governance indicators as measured by the Millennium Challenge Corporation 2009 Country Scorebook.

(b) TRANSFER AUTHORITIES.—Of the funds appropriated in this title under the heading “Economic Support Fund” for developing countries impacted by the global financial crisis—

(1) up to $29,000,000 may be transferred and merged with “Development Credit Authority”, for the cost of loan guarantees notwithstanding the dollar limitations in such account on transfers to the account; and

(2) the principal amount of loans made or guaranteed shall be made available for programs and activities of the United States Agency for International Development, and

(3) up to $20,000,000 may be transferred and merged with the “Overseas Private Investment Corporation Program Account”.

(c) REPORTING AUTHORITY.—Notwithstanding any other provision of law, funds appropriated under the heading “Millennium Challenge Corporation” (MCC) in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for programs and activities to assist vulnerable populations severely affected by the global financial crisis in a country that has signed a compact with the MCC or has been designated by the MCC as a threshold country: Provided, That such a modification of a compact or threshold program by the MCC should be made, if practicable, prior to making available additional assistance for such purposes: Provided further, That the MCC shall consult with the Committees on Appropriations prior to exercising the authority of this subsection.

(d) REPORT.—The Secretary of State, in consultation with the United States Agency for International Development (USAID), shall submit a spending plan not later than 45 days after the date of enactment of this Act to the Committees on Appropriations, and prior to the initial obligation of funds appropriated for countries impacted by the global financial crisis, detailing how such funds shall be allocated to each country, by program and project, and project-by-project basis:

Provided, That for each project, the report shall include (1) the projected long-term economic impact of programming funded under the heading “Economic Support Fund”, (2) the name of the entity or implementing organization to which funds are being provided; (3) whether funds will be provided as a direct cash transfer to a local or national government entity; and (4) an assessment of whether USAID has reviewed its existing programs in such country to determine the need for additional programming to increase assistance for vulnerable populations: Provided further, That funds transferred to the Development Credit Authority and the Overseas Private Investment Corporation shall be subject to the reporting requirements in section 1104.

IRAQ

Sec. 1106. (a) IN GENERAL.—Funds appropriated in this title that are available for assistance for Iraq shall be made available, to the maximum extent practicable, in a manner that utilizes Iraqi entities.

(b) MATCHING REQUIREMENT.—Funds appropriated in this title for any program for which matching funds shall be made available in accordance with the Department of State’s April 9, 2009, “Guidelines for Government of Iraq Financial Participation in United States Government for Foreign Assistance Programs and Projects.”

(c) OTHER ASSISTANCE.—Of the funds appropriated in this title under the heading “Economic Support Fund” for Iraq, not more than $15,000,000 shall be made available for targeted development programs and activities in areas of conflict in Iraq and the responsibility for policy decisions and justifications for the use of such funds shall be the responsibility of the United States Chief of Mission in Iraq.

PROHIBITION ON ASSISTANCE TO HAMAS

Sec. 1107. (a) None of the funds appropriated in this title may be made available for assistance to Hamas, or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

(b) Notwithstanding the limitation of subsection (a), assistance may be provided to a power-sharing government only if the President certifies in writing and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(A) and (B) of the Foreign Assistance Act of 1961.

(c) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act and the authority provided by the Public Law 109-446 with respect to this section.

(d) Whenever the certification pursuant to subsection (b) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent, is continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961. The report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the aforementioned certification and a full accounting of any direct support of such government.

TERMS AND CONDITIONS

Sec. 1108. Unless otherwise provided for in this Act, funds appropriated or otherwise made available in this title shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division D of Public Law 110-161) and section 7070(e), with respect to funds made available for macroeconomic growth assistance for
SEC. 25. MULTILATERAL DEBT RELIEF.

(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $356,000,000 to the fifteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $326,000,000 for payment by the Secretary of the Treasury.

SEC. 26. MULTILATERAL DEBT RELIEF INITIATIVE.

(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $36,000,000 to the African Development Fund for the purpose of funding debt relief under the Multilateral Debt Relief Initiative in the period governed by the fifteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $35,000,000 for payment by the Secretary of the Treasury.

SEC. 1110. Title XVI of the International Financial Institutions Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following:

**SEC. 1626. REFORM OF THE 'DOING BUSINESS' REPORT OF THE WORLD BANK.**

(a) The Secretary of the Treasury shall instruct the appropriate Directors at the World Bank to ensure that the Doing Business Report of the World Bank is made public, and that it includes all of the information that is publically available, including the Doing Business Report of the World Bank.

(b) The Secretary of the Treasury shall seek to ensure that multilateral development banks (as defined in section 1701(c)(4) of this Act) adopt and implement greenhouse gas accounting in accordance with national approaches in projects (excluding those with de minimus greenhouse gas emissions) for which funding is sought from the bank.

**SEC. 1308. CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING.**

(a) USE OF GREENHOUSE GAS ACCOUNTING.—The Secretary of the Treasury shall seek to ensure that the multinational development banks (as defined in section 1701(c)(4) of this Act) adopt and implement greenhouse gas accounting in accordance with the methodology outlined in the International Standards and Procedures for GHG Accounting and Reporting (IPCC) developed by the International Working Group on Greenhouse Gas Accounting and Reporting (IPCC) and adopted by the United Nations Framework Convention on Climate Change, and provide a report to the Committee on Foreign Relations of the Senate, and the Committee on Appropriations of the House of Representatives.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit a report on the status of efforts to implement this section to the Committee on Foreign Relations of the Senate, and the Committee on Appropriations of the House of Representatives.

MULTILATERAL DEVELOPMENT BANK REFORM

SEC. 1112. (a) BUDGET DISCLOSURE.—The Secretary of the Treasury shall seek to ensure that the multinational development banks (as defined in section 1701(c)(4) of this Act) adopt and implement greenhouse gas accounting in accordance with the methodology outlined in the International Standards and Procedures for GHG Accounting and Reporting (IPCC) developed by the International Working Group on Greenhouse Gas Accounting and Reporting (IPCC) and adopted by the United Nations Framework Convention on Climate Change, and provide a report to the Committee on Foreign Relations of the Senate, and the Committee on Appropriations of the House of Representatives.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit a report on the status of efforts to implement this section to the Committee on Appropriations of the Senate, and the Committee on Appropriations.

(c) EXHAUSTIVE INDUSTRIES.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to promote the endorsement of the Extractive Industry Transparency Initiative (EITI) by these institutions and the integration of the principles of the EITI into extractive industry policies and procedures.

(d) REPORT.—Not later than September 30, 2009, the Secretary of the Treasury shall submit a report to the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives.

**SEC. 1120. Title XVI of the International Financial Institutions Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following:**

**SEC. 1627. ENHANCING THE TRANSPARENCY AND EFFECTIVENESS OF THE INSPECTION PANEL PROCESS OF THE WORLD BANK.**

(a) Enhancing Transparency in Implementation of Management Action Plans.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to seek to ensure that World Bank Procedural 17.55, which establishes the operating procedures of the Inspection Panel, provides that Management prepare and make available to the public semi-annual progress reports describing implementation of the decisions of the Inspection Panel, that the United States Executive Directors at the World Bank have access to the Inspection Panel, and that the United States Executive Directors at the World Bank, upon receipt of comments from Requesters and affected parties, publish in the World Bank and Inspectorate websites the results of the inspection panel process.

(b) Safeguarding Independence and Effectiveness of the Inspection Panel.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to seek to ensure that the inspection panel process is independent and effective, including by seeking to ensure the availability of, and access by claimants to, the Inspection Panel for projects financed by international financial institutions.

(c) Evaluation of Country Systems.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to seek to ensure that the independent Evaluation Group on the use of country environmental and social safeguards systems to determine the degree to which, in practice, the World Bank is meeting the requirements of laws, regulations, policies and procedures of the World Bank.
(e) COORDINATION OF DEVELOPMENT POLICY.—The Secretary of the Treasury shall consult with the Secretary of State, the Administrator of the United States Agency for International Development, the Statistical Agency of the World Bank Group, the Overseas Grassroots Development Agency, and any other agency or entity the Secretary determines appropriate, in the formulation and implementation of United States policy relating to the development activities of the World Bank Group.

OVERSEAS COMPARABILITY PAY ADJUSTMENT

SEC. 1115. (a) R EPORTING REQUIREMENT.—Not later than the date of submission of the fiscal year 2011 budget request, the President shall submit to the Committees on Appropriations, Foreign Operations, and Related Agencies, in the case of any agency, the Secretary of State, and in the case of the Agency for International Development, the Secretary of the Treasury, a report containing, except for any material that is classified or is otherwise not available for public release, a description of the progress of United States Government efforts, including those of the Department of Defense, the Department of the State, the United States Agency for International Development, and the Department of Justice, in achieving the objectives for Afghanistan and Pakistan in subsection (a).

(b) NUMERICAL COMPARISONS.—In the report submitted under this section, the President shall provide numerical comparisons of the resources of the United States compared to those of any other country or countries.

(c) DEFINITION.—For purposes of this section, “appropriate congressional committees” means—

(1) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security, and the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security, and the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE XII

DEPARTMENT OF TRANSPORTATION

SEC. 1130. (a) MODIFICATION.—Title III of division H of Public Law 111-8 is amended by adding under the heading “Support of Peace Operations” and after the proviso by striking “up to $20,000,000” and inserting “not less than $20,000,000”.

(b) NOTIFICATION REQUIREMENT.—Funds appropriated by this Act that are transferred to the Department of State or the United States Agency for International Development from any other place or agency shall be subject to the regular notification procedures of the Committees on Appropriations, notwithstanding any other provision of law.

(c) DEFINITION.—For purposes of this section, “appropriations” means—

(1) Section 824 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (a) by striking “foreign assistance program” and inserting “foreign assistance program or any other program or project included in such foreign assistance program”;

(2) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (a) by striking “foreign assistance program” and inserting “foreign assistance program or any other program or project included in such foreign assistance program”;

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (b) by striking “2008” and inserting “2009”.

(d)arine Funding.—The Secretary of State shall ensure that the Department of the Treasury has the appropriate expertise and funding to carry out law enforcement activities of the World Bank Group.

AFGHANISTAN AND PAKISTAN COMMITMENT AND CAPABILITIES REPORT

SEC. 1116. (a) REPORTING REQUIREMENT.—Not later than the date of submission of the fiscal year 2011 budget request, the President shall submit a report to the Committees on Appropriations, Foreign Operations, and Related Agencies, in the case of any agency, the Secretary of State, and in the case of the Agency for International Development, the Secretary of the Treasury, a report containing, except for any material that is classified or is otherwise not available for public release, a description of the progress of United States Government efforts, including those of the Department of Defense, the Department of the State, the United States Agency for International Development, and the Department of Justice, in achieving the objectives for Afghanistan and Pakistan in subsection (a).

(b) NUMERICAL COMPARISONS.—In the report submitted under this section, the President shall provide numerical comparisons of the resources of the United States compared to those of any other country or countries.

(c) DEFINITION.—For purposes of this section, “appropriate congressional committees” means—

(1) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security, and the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security, and the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE XII

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SEC. 1130. (a) MODIFICATION.—Title III of division H of Public Law 111-8 is amended by adding under the heading “Support of Peace Operations” and after the proviso by striking “up to $20,000,000” and inserting “not less than $20,000,000”.

(b) NOTIFICATION REQUIREMENT.—Funds appropriated by this Act that are transferred to the Department of State or the United States Agency for International Development from any other place or agency shall be subject to the regular notification procedures of the Committees on Appropriations, notwithstanding any other provision of law.

(c) DEFINITION.—For purposes of this section, “appropriations” means—

(1) Section 824 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (a) by striking “foreign assistance program” and inserting “foreign assistance program or any other program or project included in such foreign assistance program”;

(2) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (a) by striking “foreign assistance program” and inserting “foreign assistance program or any other program or project included in such foreign assistance program”;

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (b) by striking “2008” and inserting “2009”.

(d)arine Funding.—The Secretary of State shall ensure that the Department of the Treasury has the appropriate expertise and funding to carry out law enforcement activities of the World Bank Group.

AFGHANISTAN AND PAKISTAN COMMITMENT AND CAPABILITIES REPORT

SEC. 1116. (a) REPORTING REQUIREMENT.—Not later than the date of submission of the fiscal year 2011 budget request, the President shall submit a report to the appropriate congressional committees, in classified form if necessary, assessing the extent to which the Afghan and Pakistani governments are capable of assuming the necessary commitment, capability, conduct and unity of purpose to warrant the continuation of the President’s policy announced on March 27, 2009, to include—

(1) the level of political consensus and unity of purpose across ethnic, tribal, religious and political party affiliations to confront the political and security challenges facing the region;

(2) the level of government corruption that undermines such political consensus and unity of purpose, and actions taken to eliminate it;

(3) the actions taken by respective security forces and appropriate government entities in developing a counterinsurgency capability, conducting counterinsurgency operations and establishing security and governance on the ground;

(4) the actions taken by respective intelligence agencies in cooperating with the United States on counterinsurgency and counterterrorism operations and in terminating policies and programs, and removing personnel, that provide material support networks that target United States troops or undermine United States objectives in the region;

(5) the ability of the Afghan and Pakistani governments to control and govern the territory within their respective borders; and

(6) the ways in which United States Government assistance is designed to contribute to, and achieve the actions outlined above.

(b) POLICY ASSESSMENT.—The President, on the basis of information gathered and coordinated by the National Security Council, shall advise the appropriate congressional committees on how such assessment requires, or does not require, changes to such policy.

(c) DEFINITION.—For purposes of this section, “appropriate congressional committees” means the Committees on Appropriations, Foreign Relations and Armed Services of the Senate, and the Committees on Appropriations, Foreign Affairs and Armed Services of the House of Representatives.

UNITED STATES POLICY REPORT ON AFGHANISTAN AND PAKISTAN

SEC. 1117. (a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a clear description of the objectives and United States policy with respect to Afghanistan and Pakistan, and the metrics to be utilized to assess progress toward achieving such objectives.

(b) DEFENSE.—Not later than March 30, 2010 and every 180 days thereafter until September 30, 2011, the President, in consultation with Coalition partners as appropriate, shall submit to the appropriate congressional committees a report, in classified form if necessary, setting forth the following:

(1) a description of the progress of United States Government efforts, including those of the Department of Defense, the Department of the State, the United States Agency for International Development, and the Department of Justice, in achieving the objectives for Afghanistan and Pakistan in subsection (a);

(2) a modification of the metrics in subsection (a) in light of circumstances in Afghanistan or Pakistan, together with a justification for such modification; and

(3) a description of the additional resources or authorities, if any, required to achieve such objectives for Afghanistan and Pakistan.

CLASSIFICATION.—Any report submitted in classified form shall include an unclassified annex or summary of the matters contained in the report.

DEFINITION.—For purposes of this section, “appropriate congressional committees” means—

(1) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security, and the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security, and the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.
amended by striking "project-based vouchers" and all that follows up to the period and inserting "activities and assistance for the provision of tenant-based rental assistance, including related administrative expenses, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.), $80,000,000, to remain available until expended: Provided, That, (1) no more than 60 days after enactment of this Act: Provided further, That in carrying out the activities authorized under this heading, the Secretary shall waive section (d)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437(o)(3)(B))."

SEC. 1204. Public Law 111-5 is amended by striking the second proviso under the heading "HOMESTEADS Program" and inserting "Provided further, That the housing credit agencies in each State shall distribute these funds competitively under this heading and pursuant to their qualified allocation plan (as defined in section 42(m) of the Internal Revenue Code of 1986) to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under sections 42(h) and 1400N of the Internal Revenue Code of 1986:"

SEC. 2209. Notwithstanding Section 1066, amounts made available under Division A of Public Law 111-5 for the "Public Housing Capital Fund" to carry out capital and management requirements under the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) shall be subject to 42 U.S.C. 5310 (or a waiver under 42 under 42 U.S.C. 5307(o)(2)); for "Native American Housing Block Grants," as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 5301 et seq.) ("NAHASDA") shall be subject to 25 U.S.C. 4114(b); and for a housing entity eligible to receive funding under title VIII of NAHASDA (25 U.S.C. 4211 et seq.) shall be subject to 25 U.S.C. 4114(b); and for a housing entity eligible to receive funding under title VIII of NAHASDA (25 U.S.C. 4211 et seq.) shall be subject to 25 U.S.C. 4225(g).

TITILE XIII—CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

SEC. 1301. SHORT TITLE.
This title may be cited as the "Consumer Assistance to Recycle and Save Act of 2009:"

SEC. 1302. CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM.
(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a voluntary program to be known as the "Consumer Assistance to Recycle and Save Program": through which the Secretary, in accordance with this section and the regulations promulgated thereunder, shall—

(1) authorize the issuance of an electronic voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price of a new fuel efficient automobile upon the surrender of an eligible trade-in vehicle to a dealer participating in the program;

(2) register dealers for participation in the Program and require that all registered dealers—

(A) accept vouchers as provided in this section as partial payment or down payment for the purchase or qualifying lease of any new fuel efficient automobile offered for sale or lease by that dealer; and

(B) in accordance with subsection (c)(2), to transfer each eligible trade-in vehicle surrendered to the dealer under the Program to an entity for the purposes of—

(i) retaining the proceeds from the sale.

(ii) retaining the proceeds from the sale.

(iii) retaining the proceeds from the sale.

(iv) retaining the proceeds from the sale.

(v) retaining the proceeds from the sale.

(vi) retaining the proceeds from the sale.

(vii) retaining the proceeds from the sale.

(viii) retaining the proceeds from the sale.

(ix) retaining the proceeds from the sale.

(x) retaining the proceeds from the sale.

(xi) retaining the proceeds from the sale.

(xii) retaining the proceeds from the sale.

(xiii) retaining the proceeds from the sale.

(xiv) retaining the proceeds from the sale.

(xv) retaining the proceeds from the sale.

(xvi) retaining the proceeds from the sale.

(xvii) retaining the proceeds from the sale.

(xviii) retaining the proceeds from the sale.

(xix) retaining the proceeds from the sale.

(xx) retaining the proceeds from the sale.

(b) REGULATIONS.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall—

(1) provide for a means of registering dealers for participation in the Program;

(2) establish procedures for the reimbursement of dealers participating in the Program to be made through electronic transfer of funds for the amount of the vouchers as soon as practicable after the submission of information supporting the eligible transaction, as deemed appropriate by the Secretary;

(3) require the dealer to use the voucher in addition to any other rebate or discount advertised by the dealer or offered by the manufacturer for that new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program to any other rebate or discount available to the consumer under the Program; and

(4) require dealers to disclose to the person transacting in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain $50 of any amounts paid to the dealer for scrapage of the vehicle as payment for administrative costs to the dealer associated with participation in the Program;
(5) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—
(A) requirements for the removal and appropriate disposal of lead products, mercury switches, and other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal or State requirements;
(B) a mechanism for dealers to certify to the Secretary that each eligible trade-in vehicle will be transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures, and to submit the vehicle identification numbers of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher;
(C) a mechanism for obtaining such other certifications as deemed necessary by the Secretary from such entities in connection with the transfer of vehicles under subsection (a) or any regulations issued pursuant to subsection (e).

(ii) aggregate information regarding the make, model, model year, and manufacturing location of vehicles traded in under the Program; and
(iii) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas emissions resulting from vehicles traded in under the Program; and
(C) an estimate of the overall economic and employment effects of the Program.

(h) EXCLUSION FROM INCOME.—(1) FOR PURPOSES OF ALL FEDERAL AND STATE PROGRAMS.—A voucher issued under this program or any payment made for such a voucher pursuant to subsection (a)(3) shall not be regarded as income and shall not be regarded as a resource for the month of receipt of the voucher and the following 12 months, for purposes of determining the eligibility of the recipient of the voucher (or the recipient’s spouse or other family or household members) for benefits or assistance, or the amount or extent of benefits or assistance.

(ii) the term “new fuel efficient automobile” means an automobile described in paragraph (1), (2), or (4)—
(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;
(B) that carries a manufacturer’s suggested retail price of $45,000 or less;

(8) the term “vehicle” means an automobile purchased with each voucher;

(9) the term “Program” means the Consumer Assistance to Recycle and Save Program established by this section.

(10) the term “qualifying lease” means a lease for a period of not less than 5 years.

(11) the term “scrap value” means the amount received by the dealer for a vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destruction of the vehicle.

(12) the term “Secretary” means the Secretary of Transportation acting through the National Highway Traffic Safety Administration.

(13) the term “ultimate purchaser” means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale;

(14) the term “vehicle identification number” means the 17 character number used by the automobile industry to identify individual automobiles; and

(15) the term “voucher” means an electronic transfer of funds to a dealer based on an eligible transaction under this program.

(1) APPROPRIATION.—There is hereby appropriated to the Secretary of Transportation $1,000,000,000, of which up to $500,000,000 is available for administration, to remain available until expended to carry out this section.

TITLE XIV
OTHER MATTERS
INTERNATIONAL ASSISTANCE PROGRAMS
INTERNATIONAL MONETARY PROGRAMS
UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND
For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 4,973,100,000 Special Drawing Rights, to remain available until expended: Provided, That the cost of the amounts provided hereunder shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.); Provided further, That for purposes of section 502 of the Federal Credit Reform Act of 1990, the dollar equivalent of section 502(F)(E) shall be adjusted for market risks: Provided further, That section 504(b) of the Federal Credit Reform Act of 1990.
Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

**LOANS TO INTERNATIONAL MONETARY FUND**

For loans to the International Monetary Fund under section 17(a)(2) and (b)(2) of the Bretton Woods Agreements Act (Public Law 75–361, as amended by this Act pursuant to the New Arrangements to Borrow, the dollar equivalent of up to 75,000,000,000 Special Drawing Rights, any amount over the United States’ agreement shall not be available until further provided for. That the cost of the amounts provided herein shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.); Provided further, That for purposes of section 502(5) of the Federal Credit Reform Act of 1990, the discount rate in section 502(5)(E) shall be adjusted for market risks. Provided further, That section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

**GENERAL PROVISIONS—INTERNATIONAL ASSISTANCE PROGRAMS**

Sec. 1401. Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2) is amended—

(1) by inserting “subsection (a)(1)” after “pursuant to”; and

(2) by adding at the end the following:

(‘‘For the purpose of making loans to the International Monetary Fund pursuant to subsection (a)(2) of this section, there is hereby authorized to be appropriated: Provided further, That any loan made under this section shall be available for loans to the Fund.’’)

Sec. 1402. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

**SEC. 64. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.**

‘‘The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolutions numbered 63–2 and 63–3 of the Board of Governors of the Fund which were approved by such Board on April 28, 2008 and May 5, 2008, respectively.’’

**SEC. 65. QUOTA INCREASE.**

(a) ‘‘IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 4,973,100,000 Special Drawing Rights.’’

(b) ‘‘SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.’’

**SEC. 66. APPROVAL OF UNLIMITED AMOUNT OF THE FUND’S GOLD.**

(a) ‘‘The Secretary of the Treasury is authorized to instruct the United States Executive Director to consent to such amendments notwithstanding subsection (d) of this section, and to make loans, in an amount not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized herein, which countries experiencing balance of payments and reserve position of the United States.’’

(b) by inserting “subsection (a)(1)” after “pursuant to”; and

(c) by adding at the end the following:

(For the purpose of making loans to the International Monetary Fund pursuant to subsection (a)(2) of this section, there is hereby authorized to be appropriated: Provided further, That any loan made under this section shall be available for loans to the Fund.’’)

Sec. 1403. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

**SEC. 67. ACCEPTANCE OF AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE FUND.**

‘‘The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolution numbered 54–4 of the Board of Governors of the Fund which was approved by such Board on October 22, 1997: Provided, That not more than one year after the acceptance of such amendments to the Fund’s Articles of Agreement, the Secretary of the Treasury shall submit to the appropriate congressional committees analyzing Special Drawing Rights, to include a discussion of how those countries that significantly use or acquire Special Drawing Rights in accordance with Article XIX, Section 2(c), use or acquire them; the extent to which countries experiencing balance of payment difficulties exchange or use their Special Drawing Rights to acquire reserve currencies; and the manner in which those reserve currencies are acquired when utilizing Special Drawing Rights.’’

Sec. 1404. ‘‘(a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury, in consultation with the Executive Director of the World Bank and the Executive Director of the International Monetary Fund (the ‘‘Fund’’), shall submit a report to the appropriate congressional committees detailing the steps taken to coordinate the activities of the World Bank and the Fund to avoid duplication of missions and programs, and steps taken by the Department of the Treasury and the Fund to increase the oversight and accountability of the Fund’s activities.

(b) For the purposes of this title, ‘‘appropriate congressional committees’’ means the Committees on Appropriations, Banking, Housing, and Urban Affairs, and Foreign Relations of the Senate, and the Committees on Appropriations, Foreign Affairs, and Financial Services of the House of Representatives.

(c) In the next report to Congress on international economic and exchange rate policies, the Secretary of the Treasury shall: (1) report on the feasibility of which the Fund to avoid duplication of missions and programs, and steps taken by the Department of the Treasury and the Fund to increase the oversight and accountability of the Fund’s activities.

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the vote and voice of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care, education, food aid, or other critical safety net programs, and steps taken by the Department of the Treasury and the Fund to increase the oversight and accountability of the Fund’s activities.

(3) provide recommendations on the steps that the Fund can take to promote global financial stability and conduct effective multilateral surveillance.

(e) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the vote and voice of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care, education, food aid, or other critical safety net programs, and steps taken by the Department of the Treasury and the Fund to increase the oversight and accountability of the Fund’s activities.

Sec. 1404. Title XVI of the International Financial Institutions Act (22 U.S.C. 262p–262p–8) is amended by adding at the end the following:

‘‘The Secretary of the Treasury by the United States Executive Director at each of the International Financial Institutions (as defined in section 1701(c)(2) of this Act) to use the vote and voice of the United States to oppose the provision of loans or other use of the funds of the respective institution to any country the

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government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, or section 40 of the Arms Control Act, to be a government that has repeatedly provided support for acts of international terrorism.

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 14101. No part of any appropriation contained in this Act or in any prior Act may be used for detention of an individual at Naval Station, Guantanamo Bay, Cuba, as of the date of enactment of this Act, to the country of such individual’s nationality or last habitual residence or to any other country where there is a risk, unless the President submits to the Congress, in classified form 15 days prior to such transfer, the following information:

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

This Act may be cited as the “Supplemental Appropriations Act, 2009.”

The Senate amendment to the text deleted a provision that would have amended Title II of this Act to provide that the Secretary of State, after consultation with the Attorney General and the Secretary of Defense, shall publish a plan regarding the proposed disposition of any individual covered by this Act.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERREES

The managers on the part of the Senate are

DANIEL K. INOUYE,
ROBERT C. BYRD,
PATRICK J. LEAHY,
ROBERT F. BENNETT,
NITA M. LOWEY,
HERB KOHL,
SUSAN COLLINS,
TIM JOHNSON,
E. BENJAMIN NELSON,
CHET EDWARDS,
JACK REED,
ROBERT C. BYRD,
TOM HARKIN,
LAMAR ALEXANDER,
ROBERT F. BENNETT,
NITA M. LOWEY,
HERB KOHL,
SUSAN COLLINS,
TIM JOHNSON,
E. BENJAMIN NELSON,
CHET EDWARDS,
JACK REED,
ROBERT C. BYRD,
TOM HARKIN,
LAMAR ALEXANDER,
ROBERT F. BENNETT,
NITA M. LOWEY,
HERB KOHL,
SUSAN COLLINS,
TIM JOHNSON,
E. BENJAMIN NELSON,
CHET EDWARDS,
JACK REED,
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LAMAR ALEXANDER,
ROBERT F. BENNETT,
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NITA M. LOWEY,
HERB KOHL,
SUSAN COLLINS,
TIM JOHNSON,
E. BENJAMIN NELSON,
CHET EDWARDS,
JACK REED,
SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The agreement provides $5,000,000 for the United States Attorneys for ongoing litigation expenses associated with terrorism prosecutions of national importance. The agreement also provides $10,000,000 to prosecute mortgage fraud, financial fraud and market manipulation.

UNITED STATES MARSHALS SERVICE
SALARIES AND EXPENSES

The agreement provides $10,000,000 for the United States Marshals Service. Of the funds provided, $4,000,000 is for enhanced judicial security in districts along the southwest border, $5,000,000 is for the apprehension of criminals who have fled to Mexico, and $1,000,000 is to upgrade surveillance equipment used to monitor drug cartels and violent gang members.

NATIONAL SECURITY DIVISION
SALARIES AND EXPENSES

The agreement includes $1,389,000 for the National Security Division to continue to support terrorism prosecutions of national importance.

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES

The agreement provides $55,000,000 for the Federal Bureau of Investigation to investigate mortgage fraud, predatory lending, financial fraud and market manipulation.

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES

The agreement includes $20,000,000 for the Drug Enforcement Administration to expand its Sensitive Investigation Unit program in Mexico.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
SALARIES AND EXPENSES

The agreement includes $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for training and technical assistance on improved explosives devices in Iraq. The agreement also includes $4,000,000 to upgrade technology for ballistics evidence sharing with Mexico and $6,000,000 for Project Gunrunner firearms trafficking activities along the southwest border.

FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES

The agreement includes $5,038,000 for the Federal Prison System to monitor and translate the communications of incarcerated terrorists and disseminate relevant information to law enforcement agencies, as appropriate.

GENERAL PROVISION, THIS TITLE
(INCLUDING RECISSION)

The agreement includes the following general provision for this title: Section 201 recinds $3,000,000 appropriated to the Department’s Office of Inspector General in Chapter 2 of Title I, P.L. 110–252, and reappropriates these funds to extend their availability.

TITLE III—DEFENSE MATTERS
DEPARTMENT OF DEFENSE

The conference agreement recommends $77,161,439,000 for the Department of Defense, instead of $81,299,888,000, as proposed by the House, and $73,923,566,000, as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Conference recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Personnel</td>
<td>$18,726,150,000</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>$32,547,114,000</td>
</tr>
<tr>
<td>Procurement</td>
<td>$25,846,718,000</td>
</tr>
<tr>
<td>Research, Development, Test and Evaluation</td>
<td>$63,499,000</td>
</tr>
<tr>
<td>Research and Management Funds</td>
<td>$961,726,000</td>
</tr>
<tr>
<td>Other Department of Defense Programs</td>
<td>$2,301,992,000</td>
</tr>
</tbody>
</table>

CLASSIFIED ANNEX

The recommendations for intelligence activities are published in a separate and detailed classified annex. The intelligence community, Department of Defense and other organizations are expected to fully comply with the recommendations and directions in the classified annex accompanying this Act.

REPORTING REQUIREMENTS

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees within 30 days of enactment of this Act on the allocation of the funds within the accounts listed in this title. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this title are no longer available for obligation. The conferees direct that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this title by program and subactivity group for the continuation of military operations in Iraq and Afghanistan, and a listing of equipment provided using funds provided in this title. The conferees expect that, in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The conferees direct the Department of Defense to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this title. Additionally, the conferees direct that the Department continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution report as required by Department of Defense Financial Management Regulation, chapter 23, volume 12. The conferees further direct the Department to continue to provide the Cost of War Reports to the congressional defense committees that include the following information by appropriation: funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE

The conferees agree to redirect the funds requested for the Joint Rapid Acquisition Cell to high priority requirements identified by the Intelligence, Surveillance and Reconnaissance Task Force. The funds are distributed to appropriations accounts in the same manner as described in Senate Report 111–20.

MILITARY PERSONNEL

The conference agreement recommends $18,726,150,000 for military personnel.

The recommendations for each military personnel account are shown below:
### EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Military Personnel, Army</th>
<th>Budget Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BA-1: PAY AND ALLOWANCES OF OFFICERS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BASIC PAY</td>
<td>1,211,678</td>
<td>1,211,678</td>
<td>1,211,678</td>
<td>1,211,678</td>
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<tr>
<td>RETIRED PAY ACCRUAL</td>
<td>274,287</td>
<td>274,287</td>
<td>274,287</td>
<td>274,287</td>
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<tr>
<td>BASIC ALLOWANCE FOR HOUSING</td>
<td>302,627</td>
<td>302,627</td>
<td>302,627</td>
<td>302,627</td>
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<tr>
<td>BASIC ALLOWANCE FOR SUBSISTENCE</td>
<td>43,987</td>
<td>43,987</td>
<td>43,987</td>
<td>43,987</td>
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<tr>
<td>INCENTIVE PAYS</td>
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<td>13,188</td>
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<tr>
<td>SPECIAL PAYS</td>
<td>263,375</td>
<td>247,000</td>
<td>275,769</td>
<td>275,769</td>
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<tr>
<td>Hardship Duty Pay-Deferred from H.R. 2638</td>
<td>7,560</td>
<td>7,650</td>
<td>7,650</td>
<td>7,650</td>
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<tr>
<td>Hostile Fire Pay-Deferred from H.R. 2638</td>
<td>4,744</td>
<td>4,744</td>
<td>4,744</td>
<td>4,744</td>
</tr>
<tr>
<td>Retention Bonus-Excess to Requirement</td>
<td>-28,579</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>ALLOWANCES</td>
<td>68,778</td>
<td>68,778</td>
<td>68,778</td>
<td>68,778</td>
</tr>
<tr>
<td>SEPARATION PAY</td>
<td>22,612</td>
<td>22,612</td>
<td>22,612</td>
<td>22,612</td>
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<tr>
<td>SOCIAL SECURITY TAX</td>
<td>92,693</td>
<td>92,693</td>
<td>92,693</td>
<td>92,693</td>
</tr>
<tr>
<td><strong>TOTAL BA-1</strong></td>
<td>2,293,225</td>
<td>2,276,850</td>
<td>2,305,619</td>
<td>2,305,529</td>
</tr>
</tbody>
</table>

| **BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL** | | | | |
| BASIC PAY | 2,478,940 | 2,478,940 | 2,478,940 | 2,478,940 |
| RETIRED PAY ACCRUAL | 552,332 | 552,332 | 552,332 | 552,332 |
| BASIC ALLOWANCE FOR HOUSING | 1,070,269 | 1,070,269 | 1,070,269 | 1,070,269 |
| INCENTIVE PAYS | 26,865 | 26,865 | 26,865 | 26,865 |
| SPECIAL PAYS | 1,213,374 | 928,784 | 1,199,651 | 1,134,651 |
| Hardship Duty Pay-Deferred from H.R. 2638 | 45,000 | 45,000 | 45,000 | 45,000 |
| Hostile Fire Pay-Deferred from H.R. 2638 | 16,277 | 16,277 | 16,277 | 16,277 |
| Enlistment Bonus-Excess to Requirement | -36,200 | 0 | 0 | 0 |
| Enlistment Bonus-Anniversary Payments | -81,700 | 0 | 0 | 0 |
| Enlistment Bonus-Residual Payments | -75,300 | 0 | 0 | 0 |
| Reenlistment Bonus-Excess to Requirement | -152,667 | 0 | 0 | 0 |
| Recruiting and Reenlistment Bonuses-Excess to Requirement | -75,000 | -140,000 | 0 | 0 |
| ALLOWANCES | 301,146 | 301,146 | 301,146 | 301,146 |
| SEPARATION PAY | 89,259 | 89,259 | 89,259 | 89,259 |
| SOCIAL SECURITY TAX | 189,823 | 189,823 | 189,823 | 189,823 |
| **TOTAL BA-2** | 5,922,008 | 5,637,418 | 5,908,285 | 5,843,285 |

| **BA-4: SUBSISTENCE OF ENLISTED PERSONNEL** | | | | |
| BASIC ALLOWANCE FOR SUBSISTENCE | 520,905 | 520,905 | 520,905 | 520,905 |
| SUBSISTENCE-IN-KIND | 986,145 | 986,145 | 986,145 | 986,145 |
| **TOTAL BA-4** | 1,507,050 | 1,507,050 | 1,507,050 | 1,507,050 |

| **BA-5: PERMANENT CHANGE OF STATION TRAVEL** | | | | |
| OPERATIONAL TRAVEL | 82,714 | 82,714 | 82,714 | 82,714 |
| ROTATIONAL TRAVEL | 68,271 | 68,271 | 68,271 | 68,271 |
| **TOTAL BA-5** | 150,985 | 150,985 | 150,985 | 150,985 |

<p>| <strong>BA-6: OTHER MILITARY PERSONNEL COSTS</strong> | | | | |
| INTEREST ON UNIFORMED SERVICE SAVINGS | 21,780 | 21,780 | 21,780 | 21,780 |
| DEATH GRATUITIES | 71,000 | 71,000 | 71,000 | 71,000 |
| UNEMPLOYMENT BENEFITS | 65,334 | 65,334 | 65,334 | 65,334 |
| RESERVE INCOME REPLACEMENT PROGRAM | 8,200 | 8,200 | 8,200 | 8,200 |
| SGLI EXTRA HAZARD PAYMENTS | 155,524 | 155,524 | 69,524 | 69,524 |
| Excess to Requirement | -86,000 | -86,000 | 0 | 0 |
| <strong>TOTAL BA-6</strong> | 321,838 | 321,838 | 235,838 | 235,838 |</p>
<table>
<thead>
<tr>
<th>Category</th>
<th>Budget Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>UNDISTRIBUTED ADJUSTMENT</strong></td>
<td>1,030,500</td>
<td>1,348,000</td>
<td>1,708,000</td>
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</tr>
<tr>
<td>Year of Execution/Rate Changes</td>
<td>1,030,500</td>
<td>953,100</td>
<td>1,313,100</td>
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<tr>
<td>Funds Requested in Legislative Provisions</td>
<td></td>
<td>394,900</td>
<td>394,900</td>
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</tr>
</tbody>
</table>

**Total Military Personnel, Army**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Amount</th>
<th>Amount</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Total</td>
<td>10,195,106</td>
<td>10,924,641</td>
<td>11,455,777</td>
<td>11,750,687</td>
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</tbody>
</table>

**Military Personnel, Navy**

**BA-1: PAY AND ALLOWANCES OF OFFICERS**

<table>
<thead>
<tr>
<th>Category</th>
<th>Budget Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>BASIC PAY</td>
<td>263,985</td>
<td>263,985</td>
<td>263,985</td>
<td>263,985</td>
</tr>
<tr>
<td>BASIC ALLOWANCE FOR HOUSING</td>
<td>87,995</td>
<td>87,995</td>
<td>87,995</td>
<td>87,995</td>
</tr>
<tr>
<td>BASIC ALLOWANCE FOR SUBSISTENCE</td>
<td>8,896</td>
<td>8,896</td>
<td>8,896</td>
<td>8,896</td>
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<tr>
<td>INCENTIVE PAYS</td>
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<td>1,110</td>
<td>1,110</td>
<td>1,110</td>
</tr>
<tr>
<td>SPECIAL PAYS</td>
<td>25,690</td>
<td>29,335</td>
<td>29,335</td>
<td>29,335</td>
</tr>
<tr>
<td>Hardship Duty Pay-Deferred from H.R. 2638</td>
<td>1,463</td>
<td>1,463</td>
<td>1,463</td>
<td>1,463</td>
</tr>
<tr>
<td>Imminent Danger Pay-Deferred from H.R. 2638</td>
<td>2,182</td>
<td>2,182</td>
<td>2,182</td>
<td>2,182</td>
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<tr>
<td>ALLOWANCES</td>
<td>15,251</td>
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<tr>
<td>SEPARATION PAY</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>SOCIAL SECURITY TAX</td>
<td>20,195</td>
<td>20,195</td>
<td>20,195</td>
<td>20,195</td>
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<tr>
<td><strong>TOTAL BA-1</strong></td>
<td>490,237</td>
<td>493,882</td>
<td>493,882</td>
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</table>

**BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL**

<table>
<thead>
<tr>
<th>Category</th>
<th>Budget Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>BASIC PAY</td>
<td>310,721</td>
<td>310,721</td>
<td>310,721</td>
<td>310,721</td>
</tr>
<tr>
<td>RETIRED PAY ACCRUAL</td>
<td>79,966</td>
<td>79,966</td>
<td>79,966</td>
<td>79,966</td>
</tr>
<tr>
<td>BASIC ALLOWANCE FOR HOUSING</td>
<td>158,257</td>
<td>158,257</td>
<td>158,257</td>
<td>158,257</td>
</tr>
<tr>
<td>INCENTIVE PAYS</td>
<td>539</td>
<td>539</td>
<td>539</td>
<td>539</td>
</tr>
<tr>
<td>SPECIAL PAYS</td>
<td>92,732</td>
<td>100,132</td>
<td>120,132</td>
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</tr>
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<tr>
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<td>ALLOWANCES</td>
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<tr>
<td>SEPARATION PAY</td>
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<td>3,578</td>
<td>3,578</td>
</tr>
<tr>
<td>SOCIAL SECURITY TAX</td>
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<td>23,770</td>
<td>23,770</td>
<td>23,770</td>
</tr>
<tr>
<td><strong>TOTAL BA-2</strong></td>
<td>698,775</td>
<td>706,175</td>
<td>726,175</td>
<td>706,175</td>
</tr>
</tbody>
</table>

**BA-4: SUBSISTENCE OF ENLISTED PERSONNEL**

<table>
<thead>
<tr>
<th>Category</th>
<th>Budget Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUBSISTENCE-IN-KIND</td>
<td>12,766</td>
<td>12,766</td>
<td>12,766</td>
<td>12,766</td>
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<tr>
<td><strong>TOTAL BA-4</strong></td>
<td>47,893</td>
<td>47,893</td>
<td>47,893</td>
<td>47,893</td>
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</tbody>
</table>

**BA-5: PERMANENT CHANGE OF STATION TRAVEL**

<table>
<thead>
<tr>
<th>Category</th>
<th>Budget Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
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</thead>
<tbody>
<tr>
<td>ACCESSION TRAVEL</td>
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<td>4,855</td>
<td>4,855</td>
<td>4,855</td>
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<td>OPERATIONAL TRAVEL</td>
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<td>26,222</td>
<td>26,222</td>
<td>26,222</td>
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<tr>
<td>ROTATIONAL TRAVEL</td>
<td>28,096</td>
<td>28,096</td>
<td>28,096</td>
<td>28,096</td>
</tr>
<tr>
<td>SEPARATION TRAVEL</td>
<td>2,919</td>
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<tr>
<td><strong>TOTAL BA-5</strong></td>
<td>62,092</td>
<td>62,092</td>
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</table>

**BA-6: OTHER MILITARY PERSONNEL COSTS**

<table>
<thead>
<tr>
<th>Category</th>
<th>Budget Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
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<tbody>
<tr>
<td>DEATH GRATUITIES</td>
<td>2,600</td>
<td>2,600</td>
<td>2,600</td>
<td>2,600</td>
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<tr>
<td>UNEMPLOYMENT BENEFITS</td>
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<td>SGLI EXTRA HAZARD PAYMENTS</td>
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<td><strong>UNDISTRIBUTED ADJUSTMENT</strong></td>
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<tr>
<td>Year of Execution/Rate Changes</td>
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<td>351,000</td>
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<td><strong>Total Military Personnel, Navy</strong></td>
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<td><strong>Military Personnel, Marine Corps</strong></td>
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<tr>
<td><strong>BA-1: PAY AND ALLOWANCES OF OFFICERS</strong></td>
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<td>Hardship Duty Pay-Deferred from H.R. 2638</td>
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<td><strong>BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</strong></td>
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<td><strong>BA-4: SUBSISTENCE OF ENLISTED PERSONNEL</strong></td>
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<td>BASIC ALLOWANCE FOR SUBSISTENCE</td>
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<td><strong>BA-5: PERMANENT CHANGE OF STATION TRAVEL</strong></td>
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<td><strong>BA-6: OTHER MILITARY PERSONNEL COSTS</strong></td>
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<td>House</td>
<td>Senate</td>
<td>Conference</td>
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<td>-------------------------</td>
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<tr>
<td><strong>Military Personnel, Air Force</strong></td>
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<td></td>
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<tr>
<td><strong>BA-1: PAY AND ALLOWANCES OF OFFICERS</strong></td>
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<td><strong>BASIC PAY</strong></td>
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<td>Hardship Duty Pay-Deferred from H.R. 2638</td>
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<td><strong>TOTAL BA-1</strong></td>
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<td><strong>BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</strong></td>
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<td>Hostile Fire Pay-Deferred from H.R. 2638</td>
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<td>Hardship Duty Pay-Deferred from H.R. 2638</td>
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<td>7,588</td>
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<td><strong>SEPARATION PAY</strong></td>
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<td><strong>BA-4: SUBSISTENCE OF ENLISTED PERSONNEL</strong></td>
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<td><strong>BASIC ALLOWANCE FOR SUBSISTENCE</strong></td>
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<td><strong>BA-5: PERMANENT CHANGE OF STATION TRAVEL</strong></td>
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<td>5,790</td>
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<tr>
<td><strong>BA-6: OTHER MILITARY PERSONNEL COSTS</strong></td>
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<tr>
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<td>Excess to Requirement</td>
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<td>-37,993</td>
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<td>Year of Execution/Rate Changes</td>
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<td>67,565</td>
<td>100,525</td>
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<td><strong>Total Military Personnel, Air Force</strong></td>
<td>1,390,554</td>
<td>1,783,208</td>
<td>1,469,173</td>
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<tr>
<td><strong>Reserve Personnel, Army</strong></td>
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<tr>
<td><strong>BA-1: UNIT AND INDIVIDUAL TRAINING</strong></td>
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<tr>
<td>PAY GROUP A TRAINING (15 DAYS &amp; DRILLS 24/48)</td>
<td>116,901</td>
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<td>Year of Execution/Rate Changes</td>
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<td>Funds Requested in Legislative Provisions</td>
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<td>Budget Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
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<tr>
<td><strong>Total Reserve Personnel, Army</strong></td>
<td>284,155</td>
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<td>387,155</td>
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<td><strong>Reserve Personnel, Navy</strong></td>
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<tr>
<td><strong>BA-1: UNIT AND INDIVIDUAL TRAINING</strong></td>
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<tr>
<td>SCHOOL TRAINING</td>
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<td><strong>TOTAL BA-1</strong></td>
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<tr>
<td><strong>Total Reserve Personnel, Navy</strong></td>
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<td>39,478</td>
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<tr>
<td><strong>Reserve Personnel, Marine Corps</strong></td>
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<tr>
<td><strong>BA-1: UNIT AND INDIVIDUAL TRAINING</strong></td>
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<td>PAY GROUP A TRAINING (15 DAYS &amp; DRILLS 24/48)</td>
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<tr>
<td><strong>Total Reserve Personnel, Marine Corps</strong></td>
<td>29,179</td>
<td>29,179</td>
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<tr>
<td><strong>Reserve Personnel, Air Force</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BA-1: UNIT AND INDIVIDUAL TRAINING</strong></td>
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<tr>
<td>SPECIAL TRAINING</td>
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<td>Underexecution of End Strength</td>
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<td><strong>TOTAL BA-1</strong></td>
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<td>16,943</td>
<td>14,943</td>
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<td><strong>Total Reserve Personnel, Air Force</strong></td>
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<td>16,943</td>
<td>14,943</td>
<td>14,943</td>
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<tr>
<td><strong>National Guard Personnel, Army</strong></td>
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<td><strong>BA-1: UNIT AND INDIVIDUAL TRAINING</strong></td>
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### National Guard Personnel, Air Force

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<th>Conference</th>
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<td>Year of Execution/Rate Changes</td>
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MILITARY PERSONNEL SHORTFALL

The conference agreement includes an additional $2,810,222,000 for identified shortfalls resulting from unbudgeted additional end strength, which were a result of better-than-projected recruiting and retention levels; recent rate increases in Basic Pay, Retired Pay Accrual, Basic Allowance for Housing, and Basic Allowance for Subsistence; and unanticipated programmatic adjustments such as increased clothing and education costs.

OPERATION AND MAINTENANCE

The conference agreement recommends $32,547,114,000 for operation and maintenance.

The recommendations for each operation and maintenance account are shown below:
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

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<th>Conference</th>
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<td>Hire Iraqis to Perform LOGCAP</td>
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Operation and Maintenance, Marine Corps

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Operation and Maintenance, Air Force

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Total Operation and Maintenance, Air Force 6,294,031 6,216,729 5,992,125 5,980,386

Operation and Maintenance, Defense-Wide

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Total Operation and Maintenance, Defense-Wide 5,667,483 5,353,701 5,065,783 5,101,696

Operation and Maintenance, Army Reserve

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Total Operation and Maintenance, Army Reserve 115,017 101,317 110,017 110,017

Operation and Maintenance, Navy Reserve

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<td><strong>TOTAL BA-1</strong></td>
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<td><strong>30,775</strong></td>
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<td><strong>30,775</strong></td>
<td><strong>30,775</strong></td>
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<tr>
<td><strong>Operation and Maintenance, Air Force Reserve</strong></td>
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<tr>
<td>011A PRIMARY COMBAT FORCES</td>
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<td>7,424</td>
<td>20,424</td>
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<tr>
<td>Flying Hours</td>
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<td>Operating Support Projected Execution</td>
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<td><strong>Total Operation and Maintenance, Air Force Reserve</strong></td>
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<td><strong>34,599</strong></td>
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<tr>
<td><strong>Operation and Maintenance, Army National Guard</strong></td>
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<td><strong>178,446</strong></td>
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<td><strong>Total Operation and Maintenance, Army National Guard</strong></td>
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<td><strong>178,446</strong></td>
<td><strong>203,399</strong></td>
<td><strong>178,446</strong></td>
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<tr>
<td>Transportation of Fallen Heroes -- transfer to</td>
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<td>Transportation Working Capital Fund</td>
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<td>Disposition of Guantanamo Detainees -- unspecified</td>
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<td>increase</td>
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<td>Joint Rapid Acquisition Cell -- transfer to Procurement</td>
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<td>350,000</td>
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<td>and RDT&amp;E accounts</td>
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<td>House</td>
<td>Senate</td>
<td>Conference</td>
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<td>COIN Activities</td>
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<tr>
<td>Subtotal, Related Activities</td>
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**Pakistan Counterinsurgency Fund**

<table>
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<tr>
<th></th>
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<th>House</th>
<th>Senate</th>
<th>Conference</th>
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</thead>
<tbody>
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<tr>
<td>Subtotal, Defense Security Forces</td>
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<tr>
<td>Infrastructure</td>
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<tr>
<td>Equipment and Transportation</td>
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<td>Training and Operations</td>
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<tr>
<td>Subtotal, Frontier Corps</td>
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<td>63,473</td>
<td>63,473</td>
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<tr>
<td>Humanitarian Assistance</td>
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<td>2,000</td>
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<tr>
<td><strong>Total Pakistan Counterinsurgency Fund</strong></td>
<td><strong>400,000</strong></td>
<td><strong>400,000</strong></td>
<td><strong>400,000</strong></td>
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</tbody>
</table>
PAKISTAN COUNTERINSURGENCY FUND

The conferees support the Administration’s efforts to increase the counterinsurgency capability of the Pakistani security forces. The conferees believe that international military operations against al-Qaeda and the Taliban in Afghanistan cannot succeed without a strong counterinsurgency effort by security forces in Pakistan. However, the conferees are concerned about providing the Department of Defense with the authority and funding to conduct an assistance program which would traditionally fall under the purview of the Department of State. The conferees believe the Pakistan Counterinsurgency Fund (PCF) should reside within the Department of State but understand the near term needs of the Pakistan Security Forces and the lack of capacity within the State Department warrant an exception to traditional lines of authority. Therefore, the conferees support the Administration’s request for this fund under the Department of Defense, but direct the Secretary of Defense and the Secretary of State to jointly develop a plan for transitioning the PCF from the Department of Defense to the Department of State by fiscal year 2010 and to be fully executed by the Department of State by fiscal year 2011. The plan should identify the resources, personnel, and authorities required to facilitate the transfer to the State Department, as well as goals and objectives for the successful completion of this program. In addition, the Secretary of Defense is directed to follow the same reporting requirements that Congress has required for the Afghanistan and Iraq Security Forces Funds as outlined in section 317 of this Act.

The conferees believe civil-military operations are a key component of successful counterinsurgency efforts. However, the conferees do not support the creation of a Commander’s Emergency Response Program (CERP) or similar program for Pakistan, and have neither authorized nor provided funding for such a program anywhere in this Act. The conference agreement has made available $2,000,000 from the Pakistan Counterinsurgency Fund to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises carried out with Pakistan’s security forces through this fund. Finally, the conferees direct the Department to work with the Government of Pakistan to establish a funding mechanism beginning in fiscal year 2010, using Pakistani funds, which can be applied to humanitarian needs in support of counterinsurgency operations conducted inside of Pakistan.

FAMILY ADVOCACY PROGRAM

The conference agreement provides $708,842,000 for family advocacy programs to provide counseling and family assistance including child psychologists, and other intervention efforts which is $94,000,000 above the request in order to enhance the activities of the Family Advocacy Program and provide for children and families managing the difficult challenges of military service. The funding is provided for, but not limited to, child care, counseling, spouse certification and licensure, and Joint Family Assistance Centers. Funding is also available for the Warrior Family Community Partnership to provide assistance to all soldiers and families.

COMBAT UNIFORMS

The conferees understand that soldiers deployed to Afghanistan have serious concerns about the current combat uniform which they indicate provides ineffective camouflage given the environment in Afghanistan. Accordingly, the conferees direct that within funding made available the Department of Defense take immediate action to provide combat uniforms to personnel deployed to Afghanistan with a camouflage pattern that is suited to the environment of Afghanistan. The conferees further direct the Secretary of the Army to provide a report on the program plans and budgetary adjustments necessary to provide appropriate uniforms to deployed and deploying troops to Afghanistan. The report shall be submitted to the congressional defense committees by the end of fiscal year 2009.

PROCUREMENT

The conference agreement recommends $25,846,718,000 for procurement.

The recommendations for each procurement account are shown below:
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Budget Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aircraft Procurement, Army</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 UH-60 BLACKHAWK (MYP)</td>
<td>81,400</td>
<td>81,400</td>
<td>48,840</td>
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<tr>
<td>Battle losses only (2 UH-60, 1HH-60)</td>
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<td></td>
<td>-32,560</td>
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<tr>
<td>8 CH-47 HELICOPTER (MYP)</td>
<td>120,000</td>
<td>210,000</td>
<td>60,000</td>
</tr>
<tr>
<td>Provides funding for one additional CH-47 aircraft for expanded aviation requirements in Overseas Contingency Operations</td>
<td></td>
<td></td>
<td>90,000</td>
</tr>
<tr>
<td>Battle losses only</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 GUARDRAIL MODS (MIP)</td>
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<td>39,700</td>
<td>39,700</td>
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<tr>
<td>20 AH-64 MODS</td>
<td>354,360</td>
<td>787,060</td>
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<tr>
<td>Provides funding for conversion of one Army National Guard AH-64A battalion from A to D model aircraft</td>
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<td></td>
<td>432,700</td>
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<tr>
<td>No battle losses</td>
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<td></td>
<td>-354,360</td>
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<tr>
<td>22 CH-47 CARGO HELICOPTER MODS (MYP)</td>
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<td>9,760</td>
<td>9,760</td>
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<td>32 ARIEAL INFRARED COUNTERMEASURES</td>
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<td>35 AIRCREW INTEGRATED SYSTEMS</td>
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<td>3,584</td>
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<tr>
<td>36 AIR TRAFFIC CONTROL</td>
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<tr>
<td>Transfer for execution</td>
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<td>-21,000</td>
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<td>37 AIRBORNE COMMUNICATIONS</td>
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<tr>
<td>Transfer for execution</td>
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<td></td>
<td>21,000</td>
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<td><strong>Total Aircraft Procurement, Army</strong></td>
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<td><strong>Missile Procurement, Army</strong></td>
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<td>5 HELLFIRE SYSTEM SUMMARY</td>
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<td>208,430</td>
<td>207,430</td>
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<tr>
<td>Aligns production scheduling and capacity</td>
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<td></td>
<td>-20,000</td>
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<tr>
<td>Unit cost adjustment to procure 2,603 missiles</td>
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<td></td>
<td>-21,000</td>
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<tr>
<td>6 JAVELIN (AAWS-M) SYSTEM SUMMARY</td>
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<tr>
<td>Aligns production scheduling and capacity</td>
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<td>-20,000</td>
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<tr>
<td>Unit cost adjustment to procure 924 AURs</td>
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<td>7 TOW 2 SYSTEM SUMMARY</td>
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<tr>
<td>Aligns production scheduling and capacity</td>
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<tr>
<td>Revised program management administration costs</td>
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<td>8 GUIDED MLRS ROCKET (GMLRS)</td>
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<td><strong>Total Missile Procurement, Army</strong></td>
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<td><strong>Procurement of Weapons and Tracked Combat Vehicles (W&amp;TCV), Army</strong></td>
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<td>4 STRYKER VEHICLE</td>
<td>112,734</td>
<td>451,134</td>
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<td>Provides funding to procure additional Stryker vehicles</td>
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<td>10 BRADLEY PROGRAM (MOD)</td>
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<tr>
<td>Provides funding in support of Bradley Fighting Vehicle Reset requirements</td>
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<td>12 IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)</td>
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<td>Excess to combat loss/reset requirement</td>
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<td>15 M1 ABRAMS TANK (MOD)</td>
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<tr>
<td>Aligns funding with Overseas Contingency Operations Requirements</td>
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<td>16 ABRAMS UPGRADE PROGRAM</td>
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<td>20 M240 MEDIUM MACHINE GUN (7.62MM)</td>
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<tr>
<td>20 M240 MEDIUM MACHINE GUN (7.62MM)</td>
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**Procurement of Ammunition, Army**

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<th>Conference</th>
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<td>1 CTG, 5.56MM, ALL TYPES</td>
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<td>2 CTG, 7.62MM, ALL TYPES</td>
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<td>4 CTG, .50 CAL, ALL TYPES</td>
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<td>16 PROJ 155MM EXTENDED RANGE XM982</td>
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<td>25 DEMOLITION MUNITIONS, ALL TYPES</td>
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<tr>
<td>26 GRENADES, ALL TYPES</td>
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**Other Procurement, Army**

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Total Other Procurement, Army: 8,121,572

Aircraft Procurement, Navy

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Total Aircraft Procurement, Navy: 600,999


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**Procurement, Marine Corps**

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### Aircraft Procurement, Air Force

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<td>due to inability of Air Force to install within the next 12 months</td>
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<td>within the next 12 months</td>
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<td>Funded ahead of need</td>
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<td>C-130</td>
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<td>Conference</td>
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Total Other Procurement, Air Force 1,834,953 1,745,761 1,910,343 1,802,083

Procurement, Defense-Wide

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<td>72  SOF INTELLIGENCE SYSTEMS</td>
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<td>Tactical Combat Casualty Care Equipment</td>
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Total Procurement, Defense-Wide 197,068 200,068 237,868 237,868
STRYKER VEHICLES

The conference agreement supports continuation of the Stryker vehicle program which has demonstrated excellent performance in combat operations in the Central Command area of operations. The conference agreement provides $200,000,000 above the budget request to procure additional Stryker vehicles. Funds may be used to procure additional medical evacuation vehicles, engineer squad vehicles and other Stryker variants, based on Army needs, and to sustain continued production. As part of the Department of Defense Quadrennial Defense Review, the Army is undertaking a major analysis of its tracked and tactical wheeled vehicle needs. This review will set the course for the future force and help establish the specific vehicle requirements. The conferees direct the Secretary of the Army to provide a report to the congressional defense committees, no later than September 30, 2009 with the plan to sustain Stryker vehicle production and the details on which vehicles (variant and quantity) will be procured with the provided funding.

RAPID EQUIPPING FORCE

The conference agreement provides $309,000,000 for the Army Rapid Equipping Force (REF), including $99,000,000 for Counter Sniper and Soldier Wearable Acoustic Targeting Sniper Systems. This amount should satisfy numerous emergency requests from forward deployed and forward deploying units. The conferees direct the Secretary of the Army to provide an acquisition objective and basis of issue plan for both vehicular and soldier wearable sniper detection equipment within 60 days after enactment of this Act. If shortfalls still exist, the Army is expected to reprogram the necessary funds to accommodate the shortfalls.

WEAPONS ENHANCEMENT PROGRAM

The budget request included $32,461,000 for various force protection items and weapons upgrades in Procurement, Marine Corps. The conferees note that the Congress previously provided $23,000,000 in this procurement line for a requirement that was subsequently not validated and directs the Marine Corps to apply those funds toward the requirements in the fiscal year 2009 supplemental requirement for weapons enhancements.

COMBAT OPERATIONS CENTERS

The conferees understand that subsequent to the budget submission, an Urgent Universal Needs Statement for additional Combat Operations Centers for Marine units in support of operations in Afghanistan was validated. The conference agreement provides $59,200,000 in Procurement, Marine Corps to fully satisfy this requirement.

EXPLOSIVE ORDNANCE DISPOSAL SYSTEMS

The budget request includes $35,000,000 for a U.S. Central Command Urgent Universal Needs Statement for a Standoff Suicide Bomber Detection System in Procurement, Marine Corps. The conferees have been informed that the Urgent Universal Needs Statement was suspended following the budget submission and therefore provide no funds for this effort.

PHYSICAL SECURITY EQUIPMENT

The budget request includes $112,200,000 in Procurement, Marine Corps for physical security requirements that were previously funded. The conferees deny the redundant funds.

F–22 AIRCRAFT

The Air Force has informed the Congress that funding in the amount of $45,000,000 is required for the F–22 Raptor program to avoid a work stoppage in material processing and fabrication activities during fiscal year 2009. The conferees direct the Secretary of the Air Force to use $45,000,000 from within the funds provided to ensure that work proceeds on schedule. None of the funds provided in this Act shall be used to finance activities to shut-down the F–22A production line. Funds may be used to explore options to develop an export variant of the F–22A.

NATIONAL GUARD AND RESERVE EQUIPMENT

The National Guard and Reserve components traditionally receive less than a proportionate share of funding to resource their equipment needs. As a result, the conferees recommend funding of $500,000,000 for the National Guard and Reserve forces. Of that amount, $300,000,000 is for the Army National Guard; $50,000,000 for the Air National Guard; $75,000,000 for the U.S. Army Reserve; $25,000,000 for the Navy Reserve; $25,000,000 for the Marine Corps Reserve; and $25,000,000 for the Air Force Reserve to meet urgent equipment needs that may arise this fiscal year. This funding will allow the National Guard and Reserve components to procure high priority equipment that may be used by these units for both their combat missions and their missions in support of State governors.

<table>
<thead>
<tr>
<th>National Guard and Reserve Equipment Account</th>
<th>Budget request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army National Guard</td>
<td></td>
<td>300,000</td>
<td>300,000</td>
<td>300,000</td>
</tr>
<tr>
<td>Air National Guard</td>
<td></td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
</tr>
<tr>
<td>U.S. Army Reserve</td>
<td></td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
</tr>
<tr>
<td>Navy Reserve</td>
<td></td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
</tr>
<tr>
<td>Marine Corps Reserve</td>
<td></td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
</tr>
<tr>
<td>Air Force Reserve</td>
<td></td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
</tr>
<tr>
<td>Total National Guard and Reserve Equipment</td>
<td></td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
</tr>
</tbody>
</table>

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

The conferees recommend $4,543,000,000 for the Mine Resistant Ambush Protected Vehicle Fund, an increase of $1,850,000,000 above the request and direct that the additional funds shall be for the procurement and fielding of Mine Resistant Ambush Protected All Terrain Vehicles (M–ATV) only. M–ATVs are urgently needed to protect servicemembers against improvised explosive devices and other threats in Afghanistan. These new, lightweight MRAPs operate better than current vehicles in the close urban environments and challenging terrain of Afghanistan. The conferees expect that the Joint Program Office will move rapidly to field these critical force protection assets to the Warfighter.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement recommends $63,499,000 for research, development, test and evaluation.

The recommendations for each research, development, test and evaluation account are shown below:
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Budget Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Research, Development, Test &amp; Evaluation, Army</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>61 SOLDIER SUPPORT AND SURVIVABILITY</td>
<td>6,944</td>
<td>6,944</td>
<td>2,645</td>
</tr>
<tr>
<td>Unjustified request</td>
<td>-4,299</td>
<td>-4,299</td>
<td></td>
</tr>
<tr>
<td>93 NIGHT VISION SYSTEMS - SDD</td>
<td>64,500</td>
<td>64,500</td>
<td>68,900</td>
</tr>
<tr>
<td>Kabul Persistent Threat Detection System</td>
<td>4,400</td>
<td>4,400</td>
<td></td>
</tr>
<tr>
<td>Transfer to Other Procurement, Army Line 83, Heterogeneous Airborne Reconnaissance Team, for execution</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>134 EXPLOITATION OF FOREIGN ITEMS</td>
<td>390</td>
<td>390</td>
<td>390</td>
</tr>
<tr>
<td>162 INFORMATION SYSTEMS SECURITY PROGRAM</td>
<td>1,900</td>
<td>1,900</td>
<td>0</td>
</tr>
<tr>
<td>Unjustified requirement</td>
<td>-1,900</td>
<td>-1,900</td>
<td></td>
</tr>
<tr>
<td><strong>Total Research, Development, Test &amp; Evaluation, Army</strong></td>
<td>73,734</td>
<td>73,734</td>
<td>71,935</td>
</tr>
</tbody>
</table>

| **Research, Development, Test & Evaluation, Navy** |       |        |            |
| 91 V-22A | 3,900 | 0      | 3,900      | 0          |
| Non-emergency development effort | -3,900 | -3,900 |            |            |
| 122 INTELLIGENCE ENGINEERING | 1,850 | 0      | 1,850      | 0          |
| CNO Nodal analysis | -1,850 | -1,850 |            |            |
| 180 MARINE CORPS COMMUNICATIONS SYSTEMS | 8,700 | 0      | 0          | 0          |
| Non-emergency development effort | -8,700 | -8,700 |            |            |
| CESAS-continue deployment on MRAP | -8,700 | -8,700 |            | 0          |
| 202 MANNED RECONNAISSANCE SYSTEMS | 8,855 | 0      | 26,700     | 35,555     |
| Excessive delivery time | -8,855 | -8,855 |            | 0          |
| Unjustified request | -8,855 | -8,855 |            | 0          |
| Saber Focus | 26,700 | 26,700 |            |            |
| XXX OTHER PROGRAMS | 121,231 | 96,231 | 109,231    | 101,231    |
| Program Adjustment | -20,000 |            |            |            |
| **Total Research, Development, Test & Evaluation, Navy** | 144,536 | 96,231 | 141,681    | 136,786    |

<p>| <strong>Research, Development, Test &amp; Evaluation, Air Force</strong> |       |        |            |
| 86 LINK 16 SUPPORT AND SUSTAINMENT | 61,000 | 61,000 |            |
| Interim Gateway/Battlefield Airborne Communication Node | 61,000 | 61,000 |            |
| XXX OTHER PROGRAMS | 108,259 | 92,574 | 113,259    | 99,474     |
| Program Adjustment | -8,785 |            |            |            |
| <strong>Total Research, Development, Test &amp; Evaluation, Air Force</strong> | 108,259 | 92,574 | 174,259    | 160,474    |</p>
<table>
<thead>
<tr>
<th>Research, Development, Test &amp; Evaluation, Defense-Wide</th>
<th>Budget Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT</td>
<td>2,000</td>
<td></td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>Freeze-Dried Platelet and Plasma Development</td>
<td>2,000</td>
<td></td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>124 WOUNDED ILL AND INJURED SENIOR OVERSIGHT commitment staff office</td>
<td>15,645</td>
<td>15,645</td>
<td>15,645</td>
<td>15,645</td>
</tr>
<tr>
<td>139 GENERAL SUPPORT TO USD (INTELLIGENCE)</td>
<td>17,250</td>
<td>11,500</td>
<td>17,250</td>
<td>11,500</td>
</tr>
<tr>
<td>Program Adjustment</td>
<td>-5,750</td>
<td>0</td>
<td>0</td>
<td>-5,750</td>
</tr>
<tr>
<td>OTHER PROGRAMS</td>
<td>2,001</td>
<td>0</td>
<td>2,001</td>
<td>0</td>
</tr>
<tr>
<td>Program Adjustment</td>
<td>-2,001</td>
<td></td>
<td>-2,001</td>
<td></td>
</tr>
<tr>
<td>210 DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES</td>
<td>1,545</td>
<td>1,545</td>
<td>1,545</td>
<td>1,545</td>
</tr>
<tr>
<td>XXX OTHER PROGRAMS</td>
<td>446,927</td>
<td>428,701</td>
<td>461,727</td>
<td>452,614</td>
</tr>
<tr>
<td>Program Adjustment</td>
<td>-18,226</td>
<td>14,800</td>
<td></td>
<td>5,687</td>
</tr>
<tr>
<td>Total Research, Development, Test &amp; Evaluation, Defense-Wide</td>
<td>483,368</td>
<td>459,391</td>
<td>498,168</td>
<td>483,304</td>
</tr>
</tbody>
</table>
KINETIC ENERGY INTERCEPTOR

The conferees understand a stop work order on the Kinetic Energy Interceptor (KEI) was issued May 11, 2009. However, the KEI program had a booster flight test scheduled in Fall 2009 that could provide an important understanding of the technology risk for any future interceptor development. The conferees further understand that the KEI program has already produced valuable technical accomplishments. The conferees strongly encourage the Missile Defense Agency to execute this test, within funds that have been made available for KEI, to gain significant technical knowledge for this program.

REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS

The conference agreement recommends $861,726,000 for the Defense Working Capital Fund accounts. This supports funding of $443,200,000 for the Defense Working Capital Fund, Army, to re-stock spare and repair parts essential to the operational readiness of the Army; $15,000,000 for the Defense Working Capital Fund, Air Force, for the transportation of Fallen Heroes from the theater of operations; and $403,526,000 for the Defense Working Capital Fund, Defense-Wide, for contingency operations costs for the Defense Information Systems Agency and the Defense Logistics Agency.

<table>
<thead>
<tr>
<th>Budget request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>$443,200,000</td>
<td>$443,200,000</td>
<td>$443,200,000</td>
<td>$443,200,000</td>
</tr>
<tr>
<td>$15,000,000</td>
<td>$15,000,000</td>
<td>$15,000,000</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>$403,526,000</td>
<td>$403,526,000</td>
<td>$403,526,000</td>
<td>$403,526,000</td>
</tr>
<tr>
<td>$861,726,000</td>
<td>$861,726,000</td>
<td>$861,726,000</td>
<td></td>
</tr>
</tbody>
</table>

OTHER DEPARTMENT OF DEFENSE PROGRAMS
DEFENSE HEALTH PROGRAM

The conference agreement recommends $1,055,297,000 for the Defense Health Program.

<table>
<thead>
<tr>
<th>Budget request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,055,297,000</td>
<td>$1,055,297,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TRAUMATIC BRAIN INJURY AND PSYCHOLOGICAL HEALTH RESEARCH

The conference agreement provides $75,000,000 for Traumatic Brain Injury (TBI) and Psychological Health peer-reviewed and/or competitively awarded research, development, test and evaluation efforts. The funding provided is to be allocated as recommended in the House Report 111-105 to validate emergent approaches and technologies and to accelerate on-going programs for early diagnosis, assessment and treatment of TBI and Psychological Health, including spinal cord injury, and complementary and alternative medicine.

ORTHOPEDIC RESEARCH

The conference agreement provides $51,000,000 for orthopedic and other trauma research, treatment and rehabilitation including regenerative medicine. This funding will continue and expand the existing orthopedic trauma research program, amputee rehabilitation and reset research, and restoration of function. Serious limb trauma, vascular injuries, major limb tissue damage, and blood flow disruption contribute heavily to United States military casualties in Iraq and Afghanistan. The Department of Defense estimates indicate that nearly two thirds of injuries sustained in combat in Iraq and Afghanistan are musculoskeletal. Extremity injuries are the most prevalent injury, and amputations following battlefield injury now occur at twice the rate as in past wars. Understanding how to treat and facilitate rapid recovery from orthopedic injuries should be one of the top priorities for the Military Health System.

<table>
<thead>
<tr>
<th>Budget request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>$20,000,000</td>
<td>$20,000,000</td>
<td>$20,000,000</td>
<td>$20,000,000</td>
</tr>
</tbody>
</table>

REHABILITATION EQUIPMENT

The conference agreement provides $20,398,000 for procure equipment for rehabilitation facilities currently under construction. The equipment will enable continued state-of-the-art care for soldiers with various types of injuries to recover to their full potential and return to a more normal way of life.

DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement recommends $120,398,000 for the Drug Interdiction and Counter-Drug Activities, Defense program.

The recommendations for the Drug Interdiction and Counter-Drug Activities, Defense program are shown below:

<table>
<thead>
<tr>
<th>Budget request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>$120,398,000</td>
<td>$120,398,000</td>
<td>$120,398,000</td>
<td>$120,398,000</td>
</tr>
</tbody>
</table>
The conference agreement recommends $1,116,746,000 for the Joint Improvised Explosive Device Defeat Fund.

### GENERAL PROVISIONS

Title III contains several general provisions, many of which extend or modify war-related authorities included in previous Acts. A brief description of the recommended provisions follows:

The conference agreement recommends sections 10002 and 302, as proposed by the House, which provide special transfer authority for funds made available in this title and that funds made available in this title are in addition to amounts appropriated or made available for the Department of Defense for fiscal year 2009.

#### INCLUDING TRANSFER OF FUNDS

The conference agreement recommends sections 10004 and 304, as proposed by the House and the Senate, which provide for the procurement of passenger motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan.

#### INCLUDING RESCissionS

The conference agreement recommends sections 10005 and 303, as proposed by the House and the Senate, which provide for the obligation and expenditure of funds related to activities pursuant to section 504(a)(1) of the National Security Act of 1947.

### TABLE: Budget for FY 2009

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget Request (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aircraft Procurement, Marine Corps:</td>
<td></td>
</tr>
<tr>
<td>CAC2S</td>
<td>10,300,000</td>
</tr>
<tr>
<td>Fuel</td>
<td>7,676,000</td>
</tr>
<tr>
<td>Common Support Equipment</td>
<td>36,324,000</td>
</tr>
<tr>
<td>Research, Development, Test and Evaluation, Navy:</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Research, Development, Test and Evaluation, Air Force:</td>
<td>3,800,000</td>
</tr>
<tr>
<td>CSAR-X RTD&amp;E</td>
<td>36,107,000</td>
</tr>
<tr>
<td>Research, Development, Test and Evaluation, Defense-Wide:</td>
<td>150,000,000</td>
</tr>
<tr>
<td>DARPA: Undistributed</td>
<td>650,000</td>
</tr>
<tr>
<td>DARPA: Sensor Technology</td>
<td>9,270,000</td>
</tr>
<tr>
<td>DARPA: Guidance Technology</td>
<td>9,204,000</td>
</tr>
<tr>
<td>Operation and Maintenance, Army:</td>
<td>352,359,000</td>
</tr>
<tr>
<td>Operation and Maintenance, Fuel:</td>
<td>881,481,000</td>
</tr>
<tr>
<td>Operation and Maintenance, Marine Corps:</td>
<td>54,466,000</td>
</tr>
<tr>
<td>Operation and Maintenance, Air Force:</td>
<td>925,203,000</td>
</tr>
<tr>
<td>Operation and Maintenance, Defense-Wide:</td>
<td>81,350,000</td>
</tr>
<tr>
<td>Classified</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Classified</td>
<td>181,500,000</td>
</tr>
<tr>
<td>Operation and Maintenance, Army Reserve:</td>
<td>23,338,000</td>
</tr>
<tr>
<td>Operation and Maintenance, Navy Reserve:</td>
<td>62,910,000</td>
</tr>
<tr>
<td>Operation and Maintenance, Marine Corps Reserve:</td>
<td>1,250,000</td>
</tr>
<tr>
<td>Operation and Maintenance, Air Force Reserve:</td>
<td>163,786,000</td>
</tr>
<tr>
<td>Aircraft Procurement, Army:</td>
<td>57,819,000</td>
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<tr>
<td>Common Ground Equipment</td>
<td>11,000,000</td>
</tr>
<tr>
<td>Airborne Avionics</td>
<td>11,000,000</td>
</tr>
<tr>
<td>Procurement of Ammunition, Army:</td>
<td>6,360,000</td>
</tr>
<tr>
<td>Army:</td>
<td></td>
</tr>
<tr>
<td>Field Feeding Equipment</td>
<td>7,000,000</td>
</tr>
<tr>
<td>Close Combat Tactical Trainer</td>
<td>8,000,000</td>
</tr>
<tr>
<td>Lightweight Laser Designator Rangefinder Procurement, Marine Corps:</td>
<td>55,000,000</td>
</tr>
<tr>
<td>Other Procurement, Army: Force XXI Battle Command Brigade &amp; Below:</td>
<td>50,000,000</td>
</tr>
<tr>
<td>Modification of In-Service Equipment (OPA3):</td>
<td>30,200,000</td>
</tr>
<tr>
<td>Defense Enterprise Wideband SATCOM System:</td>
<td>6,000,000</td>
</tr>
<tr>
<td>Long Range Advanced Scout Surveillance:</td>
<td>47,300,000</td>
</tr>
<tr>
<td>Night Vision Thermal Weapon Sight:</td>
<td>41,500,000</td>
</tr>
<tr>
<td>Field Feeding Equipment</td>
<td>7,000,000</td>
</tr>
<tr>
<td>Close Combat Tactical Trainer</td>
<td>8,000,000</td>
</tr>
<tr>
<td>Lightweight Laser Designator Rangefinder Procurement, Marine Corps:</td>
<td>55,000,000</td>
</tr>
<tr>
<td>Other Procurement, Air Force:</td>
<td></td>
</tr>
<tr>
<td>Base Information Infrastructure</td>
<td>17,500,000</td>
</tr>
</tbody>
</table>
The conference agreement includes a provision proposed by the Senate restricting spending on mission relocation of either the design authority for the gas transfer systems on the Central Research and Development Foundation's facilities until an independent technical mission review and cost analysis is performed. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate increasing the cost ceiling for a Corps of Engineers project. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning the deconstruction of a Corps of Engineers project. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning the Innovative Technology Assurance and Evaluation Program in the Energy Department. The House proposed no similar provision.

**TITLE IV—SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT**

**DEPARTMENT OF DEFENSE—CIVIL**

**DEPARTMENT OF THE ARMY**

**CORPS OF ENGINEERS—CIVIL**

**CONFERENCE APPROPRIATIONS AND FINANCING**

The conference agreement provides $12,875,000 for Operation and Maintenance, instead of $38,375,000 as proposed by the Senate. The House proposed no funding for this account.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides $754,290,000 for Flood Control and Coastal Emergencies as proposed by the Senate. The House proposed no funding for this account. Within the funds provided, $315,290,000 is for the Corps to prepare for flood, hurricane, and other natural disasters; support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law; and repair and rehabilitate eligible projects that were affected during natural disasters. An additional $439,000,000 is provided for barrier island restoration and ecosystem restoration along the Mississippi Gulf Coast.

DEFENSE NONPROLIFERATION

The conference agreement provides $16,000,000 for the Defense Nuclear Nonproliferation Program, including transfer of funds from other programs. The House proposed $9,000,000 for this purpose.

DEFENSE NUCLEAR NONPROLIFERATION (TRANSFER OF FUNDS)

The conference agreement provides $13,000,000 for the Defense Nuclear Nonproliferation Program, including transfer of funds from other programs. The House proposed $10,000,000 for this purpose.

**ENERGY PROGRAMS**

STRAategic Petroleum Reserve

(TRANSFER OF FUNDS)

The conference agreement provides $21,585,723 for Strategic Petroleum Reserve to be derived by transfer from the SPR Petroleum Account as proposed by the House and Senate.

**NATIONAL SECURITY COUNCIL**

**ADMINISTRATION**

**WEAPONS ACTIVITIES**

The conference agreement provides $30,000,000 to sustain a program at the nuclear weapons laboratories and other entities to analyze nuclear and biological weapons intelligence. The Senate bill proposed $75,600,000 for this purpose. An additional $439,000,000 is provided for barrier island restoration and ecosystem restoration along the Mississippi Gulf Coast.

**DEFENSE NUCLEAR NONPROLIFERATION**

The conference agreement provides $55,000,000 for Defense Nuclear Nonproliferation as proposed by the House and Senate.

**GENERAL PROVISIONS—THIS TITLE**

The conference agreement includes a provision proposed by the Senate concerning the Independent White House cooking Authority. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning Federal Employment Requirements. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate amending section 3181 of Public Law 110-114 to deauthorize two Corps of Engineers projects. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning reprogramming of funds provided in Public Law 111-5 to the Bureau of Reclamation. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate concerning reprogramming of funds provided in Public Law 111-5 to the Bureau of Reclamation. The House proposed no similar provision.
The conference agreement includes $30,000,000 as requested for wildfire suppression and emergency rehabilitation activities of the Forest Service, available only if other available funds will be exhausted imminently. If it enhances the efficiency or effectiveness of Federal wildland fire suppression activities, the Secretary of the Interior may transfer any of these funds to the Secretary of Agriculture for similar activities. The Conference Notes that although wildfire suppression projections are challenging this early in the season, models and experience indicate that it is highly likely that existing available funds will not be sufficient if another fire season like the past three occurs.

GENERAL PROVISIONS—THIS TITLE

Sec. 701. The conference agreement includes a technical correction as proposed by the Senate that amends Public Law 111–8 concerning training of staff at the Agency for Toxic Substances and Disease Registry. The House had no similar provision.

The conference agreement does not include a provision proposed by the Senate that exempts youth conservation employment programs in the Department of the Interior and the Forest Service from Section 1606 of division A of the American Recovery and Reinvestment Act of 2009, as proposed by the Senate. The House had no comparable provision.

TITLE VIII

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Refugee and Entrant Assistance

The conference agreement includes $82,000,000 for refugee and entrant assistance, as proposed by the Senate. The House proposed these funds within the Department of Defense, including transfer authority to other Federal agencies. The conference intends that these funds be used for the care and custody of unaccompanied alien children, to allow the Office of Refugee Resettlement to implement the provisions of Public Law 110–182, as amended, and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110–457). In addition, the bill includes $55,000,000 for response to border threats, as discussed in the Senate report. Prior to obligation of the funds, the Secretary shall submit an expenditure plan to the Committees on Appropriations not later than 30 days after the date of enactment of this Act.

The Department of Homeland Security (DHS) is directed, jointly with HHS, to brief the Committees on Appropriations no later than July 3, 2009, on the fiscal year 2009 costs to date for handling UAC pursuant to P.L. 110–457 and $10,000,000 for increased costs of ICE to care for and transport unaccompanied illegal alien children (UAC); $30,000,000 shall be to fund the transport unaccompanied illegal alien children program. Of this total, $129,503,000 is for support of overseas contingency operations, and $10,000,000 is for addressing the High Endurance Cutter maintenance backlog. The Coast Guard is directed to provide a briefing by July 15, 2009, on how it plans to apply the cutter maintenance funds.

Federal Emergency Management Agency

STATE AND LOCAL PROGRAMS

The agreement provides $30,000,000 for State and Local Programs for Operation Stonegarden as proposed by the Senate. The House bill contains no similar funding.

GENERAL PROVISIONS—THIS TITLE

Sec. 601. The agreement includes and modifies a provision proposed by the House permitting the Coast Guard to issue a certificate of documentation for the drydock of the vessel MARYLAND INDEPENDENCE to engage in coastwise trade and waives certain sections of the Jones Act.

Sec. 602. The agreement includes a provision proposed by the House permitting the Coast Guard to issue a certificate of documentation for the vessel MARYLAND INDEPENDENCE to engage in coastwise trade and waives certain sections of the Jones Act. This authority is terminated if the vessel is conveyed or repairs or alterations are made to the vessel outside the United States.

(INCLUDING RECISSION OF FUNDS)

Sec. 603. The agreement includes a provision proposed by the Senate rescinding and appropriating funds previously allocated to the State of Mississippi.

Sec. 604. The agreement includes a provision proposed by the Senate amending language under the heading Federal Emergency Management and Administration, Public Law 110–329.

Sec. 605. The agreement includes a provision proposed by the Senate permitting the Secretary to waive certain requirements of the Federal Fire Prevention and Control Act of 1974. The House bill contained a similar provision under the heading Federal Emergency Management Agency, Firefighter Assistance Grants.

Sec. 606. The agreement includes a provision proposed by the Senate regarding State-run care programs related to Hurricanes Katrina and Rita.

Sec. 607. The agreement includes a provision proposed by the Senate that amends Section 552 of Public Law 110–161 pertaining to primary or secondary schools damaged by Hurricanes Katrina and Rita.

Sec. 608. The agreement includes a provision proposed by the Senate pertaining to the amendment to Section 503 of the conference report altering the 2009 appropriation for the Federal Communications Commission, to make that amount available for developing a national broadband plan pursuant to the American Recovery and Reinvestment Act of 2009 and for a State Broadband Data and Development matching grants program. This provision was proposed by the Senate; the House had no comparable provision.

PANDEMIC INFLUENZA

The conference agreement does not contain provisions proposed by the Senate making appropriations within the Executive Office of the President for pandemic influenza preparedness and response. Rather, this matter is addressed by HHS, as proposed by the Senate. The bill contains no similar funding. Included in this total is $129,503,000 for increased costs of ICE to care for and transport unaccompanied illegal alien children (UAC); $30,000,000 shall be to fund the transport unaccompanied illegal alien children program. Of this total, $129,503,000 is for support of overseas contingency operations, and $10,000,000 is for addressing the High Endurance Cutter maintenance backlog. The Coast Guard is directed to provide a briefing by July 15, 2009, on how it plans to apply the cutter maintenance funds.

Federal Emergency Management Agency

STATE AND LOCAL PROGRAMS

The agreement provides $30,000,000 for Federal Emergency Management Agency, Operations and Procurement as proposed by the Senate. The House bill contained no similar funding. The Conference Notes that although wildfire suppression projections are challenging this early in the season, models and experience indicate that it is highly likely that existing available funds will not be sufficient if another fire season like the past three occurs.

DEPARTMENT OF INDIAN AFFAIRS

Indian Health Service

The agreement provides $180,000,000 for the Indian Health Service, as proposed by the House; the Senate had no comparable provision.

U.S. CUSTOMS AND BORDER PROTECTION

SAFETY AND EXPENSES

The agreement provides $46,200,000 for U.S. Customs and Border Protection (CBP) Salaries and Expenses as proposed by the Senate. The House bill contained no similar funding. Of this, $6,200,000 shall be to care for and transport unaccompanied illegal alien children (UAC) and $21,000,000 shall be to fund the hiring of up to 125 CBP Officers, as well as other personnel, equipment, facilities and operations costs for additional deployment to Southwest border ports of entry; and $10,000,000 shall be to procure competitively non-intrusive inspection equipment, all as described in the Senate report. The Secretary of Homeland Security shall submit an expenditure plan to the Committees on Appropriations prior to obligating these funds, and not later than 30 days after the date of enactment of this Act.

AIR AND MARINE INTERCEPTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The agreement provides $5,000,000 for Air and Marine Interdiction, Operations, Maintenance, and Procurement as proposed by the Senate. The House bill contained no similar funding. The Secretary shall submit an expenditure plan to the Committees on Appropriations prior to obligating these funds, and not later than 30 days after the date of enactment of this Act.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SAFETY AND EXPENSES

The agreement provides $66,800,000 for U.S. Immigration and Customs Enforcement (ICE) Salaries and Expenses as proposed by the Senate. The House bill contained no similar funding. The Senate bill contained $11,800,000 for increased costs of ICE to care for and transport UAC to the Department of Health and Human Services (HHS), pursuant to the requirements in the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110–457). In addition, the bill includes $55,000,000 for response to border threats, as discussed in the Senate report. Prior to obligation of the funds, the Secretary shall submit an expenditure plan to the Committees on Appropriations not later than 30 days after the date of enactment of this Act.

The Department of Homeland Security (DHS) is directed, jointly with HHS, to brief the Committees on Appropriations no later than July 3, 2009, on the fiscal year 2009 costs to date for handling UAC pursuant to P.L. 110–457 and $10,000,000 for increased costs for the same activity in fiscal year 2010.

COAST GUARD

OPERATING EXPENSES

The agreement provides $139,503,000 for Coast Guard Operating Expenses as proposed by the Senate. The House bill contained $129,503,000 for maintenance and Operations and Maintenance appropriation and no funding for maintenance of High Endurance Cutters. Of this total, $129,503,000 is for support of overseas contingency operations, and $10,000,000 is for addressing the High Endurance Cutter maintenance backlog. The Coast Guard is directed to provide a briefing by July 15, 2009, on how it plans to apply the cutter maintenance funds.

DEPARTMENT OF THE INTERIOR

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $50,000,000 as requested for wildfire suppression and emergency rehabilitation activities of the Department of the Interior, available only if other available funds will be exhausted imminently. If it enhances the efficiency or effectiveness of Federal wildland fire suppression activities, the Secretary of the Interior may transfer any of these funds to the Secretary of Agriculture for similar activities. The Conference Notes that although wildfire suppression projections are challenging this early in the season, models and experience indicate that it is highly likely that existing available funds will not be sufficient if another fire season like the past three occurs.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $200,000,000 as requested for wildfire suppression and emergency rehabilitation activities of the Forest Service, available only if other available funds will be exhausted imminently. If it enhances the efficiency or effectiveness of Federal wildland fire suppression activities, the Secretary of Agriculture may transfer any of these funds to the Secretary of the Interior for similar activities. The Conference Notes that although wildfire suppression projections are challenging this early in the season, models and experience indicate that it is highly likely that existing available funds will not be sufficient if another fire season like the past three occurs.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

The conference agreement includes $30,000,000 as requested for enhanced counterterrorism, cybercrime, and computer intrusion activities as proposed by the Senate; the House had no comparable provision.

DEPARTMENT OF THE TREASURY

DEPARTMENT-WIDE PROGRAMS

The agreement provides $5,000,000 as requested for purposes of providing for the expenses of the Department of the Treasury in connection with the administration of Title 31, United States Code.
than July 3, 2009 on the increased costs in fiscal year 2010 associated with implementing the TVPRA.

Office of the Secretary
PUBLIC HEALTH AND SOCIAL SERVICES

EMERGENCY FUND
(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $1,850,000,000 for pandemic influenza preparedness and response as proposed by the House. The Senate proposed $1,500,000,000 in the Executive Office of the President. Funding is available until expended, as proposed by the House, rather than until September 30, 2010 as proposed by the Senate. The conference agreement concurs in the House recommendation and does not specify amounts within this appropriation for transfers to other Federal agencies outside of the Department of Health and Human Services (HHS). The Senate recommended a number of transfers to other Federal agencies.

The conferees recognize the high level of uncertainty associated with the current H1N1 influenza virus strain and other circulating flu viruses and the urgent need to provide increased resources to Federal, State, and local agencies on the frontlines of responding to disease outbreaks. Lessons learned from previous pandemics indicate that influenza can strike a community, affect many individuals, and then return with a vengeance to strike the community months later.

HHS has nearly exhausted all prior appropriated influenza pandemic funds to respond to the current H1N1 influenza outbreak. Supplemental funding is needed to continue to address this current outbreak, but also to prepare for the potential of future outbreaks, increased severity of the virus, or for a new flu strain altogether. As such, this funding may be used for an array of pandemic influenza preparedness and response activities, including the development and purchase of vaccines, antiviral drugs, medical supplies and personal protective equipment, diagnostic and vaccine delivery equipment, for upgrading State and local public health capacity, and domestic and international surveillance. Additionally, funding may be used to support the activities for which prior funding was provided, but has been diverted to address the current outbreak.

As proposed by the House, the conference agreement includes bill language that permits HHS to transfer funds to other Federal agencies to be used to support the current H1N1 outbreak, with oversight and reporting requirements. The conferees directed the Secretary of HHS to prepare reports to Congress regarding the status of actions taken and funds obligated in this and previous appropriations Acts for pandemic influenza preparedness activities. These reports should be provided no later than 15 days after the end of each month. Further, the conference agreement includes a provision that permits the Secretary of HHS to submit a request for $2,000,000,000 in contingent emergency appropriation to Congress on influenza pandemic preparedness spending. The Senate did not propose similar language.

Contingent emergency appropriation

The conference agreement includes an additional $5,800,000,000 as a contingent emergency appropriation to provide Federal, State, and local public health and emergency response agencies with resources to effectively respond should an escalation of the H1N1 virus or another emerging influenza virus occur. Funds may be transferred to the Governor's Public Health Preparedness Fund for the purpose of administering compensation claims for individuals who may experience adverse reactions caused by the administration or use of a covered countermeasure, such as vaccines and antiviral drugs. Such transfers shall be made in consultation with the Secretary of the Treasury to ensure that transfers are made in a manner that will provide the Department of Health and Human Services and other Federal agencies with the financial resources necessary to respond to emerging infectious disease outbreaks. Funding will be used for such activities as U.S. and global disease detection and surveillance, laboratory capacity and research, diagnostic capabilities, risk communication, rapid response, distribution of medical supplies and treatments from national stockpiles, guidance development, and assistance to State and local governments.

Sec. 801. The conference agreement includes a provision as proposed by the Senate to provide the Department of Labor expanded transfer authority for administrative funding appropriated in the American Recovery and Reinvestment Act. The House bill did not include a similar provision.

Sec. 802. The conference agreement includes bill language as proposed by the House to make a technical correction to the fiscal year 2009 Omnibus Appropriations Act to permit the higher foster care children adoption rate. Funds are authorized by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). The Senate bill did not include a similar provision.

Sec. 803. The conference agreement includes bill language, not in either House or Senate bills, to enable the Department of Education to expedite the awarding of American Recovery and Reinvestment Act (ARRA) funding available for the Centers for Independent Living program and allow recipients of Federal funding to use this authority to help those affected by the current economic downturn. The Senate did not propose similar language.

The conference agreement includes no less than $350,000,000 for the Centers for Disease Control and Prevention (CDC) as proposed by the House. The Senate did not include a similar provision. CDC is the lead Federal agency involved with detecting, responding, and reporting emerging infectious disease outbreaks. Funding will be used for such activities as U.S. and global public health systems have been challenged by the current situation.

In order to respond effectively, the conferees request that the Secretary of HHS, together with the Director of CDC, examine HHS' response to the early stages of the H1N1 outbreak in Mexico and then laboratory confirmation process to ascertain whether improvements are needed in its current disease detection policies and procedures. HHS should submit a report to the Committees on Appropriations of the House of Representatives and the Senate no later than 90 days after the enactment of this Act. The Senate did not propose similar language.

As proposed by the House, the conferees request that the Secretary of HHS, together with the Director of CDC, examine HHS' response to the early stages of the H1N1 outbreak in Mexico and then laboratory confirmation process to ascertain whether improvements are needed in its current disease detection policies and procedures. HHS should submit a report to the Committees on Appropriations of the House of Representatives and the Senate updating the status of actions taken and funds obligated in this and previous appropriations Acts for pandemic influenza preparedness activities. These reports should be provided no later than 15 days after the end of each month. Further, the Senate shall include appropriate legislative language when preparing the semi-annual report to Congress on influenza pandemic preparedness spending. The Senate did not propose similar language.

Contingent emergency appropriation

The conference agreement includes an additional $5,800,000,000 as a contingent emergency appropriation to provide Federal, State, and local public health and emergency response agencies with resources to effectively respond should an escalation of the H1N1 virus or another emerging influenza virus occur. Funds may be transferred to the Governor's Public Health Preparedness Fund for the purpose of administering compensation claims for individuals who may experience adverse reactions caused by the administration or use of a covered countermeasure, such as vaccines and antiviral drugs. Such transfers shall be made in consultation with the Director of the Office of Management and Budget (OMB). Not later than 15 days prior to transferring any funds, the Secretary must notify the Committees on Appropriations of the House of Representatives and the Senate of the planned use of the funds. The Senate did not propose similar language.

Additionally, the conferees direct the Secretary to consult with the Director of OMB when making funding allocations within this HHS.

Within the total, the conference agreement includes no less than $200,000,000 for the Centers for Disease Control and Prevention (CDC) as proposed by the House. The Senate did not include a similar provision. CDC is the lead Federal agency involved with detecting, responding, and reporting emerging infectious disease outbreaks. Funding will be used for such activities as U.S. and global public health systems have been challenged by the current situation.

Moreover, to ensure that these resources are used for urgent needs, with oversight and accountability available for obligation only if the President provides written notice to Congress that emergency funds are required to address critical needs related to emerging influenza viruses. Funds may be transferred to other appropriation accounts of the Department of Health and Human Services and other Federal agencies in consultation with the Director of the Office of Management and Budget. Further, none of the funds provided through this contingent emergency appropriation shall be used to extend, delay, or cancel contract, grant, and cooperative agreement awards under this program. The conferees agree that additional, substantial, and flexible resources should be provided to respond to this emerging situation; however, the conferees believe they should be provided in a more efficient manner.

Congressional Budget Office

SALARIES AND EXPENSES

The agreement includes $17,566,000 for the acquisition and installation of a new radio system for the U.S. Capitol Police as proposed by both the House and Senate. This is the same amount as the supplemental request. The Government Accountability Office will support the Capitol Police in the execution of this critical project and have been requested by the House and Senate Appropriations Committees to provide regular updates of progress in meeting critical system timelines and performance standards.

The agreement accepts the Senate structure of the appropriations language which deletes a proviso included in the House bill and the supplemental request that would have placed $6,500,000 of this amount in a contingency reserve.

Congressional Budget Office

SALARIES AND EXPENSES

The agreement includes $17,566,000 for the acquisition and installation of a new radio system for the U.S. Capitol Police as proposed by both the House and Senate. This is the same amount as the supplemental request. The Government Accountability Office will support the Capitol Police in the execution of this critical project and have been requested by the House and Senate Appropriations Committees to provide regular updates of progress in meeting critical system timelines and performance standards.

The agreement accepts the Senate structure of the appropriations language which deletes a proviso included in the House bill and the supplemental request that would have placed $6,500,000 of this amount in a contingency reserve.
### Military Construction, Navy and Marine Corps

<table>
<thead>
<tr>
<th>Location</th>
<th>Project description</th>
<th>Request ($000)</th>
<th>Conference agreement ($000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA: Camp Pendleton</td>
<td>Child Development Center</td>
<td>15,420</td>
<td>15,420</td>
</tr>
<tr>
<td>CA: Camp Pendleton</td>
<td>Marine Reserves and Recovery Center</td>
<td>24,960</td>
<td>24,960</td>
</tr>
<tr>
<td>DC: Washington Navy Yard</td>
<td>Child Development Center</td>
<td>9,900</td>
<td>9,900</td>
</tr>
<tr>
<td>HI: Pearl Harbor NN</td>
<td>Child Development Center</td>
<td>32,300</td>
<td>32,300</td>
</tr>
<tr>
<td>MD: Annapolis NSA</td>
<td>Child Development Center Expansion</td>
<td>9,750</td>
<td>9,750</td>
</tr>
<tr>
<td>MD: Patuxent River NAS</td>
<td>Child Development Center</td>
<td>13,150</td>
<td>13,150</td>
</tr>
<tr>
<td>MD: Patuxent River NAS</td>
<td>Child Development Center Addition</td>
<td>3,850</td>
<td>3,850</td>
</tr>
<tr>
<td>NC: Camp Lejeune</td>
<td>Child Development Center</td>
<td>13,970</td>
<td>13,970</td>
</tr>
<tr>
<td>NC: Camp Lejeune</td>
<td>Wounded Warrior Battalion HQ</td>
<td>3,068</td>
<td>3,068</td>
</tr>
<tr>
<td>NC: Camp Lejeune</td>
<td>Child Development Center Addition</td>
<td>2,670</td>
<td>2,670</td>
</tr>
<tr>
<td>NC: New River NAS</td>
<td>Child Development Center</td>
<td>14,070</td>
<td>14,070</td>
</tr>
<tr>
<td>VA: Little Creek NAS</td>
<td>Child Development Center</td>
<td>3,968</td>
<td>3,968</td>
</tr>
<tr>
<td>VA: Quantico NS</td>
<td>Child Development Center</td>
<td>17,440</td>
<td>17,440</td>
</tr>
<tr>
<td>WA: Whitby Island NS</td>
<td>Child Development Center</td>
<td>13,560</td>
<td>13,560</td>
</tr>
</tbody>
</table>
The conferees agree to provide $281,620,000 for Military Construction, Air Force, instead of $279,120,000 as proposed by the House and $285,470,000 as proposed by the Senate. The agreement includes a provision as proposed by the Senate to require a prefinancing statement for each project in Afghanistan be submitted to NATO before funds can be obligated or expended. The funds are provided below:

<table>
<thead>
<tr>
<th>Location</th>
<th>Project description</th>
<th>Request ($000)</th>
<th>Conference ($000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan: Bagram AB</td>
<td>CAS Apron</td>
<td>32,000</td>
<td>32,000</td>
</tr>
<tr>
<td>Afghanistan: Bagram AB</td>
<td>Strategic Apron</td>
<td>36,000</td>
<td>84,000</td>
</tr>
<tr>
<td>Afghanistan: Kandahar</td>
<td>Aprilt AFS Apron</td>
<td>9,400</td>
<td>9,400</td>
</tr>
<tr>
<td>Afghanistan: Tombstone/Bastion</td>
<td>CAS Apron</td>
<td>18,500</td>
<td>18,500</td>
</tr>
<tr>
<td>Afghanistan: Tombstone/Bastion</td>
<td>Funds Operation &amp; Storage</td>
<td>2,750</td>
<td>2,750</td>
</tr>
<tr>
<td>Germany: Spangdahlem AB</td>
<td>Expanded Munitions Storage Area</td>
<td>51,000</td>
<td>51,000</td>
</tr>
<tr>
<td>Qatar: Al Udeid AB</td>
<td>25,500</td>
<td>18,000</td>
<td>12,000</td>
</tr>
<tr>
<td>Worldwide: Unspecified</td>
<td>Relocate Munitions Storage Area</td>
<td>13,000</td>
<td>12,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>280,970</td>
<td>281,620</td>
</tr>
</tbody>
</table>

The conferees agree to include a provision (Sec. 1002) to amend title 38 to provide for certain education benefits to the children of a member of the Armed Forces who dies while on active duty.

**TITLE XI**

**INTRODUCTION**

The conference agreement provides $9,700,213,000 for Department of State, Foreign Operations, and Related Programs, which is $2,652,089,000 above the request.

**DEPARTMENT OF STATE**

**ADMINISTRATION OF FOREIGN AFFAIRS**

**DIPLOMATIC AND CONSULAR PROGRAMS**

The conference agreement includes $987,890,000 for Diplomatic and Consular Programs, to support operations and security requirements for Afghanistan, Pakistan, and Iraq; and to address increased requirements for global activities, which is $403,575,000 above the request. Within the amount provided, $146,356,000 is for worldwide security protection. The funds made available under this heading are to be allocated according to the following table and are subject to the terms and conditions of section 1201 (a) and (b) concerning allocations and notifications:

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
<th>Request ($000)</th>
<th>House ($000)</th>
<th>Senate ($000)</th>
<th>Conference ($000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Operations</td>
<td>123,900</td>
<td>169,800</td>
<td>173,000</td>
<td>159,100</td>
</tr>
<tr>
<td></td>
<td>Air Mobility (non-add)</td>
<td>(17,000)</td>
<td>(17,000)</td>
<td>(17,000)</td>
<td>(17,000)</td>
</tr>
<tr>
<td></td>
<td>Public Diplomacy (non-add)</td>
<td>(22,100)</td>
<td>(33,000)</td>
<td>(31,000)</td>
<td>(32,100)</td>
</tr>
<tr>
<td></td>
<td>Worldwide Security Protection</td>
<td>(101,545)</td>
<td>(121,545)</td>
<td>(121,545)</td>
<td>(116,545)</td>
</tr>
<tr>
<td></td>
<td>Other Agencies</td>
<td>(137,600)</td>
<td>(157,600)</td>
<td>(153,629)</td>
<td>(137,600)</td>
</tr>
<tr>
<td></td>
<td>Subtotal—Afghanistan</td>
<td>363,045</td>
<td>448,845</td>
<td>410,174</td>
<td>413,245</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Operations</td>
<td>36,462</td>
<td>45,540</td>
<td>45,540</td>
<td>45,540</td>
</tr>
<tr>
<td></td>
<td>Public Diplomacy (non-add)</td>
<td>(30,900)</td>
<td>(30,900)</td>
<td>(30,900)</td>
<td>(30,900)</td>
</tr>
<tr>
<td></td>
<td>Worldwide Security Protection</td>
<td>9,078</td>
<td>9,078</td>
<td>9,078</td>
<td>9,078</td>
</tr>
<tr>
<td></td>
<td>Subtotal—Pakistan</td>
<td>45,540</td>
<td>45,540</td>
<td>45,540</td>
<td>45,540</td>
</tr>
<tr>
<td>Iraq</td>
<td>Operations and Security</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
</tr>
<tr>
<td></td>
<td>Public Diplomacy (non-add)</td>
<td>(900)</td>
<td>(900)</td>
<td>(900)</td>
<td>(900)</td>
</tr>
<tr>
<td></td>
<td>Subtotal—Iraq</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
</tr>
<tr>
<td>Global Programs</td>
<td>Envoys and Special Representatives—Operations</td>
<td>28,370</td>
<td>28,370</td>
<td>28,370</td>
<td>28,370</td>
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<tr>
<td></td>
<td>Public Diplomacy—Arab Youth Programs</td>
<td>0</td>
<td>4,000</td>
<td>4,000</td>
<td>4,000</td>
</tr>
<tr>
<td></td>
<td>Subtotal—Global Programs</td>
<td>35,730</td>
<td>35,730</td>
<td>35,730</td>
<td>35,730</td>
</tr>
<tr>
<td>Total, D&amp;CP</td>
<td></td>
<td>594,315</td>
<td>645,444</td>
<td>597,890</td>
<td>597,890</td>
</tr>
</tbody>
</table>
The conferees require prior notification of funds appropriated in this title for other Federal agencies, as proposed by the Senate, and direct that with respect to these interagency funds, the spending plan required in section 1104 of this title will be developed in consultation with the heads of the relevant Federal agencies, as proposed by the House. Afghanistan.—The conference agreement includes $159,100,000 for Afghanistan operations, including $12,000,000 for Department of State air mobility requirements. This includes $25,000,000 for the procurement of additional air wing assets contained in the fiscal year 2010 budget request.

The conference agreement includes language in section 1102 requiring that the uses and oversight of aircraft purchased or leased by the Department of State and USAID shall be coordinated under the authority of the Chief of Mission in Afghanistan. The conferees include this language, modified from the Senate, to ensure oversight, coordination and efficient use of resources.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act on the steps taken to ensure the interoperability of aircraft communications equipment and procedures for the use of the three primary agencies in Afghanistan—the Department of State, the United States Agency for International Development (USAID) and the Department of Defense.

Iraq.—The conference agreement includes $486,000,000 for Iraq operations, of which $336,000,000 is for activities contained in the fiscal year 2010 budget request to assist in the transition to regularize diplomatic operations.

The conferees require that the Secretary of State submit to the Committees on Appropriations a report on the facilities lease plan for Iraq not later than 90 days after enactment of this Act on the promotion process at the Department as it relates to any preferential consideration given for service in Afghanistan, Pakistan and Iraq as compared to other hardship posts, as proposed by the Senate.

The conference agreement includes language in section 1102 requiring that the uses and oversight of aircraft purchased or leased by the Department of State and USAID shall be coordinated under the authority of the Chief of Mission in Afghanistan. The conferees include this language, modified from the Senate, to ensure oversight, coordination and efficient use of resources.

The conferees direct the Secretary of State to conduct a right-sizing exercise, as proposed by the Senate.

Global Operations.—The conferees require the Secretary of State to submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act accounting for the staff positions and resources dedicated to supporting special envoy efforts, special representatives, coordinators, and similar positions and direct that any transfer of these positions to other bureaus and offices within the Department of State, or any reorganization affecting these positions, is subject to the regular notification procedures of the Committees on Appropriations, as proposed by the House and similar to that proposed by the Senate.

Public Diplomacy.—The conference agreement includes the transfer of up to $10,000,000 to “International Broadcasting Operations” of the International Broadcasting Board of Governors for broadcasting activities to the Pakistan-Afghanistan border region, as proposed by the Senate and similar to that proposed by the House. The conferees direct that not later than 45 days after enactment of this Act on the promotion process at the Department as it relates to any preferential consideration given for service in Afghanistan, Pakistan, and Iraq, and direct the Secretary of State to submit to the Committees on Appropriations a report on the steps taken to ensure the interoperability of aircraft communications equipment and procedures for the use of the three primary agencies in Afghanistan—the Department of State, the United States Agency for International Development (USAID) and the Department of Defense.

The conference agreement also extends to the SIGAR the temporary hiring authority of section 316 of title 5 of the United States Code, as proposed by both the House and Senate.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes $921,500,000 for urgent embassy security, construction, and maintenance costs, which is $22,772,000 above the request. The funds made available under this heading are to be allocated according to the following table and are subject to the terms and conditions of section 1103 (a) and (b) concerning allocations and notifications.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan: Land Acquisition and Site Development</td>
<td>87,028</td>
<td>87,028</td>
<td>10,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Subtotal—Afghanistan</td>
<td>87,028</td>
<td>87,028</td>
<td>10,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Pakistan: Islamabad—Construction/Renovation</td>
<td>735,500</td>
<td>735,500</td>
<td>735,500</td>
<td>735,500</td>
</tr>
<tr>
<td>Lahore—Acquisition, Mitigation and Development</td>
<td>29,500</td>
<td>29,500</td>
<td>29,500</td>
<td>29,500</td>
</tr>
<tr>
<td>Peshawar—MOB and Housing</td>
<td>131,000</td>
<td>131,000</td>
<td>131,000</td>
<td>131,000</td>
</tr>
<tr>
<td>Subtotal—Pakistan</td>
<td>896,000</td>
<td>897,100</td>
<td>805,000</td>
<td>896,000</td>
</tr>
<tr>
<td>Global Programs: Mobile Mail Screening Units</td>
<td>5,500</td>
<td>5,500</td>
<td>5,500</td>
<td>5,500</td>
</tr>
<tr>
<td>Subtotal—Global Programs</td>
<td>5,500</td>
<td>5,500</td>
<td>5,500</td>
<td>5,500</td>
</tr>
<tr>
<td>Total, ESCM</td>
<td>908,728</td>
<td>908,728</td>
<td>820,500</td>
<td>921,500</td>
</tr>
</tbody>
</table>

CIVILIAN SURGE.—The conferees urge the Secretary of State to ensure that both office and housing accommodate the surge in civilian personnel under the recently announced strategy for Afghanistan and Pakistan. The conferees direct the Secretary of State to submit a report to the Committees on Appropriations on the outcome of these negotiations prior to the obligation of funds for such purpose.

PROPERTY ACQUISITION.—The conference agreement includes $966,000,000 for the construction of safe and secure facilities in Pakistan, which is $90,500,000 contained in the fiscal year 2010 request for housing and offices in Peshawar, as proposed by the House.

INTERNATIONAL ORGANIZATIONS CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—The conference agreement includes $721,000,000 for Contributions for International Peacekeeping Activities (CIPA), which is $15,900,000 below the request. Funding for programs and activities for Somalia is included under the heading “Peacekeeping Operations.”

UNited States Agency for International Development

Funds Appropriated to the President Operating Expenses

The conference agreement includes $157,600,000 for Operating Expenses, which is $5,000,000 above the request. Of the total, $14,000,000 is for Afghanistan operations (including $10,000,000 for aircraft operations); $72,000,000 is for Pakistan operations; and $10,000,000 is for West Bank and Gaza operations.
operating costs for USAID operations in Afghanistan and Pakistan.

Afghanistan Airwings.—USAID should undertake efforts to ensure that its airwings is interoperable and its procedures are consistent with those of the Department of State and the Department of Defense.

Personnel Report.—The conferees direct the USAID Administrator to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act detailing the productivity and response activities from the amounts provided under title VIII of this Act.

The conferees include language, proposed by the House, providing authority to the President to use funds appropriated under the headings “Global Health and Child Survival”, “Development Assistance”, “Economic Support Fund”, and “Millennium Challenge Corporation” to combat an H1N1 influenza pandemic, if he determines that the human-to-human transmission of the virus is virulent, efficient and sustained, severe, spreading internationally to multiple regions, and has been designated by the World Health Organization (WHO) to be at the highest phase of the Global Influenza Pandemic Alert. The conferees are aware of ongoing efforts to clarify the WHO’s pandemic definition and reiterate that this authority is only for use if H1N1 is a severe global threat. In the event that the President exercises this authority, the conferees expect the Office of Management and Budget to seek replenishments for any funds reprogrammed from these accounts.

The conference agreement includes no allocations and notifications: of section 1103 (a) and (b) concerning humanitarian assistance to those displaced in Sri Lanka that may constitute violations of international humanitarian law or crimes against humanity, and, to the extent practicable, identifying the parties responsible.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement includes $270,000,000 for International Disaster Assistance, which is $40,000,000 above the revised request, of which not less than $35,000,000 is intended to meet the growing needs of internally displaced persons in Sri Lanka that may constitute violations of international humanitarian law or crimes against humanity, and, to the extent practicable, identifying the parties responsible.

The conferees urge USAID and the Department of State to ensure the provision of humanitarian assistance to those displaced in Sri Lanka. In addition, the conferees encourage the Secretary of State and the USAID Administrator to support, through other relevant assistance accounts, programs that increase and integrate the participation of Tamils in Sri Lanka society and foster reconciliation between ethnic Tamil and Sinhalese communities.

ECONOMIC SUPPORT FUND

The conference agreement includes $2,973,531,000 for Economic Support Fund, which is $30,899,000 above the revised request. Funds made available under the heading are to be allocated according to the following table and are subject to the terms and conditions of section 1103 (a) and (b) concerning allocations and notifications:

<table>
<thead>
<tr>
<th>Country/program and activity</th>
<th>Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Afghan Civilian Assistance Program</td>
<td>0</td>
<td>11,000</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td>Afghan Reconstruction Program</td>
<td>85,000</td>
<td>115,000</td>
<td>115,000</td>
<td></td>
</tr>
<tr>
<td>National Solidarity Program</td>
<td>(70,000)</td>
<td>(70,000)</td>
<td>(70,000)</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>85,000</td>
<td>100,000</td>
<td>100,000</td>
<td></td>
</tr>
<tr>
<td>Alternative Development</td>
<td>55,000</td>
<td>65,000</td>
<td>65,000</td>
<td></td>
</tr>
<tr>
<td>Cross Border Development Program</td>
<td>0</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Widows Assistance</td>
<td>0</td>
<td>5,000</td>
<td>5,000</td>
<td></td>
</tr>
<tr>
<td>Women NGOs</td>
<td>0</td>
<td>30,000</td>
<td>30,000</td>
<td></td>
</tr>
<tr>
<td>Capacity Building Program</td>
<td>(5,000)</td>
<td>(5,000)</td>
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<tr>
<td>Program Support Program</td>
<td>0</td>
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<td>(25,000)</td>
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<tr>
<td>Subtotal, Allocated</td>
<td>125,000</td>
<td>729,000</td>
<td>727,000</td>
<td></td>
</tr>
<tr>
<td>Unallocated</td>
<td>614,000</td>
<td>839,000</td>
<td>549,000</td>
<td>534,000</td>
</tr>
<tr>
<td>Subtotal, Afghanistan</td>
<td>839,000</td>
<td>839,000</td>
<td>866,000</td>
<td>861,000</td>
</tr>
<tr>
<td>Pakistan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democracy Programs</td>
<td>8,000</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Humanitarian Assistance/Protection for Vulnerable Populations</td>
<td>0</td>
<td>50,000</td>
<td>125,000</td>
<td></td>
</tr>
<tr>
<td>Balochistan and East Indus River Development Program</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td></td>
</tr>
<tr>
<td>Cross Border Development Program</td>
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<td>(10,000)</td>
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<td>Subtotal, Allocated</td>
<td>8,000</td>
<td>65,000</td>
<td>140,000</td>
<td></td>
</tr>
<tr>
<td>Unallocated</td>
<td>551,500</td>
<td>579,500</td>
<td>399,000</td>
<td></td>
</tr>
<tr>
<td>Subtotal, Pakistan</td>
<td>559,500</td>
<td>579,500</td>
<td>439,000</td>
<td>359,000</td>
</tr>
<tr>
<td>Iraq</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Action Program (CAP)</td>
<td>25,000</td>
<td>50,000</td>
<td>50,000</td>
<td></td>
</tr>
<tr>
<td>Democracy and Civil Society</td>
<td>118,000</td>
<td>118,000</td>
<td>118,000</td>
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</tr>
<tr>
<td>USIP (non-add)</td>
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<td>7,000</td>
<td>7,000</td>
<td></td>
</tr>
<tr>
<td>Iraq Culture Program</td>
<td>3,500</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Marta Fund</td>
<td>5,000</td>
<td>5,000</td>
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</tr>
<tr>
<td>Targeted Stability Programs</td>
<td>0</td>
<td>20,000</td>
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</tr>
<tr>
<td>Widows Assistance</td>
<td>0</td>
<td>5,000</td>
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<td></td>
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<tr>
<td>Subtotal, Allocated</td>
<td>125,000</td>
<td>269,000</td>
<td>269,000</td>
<td></td>
</tr>
<tr>
<td>Unallocated</td>
<td>793,500</td>
<td>442,000</td>
<td>234,000</td>
<td>239,000</td>
</tr>
<tr>
<td>Subtotal, Iraq</td>
<td>449,000</td>
<td>449,000</td>
<td>439,000</td>
<td>359,000</td>
</tr>
<tr>
<td>West Bank and Gaza</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, West Bank and Gaza</td>
<td>556,000</td>
<td>556,000</td>
<td>556,000</td>
<td>551,000</td>
</tr>
<tr>
<td>Other Countries</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burundi</td>
<td>13,000</td>
<td>13,000</td>
<td>13,000</td>
<td></td>
</tr>
<tr>
<td>Democratic Republic of Congo</td>
<td>0</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Egypt</td>
<td>0</td>
<td>50,000</td>
<td>50,000</td>
<td></td>
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<tr>
<td>Jordan</td>
<td>0</td>
<td>100,000</td>
<td>150,000</td>
<td>350,000</td>
</tr>
<tr>
<td>Kenya</td>
<td>0</td>
<td>18,000</td>
<td>35,000</td>
<td></td>
</tr>
<tr>
<td>North Korea</td>
<td>95,000</td>
<td>0</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Somalia</td>
<td>0</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
</tr>
</tbody>
</table>
Jordan.—The conference agreement includes $150,000,000 for assistance for Jordan to help mitigate the impact of the global economic crisis including for health, education, water, and sanitation, and other impacts resulting from refugee populations in Jordan.

West Bank and Gaza.—The conference agreement includes more than $551,000,000 for economic and humanitarian assistance for the West Bank and Gaza, which is $5,000,000 below the request. The conference recognizes that $5,000,000 for USAID administrative expenses are included under the heading “Operating Expenses”. Of the amount provided, up to $200,000,000 is available for cash transfer assistance to the Palestinian Authority in the West Bank. The conferees continue the prohibition on salaries for personnel of the Palestinian Authority located in Gaza. The conferees continue all terms and conditions of division H of Public Law 111-8 with respect to assistance for the West Bank and Gaza.

Yemen.—The conference agreement includes $10,000,000 for assistance for Yemen to support education and other programs and activities administered by USAID, consistent with the Millennium Challenge Corporation’s Compact with Yemen.

South and Central Asia

Afghanistan.—The conference agreement includes $861,000,000 for Afghanistan, and provides that not less than $150,000,000 appropriated in fiscal year 2009 for assistance for Afghanistan under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” shall be made available to support programs that directly address the needs of Afghan women and girls. The conferees direct USAID and the Special Envoy for Afghanistan and Pakistan to conduct a review of State’s Ambassador-at-Large for Global Women’s Issues concerning the use of these funds. The conference encourages for Afghanistan women’s organizations that address the needs and rights of Afghan women and girls. The conference agreement provides not less than $5,000,000 for capacity building for Afghan women-led nongovernmental organizations, and not less than $25,000,000 to support programs and activities of such organizations, including to provide legal assistance and training for Afghan women and girls about their rights, and to promote women’s health (including mental health), education, and leadership.

The conferees also direct that not less than $70,000,000 shall be made available for the National Solidarity Program in Afghanistan.

Pakistan.—The conference agreement includes $599,000,000 for assistance for Pakistan. The conferees recognize that funds may be considered for direct budget support for the Government of Pakistan, and direct that any agreement be in place prior to the provision of any direct budget support. Such an agreement should be structured to provide an appropriate level of oversight, if appropriate, of existing USAID programs in targeted countries.
In addition, the conferees direct that fund- ing provided to the Millennium Challenge Corporation (MCC) in prior acts may be re- programmed to mitigate the impact of the global financial crisis in MCC compact or threshold countries.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

The conference agreement includes $272,000,000 for Assistance for Europe, Eurasia and Central Asia, of which $252,000,000 is for assistance for Georgia, and $30,000,000 is for assistance for the Kyrgyz Republic to improve air traffic control and safety, as proposed by the Senate, which is $29,500,000 above the request. The conference agreement includes permissive authority to expand the availability of funds to other countries allowing flexibility to the Department of State to address unanticipated events.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

<table>
<thead>
<tr>
<th>Country/Activity</th>
<th>Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan: Good Performers Initiative</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Combating Violence Against Women and Girls</td>
<td>23,000</td>
<td>23,000</td>
<td>20,000</td>
<td>23,000</td>
</tr>
<tr>
<td>Iraq</td>
<td>66,000</td>
<td>160,000</td>
<td>66,000</td>
<td>160,000</td>
</tr>
<tr>
<td>Mexico</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Pakistan</td>
<td>65,500</td>
<td>65,500</td>
<td>65,500</td>
<td>65,500</td>
</tr>
<tr>
<td>West Bank and Gaza</td>
<td>109,000</td>
<td>109,000</td>
<td>109,000</td>
<td>109,000</td>
</tr>
<tr>
<td>Total—MIDEA</td>
<td>390,500</td>
<td>483,500</td>
<td>393,500</td>
<td>487,500</td>
</tr>
</tbody>
</table>

INTERNATIONAL SECURITY ASSISTANCE

The conference agreement includes $387,500,000 for International Narcotics Control and Law Enforcement, which is $98,000,000 above the request. Funds made available under the heading are to be allocated according to the following table and are subject to the terms and conditions of section 119(b)(2)(B) concerning allocations and notifications:

INTERNATIONAL SECURITY ASSISTANCE

<table>
<thead>
<tr>
<th>Country/Activity</th>
<th>Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Iraq</td>
<td>66,000</td>
<td>160,000</td>
<td>66,000</td>
<td>160,000</td>
</tr>
<tr>
<td>Mexico</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Pakistan</td>
<td>65,500</td>
<td>65,500</td>
<td>65,500</td>
<td>65,500</td>
</tr>
<tr>
<td>West Bank and Gaza</td>
<td>109,000</td>
<td>109,000</td>
<td>109,000</td>
<td>109,000</td>
</tr>
<tr>
<td>Total—STATE</td>
<td>390,500</td>
<td>483,500</td>
<td>393,500</td>
<td>487,500</td>
</tr>
</tbody>
</table>
of which $115,900,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia and $52,100,000 may be used for security sector reform.

The conference agreement includes $1,200,000,000 for Combat Support and Modernization, which is the same as the request, for education and training of Iraq Security Forces.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement includes $1,294,000,000 for Foreign Military Financing Program (FMF), which is $1,195,600,000 above the request.

Mexico.—The conference agreement includes $555,000,000 for expansion support for the deployment of Mexican forces to Afghanistan. The conference agreement provides additional funds to ensure the expeditious delivery of such equipment.

Lebanon.—The conference agreement includes $69,000,000 for assistance for Lebanon. The conference directs that no assistance may be made available for obligation until the Secretary of State reports to the Committees on the vetting of individuals in place to determine eligibility to participate in United States training and assistance programs funded under this account.

The conference directs the Department of State to report on the procedures in place to ensure that activities are provided to individuals or organizations that have any known links to terrorist organizations including Hezbollah, and mechanisms to monitor the use of the funds.

The conference directs that the Department of State consult with the Committees on Appropriations prior to the obligation of funds provided for assistance for Lebanon in this title.

Security Assistance to Near East Countries.—The conference agreement includes funding for a supplemental 2010 budget request, based upon a Memorandum of Understanding between the United States and Jordan, totaling $300,000,000.

Egypt.—The conference agreement provides $400,000,000 for FMF grants for Egypt, which shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York not later than October 30, 2009, similar to that proposed by the House. The fiscal year 2010 budget request totals $1,200,000,000.

Israel.—The conference agreement provides $555,000,000 for FMF grants for Israel, which shall be available not later than October 30, 2009, similar to that proposed by the House. The conference agreement is based upon a Memorandum of Understanding between the United States and Israel, totaling $2,575,000,000.

The conference agreement provides that the Secretary of State requests that $500,000,000 for Counterinsurgency Capability Fund (PCCF) under the Department of State, which becomes available on September 30, 2009 and remains available through September 30, 2010, support the administration’s efforts to increase the counterinsurgency capability of the Pakistani forces to help Pakistan defeat the extremist networks operating within its territory. As the Secretary of State is the principal adviser to the President on foreign policy matters, the conference believes the PCCF should be under the authority of the Department of State. The conference believes that the Department of State possesses the institutional capacity to manage this account, working in close coordination with the Department of Defense. The conference also provides for the PCCF for fiscal year 2009 to the Department of Defense and the Secretary of Defense to jointly develop a plan for transitioning the PCCF from the Department of Defense to the Department of State for fiscal year 2010. The conference expects the Department of State to consult closely on the uses of the PCCF to ensure that the funds are obligated and expended in a timely manner and sufficient oversight mechanisms exist.

GENERAL PROVISIONS, THIS TITLE

The conference agreement includes the following general provisions for this title:

EXTENSION OF AUTHORIZATIONS

The conference agreement extends certain authorities necessary to expend Department of State and foreign assistance funds.

AFGHANISTAN

The conference agreement imposes certain conditions and limitations on assistance for Afghanistan, including assistance for Afghan women and girls, contracts and grants, acquisition of land, United Nations Development Program (UNDP), the National Solidarity Program, airwing implementation, and anti-corruption. The conferees are aware of the efforts by UNDP and USAID to resolve concerns related to implementation and these efforts should continue.

ALLOCATIONS

The conference agreement requires that funds in the specified accounts shall be allocated as indicated in the respective tables in this joint statement, as proposed by the Senate and similar to that proposed by the House. Any changes to these allocations shall be subject to the regular notification procedures of the Committees on Appropriations.

SPENDING PLAN AND NOTIFICATION PROCEDURES

The conference agreement requires the Secretary of State to provide detailed spending plans to the Committees on Appropriations on the uses of funds appropriated in this title, similar to that proposed by the House and Senate. These funds are also subject to the regular notification procedures of the Committees on Appropriations.

GLOBAL FINANCIAL CRISIS

The conference agreement provides for assistance for countries severely affected by the financial crisis, requires the Secretary of State to provide a timely report prior to making assistance available, and provides authority to transfer funds to the Development Credit Authority and the Overseas Private Investment Corporation. The conference also approves provisions for the World Bank and the MCC.

IRAQ

The conference agreement provides certain conditions and limitations relating to assistance for Iraq, including matching funds, as proposed by the Senate.

PROMOTION ON ASSISTANCE TO HAMAS

The conference agreement prohibits assistance to Hamas or any entity effectively controlled by Hamas, and further prohibits assistance to any power-sharing government of which Hamas is a member, unless such government, including all of its ministers or such equivalent, has met certain conditions. The conference believes that a public acceptance should be obtained in writing by such government and its ministers, as proposed by the House and Senate.

TERMS AND CONDITIONS

The conference agreement stipulates that unless designated otherwise in this title, the terms and conditions contained in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated by this title, except sections 7070(e) with respect to funds made available for macroeconomic growth assistance, as proposed by the Senate.

MULTILATERAL DEVELOPMENT BANKS

The conference agreement amends permanent law to authorize the fifteenth replenishment of the International Development Association and the eleventh replenishment of the African Development Bank, including the Millennium Development Initiative, as proposed by the Senate.

PROMOTION OF POLICY GOALS AT THE WORLD BANK GROUP

The conference agreement amends permanent law regarding the World Bank’s “Doing Business Report” and World Bank policies relating to the Inspection Panel, as proposed by the Senate.

CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING

The conference agreement amends permanent law regarding the World Bank’s climate mitigation and greenhouse gas accountability.

MULTILATERAL DEVELOPMENT BANK REFORM

The conference agreement requires the Secretary of the Treasury to seek to ensure that the multilateral development banks disclose their operations, transparently evaluate their programs and financing, and endorse the Extractive Industry Transparency Initiative. It also requires coordination between the Secretary of the Treasury, Secretary of State, USAID Administrator, and other relevant Federal agencies, on United States policy relating to the development banks of the World Bank Group, as proposed by the Senate.

OVERSEAS COMPARABILITY PAY ADJUSTMENT

The conference agreement authorizes locality pay adjustments for fiscal year 2009 for members of the Foreign Service stationed overseas comparable to that if such member’s official duty station were in the District of Columbia, as proposed by the Senate.

REFUGEE PROGRAMS AND OVERSIGHT

The conference agreement provides that up to $119,000,000 from funds appropriated under the “Migration and Refugee Assistance” heading in this title may be made available to UNRWA for the West Bank, Gaza and transfers $1,000,000 of the funds made available under the “Economic Support Fund"
heading to the Inspector General of the Department of State for oversight of activities in the West Bank and Gaza and surrounding region, similar to that proposed by the House. The conference agreement includes the Senate's INLRA report requirement proposed by the House in modified form under the “Migration and Refugee Assistance” heading in this joint statement.

**TECHNICAL AND OTHER PROVISIONS**

The conference agreement includes the following technical and other provisions: subsection (a) of this provision modifies a limitation regarding funding for the emergency relief program in Egypt, similar to that proposed by the Senate; subsection (b) applies the regular notification procedures to funds that are transferred in support of the Government of Pakistan, similar to that proposed by the Senate; subsection (c) authorizes USAID to recruit retired Civil Service employees as re-employed annuitants to serve in Iraq, Afghanistan, or Pakistan through 2010, similar to that proposed by the Senate; and subsection (d) authorizes a financial incentive to employees who agree to remain in these posts for an additional year through 2010, similar to that proposed by the Senate; and subsection (e) provides certain transfer authority, as proposed by the Senate.

**AFGHANISTAN AND PAKISTAN COMMITMENT AND CAPABILITIES REPORT**

The conference agreement requires that the President report to the Committees on Appropriations of the House of Representatives by the March 27, 2009, that the United States and NATO forces in Afghanistan are demonstrating the necessary commitment, capability, and unity of purpose to warrant the additional funding for that purpose, as proposed by the Senate; and subsection (f) authorizes the vehicle turned in must be scrapped, and the purchased vehicle must achieve greater fuel efficiency than the vehicle to be replaced, as proposed by the Senate.

**TITLE XIII—CONSUMER ASSISTANCE TO RECYLE AND SAVE ACT**

The conference agreement includes a new title providing $1 billion for vouchers of $5,500 or $4,500 to be applied toward the purchase or lease of a new fuel efficient automobile or truck from July 1–November 1, 2009. To qualify for a voucher under this authority, the vehicle purchased must achieve greater fuel efficiency than the vehicle to be replaced, as proposed by the Senate.

**AFGHANISTAN AND PAKISTAN**

The conference agreement requires a report on the objectives of United States policy in Afghanistan and Pakistan, metrics to assess progress in achieving the objectives, an assessment of progress, and recommendations for additional resources or authorities, if any, as proposed by the Senate.

The conference agreement does not include a provision to require the Secretary of State to report on the availability of assistance for Burma and Afghanistan notwithstanding any other provision of law. The conference agreement includes limited notwithstanding authority for Burma under the heading “Economic Support Fund” and a limited notwithstanding authority for Zimbabwe in section 1168. The conference agreement does not include House sections 2106 (Somalia) and Senate sections 1264 (South Sudan), 1409 (Mexico), 1115 (Assistance for Ukraine), 1110 (Special Assistance for Pakistan), 1116 (Special Authority), 1120 (Overseas Deployments), and 1122 (Additional Amount for Assistance for Georgia).

**DEPARTMENT OF TRANSPORTATION**

**OFFICE OF THE SECRETARY**

**PAYMENTS TO AIR CARRIERS**

(AIRPORT AND AIRWAY TRUST FUND)

The agreement provides $13,200,000 from the Airport and Airway Trust Fund to retain available until expended to carry out the essential air service program as proposed by the Senate. The House did not include a similar provision.

**FEDERAL AVIATION ADMINISTRATION**

**GRANTS-IN-AYD FOR AIRPORTS**

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a provision, as requested, authorizing the Secretary of the Treasury to instruct the United States Executive Director of the Fund to consent to amendments to the New Arrangements to Borrow and to make loans, in an amount not to exceed the equivalent of 75 billion SDRs, in addition to amounts previously authorized, as proposed by the Senate.

**GENERAL PROVISIONS—THIS TITLE**

Section 1201 removes a limitation that prevents the State of North Dakota from spending more than $100,000,000 of highway funding from the emergency relief program in any given year on the repair and strengthening of the roads surrounding Devils Lake, as proposed by the Senate.

**GENERAL PROVISIONS—INTERNATIONAL ASSISTANCE PROGRAMS**

**INTERNATIONAL MONETARY PROGRAMS**

**UNIVERSAL MONETARY FUND**

The conference agreement provides for an increase in the United States quota in the International Monetary Fund (the Fund), as proposed by the Senate, of not less than $4,000,000,000 and that such resources should be provided as loans with substantial concessionality and debt service payment relief and/or grants, as proposed by the Senate.

**TITLE XIV—OVERSEAS DEPLOYMENTS AND EMERGENCY DESIGNATIONS**

The conference agreement includes a provision that amends the International Financial Institutions Act to require the United States Executive Director of the World Bank Group and United States Executive Director of the International Monetary Fund to consent to amendments to the New Arrangements to Borrow and to make loans, in an amount not to exceed the equivalent of 75 billion SDRs, in addition to amounts previously authorized, as proposed by the Senate.

**GENERAL PROVISIONS—THIS ACT**

The conference agreement includes a provision, as requested, authorizing the United States Governor of the Fund to increase the United States quota in the International Monetary Fund as proposed in the request providing for an increase in the United States quota in the Fund equivalent to 43,973,100,000 SDRs. The provision also authorizes the Secretary of the Treasury, as requested, to instruct the United States Executive Director of the Fund to agree to the sale of 12,965,649 ounces of the Fund’s gold. Since the Fund relies primarily on income from lending operations to finance lending activities and expenses, the sale of gold will finance an endowment, the return on which will finance a portion of its administrative expenses, as proposed by the Senate.
year 2010. The agreement also includes a global designation, as proposed by the House, providing that all other amounts in the bill, except certain amounts residing in section 309 of the conference report, are designated as being for overseas deployment and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress). The Senate included emergency and overseas deployment designations on an account-by-account basis.

REstrictions and Requirements Regarding the Transfer and Release of GuANTANAMO BAY Detainees

Sec. 14103. The conference agreement includes language prohibiting current detainees from being released in the continental United States, Alaska, Hawaii or D.C. The agreement also prohibits current detainees from being transferred to the U.S., except to be prosecuted, and only 45 days after Congress receives a plan detailing the risks involved and a plan for mitigating such risk; cost of the transfer; legal rationale and court decisions; and a copy of the notification provided to the Governor of the receiving state (or the Mayor of the District of Columbia) 14 days before a transfer with a certification by the Attorney General that the individual poses little or no security risk.

Under the conference agreement, current detainees cannot be transferred or released to another country unless the President submits to Congress 15 days prior to such transfer: (a) the name of the individual and the country to which the individual will be transferred; (b) an assessment of risks posed and actions taken to mitigate such risks; and (c) the terms of the transfer agreement with the other country, including any financial assistance. Finally, the agreement includes language requiring the President to submit a report to Congress describing the disposition of each current detainee before the facility can be closed.

The conference agreement deletes the language included in title II of the Senate amendment that prohibited the use of funds appropriated or made available by this Act or any other Act to transfer, release or incarcerate Guantanamo detainees to or within the U.S.

The conference agreement also deletes a provision proposed by the House that required the President to submit to Congress by October 1, 2009 a comprehensive plan on the proposed disposition of the Guantanamo Bay detention facilities.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 2009 recommended by the Committee of Conference, comparisons to the 2009 budget estimates, and the House and Senate bills for 2009 follow: (In thousands of dollars)

<table>
<thead>
<tr>
<th>Budget estimates of new (obligational) authority, fiscal year 2009</th>
<th>House bill, fiscal year 2009</th>
<th>Senate bill, fiscal year 2009</th>
<th>Conference agreement, fiscal year 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>House bill, fiscal year 2009</td>
<td>92,145,120</td>
<td>96,716,971</td>
<td>91,283,119</td>
</tr>
<tr>
<td>Senate bill, fiscal year 2009</td>
<td>105,850,549</td>
<td>105,850,549</td>
<td>105,850,549</td>
</tr>
<tr>
<td>Conference agreement compared with:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget estimates of new (obligational) authority, fiscal year 2009</td>
<td>+13,765,429</td>
<td>+13,765,429</td>
<td>+13,765,429</td>
</tr>
<tr>
<td>House bill, fiscal year 2009</td>
<td>+9,183,578</td>
<td>+9,183,578</td>
<td>+9,183,578</td>
</tr>
<tr>
<td>Senate bill, fiscal year 2009</td>
<td>+14,567,430</td>
<td>+14,567,430</td>
<td>+14,567,430</td>
</tr>
</tbody>
</table>

NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution (S. Con. Res. 13) agreed to by Congress for fiscal year 2010 includes provisions relating to the notification of emergency spending. These provisions require a statement of how the emergency provisions contained in the conference agreement meet the criteria for emergency spending as identified in the budget resolution.

The conference agreement contains emergency funding for fiscal year 2009 primarily for natural disasters and the threat of pandemic influenza. Funding for natural disasters includes, but is not limited to, wildland fires, flooding in the Upper Midwest and Pacific Northwest, for ice storms, for Katrina hurricane recovery and subsequent storms, including Hurricanes Ike and Gustav in the gulf coast region, and for other needs. The funding is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically prevention of pandemic influenza and other disasters. These needs meet the criteria for emergencies.

DISCLOSURE OF CONGRESSIONAL EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each House Member, Delegate, Resident Commissioner, or Senator who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules.

TITLE IV—ENERGY AND WATER DEVELOPMENT

[Congressionally Directed Spending Items]

<table>
<thead>
<tr>
<th>Account</th>
<th>Project</th>
<th>Amount</th>
<th>Requester(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Control and Coastal Emergencies</td>
<td>Mississippi Barrier Island Restoration</td>
<td>$419,000,000</td>
<td>Cochran, Wicker</td>
</tr>
<tr>
<td>General Provision</td>
<td>Upper Newport Bay, California</td>
<td></td>
<td>Feinstein</td>
</tr>
</tbody>
</table>

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

[Congressionally Directed Spending Items]

<table>
<thead>
<tr>
<th>Account</th>
<th>Project</th>
<th>Amount</th>
<th>Requester(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Provision</td>
<td>Amendment to Federal Deposit Insurance Act—Interest rate ceilings</td>
<td></td>
<td>Lincoln</td>
</tr>
</tbody>
</table>

TITLE VI—HOMELAND SECURITY

[Congressionally Directed Spending Items]

<table>
<thead>
<tr>
<th>Account</th>
<th>Project</th>
<th>Amount</th>
<th>Requester(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Provision</td>
<td>Jones Act Waiver—Drydock ALABAMA, AL</td>
<td></td>
<td>Bonner, Shelby</td>
</tr>
<tr>
<td>General Provision</td>
<td>Jones Act Waiver—Vessel MARYLAND INDEPENDENCE, MD</td>
<td></td>
<td>Ruppersberger</td>
</tr>
<tr>
<td>General Provision</td>
<td>Communications System, MS</td>
<td></td>
<td>Cochran, Wicker</td>
</tr>
<tr>
<td>General Provision</td>
<td>Hurricanes Katrina/Rita—Case Management, MS</td>
<td></td>
<td>Cochran</td>
</tr>
<tr>
<td>General Provision</td>
<td>Hurricanes Katrina/Rita—Primary and Secondary School Repair Reimbursement, LA</td>
<td></td>
<td>Landrieu</td>
</tr>
<tr>
<td>General Provision</td>
<td>Hurricane Ike—Disaster Assistance Direct Loans, TX</td>
<td></td>
<td>Hutchinson</td>
</tr>
<tr>
<td>General Provision</td>
<td>Reimbursements for Presidentially Declared Disasters—TX, LA, KY, WV*</td>
<td></td>
<td>Edwards (TX), Culberson, Hutchinson, Melancon, Alexander (LA), Landrieu, Vitter, Rogers (WV), Byrd</td>
</tr>
</tbody>
</table>

TITLE X—MILITARY CONSTRUCTION

[Congressionally Directed Spending Items]

<table>
<thead>
<tr>
<th>Account</th>
<th>Project</th>
<th>Amount</th>
<th>Requester(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Construction, Army</td>
<td>Mississippi Army Ammunition Plant Hurricane Damage Repair</td>
<td>$49,000,000</td>
<td>Cochran, Taylor</td>
</tr>
<tr>
<td>Military Construction, Navy</td>
<td>Vision Center of Excellence, Maryland</td>
<td>$4,052,000</td>
<td>Murray, Bozeman, Nye, Walz</td>
</tr>
</tbody>
</table>
**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

- Mr. HOLT (at the request of Mr. HOYER) for today.
- Ms. ESCH (at the request of Mr. HOYER) for today.
- Mr. CHILDER (at the request of Mr. HOYER) for today on account of district business.
- Mr. ROGERS of Michigan (at the request of Mr. BOEHNER) for today on account of the promotion ceremony of his brother, Brigadier General James Rogers, to the rank of Major General in the United States Army.
- Mr. GINGRICH of Georgia (at the request of Mr. BOEHNER) for today on account of attending the memorial service for Sergeant Jeffrey W. Jordan, which will be held in Rome, Georgia. Sergeant Jordan made the ultimate sacrifice for our Nation in Afghanistan on June 4, 2009.
- Mr. JONES (at the request of Mr. BOEHNER) for today on account of personal reasons.
- Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of illness.

**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. WOOLSEY) to revise and extend their remarks and include extraneous material:)

- Ms. WOOLSEY, for 5 minutes, today.
- Mr. SCHIFF, for 5 minutes, today.
- Ms. RICHARDSON, 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. HENSARLING, for 5 minutes, today.
- Mr. SMITH of New Jersey, for 5 minutes, today.
- Mr. POE of Texas, for 5 minutes, June 19.
- Mr. JONES, for 5 minutes, June 19.
- Mr. FLAKE, for 5 minutes, today.
- Mr. FLEMMING, for 5 minutes, June 18.

**ENROLLED JOINT RESOLUTION SIGNED**

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was hereupon signed by the Speaker:

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

**ADJOURNMENT**

Mr. LATOURETTE, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o’clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, June 15, 2009, at 12:30 p.m., for morning-hour debate.

**EXECUTIVE COMMUNICATIONS, ETC.**

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

2125. A communication from the President of the United States, transmitting a request for FY 2010 budget amendments for the Departments of Commerce, Defense, Education, Health and Human Services, Homeland Security, Justice, and State, and Other International Programs, as well as the District of Columbia; (H. Doc. No. 111-45); to the Committee on Appropriations and ordered to be printed.

2126. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force’s proposed Letters of Offer and Acceptance to Morocco for defense articles and services (Transmittal No. 09-21), pursuant to 22 U.S.C. 396(b)(1); to the Committee on Foreign Affairs.

2127. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Iraq, the United Kingdom, and the United Arab Emirates (Transmittal No. DDTC 032-09), pursuant to 22 U.S.C. 396(c); to the Committee on Foreign Affairs.

2128. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Mexico (Transmittal No. DDTC 011-09), pursuant to 22 U.S.C. 39, section 396(c) and (d); to the Committee on Foreign Affairs.

2129. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13414 of October 27, 2006, pursuant to 50 U.S.C. 1614(c); to the Committee on Foreign Affairs.

2130. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2131. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2132. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2133. A letter from the Deputy General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2134. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2009 George Bank Cod Fixed Gear Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch (Docket No.: 09012305-1081-02) (RIN: 0648-XM12) received May 29, 2009; to the Committee on Natural Resources.
2137. A letter from the Deputy Assistant Administrator For Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska: Revisions to the Pollock Trip Limit Regulations in the Gulf of Alaska [Docket No.: 08031910-9592-02] (RIN: 0648-AW34) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2138. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 09010997-9592-03] (RIN: 0648-AW33) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2139. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska; Correction [Docket No.: 080721859-9592-03] (RIN: 0648-AW31) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2140. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska; Correction [Docket No.: 09010997-9592-03] (RIN: 0648-AW33) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2141. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department’s report entitled, “Privacy Office Second Quarter Fiscal Year 2009 Report to Congress”; pursuant to Public Law 110-33; to the Committee on Homeland Security.

REPTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr WAXMAN: Committee on Energy and Commerce. House Resolution 449. Resolution 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 proposal to regulate greenhouse gas emissions that, if adopted, would result in a potential public health and welfare (Rept. 111-146). Referred to the House Calendar.

Mr WAXMAN: Committee on Energy and Commerce. House Resolution 462. Resolution requesting that the President transmit to the House of Representatives all information in his possession relating to specific communications with Chrysler LLC (“Chrysler”) (Rept. 111-147). Referred to the House Calendar.


Mr MOLLOHAN: Committee on Appropriations. H.R. 2847. A bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-149). Referred to the Committee of the Whole House on the State of the Union.

Mr CONYERS: Committee on the Judiciary. H.R. 2247. A bill to amend title 5, United States Code, by enacting certain provisions of title 5, United States Code, enacted by the Congressional Review Act (Rept. 111-150). Referred to the Committee of the Whole House on the State of the Union.

Mr OBEY: Committee of Conference. Conference report on H.R. 2946. A bill making supplemental appropriation for the fiscal year ending September 30, 2009, and for other purposes (Rept. 111-151). Ordered to be printed.

Mr BRADY of Pennsylvania: Committee on House Administration. House Concurrent Resolution 131. Resolution 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 (Rept. 111-152). Referred to the Committee of the Whole House on the State of the Union.

Mr BRADY of Pennsylvania: Committee on House Administration. House Concurrent Resolution 135. Resolution directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes (Rept. 111-153). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and several referred, as follows:

By Ms WASSEMER SCHULTZ for herself, Mr ADERHOLT, Mr EHLERS, Mr DANIEL E. LUNGREN of California, Mr BRADY of Pennsylvania, Mr LATHAM, and Mr WAMP:

H.R. 2843. A bill to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the Majority and Minority Leaders of the House of Representatives and Senate, and the chairs and ranking minority members of the committees of Congress with jurisdiction over the Office of the Architect of the Capitol, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as may fall within the jurisdiction of the committee concerned.

By Mr KIND (for himself, Mr B RALEY of Iowa, Mr B LUMENAUER, Mr W ALZ, Mr HALL of Texas, Mr HARPER, Mr MCCAUL, Mr MCHENRY, Mr FRANKS of Arizona, Mr GINGRORY of Georgia, Mr GOSMIERT, Mr GOOD-LATTE, Mr GRANGER, Mr GRAVES, Mr HALL of Texas, Mr HARKER, Mr EHRLING, Mr HERGER, Mr HOREKSTRA, Mr HUNTER, Mr ISA, Miss JENNINGS, Mr JORDAN of Georgia, Mr KING of Iowa, Mr MINSK, Mr LAMBORN, Mr LATTIA, Mr LE of New York, Mr LUECKMEYER, Mr LUMMIS, Mr MARCHANT, Mr MCCaul, Mr McHENRY, Mr McHUGH, Mr MYERS, Mr MILLER of Michigan, Mr NEUGRAUER, Mr NUNES, Mr OLSON, Mr PENCE, Mr PETERS of Texas, Mr REHBERG, Mr ROE of Tennessee, Mr ROGERS of Alabama, Mr ROGERS of Kentucky, Mr ROONEY, Mr SCALISE, Mrs SCHMITT of Texas, Mr SCHNEIDER, Mr SESSIONS, Miss SHADEGO, Mr SHIMKUS, Mr SMITH of Texas, Mr SOUBER, Mr TERRY, Mr THOMPSON of Pennsylvania, Mr TAHRT, Mr TIBBETT, Mr TURNER, Mr UPTON, Mr WAMP, and Mr COPFMAN of Colorado):

H.R. 2846. A bill to increase energy independence and job creation by increasing safe American energy production, encouraging the development of alternative and renewable energy, and promoting greater efficiencies and conservation for a cleaner environment; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, Ways and Means, Energy and Commerce, Armed Services, Oversight and Government Reform, Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as may fall within the jurisdiction of the committee concerned.

By Mr KIRK:

H.R. 2848. A bill to amend the Controlled Substances Act with regard to penalties for trafficking in high potency marihuana, and for other purposes; to the Committee on Foreign Affairs, 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 may fall within the jurisdiction of the committee concerned.

By Mr SCHWARTZ:

H.R. 2849. A bill to require the Secretary of Health and Human Services to enter into agreements with States to provide outstanding claims for reimbursement under the Medicare Program relating to the Special Disability Workload project, to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined...
by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. LEE, Mr. MCDERMOTT, Mr. PRICE of Georgia, Mr. CONOMO, Mr. HARKIN, Mr. GREGG, Mr. HABIB, Mr. MAXOY, Mr. FLETCHER, Mr. MCGRATH, and Mr. GONZALEZ)

H.R. 2855. A bill to provide, subject to appropriation, to the United States Department of State an amount not to exceed $250,000,000 for the support of democracy and human rights programs in the Government of the Philippines; to the Committee on Foreign Affairs.

By Mr. BREALEY of Iowa (for himself, Mr. BALDWIN, Mr. RHODES, Mr. GONZALEZ, Mr. HOLLOWAY, Mr. GIPSON, Mr. MOGOGO, Mr. CAMPBELL, Mr. ZIERP, Mr. ALLARD, Mr. BALSAMO, Mr. SOPHIE VANCE of South Carolina, and Mr. ROHRBACH)

H.R. 2856. A bill to amend title XIX of the Social Security Act to provide for a Medicaid program for children with disabilities; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Connecticut (for himself and Mr. COURTNEY)

H.R. 2860. A bill to amend title XVIII of the Social Security Act to provide for a Medicare demonstration project to deliver a meaningful drug benefit and lower prescription drug prices under the Medicare Program; 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. PETERS (for himself, Ms. WATERS, Mr. DINOSEIL, Mr. WELCH, Mr. HOLT, Mr. DEFAZIO, and Mr. CAPUANO)

H.R. 2861. A bill to amend the Securities Exchange Act of 1934 to provide for rules and standards relating to the offering of securities in accordance with such provisions as fall within the jurisdiction of the committee concerned.

By Mr. Woodley (for himself and Mr. Bishop of New York)

H.R. 2863. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for treatment of certain deferred executive compensation arrangements which is comparable to certain funding-based limits on benefits and benefit accruals.

By Ms. WOOLSEY (for herself and Mr. BISHOP of New York)

H.R. 2864. A hydrographic services improvement act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the United States' coastal changes; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska

H.R. 2865. A bill to authorize, secure, and reliable marine shipping in the Arctic including the availability of aids to navigation, vessel escutters, spill response capability, and maritime search and rescue in the Arctic; and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MINNICK (for himself and Mr. MCCARTHY)

H. Con. Res. 151. Concurrent resolution expressing the sense of Congress that China repress democratic activist Liu Xiaobo from imprisonment; to the Committee on Foreign Affairs.

By Mrs. MALONEY (for herself, Mr. GEORGE MILLER of California, and Mr. BRADY)


By Ms. MALONEY (for herself, Mr. ABOR, Mr. MANDEL, Mr. MENG, Mr. BROWN of Ohio, Mr. ROTH, Mr. DAVIS of Ohio, Mr. HUSTON, Ms. SCHUMACHER, Mr. NOYES, Mr. DAVIS of Illinois, Mr. SCHROEDER, Mr. SHELTON, Mr. SCHNEIDER, Mr. HURST, and Mr. SHAW)

H. Con. Res. 153. Concurrent resolution honoring the 10th Amendment of the Constitution of the United States extended continental shelf, and the United States' coastal changes; to the Committee on Natural Resources.

By Mr. ABERCOMBIE (for himself and Ms. HIRONO)

H. Res. 541. A resolution recognizing the confluence of 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 the Judiciary.

By Mr. SPACE

H.R. 2866. A bill to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the United States' coastal changes; to the Committee on Natural Resources.

By Mr. BISHOP of New York

H.R. 2867. A bill to amend the Social Security Act to provide for children under the Medicaid Program if 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 the Judiciary.

By Mr. GARRETT of New Jersey (for himself, Mr. MORAN of Kansas, Mr. KISSELL, and Mr. MCGRIVER)

H. Res. 542. A resolution opposing the ongoing attacks by the Lord's Resistance Army (LRA) which have affected innocent civilians in Uganda, South Sudan, Central African Republic, and the Democratic Republic of Congo, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. HALVORSON (for herself, Mr. DINGELL, Mr. MASSA, Mr. HILL, Ms. MATUSI, Mr. HALL of Texas, Mr. HINCHY, Ms. MALONEY, Mr. MCCONNELL, Mr. BRAN of Virginia, Mr. ISRAEL, Mr. MEKES of New York, Mr. TRAUGO, Mr. LIPINSKI, Mr. DAVIS of Illinois, and Mr. WOLF)

H. Res. 543. A resolution extending support for designation of June as “Home Safety Month”; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

79. The SPEAKER presented a memorial of the Senate of Pennsylvania, relative to Senate Resolution No. 32 urging the Citizens Security Advisory Committee and the United States Postal Service to issue a “Forever Stamp” honoring recipients of the Purple Heart; to the Committee on Oversight and Government Reform.

80. Also, a memorial of the House of Representatives of the Northern Mariana Islands, relative to H.J.R. No. 16-24 To call for the petroleum trust revenue funds now pending before the 111th United States Congress; to the Committee on Natural Resources.

81. Also, a memorial of the Sixty-first Legislative Assembly of North Dakota of North Dakota, relative to HOUSE CONCURRENT RESOLUTION NO. 3083 affirming North Dakota's sovereignty under the 10th Amendment to the Constitution of the United States.
States and to demand the federal government halt its practice of assuming powers not enumerated in the Constitution of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Ms. Sutton.
H.R. 49: Mr. Rehhm.
H.R. 156: Mr. Moran of Kansas.
H.R. 364: Mr. McCotter.
H.R. 391: Mr. Rooney.
H.R. 403: Ms. DeLauro and Mr. Baca.
H.R. 474: Mr. Filner.
H.R. 502: Mr. Garbett of New Jersey.
H.R. 560: Mr. Chaffetz.
H.R. 600: Mr. Baca.
H.R. 646: Mr. Jackson of Illinois.
H.R. 676: Mr. Holt and Mr. Markley of Massachusetts.
H.R. 708: Mr. Young of Alaska and Mr. Herod.
H.R. 764: Mr. Sam Johnson of Texas.
H.R. 780: Mr. Lincoln Diaz-Balart of Florida, Mr. Comprehensive Resolutions of Representatives, Mr. Grijalva, Mr. Mack, Mr. Paul, Mr. Paulsen, Mr. Possey, and Mr. Wilson of South Carolina.
H.R. 2227: Mr. Foster, Mr. Sam Johnson of Texas, and Mr. Crenshaw.
H.R. 2256: Mr. Moran of Virginia.
H.R. 2282: Mr. Lynch, Mr. Polis, Mr. Space, Mr. Roteman of New Jersey, and Mr. Michaud.
H.R. 2352: Mr. DeHaus and Mr. Grijalva.
H.R. 2357: Mr. DeHaus, Mr. Polis, Mr. Grijalva, and Mr. Israel.
H.R. 2287: Mr. Tanh, Mr. Wilson of South Carolina, and Mr. Taylor.
H.R. 2314: Mr. Cole.
H.R. 2324: Mr. Frank of Massachusetts and Mrs. Maloney.
H.R. 2336: Mr. Klein of Florida, Mr. Wilson of Ohio, Mr. McKeon, and Mr. Filner.
H.R. 2356: Ms. Schakowsky and Mr. Price of North Carolina.
H.R. 2355: Ms. Woolsey.
H.R. 2352: Mr. Signer.
H.R. 2373: Ms. Markby of Colorado, Mr. Price of North Carolina, Mr. Rogers of Alabama, and Mr. Courtney.
H.R. 2376: Mr. Mattson.
H.R. 2389: Mr. Bishop of New York.
H.R. 2393: Mr. Castle.
H.R. 2401: Ms. Maloney.
H.R. 2484: Mr. Himes.
H.R. 2496: Mr. Barton of Texas, Ms. Jenkins, Mr. Wilson of South Carolina, Mr. Dent, Mr. Gingrey of Georgia, Mr. Wittman, Mr. Boustany, Mr. Posey, and Mr. Goodlatte.
H.R. 2414: Ms. Slauterfield.
H.R. 2421: Mr. Crow.
H.R. 2483: Mrs. McCarthy of New York, Mr. Costa, Mrs. Lowey, and Mr. Baca.
H.R. 2490: Mr. Rush.
H.R. 2407: Ms. Richardson, Ms. Clarke, Mr. Meeks of New York, and Mr. Hall of New York.
H.R. 2521: Mr. Boccieri and Mr. Rush.
H.R. 2523: Mr. Filner.
H.R. 2531: Mr. Delahunt.
H.R. 2560: Mr. Burgess.
H.R. 2592: Mr. Bishop of New York.
H.R. 2499: Ms. McMorris Rodgers, Mr. McMorris of Washington, Mr. Wilson of South Carolina, Mr. McKeon, and Mr. Loevy.
H.R. 2570: Ms. Baldwin.
H.R. 2575: Mr. Kagen.
H.R. 2583: Ms. Cohen, Mr. McGovern, Mr. Georg Miller of California, Ms. Schakowsky, Ms. DeLauro, and Mr. Nadler of New York.
H.R. 2657: Mr. Cohen.
H.R. 2659: Mr. Cohen.
H.R. 2660: Mr. Burgess.
H.R. 2692: Mr. Bishop of New York.
H.R. 2709: Ms. Shumlin, Mr. Rogers of Florida, Mr. Rogers of Arizona, Mr. Johnson of Georgia, and Mr. Sires.
H.R. 2677: Mr. Boustany, Mr. Goodlatte, Mr. Stokes, Mr. Russell, Mr. Zinke, Mr. Mooney, Mr. Bass, Mr. Rodney Frelinghuysen, Mr. McCuistion, Mr. Northrup, Mr. Mooney, Mr. Reichert, Mr. Rooney, Mr. Ryan of Wisconsin, Mr. Scalise, Mr. Schock, Mr. Shadegg, Mr. Shadegg, Mr. Shimkus, Mr. Smith, Mr. Souder, Mr. Stearns, Mr. Terry, Mr. Turner, Mr. Upton, Mr. Walden, Mr. Whitefield, Mr. Wilson of South Carolina, Mr. Wittman, Mr. Graves, Mr. Pritz, Mr. Bartlett, Mr. Boehner, and Mr. Thompson of Pennsylvania.
H.R. 2074: Mr. Hinchey, Ms. Norton, and Mr. McGovern.
H.R. 2745: Mr. Posey, Mr. Hinson, Ms. Fallin, Mrs. Bachmann, Mr. Lattea, Mr. Poe of Texas, Mr. Hunter, Mr. Cole, Mr. Harper, Mr. Forbes, Mr. Brady of Texas, Mr. Garbett of New Jersey, Mr. Price of Georgia, Mr. Wilson of South Carolina, Mr. Jordan of Ohio, Mr. Pitts, Mr. Broun, Mr. Chaffetz, Mr. Franks of Arizona, Mr. Shimkus, Mr. Lamborn, Mr. King of Iowa, Mr. Flake, Mr. Olson, Ms. Foxx, Mr. Marchant, and Mr. Smith of Texas.
H.R. 2777: Mr. Wellington.
H.R. 2831: Mr. Welch and Ms. Schwartz.
H.J. Res. 40: Ms. Clarke, Mr. Clay, Mr. Conyers, and Ms. Waters.
H.J. Res. 48: Mr. Frank of Massachusetts.
H. Res. 128: Mr. Inglis.
H. Res. 131: Mr. Brady of Texas, Mr. Paulsen, Mr. Rogers of Kentucky, Mr. Rose of New York, Mr. Broun, Mr. King of New York, Mr. Hanlon, Mr. Graves, Mr. Posey, and Mr. Goodlatte.
H. Con. Res. 144: Mr. Alexander, Mr. Kucinich, Ms. Wolcott, Mr. Broun, Mr. Shadegg, Mr. Shimkus, Mr. Smith of New Jersey, Mr. Smith of Texas, Mr. Souder, Mr. Stearns, Mr. Terry, Mr. Turner, Mr. Upton, Mr. Walden, Mr. Whitefield, Mr. Wilson of South Carolina, Mr. Wittman, Mr. Graves, Mr. Pritz, Mr. Bartlett, Mr. Boehner, and Mr. Thompson of Pennsylvania.
H. Res. 69: Mr. Inglis and Ms. Giffords.
H. Res. 111: Mr. Weldon.
H. Res. 266: Mr. Rothman of New Jersey.
H. Res. 285: Mr. Royce.
H. Res. 330: Mr. Shuler, Mr. Ross, Mr. Griffith, Mr. Seestak, and Mr. Kissell.
H. Res. 368: Mr. Conaway, Mr. Neuberger, Mr. Olson, Mr. Hensarling, Mr. Braivy of Texas, Mr. Hall of Texas, Mr. Gohmert, Mr. Culberson, Mr. McCaul, Mr. Carter, Ms. Granger, Mr. Thornberry, Mr. Poe of Texas, Mr. Sam Johnson of Texas, Mr. Barton of Texas, Mr. Tiahrt, Mr. Walden, Mr. Shadegg, Mrs. Bigert, Mr. Buchanan, Mr. Westmoreland, Mr. Wilson of South Carolina, Mr. Whitfield, Mr. Roskam, Mr. LoBiondo, Mrs. McMorris Rodgers, Mr. Daniel E. Lungren of California, Mr. Hunter, Mr. Simpson, Mr. Frelinghuysen, Mr. Gerlach, Mr. Deal of Georgia, Mr. Broun of Georgia, Mr. Price of Georgia, Mr. Upton, Mr. Rooney, Mr. Davis of Kentucky, Mr. Mica, Mr. Barret of South Carolina, Mrs. Capito, Mr. Cao, Mr. Shuster, Mr. Reichert, Mr. Bishop of Utah, Mr. Akin, Mr. Young of Alaska, Mr. Issa, Mr. Radanovich, Mrs. Blackburn, Mrs. Capps, Ms. DeGette, Mr. Stearns, Mr. Shimkus, and Mr. Thompson of Pennsylvania.
H. Res. 409: Mr. Wilson of South Carolina.
H. Res. 480: Ms. Edwards of Maryland.
H. Res. 521: Mrs. Blackburn, and Mr. Sablan.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. R. 2300: Mr. Peice of Georgia, Mr. Smith of Texas, Mr. McCotter, Mr. Ryan of Wisconsin, Ms. Jenkins, Mr. Lamborn, Mrs. Myrick, Mr. Culberson, Mr. Brown of South Carolina, Mr. Bonner, Mr. Scali, Mr. Boustany, Mr. Gallagher, Mr. Souder, Mr. Conaway, Mr. Herr, Mrs. Bachmann, Mr. Pence, Mr. Sullivan, Mr. Jordan of Ohio, Mr. Coffman of Colorado, Mr. Linder, Mr. Broun of Georgia, Mr. McHenry, Mr. Carter, Mr. Chaffetz, Mr. Wamp, Mr. Thompson of Pennsylvania, Ms. Fallin, Mr. Akin, Mr. Sam Johnson of Texas, Mr. Fleming, Mr. Lucas, Mr. Horsley, Mr. Young of Alaska, Mr. Manzullo, Mr. Brady of Texas, Ms. Foxx, Mr. Harper, Mr. Hensarling, Mr. Franks of Arizona, Mr. Hunter, Mr. Gingrey of Georgia, Mrs. Lummis, Mr. Marchant, Mr. McKinley, Mr. Neuberger, Mr. Pitts, Mr. Simpson, Mr. Heller, Mr. Poe of Texas, Mr. Lee of New York, Mr. Westmoreland, Mr. Burton of Indiana, Mr. Rehberg, Mr. Alexander, Mr. Goodlatte, Mr. Cassidy, Mr. Radanovich, Mr. LaTta, Mr. McCaul, Mr. Sessions, Mr. Boozman, and Mr. Thornberry.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2847
Offered By: Mr. Olson
Amendment No. 1. In the item relating to “Bureau of Census—periodic censuses and programs”, after the first dollar amount insert “(reduced by $566,500,000)”.
In the item relating to “National Aeronautics and Space Administration—exploration”, after the first dollar amount insert “(increased by $566,500,000)”.

H.R. 2847
Offered By: Mr. Paulsen
Amendment No. 2. At the end of the bill (before the short title) insert the following new section:

Sec. 2. None of the funds made available in this Act may be used to try an individual who is detained at Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, in any United States court.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

49. The SPEAKER presented a petition of the San Francisco Board of Supervisors, relative to RESOLUTION NO. 106-09 urging both the California State Legislature and United States Congress to establish a Do Not Mail Registry; which was referred to the Committee on Oversight and Government Reform.
June 12, 2009

CONGRESSIONAL RECORD — Extensions of Remarks

E1387

EXTENSIONS OF REMARKS

A TRIBUTE IN RECOGNITION OF DR. EDISON O. JACKSON

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Edison O. Jackson, the President of Medgar Evers College of the City University of New York and a foremost leader in higher education who is now retiring after twenty years with the College.

Dr. Jackson was born in Heathsville, Virginia. He received a Bachelor of Science degree in Zoology, a Master of Arts degree in Counseling from Howard University, a Master of Divinity degree from New York Theological Seminary, and a Doctorate in Education from Rutgers University with an emphasis on the philosophy, function, role, and administration of urban educational institutions.

After an impressive twenty years in higher education, Dr. Jackson was welcomed to Medgar Evers College as its 5th President. He quickly formulated and implemented a new vision for the College’s future, spearheading the creation of the Freshman Year Program, increasing student retention, creating three new academic schools, and restoring the institution’s senior college status in 1994.

To increase the enrollment and academic success of African American males, Dr. Jackson established the nationally recognized Male Development and Empowerment Center to groom and guide men through their higher education.

Dr. Jackson has served and/or holds membership in a number of prominent civic, educational, and community organizations. He has also written on issues of concern to educators regarding minority students, including student retention and the role of spiritual leadership in higher education.

Dr. Jackson has been honored for his decades of service and achievements from scores of elected officials, educational institutions, and community organizations.

Madam Speaker, I would like to recognize Dr. Edison O. Jackson, a visionary leader and an inspiration to all of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to Dr. Edison O. Jackson.

CENTRAL DAVIDSON—THREE TIMES A CHAMPION

HON. HOWARD COBLE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. COBLE. Madam Speaker, a softball team at a high school in our congressional district proved this year that even when you lose your key player for a large part of the season, when the whole team pulls together, greatness can still be achieved. Despite losing 2008 News & Record All-Area Player of the Year Chelsea Leonard to a knee injury on November 25, 2008, the Central Davidson High School softball team came together and finished its 21–7 season with a championship title. “We’ve been through some tough times this year,” Coach Gene Poindexter told The Dispatch. “Got knocked down a couple of times. Got black eyes, couple of ‘em. We just kept fighting, and we worked hard to get back in the playoffs; I can’t say enough about all these freshmen, sophomores and juniors. They’re a great bunch of kids who worked their tails off.”

On behalf of the citizens of the Sixth District of North Carolina, we wish to congratulate the Spartans for winning their third consecutive 2A state softball championship.

The Spartans defeated Richlands by a score of 1–0 on Saturday, June 6, 2009. Freshman extraordinaire Carley Tysinger ripped a 1–0 pitch into left for a single to drive in the biggest run of the season and the only run of the title game. And that one-run lead was all that was needed with senior Chelsea Leonard on the mound. Leonard returned in time for the postseason and was named tournament MVP. Leonard threw a one-hitter with 19 strikeouts against Richlands in the title game.

The championship season was a team effort led by seniors Kelsey Rountree and Chelsea Leonard, juniors Haley Hanes, Laura Fritts, Haley Thore, Nicole Perry, and Mindi Morris, sophomores Kara Lohr, Whitney Lohr, Jazmine Charles, Emma Comer, and Megan Yountz, and freshmen Charity McGath, Carley Tysinger, Allie Stovall, and Lauren Bryant.

Also assisting the team during this season were assistant coaches Jim Welborn, Bryan Starnes, Greg Leonard, Sterling Charles, Mike Pickett, Jordan Stogner, Jodi Duncan, the voice of the Spartans, announcer Stuart Joontz, scorekeeper Mitz Tysinger and last but not least, manager Xavier “Sabby” Rosales.

Again, on behalf of the Sixth District, we would like to congratulate Principal Emily Lipe, Athletic Director and Head Coach Gene Poindexter, and everyone affiliated with the Spartans. Congratulations to Central Davidson on a spectacular season and for winning its third consecutive 2A state softball championship.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

SPEECH OF
HON. BRAD SHERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 10, 2009

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 2140) 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.

Mr. SHERMAN. Mr. Chair, during consideration of H.R. 2410, the Foreign Relations Authorization Act, I voted for the Royce amendment regarding Eritrea. I know that Eritrea is sending a diplomatic delegation to the United States at the present time, and that sensitive negotiations are taking place in the region. It is my hope that Eritrea will dramatically change its policies as a result of this diplomatic action, and designation of Eritrea as a State Sponsor would be unnecessary. Had this provision been adopted in the House, it could have been (and would have been) removed from the bill in conference should such a change of policy come about. Therefore, I felt that the amendment was worthy of support because it was a big enough and far enough change of policy to make that necessary.

I would like to point out that 25 years ago the United States was assisting the legitimate concerns raised by opponents of the amendment.

TRIBUTE TO MICHAEL J. WOOTTON

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to pay tribute to an exceptional man. On Wednesday, June 10th, the federal government and, in particular, the General Services Administration lost an exemplary public servant, a genuine and trusted friend, and a devoted husband and father. On that day Michael J. Wootton, lost his courageous battle with cancer. Mike was the epitome of a fine public servant. He was accurate, detailed, inquisitive, and thorough in his work. He left our federal government and federal workforce the richer for his service.

He began his legal career as a law clerk, serving the office of the 5th district solicitor, Richland County, South Carolina. When he arrived in Washington D.C., Mike served as Majority Staff Counsel to the Committee on the Judiciary of the United States Senate. As full Committee staff counsel, Mike was responsible for issues of Administrative Law and Procedures, Courts, and Juvenile Justice.

Mike then moved on to the Department of Justice, where he spent three years in the Civil Division as Assistant Director of the Office of Policy and Legislation and Special Assistant to the Assistant Attorney General. One of Mike’s accomplishments as Special Counsel was assisting in the confirmation of Justice Anthony Kennedy to the U.S. Supreme Court. Before departing Justice to join GSA, Mike served briefly as the Acting General Counsel for the President’s Commission on Privatization.

Upon his arrival at the General Services Administration, Mike quickly became the “go to” lawyer for advice and counsel on real property law and legislative matters involving the Federal Property and Administrative Services Act.

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of 1949. For almost 20 years Mike served in the Office of the General Counsel. In addition, he served as counsel to the Office of Congressional Affairs, the Public Buildings Service, the Office of Government-wide Policy, and the Office of the Chief Financial Officer. In 2008, Mike was appointed to the Senior Executive Service, and his list of opinions was expanded, and his advice was sought after and followed.

Mike was justifiably proud of his legal contributions to GSA. However, his pride in his legal career was always exceeded by his pride in his family, his loving wife Sheerene and his two outstanding sons, Mitchell and Corey. As a parent and husband, he was immensely proud of their accomplishments, their community involvement, and their love for each other.

Mike made and maintained legions of friendships. His friends, who will cherish his memory for a lifetime, will join me today with honor and great sadness to pay tribute to Michael J. Wootten.

Receiving the United States Border Patrol’s 85th Anniversary

HON. GABRIELLE GIFFORDS OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Ms. GIFFORDS. Madam Speaker, I would like to recognize the brave men and women of the United States Border Patrol on the occasion of their 85th anniversary.

The Border Patrol is the first line of defense for our nation. When it was established in the early part of the last century, its only posts were in Detroit, Michigan, and El Paso, Texas. The first agents were issued a badge and a revolver that they had to provide their own horses and saddles. Fortunately, the federal government paid for the feed.

Since its founding in 1924, the Border Patrol has grown and become a modern agency in every way. While some Border Patrol agents still ride horses, they all now use technology that their predecessors could not have imagined. Their tools and strategies have changed over time but their original mission remains the same. Each day they put on their uniforms and go out to protect and defend our borders.

Representing the 8th Congressional District in Southeastern Arizona, I have had the privilege of witnessing first-hand the Border Patrol’s important work. It has been a highlight of my time in Congress to meet the men and women of the Tucson Sector of the Border Patrol who serve in one of the most challenging regions in our country. While the Tucson Sector represents only 13 percent of our border with Mexico, it accounts for close to 50 percent of the Border Patrol’s apprehensions and drug seizures.

Under the exceptional leadership of Tucson Sector Chief Patrol Agent Robert Allen, great progress has been achieved in making our border more secure. Chief Gilbert has assembled an outstanding top management team including Deputy Chief Patrol Agent Robert Boatwright and Division Chiefs John Fitting and Ben Switzerland. In addition to implementing effective new strategies to deal with the high volume of drug and human smuggling, they have been responsive to my inquiries on behalf of constituents and they have reached out to establish partnerships with local residents, ranchers and business owners.

The daily work of the Border Patrol is conducted by a force of hard working agents who carry out their duty with honor and distinction in some of the most rugged territory in the nation. I am proud of the relationship we have established with the Executive Board of the National Border Patrol Council, Local 2544, which represents the agents who work in the Tucson Sector. The agents on the ground are capably represented by Edward Tully, Local 2544 President, and Richard Martinez, Arturo Del Cuelo, David Hull and Kurt Kelley. They keep me apprised of the needs and concerns of their members so that I can better fight for the resources that they must have to safely and effectively do their jobs.

My 9,000-square mile district includes 114 miles of international border. The Border Patrol’s Tucson Sector is ground zero for the trafficking of humans and drugs into our country. Each day, the agents stationed here confront extraordinary risks to keep us safe. They face armed smugglers, harsh desert terrain and weather extremes. Each day, they illustrate what it means to be dedicated to duty and to country. Border Patrol agents serve us with patriotism and commitment and, as a nation, we owe them a tremendous debt of gratitude.

On behalf of the people of Arizona’s 8th Congressional District, I extend my deepest appreciation to the men and women of the Tucson Sector of the Border Patrol and to their colleagues who work all across our borders.

Commemorating Rear Admiral Bennett “Bud” Sparks, U.S.C.G.

HON. MIKE THOMPSON OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. THOMPSON of California. Madam Speaker, today I rise to honor the memory of Rear Admiral Bennett “Bud” Sparks, who passed away May 22 after a lifetime of service to our country in the Coast Guard. Admiral Sparks’ dedication to our country and his devotion to his family and his community deserve the highest commendation.

Admiral Sparks was born on October 10, 1925, and enlisted in the Coast Guard Reserve in 1942. His service spanned the globe and he saw action in the Atlantic, Pacific and European theaters of operations while flying as a combat aircrewman on both antisubmarine and air-sea rescue missions. After the War, he transferred to the active Coast Guard, where he received a field promotion to ensign and was assigned to the 19th Strategic Group. In 1955, he transferred to the Coast Guard’s National Security Patrol, where he served as commanding officer of the U.S. Delegation to the Inter-Allied Confederation of Reserve Officers at NATO headquarters in Brussels, Belgium. He also chaired the California Veterans Board, where he worked tirelessly to ensure and enhance the rights and benefits of California Veterans, and was active on the board of the North Bay Chapter of the Alzheimer’s Association of Northern California and Nevada.

Admiral Sparks was also a dedicated advocate for other reserve officers, fellow veterans and his community. He has served as both president of the Reserve Officer’s Association of the United States—the first Coast Guard officer to hold this position—and as Chief of the U.S. Delegation to the Inter-Allied Confederation of Reserve Officers at NATO headquarters in Brussels, Belgium. He also chaired the California Veterans Board, where he worked tirelessly to ensure and enhance the rights and benefits of California Veterans, and was active on the board of the North Bay Chapter of the Alzheimer’s Association of Northern California and Nevada.

Throughout his career, Admiral Sparks received numerous decorations for his service. Among them are the Navy Distinguished Public Service medal, two Coast Guard Distinguished Public Service medals, the Legion of Merit, Mentorious Service medal, two Coast Guard commendation medals, the Coast Guard Achievement medal, the Arctic Service medal and, of course, his Coast Guard Combat Air Crew Wings.

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As Madam Speaker, it is fitting at this time that we honor the life, service and memory of Admiral Sparks. His dedication to his country, his family and community are a testament to a great man who will long be remembered by those who knew him. We are lucky to have had him as a neighbor, a friend and an inspiration.
Sydney Hyden, Kelsey Hoover, Victoria Hunt, and Sloan King, and freshmen Dee Christos, Paige Parrish, Brooke Hayes, Kaylee King, and Hayleigh Clapp.

Also assisting the team during this outstanding 30–1 season were assistant coaches Bobby Berry, Rob Hayes, Wendal Seawell, and Angela Hoover.

Again, on behalf of the Sixth District, we would like to congratulate Principal Dr. Chris Vecchione, Athletic Director Randy Key, Head Coach Steve Taylor, and all who contributed to this outstanding season. Congratulations to Southwestern Randolph High School on a spectacular season and for winning the North Carolina 3A state championship.

A TRIBUTE IN REMEMBRANCE OF
DR. DANIEL C. UDOJI

HON. EDOLPHUS TOWNS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Daniel C. Udoji, a self-employed medical provider in Brooklyn.

Dr. Udoji was born in Egbu-Owerri, Eastern Nigeria to Chief Benjamin and Mrs. Dorothy Udoji and lived there until 1954. Dr. Udoji left Nigeria for London in 1957 for further education at University College Ibadan and graduated with a B.M.B.S. in 1964.

During the Nigerian-Biafra Civil War, from 1967 to 1970, Dr. Udoji provided medical and surgical services to refugees and displaced persons. After his commendable medical assistance during the Nigerian-Biafra Civil War, Dr. Udoji proceeded to the United Kingdom for postgraduate Medical Studies at Postgraduate Medical School in Scotland and University Hospital of Wales in Wales. After completion of his studies, Dr. Udoji traveled to the United States to complete his residency at V.A. Hospital and Downstate Medical Center and at Long Island Jewish Medical Center & Queens Hospital.

Following his residency, Dr. Udoji worked as an internist at V.A. Medical Center in Brooklyn from 1978 to 1986. From 1988 to 1992, Dr. Udoji provided medical services to senior citizens at the Senior Citizen Center on Bergen Street in Brooklyn. Dr. Udoji has been providing medical services to the homeless population in Brooklyn since 1989 at the Salvation Army under the auspices of Catholic Charities. Dr. Udoji has over forty years of experience and continues to work in the Brooklyn area.

Dr. Udoji is married to Obiageli with whom he has five grown children and two grandchildren. His hobbies include gardening and photography.

Madam Speaker, I urge my colleagues to join me in recognizing Dr. Daniel C. Udoji.

CONGRATULATING RALPH CROSBY FOR BEING NAMED BOSS OF THE YEAR

HON. JO BONNER
OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 12, 2009

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to honor Ralph Crosby for being named “Boss of the Year” for 2009 by the Top-Side Aviation Club. The “Boss of the Year” is one of the club’s most prestigious honors, and Ralph is most deserving of this award in recognition of his tireless efforts on behalf of EADS North America. He is one of those rare, one-in-a-million type individual; I am fortunate to know and call my friend.

Throughout his entire life, Ralph’s work ethic, his love of family, country, and God have all contributed to his success and to receiving this prestigious award.

A native of Greenville, South Carolina, Ralph was appointed to West Point by Senator Strom Thurmond. He graduated first in his class in engineering and was in the top 2 percent of his overall class. He went on to earn two Master’s degrees, one from the acclaimed JFK School of Government at Harvard University, where he graduated with a perfect 4.0, and the other, where he achieved the highest academic mark ever recorded at the time from the Graduate Institute of International Studies in Geneva.

After graduating from West Point, Ralph had a distinguished military career where he was selected as Officer of the Year of the 2nd Armored Cavalry Regiment and served tours in Germany, Vietnam, and the United States. During his last military assignment, he served as the military staff assistant to Vice President Walter Mondale.

In 1981, Ralph resigned his commission as major in the U.S. Army and joined Northrop Grumman where he enjoyed a 21-year career and rapidly rose up the company ladder. He was among the vice presidents ever appointed in the company’s 60 year history, and he ran the B-2 program—arguably one of the most important assets in our nation’s strategic arsenal.

On September 1, 2002, Ralph assumed leadership of EADS North America, one of the world’s largest aerospace and defense companies. As chairman and chief executive officer, he has been directly responsible for the company’s activities and substantial growth—throughout the United States over the last seven years. He established a significant aerospace presence in neighboring Mississippi where EADS North America produces the Light Utility Helicopter for the U.S. Army. All have been delivered on schedule and under budget. EADS has become a major employer across the United States supporting more than 190,000 jobs in 17 states and contributing over $9 billion to the U.S. economy annually.

Alabama—and certainly the city of Mobile—has developed a close relationship with Ralph and EADS over the past several years. Under Ralph’s leadership, EADS and Northrop Grumman selected Mobile as the home for its U.S. production facility for the next-generation aerial-refueling tanker. EADS also partnered with Northrop Grumman to launch a joint bid to provide America’s warfighters with the very best equipment, technology, and training to do their job and complete their missions.

In recognition of his impressive career and many accomplishments, Ralph was selected as Officer of the Year of the 2nd Armored Cavalry Regiment for his continued leadership and dedication to the B-2 program.

In recognition of Ralph’s accomplishments and extending thanks for his tireless efforts on behalf of EADS North America, I am proud to commend Alex Adamek for his distinction and dedication to service.

I ask my colleagues to join me in congratulating Alex Adamek, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scout activities. Over the many years Alex has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alex Adamek for his distinction and dedication to service.

CONGRESSIONAL RECORD — EXTENSIONS OF REMARKS
E1389

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

SPEECH OF
HON. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

Mr. KUCINICH. Mr. Chair, H.R. 2410, the Foreign Affairs Authorization, has several laudable provisions that would improve our national security and our country’s standing in the world. But it includes language that grants Congressional endorsement of preemptive war against Iran.

The provision in question says “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 . . . .” Among the lessons that should have been learned from the war in Iraq is that pre-emptive war based on an imminent threat (real or perceived) is a violation of recognized rights under international law and undermines a nation’s standing in the international community. Rather than recognizing Israel’s right to self-defense against an imminent attack, a right recognized by international law, this bill contains language that supports preemptive war against a threat. A war with Iran is not in Israel’s best interest, it is not in the United States best interest, and it is not in the world’s
best interest. The provision undermines the establishment of peace in the Middle East.

I do not make the decision to oppose the full legislation lightly. It has important provisions. The additional resources authorized by this bill are necessary to make up for a history of drastic underfunding and inattention to diplomacy. This bill highlights our commitment to a new diplomatic strategy as our nation strives to heal the wounds between our country and the world.

It authorizes additional funding to train and deploy 1,500 additional Foreign Service Officers. It commits $1.8 billion for fiscal year 2010, as well as the necessary funds in 2011 to fulfill our assessment contributions to international organizations such as the United Nations. The bill will create an additional 25 positions at the Department of State for arms control and nonproliferation. Creation of the Rotation Program will help to strengthen interagency cooperation toward nuclear abolition.

The bill requires that the State Department investigate the humanitarian crisis in Gaza and the atrocities associated with an occupation that compromises the health and dignity of the Palestinian people. I am hopeful that the report will allow the U.S. to credibly claim a commitment to engage in a more even handed and diplomacy oriented foreign policy.

I do not agree with inclusion of Section 822 of the bill, which reduces the number of Congressional notifications about arms transfers between the U.S. government and the governments of other nations. For example, a Congressional notification is currently required for the transfer of major defense equipment sales valued at $14 million or more. With enactment of this section, the threshold will be raised to $25 million or greater. As such, the trigger for Congressional review will happen less often.

Furthermore, I oppose the increased funding levels for the Merida Initiative and expansion of this flawed program to the Caribbean countries. Time and again, research has demonstrated that illicit drug production in developing countries stems from pervasive rural poverty and lack of sustainable sources of income. More money for guns and other tools of destruction will do nothing to ease the suffering of those struggling with addiction or alleviate the social problems that compel people to produce and/or traffic drugs.

This body must take measurable actions to replace policies of aggression with policies of dialogue, adherence to international law and an unwavering dedication to the protection of human rights. By including the provision that paves the way for preemptive war against Iran, this bill continues the failed policies of the previous administration. Therefore, I could not vote for it.

PERSONAL EXPLANATION

HON. PHIL GINGREY
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall #335 on the final passage of H.R. 1234, I am not recorded. Had I been present, I would have voted “nay.”

HIGH POTENCY MARIJUANA SENTENCING ENHANCEMENT ACT OF 2009

HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. KIRK. Madam Speaker, popular culture often romanticizes casual marijuana use, and those who warn that marijuana is a “gateway drug” that can lead to use of other, harder drugs are ridiculed as being out of the mainstream. The reality is that marijuana today is vastly different than the marijuana that was prevalent in the ’60s. According to the National Drug Intelligence Center, the average THC content of seized marijuana was less than 4 percent in the early 1990s. By 2007 that level rose to nearly 10 percent.

Local police in my district are now reporting a new threat from “Kush,” street slang for a strain of highly potent marijuana with a THC content of at least 20 percent. The rise of Kush mirrors the increasing trend of high-THC marijuana, which has become more accessible with the rise of hydroponics. Drug growers are able to strictly control light, temperature and humidity and can cross-breed to maximize THC content. According to the Drug Enforcement Administration, Kush has been known to sell for as high as $600 per ounce—creating the same profit potential as crack cocaine.

Today I am introducing legislation to bring federal penalties for trafficking high-potency marijuana in line with penalties for cocaine, heroin, and hashish, all of which have similar retail prices on the street. The gangs and cartels trafficking Kush are the same trafficking cocaine and heroin, and the profits they realize represent an equal danger to the public. In my view, the penalties for trafficking this dangerous drug should also be equalized.

MOTION TO INSTRUCT CONFEREES ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

SPEECH OF

HON. BRAD SHERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 11, 2009

Mr. SHERMAN. Madam Speaker, I voted against the motion. One of my concerns about the Supplemental as passed by the Senate is the fact that it contains funding for the International Monetary Fund without language designated to ensure that the IMF provide no assistance to countries that support terrorism, raise proliferation concerns, or are major human rights abusers, most notably Iran. Proponents of the motion mentioned their objections to the IMF funding; some raised similar concerns that the IMF could assist some of the worst regimes. However, a close reading of the motion reveals that conferees could implement the instructions without any cut to IMF funding and without adding any preconditions that the IMF would have to meet before obtaining $109 billion. Given the political realities, I believe that this is the direction the conferees would take to implement these instructions in the event they did not ignore them altogether. Thus this motion does not instruct conferees to do anything at all to IMF funding and, if implemented will lead to cuts to worthy domestic and international accounts. For these reasons, I could not support the motion.

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. GRAVES. Madam Speaker, I proudly rise today to recognize Sandy Rempe of the Missouri Department of Public Safety. Her direction of the Juvenile Justice Program and the dedication and compassion she has for today’s youth is to be commended. Due to her exemplary leadership, she has earned the prestigious Tony Gobar Award, an honor that recognizes excellence in the field of juvenile justice.

Ms. Rempe has worked as the manager of the Department of Public Safety’s Juvenile Justice Program for twelve years. Under her leadership, the program distributes federal grants that provide funding to sixty state and local agencies in Missouri to help support juvenile justice and delinquency prevention initiatives. Additionally, grant funds are utilized for training on juvenile justice, system improvements, and intervention programs. Ms. Rempe also serves on many groups, committees and commissions including the Mental Health Transformation Leadership Work Group and the Drug Court Commission.

Madam Speaker, I proudly ask you to join me in commending Sandy Rempe for this prestigious accomplishments with the Missouri Department of Public Safety and for her tireless efforts in helping Missouri’s youth.

IN HONOR OF ELLEN PSENICKA

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Ellen Psenicka, whose forty-year tenure as reporter, editor and publisher of the award-winning Neighborhood News, continues to enlighten, entertain and unite Cleveland’s southeast community every Wednesday, highlighting current events along our city streets—from the neighborhoods of Slavic Village, to the streets of Garfield Heights, to the steps of Cleveland City Hall.

Ellen grew up in Sandusky, Ohio and went on to attend Ohio University, where she earned a Bachelor’s degree in Journalism. Shortly following graduation, in June, 1969, Ellen was hired as a reporter by Jim Psenicka, publisher of the Neighborhood News. A few years later, Jim and Ellen were married, and they worked in dedication to each other, to the newspaper and to the community until Jim’s passing in 2001. At that time, Ellen accepted the torch of leadership passed to her by Jim, and she continues to carry on his legacy of excellence in journalism and his commitment to the Greater Cleveland Community.

Ellen’s spirit of volunteerism and focus on the betterment of the community is evident...
Anthony has set many short- and long-term goals for himself ranging from continuing his involvement in the Scouts where he hopes to be selected to attend the 2010 National Jamboree and the 2012 World Jamboree to a career in mechanical and technological fields. As Madam Speaker, I ask my colleagues to join me in congratulating Anthony for being one of the youngest Eagle Scouts in scouting history and in wishing him the very best in what promises to be a very bright future. I would also like to ask my colleagues to join me in expressing our thanks to Anthony’s family, friends, and community leaders who helped support that they have given Anthony which has allowed and encouraged his development as a fine young citizen.

BIPARTISAN CONGRESSIONAL DELEGATION TO NATO PARLIAMENTARY ASSEMBLY MEETINGS

HON. JOHN S. TANNER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. TANNER. Madam Speaker, during the period May 22–31, 2009, led a bipartisan Congressional Delegation to a NATO Parliamentary Assembly (NATO PA) meetings in Oslo, Norway and to additional bi-lateral meetings in Helsinki, Finland and Stockholm, Sweden. The co-chair of the NATO PA delegation is the Hon. John Shimkus. The delegation also included Representatives J. EMERSON, DENNIS MOORE, JOHN BOOZMAN, MIKE ROSS, DAVID SCOTT, KENDRICK MEEK, JEFF MILLER, BEN CHANDLER, MIKE TURNER and staff. The NATO PA delegation had a highly successful trip in which a wide range of political, economic and security issues on NATO’s agenda, as well as issues involving the U.S.–Finland and U.S.–Sweden bi-lateral relationships, were examined. Accompanying the delegation on the visits to Finland and Sweden was Mr. David Hobbs, Secretary General of the NATO Parliamentary Assembly, who provided invaluable assistance with respect to Finland and Sweden’s participation in the NATO PA and issues related to their cooperation with NATO in numerous Alliance operations.

The NATO Parliamentary Assembly consists of parliamentarians from all 28 NATO member states. The NATO PA provides a unique forum for elected officials to analyze and debate issues that the NATO leadership discusses in Brussels. In addition to the 28 member parliaments, parliamentarians from countries such as Russia, Georgia, Afghanistan, and others also participate in the sessions as associate states or observers. Through these sessions, delegates have the opportunity to learn first-hand the views and concerns that other countries have over the key security issues of the day. An invaluable aspect of the meetings is the chance to meet and come to know members of parliament who play important roles in their own countries in shaping the security agenda that their governments pursue at NATO. These contacts can endure through a career, and can provide an invaluable private avenue for insights into each ally’s particular views on the matters.

In early April, NATO celebrated its 60th anniversary at a summit in Strasbourg, France and Kehl, Germany. The key issues on the agenda of the Alliance included the broader issue of the future of NATO and more specific issues including relations with Russia, energy security, missile defense, the conflict in Afghanistan, and emerging challenges such as piracy and cyber security. Each of these issues was also on the agenda in Oslo and many were vigorously debated by the parliamentarians. Relations with Russia and the new strategy towards Afghanistan and Pakistan were two of the issues that dominated the session. Many members of the Alliance questioned whether Russia has made a real commitment to being one of the new partners and will implement an increasingly assertive security policy including efforts to intimidate neighboring states, through the threat of force. There was also concern expressed that Russia would continue to use its energy supplies as a political lever to influence European policy. It was clear from our meetings that not only the United States and NATO, but the European Union as well, are concerned about Moscow’s posture on a variety of issues. And, while there were differences of opinion over how to structure future relations between NATO and Russia and the NATO PA and the Russian delegates to the Assembly, most felt that dialogue between NATO, the NATO PA, and Russia was important and should continue. Many delegates welcomed the U.S. commitment to a new relationship with Moscow and expressed hope that through those promising relations, Russia’s attitude toward NATO could become more positive. On Afghanistan, there was continued support for the ISAF mission among the allies and a willingness to promote political and civilian and financial support necessary for the reconstruction effort there. However, we did detect an undercurrent of concern among some allies that through the commitment of 21,000 additional U.S. troops to Afghanistan and the replacement of U.S./ISAF Commander, General McKiernan, the process of the “Americanization” of the war was underway and that NATO could be pushed aside by the United States. Our delegation was clear that this is not the case and that NATO’s role in Afghanistan continues to be a critical one that needs to be carried out in an effective and efficient manner.

Before the opening sessions of the Assembly’s plenary the U.S. delegation received a detailed briefing from the new U.S. Ambassador to NATO, Ivo Daalder, who had been in his new role for four days. He prepared us for the nuances involved in some of the issues that would be debated during the NATO PA sessions, particularly regarding Russia and NATO’s on-going role in Afghanistan. In addition to the briefing by Ambassador Daalder, we also had the opportunity to meet with the new Deputy Chief of Mission to NATO, Mr. John Heffern who represented the United States at the joint NATO PA/North Atlantic Council (NAC) session at the conclusion of the plenary. Another highlight was a private meeting our delegation held with NATO Secretary General Jaap de Hoop Scheffer who was attending his last NATO Parliament Assembley session as Secretary General. He gave an overview of the most critical challenges confronting the alliance and thanked the U.S. delegation for its continued support to NATO. We also addressed the NATO PA’s plenary session. The Foreign Minister of Norway, Jens Stoltenberg also addressed the plenary and spoke about the continued importance of the

HON. GERALD E. CONNOLLY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to congratulate Anthony Applewhite of Boy Scout Troop 1577 on being promoted to the rank of Eagle Scout. Fewer than 2% of all scouts have mastered the skills necessary to achieve this honor. Anthony’s achievement on this rank is even more extraordinary because, at the age of just 13, he is one of the youngest Eagle Scouts ever in the 100 year history of Boy Scouts of America.

For his Eagle Scout Service Project, Anthony designed, planned and managed the 100 year history of Boy Scouts of America. He also like to ask my colleagues to join me in expressing our thanks to Anthony’s family, friends and community leaders who helped support that they have given Anthony which has allowed and encouraged his development as a fine young citizen.

IN RECOGNITION OF THE ACHIEVEMENTS OF ANTHONY APPLEWHITE

HON. JOHN S. TANNER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

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Alliance and the need for a clear direction for NATO’s future. The Assembly also received a mixed report on current conditions in Afghanistan from Mr. Kai Eide, the head of the United Nations Assistance Mission in Afghanistan. Mr. Eide stressed the need for a sustained commitment of assistance from the international community. We also heard comments from the Speakers of the Albanian and Croatian Parliaments on their nation’s status as the newest members of the Alliance.

Over two days of the NATO PA session, intense meetings of the Assembly’s committees took place. There are five NATO PA committees. In each, parliamentarians presented reports on issues before the Alliance. The reports were debated by all members of the committee who often made counter-arguments or suggestions for amending a report. Members of the U.S. delegation were present and active in each committee meeting.

The Political Committee heard two very interesting presentations. One on the future relevance of NATO by Jonas Gahr Store, Minister of Foreign Affairs of Norway. A second presentation on Iran generated some interesting questions and debate. The Committee received presentations on three reports, one from our colleague, Mike Ross who was a rapporteur for a report on possible transatlantic cooperation on Pakistan. Mr. Ross’s presentation was well received by the Committee. Other reports debated included "Resetting Relations with Russia" that featured several interesting comments from the Russian delegates, and "NATO’s relationship with Georgia" that included a discussion on the recent Russian-Georgian conflict. There was still differences of opinion on who actually was responsible for starting the war in Georgia and how to deal with Georgia’s aspirations for eventual membership in NATO.

The Committee on the Civil Dimension of Security is currently chaired by our colleague, Jo Ann Emerson. The Committee heard three interesting presentations. One covered military-relations in Afghanistan and another attempted to discuss how NATO could best communicate the importance of the Alliance and its relevance to the general populations of the alliance members. There was also a very interesting presentation on the food-security nexus by Josette Sheeran, Executive Director of the United Nations World Food Program.

The Committee then debated a report on the growing threat of piracy to regional and global security. Our colleague, David Scott, who had recently visited Somalia, offered several comments on the relationship between the unstable political and economic situation in Somalia and the growing use of Somalia as a base for pirate activity. A report on the current political situation in Moldova was also presented.

The Defense and Security Committee heard two reports on NATO’s ongoing operations in Afghanistan, including a report by NATO’s senior civilian representative in Afghanistan, Ambassador Fernando Gentilini. The Committee also received a report on the need for NATO to reinforce its mission of territorial defense. Our colleague John Shimkus countered the idea that Afghanistan was becoming an “American” war by pointing out that the United States is not Pakistan which does include additional U.S. military forces, was developed in part with European input.

The Economics and Security Committee debated three reports, including one on food prices and their implications for security and another on energy production in Central Asia and its potential contribution to transatlantic energy security. The Committee also had a long discussion on a third report that addressed the global financial crisis and its impact on member nations. In that discussion, a number of members suggested that it would be useful to explore how the financial crisis was impacting on national defense budgets in allied countries. The Committee also heard presentations on aspects of food-related crises, global energy market trends, and managing defense budgets in times of global recession.

Finally, the Science and Technology Committee heard three reports, including one particularly interesting report on climate change and its relationship to national security. Another addressed the current efforts being used to combat the spread of weapons of mass destruction. A third report provided a look at the resurgence of nuclear power as a source of clean energy.

On Tuesday, the final day of the plenary, the general assembly had the extraordinary opportunity to hear a presentation from the NATO Secretary General in his last address to the Assembly and to participate in a formal meeting with the North Atlantic Council (NAC) in which the Ambassadors to NATO of all 28 Alliance members answered questions from the delegates.

Madam Speaker, as you know, the NATO PA Plenary session also happened to be held over our own Memorial Day. For the members of the U.S. delegation, the highlight of our visit to Oslo was the opportunity to honor the men and women of our armed forces who made the ultimate sacrifice on behalf of their country. As it happened, a U.S. Navy warship was able to make a port call in Oslo that served as the venue for a Memorial Day observance. For that, I wish to thank Admiral Charles Leidig, Commander Ed Recavarren, Assistant U.S. Naval Attache in Oslo, the ship’s Captain, Michael Feyedelem and the entire ship’s crew for their excellent work and coordinated effort. I also wish to thank U.S. Ambassador to Norway, Benson Whitney, for hosting the reception for our delegation, the ship’s crew, the Mayor of Oslo, and other dignitaries to share this special moment with us. The members of our delegation were also able to visit with sailors and marines whose state-side homes included many of the states represented by Members of our delegation.

In sum, Madam Speaker, the spring session of the NATO Parliamentary Assembly in Stockholm, and as President of the Assembly, I took pride in the deliberations and participation of the delegates from all 28 members nations and our associate and observer members. For Members of the House or Senate interested in reading the Committee reports or presentations mentioned in this statement, they are all available on the NPA web site at www.nato-pa.int. I also want to take this opportunity to again thank U.S. Ambassador Whitney, our control officer, Aude McKernan, and all of the fine men and women of our embassy in Oslo for the wonderful job they did assisting the delegation.

Following the NATO PA plenary, the U.S. delegation traveled to Bergen, Norway. Norway was celebrating the 100th anniversary of the Norwegian submarine fleet and a U.S. submarine had visited Bergen as part of that celebration. The U.S. delegation was given a tour of the submarine and an informal briefing on the cooperation between the Norwegian and U.S. navies. The delegation would like to thank Commander Scott Sommers, our Bergen control officer and U.S. Defense Attache in Oslo, Captain Russell Smith, for their assistance in making this visit a successful one.

After departing Norway, the delegation flew to Helsinki, Finland for oneilateral meetings with government and parliamentary representatives. On Wednesday, after a country team briefing given by our Charge in Helsinki, Thaddeus Plosser, our Control Officer, Scott Brandon and other staff, we were hosted for a roundtable discussion by the Chairman of the Committees of Foreign Affairs and Defense. Other committee members participated, including Johannes Koskinen, the Deputy Speaker of the Finnish Parliament and head of Finland’s delegation to the NATO Parliamentary Assembly. The discussions covered a number of topics, including Finland’s managed relationship with Russia. Finland and Russia share an 800 mile border, fought two wars, and experience close to 8 million border crossings each year. Russia is Finland’s largest trading partner and primary energy supplier. Ukraine is a transit country for Russian gas supplies. The Finns seem surprisingly at ease with their “complex and unpredictable” neighbor and do not see a “Georgia-type” threat from Russia.

The Finns pursue their security interests through the EU, Nordic defense cooperation with Sweden, Norway, and Denmark, and through close cooperation with NATO. While there is growing support among some in the government for possible future NATO membership, the majority of the general public is not yet in favor of such a decision. Finland has been active in Afghanistan (currently 100 troops, soon to reach 200), and participates in the Swedish-led Provincial Reconstruction Team (PRT) in northern Afghanistan. Other issues discussed included the current global economic and financial crisis, the Arctic and Russia’s long borders with Russia, energy security, and cooperation on issues involving the “high north” and the Arctic.

Our delegation also held policy discussions with representatives of the government, including the Under-Secretary of State at the Ministry of Foreign Affairs (MFA), the principle policy advisor to the Prime Minister, the Deputy Director of the Political Department in the MFA, the head of the office for North American affairs at the MFA, and the Deputy Director at the Ministry of Defense. Again a wide range of issues including Russia, NATO, and the economy were discussed.

On May 28, our delegation traveled to Stockholm, Sweden for bi-lateral meetings. The visit to Sweden was also important as the Swedes will take over the rotating presidency of the European Union on July 1, 2009. We were met by U.S. Charge, Robert Silverman and control officer, Jonas Wechsler who briefed the delegation on relations between Sweden and the United States. That evening we were warmly welcomed at a reception at the Ambassador’s residence that included guests from the government of Sweden, the Parliament, and others. Lively discussions followed on the new U.S. administration and its
views on transatlantic relations, the differences between the European and U.S. views of the world, the future role of NATO, relations with Russia, and the conflicts in Iraq and Afghanistan.

The next day, the delegation met with Sten Tolgfors, the Minister of Defense for Sweden. The Minister briefed us on Sweden’s global outlook, their participation with NATO in the Balkans and Afghanistan (they have 290 troops and lead a PRT in the north), Russia, and the reforms they have instituted within the defense establishment, including the decision to pursue an all-volunteer professional military (they, like the Finns, have a conscript military). Sweden, like Finland, does entertain the possibility of future NATO membership but the Minister told the delegation that currently the parliament is split on the idea and so it is not on the government’s current agenda. The delegation then proceeded to a working lunch hosted by Ms. Karin Enstrom, head of the Swedish delegation to the NATO Parliamentary Assembly and attended by other parliamentarians. The discussion was lively and covered the entire spectrum of U.S.-Swedish relations. Following lunch, the delegation met with State Secretary Frank Belfrage from the Ministry of Foreign Affairs. Discussions centered on Russia, Afghanistan, and Sweden’s upcoming presidency of the European Union. One of Sweden’s priorities will be climate change and preparing the EU’s positions for the Copenhagen Conference on climate change that will be held in December. The Secretary expressed his hope that the United States and EU will work closely together on this issue and to help forge a consensus on the follow-on efforts to the Kyoto Climate Agreement.

Madam Speaker, the NATO Parliamentary Assembly provides a unique opportunity for Members of Congress to engage in serious discussions on critical issues with our colleagues from other NATO member states, associate and observer states. I believe our delegation, and thus this Congress, benefits greatly from the information we exchange and the personalities we meet during these meetings. I look forward to our next NATO PA session in November in Edinburgh, Scotland.

In conclusion, I would like to again acknowledge the hard work and dedication of our Embassy officers in Oslo, Helsinki, and Stockholm, and the men and women of the U.S. Navy vessels we visited while in Norway. I especially want to thank our entire military escort group from the United States Air Force, including the pilots. Our diplomatic corps and military personnel provide a quiet but invaluable service in ensuring our safety and this group of diplomats, servicemen and women was no exception. I thank them for their hard work and their dedication to duty.

HONORING SISTER FRANCINE LAGOCKI, PRINCIPAL OF SAINT RICHARD SCHOOL

HON. DANIEL LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor Sister Francine Lagocki, Principal of Saint Richard School in recognition of her career of devoted service. Sister Lagocki’s retirement at the end of the 2009 school year will mark the end of nearly seven decades of selfless service to our nation’s youth. Today, I ask my colleagues to join me in honoring Sister Lagocki’s outstanding commitment to educational excellence. Sister Lagocki embodies the positive influence that teachers and school administrators can be on students every day across this great country.

In Sister Lagocki’s accomplished career as an educator, she served as a classroom teacher in three parish schools before becoming assistant principal at Good Counsel High School. Sister Lagocki then served as principal of St. Mary School and St. Roman School in Milwaukee, Wisconsin, before returning to Illinois to serve as Principal for St. Wenceslas in Chicago, and then finally St. Richard School on the Southwest Side. St. Richard School is a Catholic school that serves the parish community and is both an expression of and a witness to the faith of its people. Believing that a child’s development best occurs within the framework of a positive and structured environment, St. Richard School offers innovative and high quality educational programs. The aim of these programs is to challenge each student while teaching basic skills, within a Christian atmosphere where mutual respect, order, and values are high priorities.

It is my honor to recognize Sister Francine Lagocki, who served as an example of one of the best in K–8 school leadership and helped foster a greater understanding of the principal’s key role in meeting the challenging responsibility of educating children.

EARMARK DECLARATION

HON. STEVE SCALISE
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressional earmarking, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Commerce, Justice, and Science Appropriations Bill.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Commerce, Justice and Science Appropriations Bill

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Washington Parish Sheriff’s Office

Address of Requesting Entity: 1002 Main Street, Franklinton, Louisiana 70438

Description of Request: I have secured $291,000 for the Washington Parish Sheriff’s Office. The funding will provide law enforcement equipment, and provide proactive and reactive law enforcement activities for the safety of citizens and law enforcement officials engaged in law enforcement activities. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Commerce, Justice and Science Appropriations Bill

Account: Department of Justice, Office of Justice Programs—Juvenile Justice

Legal Name of Requesting Entity: Boys Town Louisiana

Address of Requesting Entity: 700 Frenchman Street, New Orleans, LA 70116

Description of Request: I have secured $147,000 for Boys Town Louisiana, New Orleans, LA. The funding would be to expand an integration of the Boys Town Treatment Family home program and its Home Family Services program to serve more at-risk girls and boys and their families. I certify that neither I nor my spouse has any financial interest in this project.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE ACT

SPEECH OF
HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 9, 2009

Mr. KUCINICH. Madam Speaker, though I voted for the Consumer Assistance to Recycle and Save or the CARS Act, I have serious reservations about it. Unfortunately, despite its good intentions, it will send jobs overseas and it does little to help our ailing climate.

I cosponsored H.R. 1550, an earlier version of the bill. That version allowed consumers to get a voucher for cars assembled in the U.S. The version under consideration today has no such assurances, which means that significant amounts of the funds will go toward the purchase of cars made in countries like China. We are giving with one hand and taking with the other.

Our auto industry needs our help more than ever. Yet we are handing over money, jobs and infrastructure to our international competition. It is made worse by the terms of the GM bankruptcy which requires that plants in the U.S. are closed while shipping auto manufacturing jobs to other countries like Mexico and South Korea. We can’t protect the auto industry by sending their work to other countries.

ENERGY

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Ms. LEE of California. Madam Speaker, I would first like to thank Rep. ELLISON for holding this special order tonight, as Congress works to break away from business-as-usual with regards to our nation’s energy future.

I would also like to thank the Chairs of the Congressional Progressive Caucus, Representatives WOOLSEY and GURALVA, for your leadership and your tireless efforts to promote proper stewardship of our communities by protecting the environment.

It is so important that we continue to call for action on these issues surrounding global warming and the continued degradation of our environment that is perpetuated by our dependence on fossil fuels.

As I have said time and time again—there is no denying the interconnection between our stewardship of the environment and the state
of the economy, public health, and our communities. The drastic acceleration of greenhouse gas emissions has often been concentrated in low-income and minority communities, putting these vulnerable populations on the "front lines" of the fight against environmental degradation and climate change.

Simply put, climate change has, and will continue to exacerbate the problem of poverty and inequality, and none of us can afford to take this lightly. The health of our community and our neighbors affects all of us.

Let me take a moment to reflect upon the urgent need to finally put a price on carbon emissions and make polluters pay for the pollution they produce.

As a member of the Congressional Progressive Caucus, I look forward to working with my colleagues here in Congress to pass responsible and comprehensive climate legislation that will establish a price for carbon emissions and spur the development of clean, renewable energy and the deployment of much-needed energy efficient technologies.

Legislation which sets us on the path toward energy independence and a new, low-carbon economy will help to maintain the United States position as a leader in innovation while at the same time creating hundreds of thousands of good paying green jobs.

The biggest misconception out there today regarding our environment is that the public isn’t engaged, or willing to transition to a sustainable, environmentally-friendly economy.

In reality, the shift to a low-carbon economy represents an economic opportunity for individuals across this country.

One of the most exciting and inclusive solutions to the many issues facing environmental health is the possibility afforded to us by promoting Green Jobs Training and the growth of the Green Economy in America.

To that end, I have reintroduced legislation entitled the Metro Economies Green Act, or MEGA, H.R. 330, which establishes grant programs to encourage energy-efficient economic development and green job training and creation.

This legislation would also create a national institute to serve as a clearinghouse for best practices information in order to facilitate the successful expansion of the green jobs movement on a national scale.

As the Representative of California’s 9th Congressional District, I would also like to take a moment to recognize the role that California’s East Bay is playing at the forefront of the Green Jobs and Green Industry movement.

We have a number of innovative initiatives in my district in particular, including the East Bay Green Corridor Initiative, the Oakland Green Jobs Corps, the Joint Bio Energy Institute, the Lawrence Berkeley National Laboratory, and the Energy Biosciences Institute at Berkeley.

I recently visited the site of the Oakland Green Jobs Corps with Special Advisor to President Obama on Energy and Climate Change, Carol Browner, in order to show her a truly groundbreaking example of green-collar workforce development already up and running in Oakland.

The Oakland Green Job Corps is a partnership of community organizations, trade unions, private companies, and the City of Oakland. It provides Oakland residents with the necessary training, support, and work experience to independently pursue careers in the new energy economy.

The fact is, “Green” has already become the fifth largest industry in the nation—80 percent of venture capital investments in 2008 were in the clean energy and energy efficiency sector.

Between 1998 and 2007, job growth in the clean-energy economy outperformed total job growth in 38 states and the District of Columbia, and we are just beginning to tap into our nation’s clean energy potential.

Passing comprehensive clean energy and climate legislation, especially one which includes a robust Renewable Energy Standard, is essential to delivering cleaner energy and good-paying jobs to communities across the nation.

A strong Renewable Energy Standard will spur innovation and the expansion of economic opportunities surrounding the green movement.

The current draft of the American Clean Energy and Security Act sets America on a path to meet 20 percent of our electricity demand through renewable energy sources and energy efficiency by 2020.

This is an important start, but I am also confident we can do more.

It is the time to think big, not small, and I urge my colleagues to consider strengthening this standard so that we might take full advantage of the enormous renewable energy potential across this country.

This is only one of many important priorities we must address in order to ensure no communities are left behind in the transition to a low-carbon economy.

There is no doubt in my mind that a greener future will lead to a more prosperous future for our communities, the Nation, and the world.

I urge my colleagues to act swiftly to move America beyond its dependency on oil, address the climate crisis, and help protect America’s natural resources for our children’s future.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE ACT

SPEECH OF  
HON. CHRIS VAN HOLLEN  
OF MARYLAND  
IN THE HOUSE OF REPRESENTATIVES  
Tuesday, June 9, 2009

Mr. VAN HOLLEN. Madam Speaker, I rise in support of the CARS Act for the fleetwide fuel efficiency gains it will create, the energy security it will enhance, the air quality it will improve and the boost it will give our flagging economy.

Under this “Cash for Clunkers” legislation, consumers with vehicles getting less than 18 MPG can get vouchers for $3500 towards the purchase of a new vehicle that gets at least 4 MPG better than the vehicle they are retiring— and $4500 towards the purchase of a new vehicle that gets at least 10 MPG better than the vehicle they are retiring.

While I am among those who would favor even stronger standards, this legislation nevertheless points American drivers in the right direction and will stimulate new car sales during a period of time when the auto industry and their dealer networks can use that business the most. I urge my colleagues’ support.

CONDEMNING SHOOTING AT U.S. HOLOCAUST MUSEUM

SPEECH OF  
HON. CHRISTOPHER H. SMITH  
OF NEW JERSEY  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, June 11, 2009

Mr. SMITH of New Jersey. Mr. Speaker, yesterday, as Ranking Member of the Africa Subcommittee, I joined my colleagues at an important Foreign Affairs Committee meeting with Prime Minister Morgan Tsvangirai of Zimbabwe.

It was an extraordinary opportunity to discuss Zimbabwe’s progress towards democracy and away from dictatorship, hyper-inflation, and multiple health crises, including cholera—and obtain a fuller understanding of what additional steps the U.S. can take to help.

That meeting, however, occurred at precisely the same time the House considered H. Res. 529, a resolution condemning the June 10th violent attack on the Holocaust Memorial Museum—a despicable anti-Semitic act that killed Officer Stephen Tyrone Johns. As so many of my colleagues noted yesterday, I—along with journalist Steven Tyrone Johns for his bravery and courage and extend our deepest condolences to his family.

I rise today not only to express my support for H. Res 529 but also to thank my friend and colleague Mr. Klein for introducing it and for including me as a co-sponsor.

Mr. Speaker, the Holocaust Memorial Museum is a noble and vitally necessary attempt to remember and honor the victims of the Holocaust. The memorial itself is a witness to truth and promotion of human dignity and tolerance.

Wednesday’s attack on that museum by a crazed, hate-filled gunman is yet another chilling reminder that our society still harbors a dangerous collection of bigots and racists who hate Jews.

Unparalleled since the dark days of the Second World War, Jewish communities around the world are facing violent attacks against synagogues, Jewish cultural sites, cemeteries, and individuals. Anti-Semitism is an ugly reality that won’t go away by ignoring or wishing it away. It must be combated with resolve and tenacity.

The sad deeply troubling reality is that James von Brunn cannot be dismissed as an aberration, but is connected to a whole hate-promoting movement that results in violence against Jews in America and around the world on practically a daily basis.

The Anti-Defamation League recently issued its annual Audit of Anti-Semitic Incidents. While the ADL is to be congratulated for its careful research on an unpleasant but absolutely necessary subject, the ugly facts that the report documents make for painful reading.

In 2008, the ADL noted 1,352 reported incidents of vandalism, harassment, and physical assaults on Jewish people or Jewish-owned property nationwide.

Sadly and shamefully, my own state of New Jersey had more reported anti-Semitic incidents—238—than any other state.

But the attack on the Holocaust Memorial Museum, Mr. Speaker, is the most ominous aspect of this wave of evil. The Holocaust Memorial Museum is a unique institution. It is a
memorial, a museum, a center of Holocaust scholarship, and a promoter of tolerance and preventer of genocide. It is a very powerful symbol of the solidarity of America with those murdered in the Holocaust, and with the Jewish people.

Mr. Speaker, at this critical moment we need government officials at all levels to denounce, without hesitation or delay, every anti-Semitic act wherever and whenever it occurs. No exceptions. At this moment, not to speak out enables the purveyors of hate. They never take a holiday or grow weary, nor should we.

Just as Mr. Brunn attacked the Holocaust Memorial Museum and murdered a courageous security officer tasked with its protection, Holocaust remembrance and tolerance education must dramatically expand, and we need to ensure that our respective laws punish those who hate and incite violence against Jews.

Finally, if we are to protect our children from the evil of anti-Semitism, we must reeducate ourselves and systematically educate our anti-Semitic act and its protection. It seems to me that only the most hardened children. While that starts in our homes, the classroom must be the incubator of tolerance.

It is our duty as a nation and government to protect those who have so valiantly fought for our freedoms. Our objectives should be to make sure that they are included in the process of reestablishing our economy in the most vital way possible—employment. Not only should we fight for their inclusion, but we should also help them in providing the tools necessary for them to succeed in the job market whether it is psychological counseling for trauma experienced while in combat or job training to bolster the unique skill sets they have acquired during their time in the service.

Our fellow soldiers are part of the fabric that weaves the story of our great nation. They are the seams of the garment that bring us all together despite our backgrounds or cultures. Without them we as a nation will fall apart. It is up to us to reinforce the stitching that keeps us together—we need to do whatever it takes to keep them strong and viable.

This is why I am in support of H.R. 466 which advocates for the end of discrimination towards our soldiers who have left the service with more than they enlisted. Many return to us suffering from the trauma of the wars and others with wounds that only time may be able to heal. I call upon the Members of Congress and the nation to support our men and women in uniform.

RECOGNIZING MORGAN ARANDA
HON. MIKE QUIGLEY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Morgan Aranda, a student of Newberry Academy in Chicago. She has come to Washington, D.C. this week to compete in the 2009 National History Day Contest at the University of Maryland.

National History Day was started in 1974 with the intent of improving the historical literacy and research skills of junior high and high school aged children. Despite its name, National History Day has a variety of programs year-round, including its week-long national contest in which Morgan is a chosen participant. With the guidance and support of countless parents, teachers and friends, 500,000 students are able to participate in National History Day events annually. As Morgan and her fellow young historians would likely agree, the National History Day’s motto, “It’s not just a day, it’s an experience,” rings true.

Morgan has been selected to represent Illinois for her junior individual performance entitled “Alexander Polikoff and the Fight for Fair Housing.” Her work is the culmination of many hours of research and multiple public performances. Morgan’s dedication, discipline and talent are undeniable.

I’m honored to recognize Morgan and her achievements as a young historian. What she has accomplished in her relatively short time is the beginnings of a bright and successful future and I wish her the best of luck at the competition and onward.

WOUNDED VETERAN JOB SECURITY ACT
SPEECH OF
HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 8, 2009

Mr. RANGEL. Madam Speaker, I rise today in support of our brave men and women in the Armed Forces. Soldiers are our country’s first line of defense and our nation’s most precious security officer tasked with its protection. It is our duty to heal. I call upon the Members of Congress and the attention of my colleagues and other readers of the RECORD, and wish Fred a very happy retirement.

CONDEMNING THE MURDER OF DR. GEORGE TILLER
SPEECH OF
HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 9, 2009

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H. Res. 505, condemning the murder of Dr. George Tiller. Dr. Tiller was shot to death at his church on May 31, 2009. It is with profound sorrow and a heavy heart that I extend my condolences to his friends and family.

A sixty-seven-year-old physician, a husband, a father of four, and a grandfather of ten, Dr. Tiller dedicated his life to providing medical care and abortion services. Dr. Tiller’s murder leaves in its wake an unsettling sense of grief and sadness that continues to ripple through countless communities of patients, colleagues, friends and family members. To the legions of admirers who view the care that he provided as an essential outlet for the women most in need, he will be sorely missed.

Dr. Tiller was beloved for his professionalism, his compassion and sensitivity. He
showed unwavering courage and commitment to his patients. Dr. Tiller deserves to be acknowledged for the service that he provided to his community. His senseless murder must be strongly condemned. A truly democratic society includes a thriving atmosphere of political debate and dialogue, regardless of the intensity of the debate. The use of violence and murder as a means to express dissent is not only undemocratic, but simply unacceptable.

I strongly support this important bill and urge my colleagues to vote in favor of H. Res. 505.

PERSONAL EXPLANATION

HON. BLAINE LUETKEMEYER
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. LUETKEMEYER. Madam Speaker, I would like to state for the record my position on the following vote I missed due to being delayed at a committee hearing.

On Thursday, June 11, 2009, I missed roll-call vote No. 332. Had I been present, I would have voted “aye” on rollcall vote No. 332.

TRIBUTE TO THE LIFE OF LADISLAO “TANNY” BACA

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. BACA. Madam Speaker, I rise today to ask Congress to pay special tribute to the life of a loving husband and grandfather, my brother, Ladislao “Tanny” Baca, of Barstow, CA. Tanny passed away June 6, 2009, at the age of 69 after complications with a brave life-long battle with diabetes.

Born in Las Nuetras, New Mexico January 8, 1940, Tanny made an impressionable impact on my life in contact with. Tanny was widely admired by family, friends and colleagues. He was hard-working, dedicated, committed, disciplined, loving, supporting. Even though his bark was worse than his bite, he was a kind and loving brother, husband, father and grandfather.

For 16 years he worked as a Switch Man and Local Engineer for the Santa Fe Railroad in Barstow, CA. He worked and retired after 19 years as a Local Engineer at the Marine Base in Yermo, CA. Tanny also honorably served 16 years with the National Guard.

He is remembered by most as a generous man who always had time to share with others. His giving spirit will be missed by his community. He loved his brothers and sisters especially Florenio, Morris, Raymond, Lupe and Theresa. He enjoyed spending time loving us all. He was everything you would want in a brother, son, husband, and grandfather. Tanny enjoyed spending time in his garage. He and his brothers, Florenio and Morris would love to hang out and just enjoy their time there. Tanny also spent time in his garage helping teenagers, seniors and others with limited resources work on their cars. He was less worried about being paid and always happy to help those in need. He was that kind of man. Even though he was Lupe Napier’s little brother, he would help take care of her. He was always willing to give her a hand with her car, and moving whatever she needed, he was always there to help her.

On behalf of my brother I would like to share a memory of Ladislao Baca as your husband!” and I said, “What?” because I only knew him as Tanny. Later we all laughed about it because we thought it was funny and the judge thought that she wanted to marry this man and she does not even know his name. Edwina Baca, Wife.

Dad no matter what, you were always there for us, through good and bad times, we always will respect and love you, and you will be in our hearts forever. Liz Pullen, Toby and Nick Connolly, Daughter and Sons.

My dad was a caring and loving man. He never let anyone be without what they need- ed and his garage was always open for any one. He and his friends would sit out there for hours talking. He will surely be missed. Angel Baca, Daughter.

Dad, you are the best and you will always be in my heart. You were always there for me. You touched many lives. I will always remember when you were by my side when I really needed you. Eloisa Madero, Daughter.

Memories I have of my dad growing up are going to work with him everyday as a child and riding the trains with him. Another good memory was all the bar-be-que we had and how he always had enough food to feed all the family and the whole neighborhood and still had plenty of leftovers. Lisa Baca, Daughter.

The things I remember most about my dad is when he took me hunting and he lost me cause then I would never be able to go with him again. Livia Madero, Daughter.

The thing I remember most about my dad is when my mom went out of town and dad tried to cook us spaghetti and he just threw everything in a pot all together and said it was just like mom’s and it tasted nothing like how mom made it. Penny Gray, Daughter.

I remember most about my dad is when my mom went out of town and dad tried to cook us spaghetti and he just threw everything in a pot all together and said it was just like mom’s and it tasted nothing like how mom made it. Penny Gray, Daughter.

He will be remembered by his grandchildren as someone who was always able to bring a smile to their face and share a lot of love and time with them.

He was an active outdoorsman who enjoyed fishing and hunting various game; including deer, antelope, and bear. When he wasn’t en joying the great outdoors he could be found working at his favorite restaurant, “Del Taco”.

He also loved to get his family together through his cooking. Barbequing was his way of having family reunions to enjoy barbequed cow and pig. He enjoyed bringing us together; he was always very happy and thoughtful.

Tanny was a devoted Catholic and attended St. Joseph’s Catholic Church in Barstow with his wife Edwina.

From Las Nuetras, New Mexico to Barstow, California, Tanny’s life was dedicated to family, friends and his community. His memory lives on in our thoughts and prayers. We say “goodbye. God bless you, we love you, and we will miss you”.

Tanny is survived by his wife, Edwina Baca; his children, Angel Baca, Eloisa Madero, Penny Gray, Tim Baca, Lisa Baca, Nick Connolly, Toby Connolly, and Liz Pullen; brothers and sisters, Florenio Baca, Lupe Napier, Morris Baca, Raymond Baca, Joe Baca and Theresa Perea; his grandchildren and by a large extended family who share in the loss.

The thoughts and prayers of my wife Barbara and children, Councilman Joe Baca, Jr., Jeremy, Natalie and Jennifer and I are with the family at this time.

CONDEMNING SHOOTING AT U.S. HOLOCAUST MUSEUM

SPEECH OF
HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 11, 2009

Mr. VAN HOLLEN. Mr. Speaker, it is with a heavy heart that I rise today in support of House Resolution 529, condemning the violent attack on the United States Holocaust Memo rial Museum on June 10, 2009 and honoring the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel. I also rise to pay tribute to officer Stephens.

A Maryland resident, Officer Johns was a devoted husband and father. He was a man who loved his life protecting other people, and worked every day to ensure the safety and security of the patrons of the National Holocaust Museum, a place devoted to the pursuit of peace and the end of intolerance. It was a responsibility Officer Johns took very seriously, and one he gave his life to uphold.

Moments like these are the most painful when hate results in violence, it robs us of our family members, neighbors, and friends. It claims the best and bravest among us. Yesterday, in a place dedicated to ending such bigotry, a well-liked and thoughtful officer was stolen from us.

Mr. Speaker, please join me in honoring the life of Stephen Johns and in renewing our vow to be united in our effort to extinguish the flames of bigotry and intolerance in this country and around the world once and for all.

CELEBRATING THE 234TH ANNIVERSARY OF THE U.S. ARMY

HON. GERALD E. CONNOLLY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to call attention to an upcoming anniversary that is significant to our national security and history. This Sunday, June 14th, members of the Active Duty Army, Army Reserve, and Army National Guard will celebrate the United States Army’s 234th birthday.

The celebrations began this morning with the annual Department of the Army cake-cut ting ceremony at the Pentagon. There is also an Army Birthday Ball and events for children, such as book readings. Celebrations like this will take place at garrisons and communities around the world.

One of these communities is Virginia’s Fort Belvoir, where the Army is building a National
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Museum of the United States Army supported by the Army Historical Foundation. For too long the United States Army has been our only service that does not have a comprehensive place where its proud heritage can be shared with the American public. The National Museum of the United States Army will serve this purpose.

More than 30 million men and women, including many members of Congress, have served in the oldest and largest of our armed forces. Since the founding of the Continental Army of the United States in 1775, the selfless service and personal sacrifices of our Soldiers has been woven into the fabric and culture of this great country. I encourage my colleagues to take June 14th, 2009—the occasion of the Army's 234th birthday, to let our Soldiers know that they have our thanks and our appreciation and that a great Army deserves a great National Museum.

IN HONOR OF THE LIFE’S WORK
OF CHUCK MACK

HON. JACKIE SPEIER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Ms. SPEIER. Madam Speaker, I rise today in recognition of the outstanding contributions of retiring Teamsters Union Western Region Vice President Chuck Mack.

Mr. Mack began his work with the Teamsters in 1962, loading and driving trucks in Oakland, California. Just a few years later, he was elected business agent of Teamsters Local 70 and was re-elected with the largest number of votes in the Local’s history. So began his 43-year career of dedicated service as one of the top leaders in the international Teamsters Union. Mr. Mack was elected Secretary-Treasurer of Local 70 in 1972, President of Joint Council 7 in 1982 and, finally, Western Region Vice President in 1998—all positions he held until his retirement this year.

As the Western Region Vice President, Chuck was a champion for millions of American workers, even as he maintained a personal commitment to local laborers and the unions who represent them in my District and in California. Following his retirement, he will continue his commitment to the Teamsters, taking up leadership of the Western Conference Teamster Pension Trust.

Madam Speaker, I have known and worked with Chuck Mack for as long as I have been in public service and I know that he is much more than just a union leader. In addition to his tireless fight for the welfare of workers, Chuck maintained a fierce commitment to environmental and economic justice. An early booster of the Los Angeles Clean Trucks Program, Mr. Mack led the fight for sustainable and accountable transportation, keeping our communities safe and healthy for generations to come.

But no leader, however capable, acts alone. Chuck's family, including his wonderful wife Marlene, his four daughters—Tammy, Kelly, Kerry and Shannon, and Chuck's eight grandchildren, who loaned their husband, dad and grandfather of working men and women everywhere, must be recognized as well. Chuck Mack's life-long dedication to the health, livelihood and safety of workers around our country and across the globe is something his family will look back on for generations with pride and admiration. The same can be said of his vast extended family, those fortunate enough to be in the Brotherhood—and Sisterhood—of Teamsters.

PERSONAL EXPLANATION

HON. DEVIN NUNES
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. NUNES. Madam Speaker, on the legislative day of Thursday June 11, 2009, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 334—"yea".

CELEBRATING 100 YEARS OF AMERICAN BOY SCOUTS

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. RANGEL. Madam Speaker, I rise today in tribute to our nation’s youngest and littlest public servants—in stature, perhaps, but certainly not in heart—the Boy Scouts of America. For a century, these young boys and their counselors have been on the front lines, safeguarding and protecting America and her values: democracy, tolerance, compassion, and generosity, just to name a few. Heralded as the largest youth scouting organization, the Boy Scouts has inspired and motivated a cadre of young men to love this country, to work—tirelessly and humbly—without ingratitude, and to give of themselves to their communities and to the downtrodden. The organization has left its mark, a mark that runs a full century deep into the annals of this country’s history, touching the lives of generations of families and to the more fortunate. This type of attack is ever there is a revolting act of violence that takes the life of an innocent person. It is especially tragic that, in this situation, the forces of hate and violence were unleashed at this august institution that is dedicated to memorializing and preventing a recurrence of the Holocaust that appallingly took the lives of millions of innocent civilians.

Mr. Johns and all the rest of the security guards in the Holocaust Memorial Museum deserve our fullest commendation, as they acted heroically to prevent the museum’s despicable attacker from enacting even more harm.

I condemn the shooting completely, fully and without reservation. This type of attack is totally unacceptable, as are the racist and anti-Semitic motivations underlying it. I thank my friend, Rep. KLEIN, for introducing this important resolution.

HONORING THE ACHIEVEMENTS
OF DR. ESTEBAN FERNANDEZ

HON. ILEANA ROS-LEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I would like to honor one of South Florida’s most distinguished residents, Dr. Esteban Fernandez. Through his extreme devotion to the field of publishing and his intense belief in the Christian faith, Dr. Fernandez has facilitated the diffusion of Christian ideas between differing languages and cultures, and dedicated himself to knowledge.

Dr. Fernandez holds a doctorate in Philosophy with an emphasis in leadership and organic growth. He also holds a degree of licentiate in Theology awarded by the Faculty of Theological and Religious Studies of Casa de Sobre La Roca. In addition, Dr. Fernandez...
HON. DUNCAN HUNTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. HUNTER. Madam Speaker, it is with great honor I rise today to pay tribute to United States Navy veteran Lieutenant John Finn on his birthday. Lt. Finn is the oldest living Medal of Honor recipient and the last living Medal of Honor recipient from the Japanese attack on Pearl Harbor. His actions in combat and life reflect bravery and courage of the highest level and I am proud to bring recognition to his accomplishments.

John Finn was born in Los Angeles, California on July 23, 1909, and at the age of 17, with the permission of his mother, he enlisted in the United States Navy. His Navy career started aboard American gunboats patrolling the rivers of Inland China, and in 1940 he was assigned to the Naval Air Station at Kaneohe Bay in Oahu. On December 7, 1941 came the infamous attack on Pearl Harbor, and it was this event that presented Lt. Finn with an opportunity to display his extraordinary valor.

As the first attack on the harbor began, Lt. Finn managed several and man a .50-caliber machine gun mounted on an instruction stand on a completely exposed section of a parking ramp under intense enemy fire. Lt. Finn, with no regard for his own safety, vigorously fired upon Japanese aircraft with success. Although he was hit many times by enemy strafing fire, Lt. Finn refused to leave his post until the attack ended. It was only under a direct order that he left for the hospital to treat his 21 shrapnel and bullet wounds. However, after receiving medical attention, and despite a great deal of pain and difficulty moving, he returned to repair and rearm returning planes.

John Finn served through the rest of World War II with great distinction and retired from the United States Navy in 1956. He and wife Allison lived in the ranch in Southern California where he continues to live today.

In addition to the Medal of Honor, Finn holds the Purple Heart, Navy Unit Commendation, Good Conduct with 2 bars, Yangtze Service Medal, American Defense, American Campaign, Pacific Campaign, and the World War II Victory Medal.

Madam Speaker, John Finn has never seen himself as a hero, but that’s what he is; as his Medal of Honor inscription reads, John Finn truly went above and beyond the call of duty. It was his tenacity and zeal that embodied the American resolve that set the tone for the rest of the war. Men and women like John Finn are responsible for the success of our Armed Forces. To John Finn, we are forever grateful for your heroism and service. You are truly a great American hero.

CONDEMNING SHOOTING AT U.S. HOLOCAUST MUSEUM

SPEECH OF
HON. VIRGINIA FOXX
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 11, 2009

Ms. FOXX. Mr. Speaker, when a crazed and racist gunman takes the life of an innocent museum guard there are no words to fully convey both our shock and sorrow. But disgust with this act of violence and great sympathy for the loved ones of Stephen Johns are nonetheless our nation’s response to yesterday’s senseless and ugly act of violence. While we cannot undo the despicable crime of a racist murderer, I want to express my deep condolences to the family and friends of Stephen Johns, the 39-year-old guard who gave his life in the line of duty at the U.S. Holocaust Memorial Museum this past Wednesday.

The shots of an anti-Semitic gunman have tragically ended the life of Mr. Johns, but no gunman can silence the truth of history enshrined in the Holocaust Memorial Museum here in Washington, D.C. When Stephen Johns lost his life to the bullet of an anti-Semite on Wednesday he was joining the hallowed rolls of those before him who stood in the way of hatred and violence against Jews. This nation will never tolerate the violence and hatred of anti-Semitism and we will preserve the memory of people like Stephen Johns who refused to give an inch to the forces of hatred. We must never allow the sort of racist misinformation and twisted, violent lies that apparently led a gun man down a violent path to gain credence here in America. I pray that this criminal is swiftly brought to justice for this senseless act.

Mr. Johns’ fellow museum guards who prevented this tragedy from turning into an even deadlier event also deserve great praise. Their skill, bravery and professionalism no doubt saved lives during yesterday’s shooting. My hope is that thanks to their bravery and the dedicated work of the many employees and volunteers at the Holocaust Museum that many millions of Americans will continue to be exposed to the story of the Holocaust. One gunman cannot stop the educational mission of this museum to ensure that acts of genocide like the Holocaust do not happen again.

PERSONAL EXPLANATION

HON. JAMES A. HIMES
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. HIMES. Madam Speaker, I want to state for the record that on June 11, 2009, I was attending the funeral of my father-in-law who recently passed away, and I therefore missed the six rollcall votes of the day.

Had I been present, I would have voted “yea” on rollcall vote number 329, on the Motion to Instruct Conferences on H.R. 2346, the Supplemental Appropriations Act.

Had I been present, I would have voted “yea” on rollcall vote number 330, on H.R. 1687, a bill to designate the Federal building and United States Courthouse located at McKinley Avenue and Third Street, SW, Canton, OH, as the “Ralph Regula Federal Building and United States Courthouse.”

Had I been present, I would have voted “nay” on rollcall vote number 331, the Ros-Lehtinen substitute amendment to H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009.

Had I been present, I would have voted “nay” on rollcall vote number 332, the Motion to Recommit H.R. 1886, the Pakistan Enduring Assistance and Cooperation Act of 2009.

Had I been present, I would have voted “yea” on rollcall vote number 333, final passage of H.R. 1886, the Pakistan Enduring Assistance and Cooperation Act of 2009.

Lastly, had I been present, I would have voted “aye” on rollcall vote number 334, on H. Res. 529, condemning the violent attack on the United States Holocaust Memorial Museum on June 10, 2009, and honoring the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel.

HAPPY 234TH BIRTHDAY, U.S. ARMY

HON. CAROLYN C. KILPATRICK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Ms. KILPATRICK of Michigan. Madam Speaker, I rise today to honor the 234th birthday of the United States Army. As the oldest branch of the U.S. military, the United States Army has established the tradition of duty, honor and country that has been the standard of excellence, not only in the military but also in private industry.

Two hundred and thirty-four years ago, the United States Army was established to defend our Nation. From the Revolutionary War to our current challenges, Global War on Terror, our soldiers remain Army Strong with a deep commitment to our core values and beliefs. This 234th birthday commemorates America’s Army—soldiers, families and civilians—who are achieving a level of excellence that is truly Army Strong both here and abroad. Their willingness to sacrifice to build a better future for others and to preserve our way of life is without a doubt, the strength of our Nation.

Additionally, in recognition of their commitment to service and willingness to make great sacrifices on behalf of our Nation, the Secretary of the Army established 2009 as Year of the Non Commissioned Officer, NCO.

Since 1775, the Army has set apart its NCOs from other enlisted Soldiers by distinctive insignia of grade.

With more than 200 years of service, the U.S. Army’s Noncommissioned Officer Corps has distinguished itself as the world’s most accomplished group of military professionals. Historical and daily accounts of life as an NCO are exemplified by acts of courage and a dedication and a willingness to do whatever it
CONDEMNING SHOOTING AT U.S. HOLOCAUST MUSEUM
SPEECH OF
HON. RUSCH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 11, 2009
Mr. HOLT. Madam Speaker, I rise today in strong support of House Resolution 529 and with deep regret that this measure is necessary. I am saddened deeply by the tragic events that took place yesterday at the United States Holocaust Museum. Especially upsetting was the loss of Mr. Stephen Tyrone Johns, who loyaly served and protected those visiting the Holocaust Museum for six years. Mr. Johns was known as a warm, friendly individual who was well-respected by his colleagues. My sincerest condolences and my most heartfelt prayers are with his family and friends, whose lives have been devastated so unfairly.

While yesterday’s violence appears to have been the act of single individual, similar actions rooted in hatred and intolerance are not unknown to our society or our local communities. I am distressed by a recent report from the Anti-Defamation League, which indicated that my own state of New Jersey experiences the highest number of anti-Semitic incidents in the country. The persistence of these unacceptable acts throughout our nation indicates that the sinister notions of anti-Semitism, racism, and intolerance continue to poison the well of our society. The Holocaust Museum stands as a testament to the tragedy and suffering that can occur when hatred goes unchallenged and turns to violence. It is also a place to reflect upon tremendous bravery and heroism.

But while we are here today to bear witness to how evil can destroy, we are also here to pay tribute to the human impulse to save. In the moral accounting of the Holocaust, as we reckon with numbers etched into arms, we also factor in numbers like these: 7,200—the number of Danish Jews ferried to safety, many of whom lived for a year after being rescued; 5,000—the number of Jews rescued by the villagers of Le Chambon, France—one life saved for each of its 5,000 residents. Not a single Jew who died there, not one was turned in. But it was not until decades later that the villagers spoke of what they had done—and even then, only reluctantly. The author of a book on the rescue found that those he interviewed were baffled by his interest. "How could you call us 'good'?" they said. "We were doing what had to be done."

That is the question of the righteous—those who would do extraordinary good at extraordinary risk not for affirming or acclaim or to advance their careers, but because it is what must be done. They remind us that no one is born a savior or a murderer—these are choices we each have the power to make. They teach us that no one can make us into bystanders without our consent, and that we are never truly alone—in the moral accounting of each day on our National Mall, the place where we display our triumphs and failures and the lessons we’ve learned from our history. It’s the very opposite of silence.

But we must also remember that bearing witness is not the end of our obligation—it’s just the beginning. We know that evil has yet to run its course on Earth. We’ve seen it in this century in the mass graves and the ashes of villages burned to the ground, and children used as soldiers and rape used as a weapon of war. To this day, there are those who insist the Holocaust never happened; who perpetrate every form of intolerance—racism and anti-Semitism, homophobia, xenophobia, sexism, and more—that degrades its victim and diminishes us all.

Today, and every day, we have an opportunity to arm ourselves well and confront these scourges—to fight the impulse to turn the channel when we see images that disturb us, or wrap ourselves in the false comfort that others’ suffering isn’t our own. Instead we have the opportunity to make a habit of empathy; to recognize ourselves in each other; to commit ourselves to resisting intolerance and injustice wherever they are; to confront those who tell lies about history and turn atrocities into empty slogans, or merely an aspiration, but also a reality. I believe we start by doing what we are doing today—by bearing witness, by fighting the silence that is evil’s greatest co-conspirator.

In the face of horrors that defy comprehension, the impulse to silence is understandable. The call to action is easy, and can feel like a lie. When I served my country in World War II in a state of shock, saying little, alone with painful memories and the fear of imminent death, I was afraid to speak. I was not alone. In the years that followed, I heard from other soldiers who had let their fear of silence overwhelm them, as we encountered every form of intolerance and atrocity that plagued our nation and the strength of our Army by saluting the Army’s soldiers, families and civilians by wishing them a happy 234th Birthday!
in the final analysis, I believe history gives us cause for hope rather than despair—the hope of a chosen people who have overcome oppression since the days of Exodus; of the nation that was saved from the destruction of the Holocaust; of the strong and enduring bonds between our nations. It is the hope, too, of those who not only survived, but chose to live, teaching us the meaning of courage and resilience and dignity. I’m thinking today of a study conducted after the war that found that Holocaust survivors living in America actually had a higher birthrate than American Jews. What a stunning act of faith—to bring a child in a world that has shown you so much cruelty; to believe that no matter what you have endured, or how much you have lost, in the end, you have a duty to live. We find cause for hope as well in Protestant and Catholic children attending school together in Northern Ireland; in Hutus and Tutsis living side by side, forgiving neighbors who have done the unforgivable; in a movement to save Darfur that has thousands of high school and college chapters in 25 countries, and brought 70,000 people to the Washington Mall—people of every age and faith and background united in common cause with suffering brothers and sisters halfway around the world. Those numbers can be our future—our fellow citizens of the world showing us how to make the journey from oppression to survival, from witness to resistance, and ultimately to reconciliation. That is what we mean when we say “never again.”

So today, during this season when we celebrate liberation, resurrection, and the possibility of redemption, may each of us renew our resolve to do what must be done. And may we strive each day, both individually and as a nation, to be among the righteous. Thank you, God bless you, and God bless the United States of America.

PERSONAL EXPLANATION

HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. KIRK. Madam Speaker, I rise today to honor Wilmette Police Chief George Carpenter, one of the finest public servants in my congressional district. Next month, Chief Carpenter will retire after 35 years of service to the people of Wilmette, serving as Chief of Police for the last 18 years.

The police chiefs of the 10th District work closely together to address their shared concerns. I’ve had the good fortune to work with them and their departments to help combat gangs, drugs and weapons that make their way into the suburbs, and the respect that Chief Carpenter has among his peers is testimony to what kind of a leader he is.

As chief, he spearheaded education reforms in the Wilmette Police Department and leaves a legacy of forward-thinking, well-trained officers who are the backbone of the Village. He steadily increased recruitment of women, minorities, and those with foreign-language ability to diversify and bring new skills to law enforcement. These policies have resulted in increased approval ratings of the performance of the Wilmette Police Department, reflecting a high level of public trust.

He helped form task forces to counteract the growing sophistication of criminals in our area which created a more united regional police force. His dedication to quality and service has been a great example for other communities in the 10th District. This is particularly crucial as Illinois now has the most gang members per capita in the nation. I know we are better prepared to meet this emerging threat because of Chief Carpenter’s service.

On behalf of the people of the 10th Congressional District, I thank Wilmette Police Chief George Carpenter for his outstanding public service and wish him the best in his future endeavors. Our community is safer and stronger because of his leadership.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

SPEECH OF
HON. DEBBIE WASSEMER SCHULTZ
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 10, 2009

The House in Committee of the Whole on the Whole House on the State of the Union 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:

Ms. WASSEMER SCHULTZ. Mr. Chair, I rise in support of this essential amendment, recognizing Israel’s right to defend itself from an imminent nuclear or military threat from Iran and other countries and organizations.

As Iran forges ahead with its quest for a nuclear weapons capability, it is vital for Congress to recognize Israel’s urgent need to deal with the looming threat of a nuclear-armed Iran.

Like all sovereign nations, Israel has not only a right, but moreover, an obligation, to ensure the safety and security of her citizens. An imminent nuclear or military threat from Iran would certainly endanger her citizens, and that is why, in the strongest of terms, I support my colleague’s vital amendment.

According to the U.N.’s nuclear watchdog, Iran has sped up its production of nuclear fuel and has increased its number of installed centrifuges to 7,200—more than enough to make fuel for two nuclear bombs per year. If Iran possessed nuclear weapons, it could share this technology with terrorist groups to carry out attacks against both Israel and the United States.

Let me be very clear. A nuclear-armed Iran would certainly constitute an existential threat to Israel, but would not only threaten Israel. As the leading state sponsor of international terrorism, a nuclear-armed Iran would pose unacceptable threats to global security.

This rogue nation’s possession of a nuclear weapon would likely lead to nuclear proliferation elsewhere in the region and around the globe, while fundamentally altering the strategic balance of the Middle East, and endangering U.S. national security interests.

Undoubtedly, now is the time for us all to stand together in support of Israel and global peace and security. I urge my colleagues to support this critical amendment and pray that Iran suspends its nuclear program, and starts working towards peace instead of terror.

PERSONAL EXPLANATION

HON. ELON GALLEGLY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. GALLEGLY. Madam Speaker, I was unavoidably absent for the rollcall vote on H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. Had I been present, I would have voted for H.R. 1256.

THE MIRANDA WARNING

HON. SCOTT GARRETT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. GARRETT of New Jersey. Madam Speaker, there are forty-four words that anyone who has ever watched a police show is no doubt familiar with:

“‘You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney present during questioning. If you cannot afford an attorney, one will be appointed for you.’”

The Miranda Warning, which reminds suspects in police custody of their rights under the Constitution, has become a staple of our criminal justice system, and is a vanguard of Fifth Amendment protection. This warning, however, was never meant to be applied to terrorists captured on the battlefield who are endangering American interests and American lives.

Recently, my colleague from Michigan, Mr. ROGERS, returned from Afghanistan, where he learned that the FBI may be reading Miranda rights to suspected terrorists at U.S. military detention facilities. If this report is true, it is deeply troubling and a variety of questions come to mind.

First, if FBI agents are granting enemy combatants a right to silence and counsel, how then are operatives expected to accomplish their goal of obtaining actionable intelligence in the field? Second, how many detainees have been read the Miranda Warning? Third, on what date was this policy established? Fourth, what are the factors which influence the FBI’s decision about when to grant Miranda rights?

For obvious reasons, a suspect who has availed himself of silence and counsel is far less likely to surrender valuable intelligence
that can help us in winning the war on terror. While we have an obligation to treat captured combatants in a way that respects their human dignity, we are under no obligation to consider them U.S. citizens. It is dangerous to provide detainees with the same protections enjoyed by Americans. Furthermore, it is unwise to grant detainees the rights enshrined in the very Constitution they seek to destroy.

We must recognize that there is a difference between police powers and war powers. The capture, interrogation, and trial of terror suspects in Afghanistan and Iraq clearly fall into the latter category. FBI involvement in this process can only lead to captured combatants being held, tried, and imprisoned in U.S. civilian facilities, thereby making our prison system an enclave for al-Qaeda operatives.

One of the primary objectives of American operatives in the Middle East is to anticipate and prevent future attacks against U.S. soldiers and U.S. cities. Treating terror suspects as rank-and-file street criminals is a dangerous policy with grave implications for our domestic security and foreign interests.

President Obama has repeatedly stated that he would govern his administration with transparency. However the ranking member on the House intelligence subcommittee learned of a serious FBI policy shift almost by accident.

In waging this war, the White House must be accountable to this body—the people’s elected representatives. I thank the gentleman from Michigan for bringing this issue to the Department of Defense to disclose the timeline and justification for this policy shift.

REGARDING PRESIDENT OBAMA’S ADDRESS TO THE MUSLIM AND ARAB WORLDS FROM CAIRO, EGYPT

HON. DAN BOREN
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 12, 2009

Mr. BOREN. Madam Speaker, President Obama made some very important points in his address last week in Cairo, Egypt. It is important that he spoke directly to the Muslim and Arab worlds and stated as fact that 6 million Jews were killed in the Holocaust. The President should be applauded for making clear that threatening Israel is wrong and that anti-Semitism, which remains prevalent in the Arab media, is ignorant, hateful and wrong.

Unfortunately, the President’s speech left an impression that Israel was founded in response to anti-Semitism and the Holocaust. While these reasons were necessary for the creation of an Israeli state, a Jewish bond to the land of Israel is deeply rooted in history.

Many in the Muslim and Arab worlds deny that a Jewish connection to the land of Israel and Jerusalem exists. For example, at the Camp David meetings conducted by President Clinton, Yasser Arafat denied that the Jewish Temple was located in Jerusalem. However, a Jewish connection to Jerusalem and to the land of Israel reaches far back into ancient history and precedes the Holocaust. This bond is not 60 years old; it is more than 3,000 years old, pre-dating Islam and even Christianity.

President Obama is to be congratulated for reaching out to the Muslim and Arab worlds. As we do so, it is imperative that we stand with Israel. Only then will we achieve peace and stability in this troubled region of the world.
Daily Digest

Senate

Chamber Action
The Senate was not in session today. It will next meet at 1:45 p.m., on Monday, June 15, 2009.

Committee Meetings
(Committees not listed did not meet)

HEALTH CARE
Committee on Health, Education, Labor, and Pensions:
Committee concluded a hearing to examine health care, after receiving testimony from Jeffrey Levi, Trust for America’s Health, John Rother, AARP, and Judith Palfrey, American Academy of Pediatrics, all of Washington, DC; Gary Raskob, University of Oklahoma College of Public Health, Oklahoma City; Fay Raines, American Association of Colleges of Nursing, Huntsville, Alabama; Wayne Jonas, Samueli Institute, Alexandria, Virginia; and Delos Cosgrove, Cleveland Clinic, Cleveland, Ohio.

House of Representatives

Chamber Action
Public Bills and Resolutions Introduced: 22 public bills, H.R. 2843–2846, 2848–2865; and 9 resolutions, H. Con. Res. 151–153; and H. Res. 538–543 were introduced. Pages H6742–43

Additional Cosponsors: Pages H6744–45

Reports Filed: Reports were filed today as follows:

H. Res. 449, a resolution 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 (H. Rept. 111–146);

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”) (H. Rept. 111–147);

Report on the Allocation of Budget Allocations for Fiscal Year 2010 (H. Rept. 111–148);

H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010 (H. Rept. 111–149);

H.R. 2247, to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act (H. Rept. 111–150);

Conference report on H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009 (H. Rept. 111–151);

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 (H. Rept. 111–152); and

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 (H. Rept. 111–153).

Pages H6742

Speaker: Read a letter from the Speaker wherein she appointed Representative Altmire to act as Speaker Pro Tempore for today. Page H6621

Family Smoking Prevention and Tobacco Control Act: The House agreed to the Senate amendment 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

H. Res. 532, the rule providing for consideration of the Senate amendment, was agreed to by a voice vote, after the previous question was ordered without objection.

Late Reports: Agreed that the managers on the part of the House have until 11:59 p.m. on June 12, 2009 to file a conference report on H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009. Pages H6622–60

Agreed that the Committee on Appropriations have until 11:59 p.m. on June 12, 2009 to file a privileged report on a bill making appropriations for the Departments of Commerce, Justice, and Science, and related agencies for the fiscal year ending September 30, 2010.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, June 15th for morning hour debate, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, June 16th for morning hour debate.

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–47).

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of today and appears on page H6660. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 2:58 p.m.

Committee Meetings

APPROPRIATIONS

Committee on Appropriations: Ordered reported as amended the following appropriations for fiscal year 2010: Homeland Security and Legislative Branch.

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2010


PROPOSALS FOR REFORMING NATIONAL TRANSMISSION POLICY

Committee on Energy and Commerce: Subcommittee on Energy and Environment held a hearing on the Future of the Grid: Proposals for Reforming National Transmission Policy. Testimony was heard from Jon Wellinghoff, Chairman, Federal Energy Regulatory Commission, Department of Energy; and public witnesses.

GM AND CHRYSLER DEALERSHIP CLOSURE AND RESTRUCTURING

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations, hearing entitled “GM and Chrysler Dealership Closures and Restructuring.” Testimony was heard from public witnesses.

CONGRESSIONAL PROGRAM AHEAD

Week of June 15 through June 20, 2009

Senate Chamber

On Tuesday, Senate will resume consideration of the motion to proceed to consideration of S. 1023, Travel Promotion Act, and vote on the motion to invoke cloture on the motion to proceed to consideration of the bill.

On Thursday, Senate will begin consideration of S. Con. Res. 26, Slavery Apology Resolution, and after a period of debate, vote on adoption of the resolution.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: June 16, Subcommittee on Financial Services and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Small Business Administration and the General Services Administration, 2:30 p.m., SD–138.

June 18, 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 Transportation, 9:30 a.m., SD–138.

June 18, Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the United States Army Corps of Engineers and the Bureau of Reclamation, 10:15 a.m., SD–192.

Committee on Armed Services: June 16, 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, 9:30 a.m., SD–106.

June 16, Subcommittee on SeaPower, to hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for Navy shipbuilding programs, 2:30 p.m., SR–232A.

June 16, Subcommittee on Airland, 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, 2:30 p.m., SR–222.

June 17, Subcommittee on Readiness and Management Support, 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, 3 p.m., SR–222.

June 18, Subcommittee on Emerging Threats and Capabilities, 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, 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: June 16, to hold hearings to examine new ideas for sustainable development and economic growth, 9:30 a.m., SD–538.

June 17, Full Committee, to hold hearings to examine over-the-counter derivatives, focusing on modernizing oversight to increase transparency and reduce risks, 2:30 p.m., SD–538.

June 18, Full Committee, to hold hearings to examine the President’s proposal to modernize the financial regulatory system, 9:30 a.m., SH–216.

Committee on Commerce, Science, and Transportation: June 16, to hold hearings to examine the nomination of Inez M. Tenenbaum, Chair, Consumer Product Safety Commission (CPSC), 10:30 a.m., SR–253.

June 16, Full Committee, 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, 2:30 p.m., SR–253.

June 17, Subcommittee on Aviation Operations, Safety, and Security, to hold hearings to examine aviation safety, focusing on the role and responsibility of commercial air carriers and employees, 10 a.m., SR–253.

June 17, Full Committee, to hold hearings to examine the consumer wireless experience, 2:30 p.m., SR–253.

June 18, Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine freight transportation in America, focusing on options for improving the nation’s network, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: June 16, business meeting to consider pending energy legislation, 10:15 a.m., SD–366.

June 16, Subcommittee on National Parks, 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, 2:30 p.m., SD–366.

June 17, Full Committee, business meeting to consider pending energy legislation, 9 a.m., SD–366.

June 17, Subcommittee on Public Lands and Forests, 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, 2:30 p.m., SD–366.

Committee on Environment and Public Works: June 16, to hold hearings to examine the status and progress of New Orleans hurricane and flood prevention and coastal Louisiana restoration, 2:30 p.m., SD–406.

Committee on Finance: June 16, to hold hearings to examine climate change legislation, focusing on tax considerations, 10 a.m., SD–215.

Committee on Foreign Relations: June 16, 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, 2:15 p.m., S–116, Capitol.

Committee on Health, Education, Labor, and Pensions: June 16, business meeting to consider Affordable Health Choices Act, subcommittee assignments, and any pending nominations, 2:30 p.m., SR–325.

Committee on Homeland Security and Governmental Affairs: June 16, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine pandemic influenza preparedness and the federal workforce, 2 p.m., SD–342.

June 18, Full Committee, to hold hearings to examine state business incorporation practices, focusing on the Incorporation Transparency and Law Enforcement Assistance Act, 2:30 p.m., SD–342.
Committee on the Judiciary: June 16, Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine cell phone text messaging rate increases and the state of competition in the wireless market, 2:30 p.m., SD–226.

June 17, Full Committee, to hold an oversight hearing to examine the Department of Justice, 10 a.m., SD–226.

June 18, Full Committee, 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, and 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, 10 a.m., SD–226.

Committee on Small Business and Entrepreneurship: June 18, business meeting to mark up S. 1233, to reauthorize and improve the SBIR and STTR programs and for other purposes, and S. 1229, to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, 10 a.m., SR–428A.

Select Committee on Intelligence: June 16, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., S–407, Capitol.

June 18, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., S–407, Capitol.

Special Committee on Aging: June 17, to hold hearings to examine Social Security in the 21st Century, 2 p.m., SH–216.

House

Committee on Appropriations: June 15, Select Intelligence Oversight Panel, on National Security Agency, 5 p.m., H–140 Capitol.

June 16, Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, to mark up appropriations for fiscal year 2010 for Military Construction, Veterans Affairs and Related Agencies, 9 a.m., H–140 Capitol.

June 16, Subcommittee on Transportation, Housing and Urban Development and Related Agencies, on FAA: FY2010 Budget and Next Generation Air Transportation System, 9:30 a.m., 2358–A Rayburn.

June 17, Subcommittee on State, Foreign Operations, and Related Programs, to mark up appropriations for fiscal year 2010 for State, Foreign Operations, and Related Programs, 9 a.m., H–140 Capitol.

June 18, Subcommittee on Interior, Environment, and Related Agencies, to mark up appropriations for fiscal year 2010 for Interior, Environment and Related Agencies, 11 a.m., 2359 Rayburn.

June 19, Subcommittee on Transportation, Housing and Urban Development and Related Agencies, on Department of Housing and Urban Development: FY2010 Budget, 10 a.m., 2359 Rayburn.


Committee on the Budget, June 18, hearing on Statutory PAYGO, 10:30 a.m., 210 Cannon.

June 19, full Committee, hearing on The Economic Case for Health Reform, 10 a.m., 210 Cannon.

Committee on Education and Labor, June 16, hearing on The Future of Learning: How Technology is Transforming Public Schools, 10 a.m., 2175 Rayburn.


Committee on Energy and Commerce, June 16, Subcommittee on Communications, Technology and the Internet, hearing on draft legislation to reauthorize the Satellite Home Viewer Act, 10 a.m., 2322 Rayburn.

June 16, Subcommittee on Oversight and Investigations, hearing entitled “Terminations of Individual Health Policies by Insurance Companies,” 10 a.m., 2123 Rayburn.


June 18, Subcommittee on Health, hearing entitled “Medical Devices: Are Current Regulations Doing Enough for Patients?” 9:30 a.m., 2322 Rayburn.


June 18, Subcommittee on Oversight and Investigations, hearing entitled “ Strengthening Oversight and Preventing Fraud in FHA and other HUD Programs,” 10 a.m., 2128 Rayburn.


Committee on Foreign Affairs, June 16, Subcommittee on Europe, hearing on Strengthening the Transatlantic Alliance: An Overview of the Obama Administration’s Policies in Europe, 1:30 p.m., 2172 Rayburn.

June 16, Subcommittee on International Organizations, Human Rights and Oversight, hearing on Exploring the
Today:

Nature of Uighur Nationalism: Freedom Fighters or Terrorists? 9 a.m., 2172 Rayburn.

June 17, Subcommittee on Asia, the Pacific and the Global Environment, and the Subcommittee on Terrorism, Nonproliferation and Trade, joint hearing on North Korea’s Nuclear and Missile Tests and the Six-Party Talks: Where Do We Go from Here? 10 a.m., 2172 Rayburn.

June 17, Subcommittee on International Organizations, Human Rights, and Oversight, hearing on TV Marti: A Station in Search of an Audience? 3 p.m., 2172 Rayburn.

June 18, Subcommittee on Europe, hearing on the Prague Conference on Holocaust Era Assets: An Overview, 1:30 p.m., 2200 Rayburn.

June 18, Subcommittee on Terrorism, Nonproliferation and Trade, hearing on the Export Administration Act: A Review of Outstanding Policy Considerations, 2 p.m., 2172 Rayburn.

June 18, Subcommittee on Western Hemisphere, hearing on U.S. Efforts to Combat Arms Trafficking to Mexico: Report from the Government Accountability Office (GAO), 11 a.m., 2172 Rayburn.


Committee on the Judiciary, June 16, Subcommittee on Commercial and Administrative Law, hearing on Bankruptcy Judgeship Needs, 11 a.m., 2141 Rayburn.

June 18, Subcommittee on Crime, Terrorism and Homeland Security, hearing on Secure and Responsible Drug Disposal, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, June 16, Subcommittee on Insular Affairs, Oceans and Wildlife, hearing on the following bills: H.R. 2055, Pacific Salmon Stronghold Conservation Act of 2009; and H.R. 2565, National Fish Habitat Conservation Act, 10 a.m., 1334 Longworth.

June 16, Subcommittee on National Parks, Forest and Public Lands, and the Subcommittee on Water and Power, joint oversight hearing entitled “Mountain Pine Beetle: Strategies for Protecting the West,” 10 a.m., 1324 Longworth.

June 18, Subcommittee on Insular Affairs, Oceans and Wildlife, hearing on H.R. 21, Ocean Conservation Education, and National Strategy for the 21st Century Act, 10 a.m., 1324 Longworth.


June 16, Subcommittee on National Security and Foreign Affairs, hearing entitled “U.S. Contributions to the Response to Pakistan’s Humanitarian Crisis: The Situation and the Stakes,” 2 p.m., 2154 Rayburn.

June 17, Subcommittee on Information Policy, Census and National Archives, hearing entitled “Identity Theft: Victims Bills of Rights,” 2 p.m., 2154 Rayburn.

June 18, full Committee and the Subcommittee on National Security, and Foreign Affairs, joint hearing entitled “Afghanistan and Pakistan: Oversight of a New Interagency Strategy,” 10 a.m., 2154 Rayburn.

June 18, Subcommittee on Domestic Policy, hearing entitled “After Injury, the Battle Begins: Evaluating Workers’ Compensation for Civilian Contractors in War Zones,” 2 p.m., 2154 Rayburn.

June 18, Subcommittee on Government Management, Organization and Procurement, hearing on Financial Statements, 2 p.m., 2247 Rayburn.

Committee on Rules, June 15, to consider the following bills: H.R. 2487, Commerce, Justice, Science and Related Agencies Appropriation Act of 2010; and conference report to accompany, H.R. 2346, Supplemental Appropriations Act of 2009, 5 p.m., H–313 Capitol.

Committee on Science and Technology, June 16, Subcommittee on National Security and Oversight, and the Subcommittee on Research and Science Education, joint hearing on Agency Response to Cyberspace Policy Review, 2 p.m., 2318 Rayburn.


June 17, Subcommittee on Investigations and Oversight, to continue hearings on Independent Assessment of the National Polar-Orbiting Operational Environmental Satellite System, 2 p.m., 2318 Rayburn.

June 18, Subcommittee on Space and Aeronautics, hearing External Perspectives on the FY 2010 NASA Budget Request and Related Issues, 10 a.m., 2318 Rayburn.

Committee on Small Business, June 17, hearing on Legislative Initiatives to Strengthen and Modernize the SBIR and STTR Programs, 10 a.m., 2360 Rayburn.

June 18, Subcommittee on Rural Development, Entrepreneurship and Trade, hearing on Textile Import Enforcement: Is the Playing Field Level for American Small Businesses? 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, June 16, Subcommittee on Water Resources and Environment, to continue hearings on Agency Budgets and Priorities for FY2010, 2 p.m., 2167 Rayburn.

June 18, Subcommittee on Coast Guard and Maritime Transportation, hearing on A Continuing Examination of Civil Rights Services and Diversity in the Coast Guard, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, June 16, Subcommittee on Oversight and Investigations, hearing on Endoscopy Procedures at the VA: What Happened, What Has Changed? 10:30 a.m., 340 Cannon.

June 18, Subcommittee on Disability Assistance and Memorial Affairs, hearing on Addressing the Backlog: Can VA Manage One Million Claims? 2 p.m., 334 Cannon.
June 18, Subcommittee on Health, hearing on the following measures: H.R. 2722, Veterans Nonprofit Research and Education Corporations Enhancement Act of 2009; H.R. 1293, Disabled Veterans Home Improvement and Structural Alteration Grant Increase Act of 2009; H.R. 1197, Medal of Honor Health Care Equity Act of 2009; H.R. 1302, To amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health; H.R. 1335, To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled; H.R. 1546, Caring for Veterans with Traumatic Brain Injury Act of 2009; H.R. 2734, Health Care for Family Caregivers Act of 2009; H.R. 2738, to amend title 38, United States Code, to provide travel expenses for family caregivers accompanying veterans to medical treatment facilities; and Draft Legislation on Extending Healthcare to Vietnam-era Veterans Exposed to Herbicides and Gulf War Veterans, Providing Supportive Services for Family Caregivers of Veterans, and Requiring VA to Collect Survey Data on Family Caregivers, 10 a.m., 334 Cannon.

Committee on Ways and Means, June 18, and the Sub-committee on Select Revenue Measures and the Sub-committee on Domestic Monetary Policy and Technology of the Committee on Financial Services, joint hearing on New Market Tax Credit Program, 10 a.m., 1100 Longworth

Select Committee on Energy Independence and Global Warming, June 18, hearing entitled “Global Warming’s Growing Concerns: Impacts on Agriculture and Forestry,” 9:30 a.m., room to be announced.
Next Meeting of the Senate
1:45 p.m., Monday, June 15

Senate Chamber

Program for Monday: Senate will be in a period of morning business.

Next Meeting of the House of Representatives
12:30 p.m., Monday, June 15

House Chamber

Program for Monday: To be announced.

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