



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, THURSDAY, JULY 16, 2009

No. 107

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

Rev. Elizabeth Hanley, Abiding Savior Lutheran Church, Cameron, Texas, offered the following prayer:

Let us pray. God of Grace, we give You thanks for this new day. You bless the whole human family with Your sustaining love.

Open the hearts of the ones who gather here as they make decisions for our Nation. Stir in them wisdom, understanding, and compassion in discernment. Bind them together in the common pursuit of justice and peace for Your people. Give them courage to be a voice for those who have no voice; that their work might bring relief to the burden and hope to those in need.

Renew the hearts of Your people, O God, and move us to trust in You. Bless, O Lord, all those who offer their lives in service to others, and grant us grace to live in Your never failing love. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIREs) come forward and lead the House in the Pledge of Allegiance.

Mr. SIREs led the Pledge of Allegiance as follows:

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

### MESSAGE FROM THE SENATE

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

S. 509. An act to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

The message also announced that pursuant to Public Law 111-21, the Chair, on behalf of the Majority Leader of the Senate and the Speaker of the House, announces the joint appointment of Phil Angelides of California to serve as Chairman of the Financial Crisis Inquiry Commission.

The message also announced that pursuant to Public Law 111-21, the Chair, on behalf of the Majority Leader, appoints the following individuals to serve as members of the Financial Crisis Inquiry Commission:

The Senator from Florida, Mr. GRAHAM.

Heather Murren of Nevada.

Byron Georgiou of Nevada.

The message also announced that pursuant to Public Law 111-12, the Chair, on behalf of the Republican Leader, appoints the following individuals to serve as members of the Financial Crisis Inquiry Commission:

Keith Hennessey of Virginia.

Douglas Holtz-Eakin of Virginia.

### WELCOMING REVEREND

ELIZABETH HANLEY

The SPEAKER. Without objection, the gentleman from Texas (Mr. HENSARLING) is recognized for 1 minute.

There was no objection.

Mr. HENSARLING. Madam Speaker, above your chair are inscribed the words "In God We Trust." There is nothing more important that we in Congress do each day than seek His wisdom, guidance, and blessing upon our deliberations.

I am both grateful and proud that today my friend, Pastor Elizabeth Hanley, sought those gifts on our behalf.

Pastor Hanley, known to her flock as Pastor Liz, has led the Abiding Savior Lutheran Church in Cameron, Texas, since 2002. She's a lifelong Lutheran, a fifth generation Texan, and like my wife, she's a Baylor Bear.

I have had the opportunity to worship at Abiding Savior on a number of occasions. I know for a fact that through the love of her savior, Jesus Christ, Pastor Liz nurtures the youth of her congregation. She gives hope to the downhearted, she cares for the elderly, and she inspires all through her words of grace through faith.

Hope and unity are in abundance at Abiding Savior. And its parishioners will tell you Pastor Liz is truly deserving of the words, "Well done, good and faithful servant."

I thank Pastor Liz for being here today and leading our invocation.

### ANNOUNCEMENT BY THE SPEAKER

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

### PARITY IN MENTAL HEALTH COVERAGE

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

Mr. KENNEDY. Madam Speaker, I would like to thank you, Speaker PELOSI, for bringing to the floor of this House a piece of sweeping health care legislation, the likes of which we haven't seen in over 60 years since the Congress passed the Medicare legislation.

Madam Speaker, I want to thank you because it's about time the American people had an opportunity to have

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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health care for all, irrespective of pre-existing conditions.

Madam Speaker, I want to thank you on behalf of the millions of Americans who suffer from mental illness because health insurance companies do not acknowledge that the brain is part of the body, that there is such a thing as alcoholism and addiction in this country.

Madam Speaker, thanks to your leadership, we passed the Paul Wellstone-Pete Domenici Mental Health and Addiction Equity Act last session, and thanks to your leadership with this legislation, there is no discrimination against those with mental illness. And in each and every one of the health care plans, there is absolute parity in health care coverage for those with mental illness.

Thank you, Madam Speaker, for this historic legislation.

#### JUSTICE GINSBURG

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

Mr. PITTS. Mr. Speaker, last week's New York Times Magazine featured an interview with Supreme Court Justice Ruth Bader Ginsburg. Some of her comments were absolutely astonishing coming from a sitting Supreme Court Justice, but the most disturbing comment came in reference to abortion.

In reference to *Roe v. Wade*, the infamous Supreme Court case, she said this: "Frankly, I had thought at the time *Roe* was decided, there was concern about population growth, and particularly growth in populations that we don't want to have too many of."

I cannot imagine any acceptable context where a serious person could refer to "populations that we don't want too many of." This eugenic way of thinking debases the value of all human life. All people are created equal and deserve the most fundamental right to life no matter what race, religion, or socioeconomic background.

I am shocked that a member of the Supreme Court believes that a compelling reason for the legality of abortion is because our society wants to reduce the growth of specific populations. Justice Ginsburg's comments are an assault and insult to the values of the American people.

#### ENACT HEALTH CARE REFORM

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

Mr. BUTTERFIELD. Mr. Speaker, last November the American voters demanded change, and one of the many changes that they demanded was health care reform.

Now Democrats are responding with comprehensive health care reform, and we are hoping that our Republican friends will join us as we overhaul the broken health care delivery system. Health care reform will control spi-

raling costs. Without reform, the cost of health care for the average family of four is projected to rise \$1,800 each year, and insurance companies will continue to control health care decisions.

Under our legislation, families with health insurance will see lower costs; rate increases for preexisting conditions and gender or occupation would be eliminated; out-of-pocket expenses would be capped; children will be guaranteed affordable dental, hearing, and vision care; preexisting condition denials and insurance companies' lifetime payments limits would be eliminated.

We must answer the call of the American people by enacting health care reform. Let's do it for the American people, and let's do it for the American economy.

#### WHERE HAVE ALL THE DOCTORS GONE?

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

Mr. POE of Texas. Mr. Speaker, half of the primary care physicians say they would like to leave the practice of medicine in 3 years. There is just too much cost and time involved from red tape by insurance companies and the government agencies. And that's before government bureaucrats nationalize the whole system. Also, their costs for malpractice insurance has skyrocketed.

The American Medical Association said more doctors are leaving the profession than being replaced by new doctors. Doctors are just hanging up their stethoscopes and choosing a different line of work. It's just not worth it.

It costs about \$200,000 to get through medical school. The government keeps bailing out its special interest buddies, but not one cent goes to help pay off these college loans. And the administration wants doctors to shoulder even more of the costs of practicing medicine. It's no wonder they're choosing other professions and moving off to Jackson Hole, Wyoming.

To make matters worse, many doctors are no longer accepting Medicare or Medicaid patients because government reimbursement doesn't even cover the cost of the treatment. Now, isn't that lovely? No doctors and more patients.

Mr. Speaker, when we run out of doctors, what will we do? Turn our health care system over to government snake oil salesmen?

And that's just the way it is.

#### GROUNDBREAKING HEALTH CARE REFORM

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

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today because we're on the verge of groundbreaking health

care reform legislation that will benefit generations to come and signal to the world and all of America that we are no longer a Nation that tolerates 46 million uninsured and many millions of workers, people who work every day, uninsured and facing huge out-of-pocket costs.

Now, today, I want to emphasize the importance of including a robust public health insurance option, with an established Medicare provider network, in the final health care reform bill. An established network will allow the public plan to give Americans a real choice among insurance plans and doctors from the start, from the beginning. A public provider network will place the public plan on a level playing field with private plans establishing real competition, real reform, and lowering costs for Americans.

Look, we have one chance to do health care reform, and it's today. And we have to ensure that we establish the strongest infrastructure to give success for the American people and to give them coverage and care and lower costs.

Further, the Congressional Budget Office says that a robust plan will save \$91 billion for our country. We know the system is broken, and now we have a chance for a truly American solution to health care reform.

#### CONGRESS' NEVER-ENDING SPENDING SPREE

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

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to discuss my strong concerns over this never-ending spending by this Congress. In tough economic times when folks across Alabama and our Nation are tightening their belts, Congress is doing the exact opposite.

Just this week, House Democrats unveiled their new health reform plan which rings up a mind-boggling \$1 trillion in spending over 10 years. While I agree that health insurance reform is important and Congress should pay close attention to affordable, accessible health care, spending another trillion dollars of taxpayer dollars on a possible government takeover is not the answer.

Folks in my home State of Alabama tell me Congress is spending like drunken sailors, and I agree. It's time for Congress to sober up and stop borrowing and spending money we don't have.

□ 1015

#### AMERICA NEEDS HEALTH CARE REFORM TODAY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, thank you for your leadership.

Just as we thought, when we began to make a historic march towards the civil rights of all Americans for health care reform, we begin to hear noises, wrong noises, about how much we're spending. Well, I will tell you what we're doing, because we're not ashamed of addressing the concerns of Americans: \$100 billion a year to fix a \$2 trillion problem; the fact that Texas children are uninsured, they will be able to be insured as other children around America.

Sixty years Americans have been waiting and waiting and waiting for health care reform. Family costs are going up \$1,800 a year. How many Americans want to continue that? And every single President, including Candidate MCCAIN, wanted health care reform.

We're doing it the right way. We're going to provide for primary care doctors. We're going to invest \$1 in fighting for it and save \$1.75.

I want you to know this, Mr. and Mrs. America, we're going to take the big step, not for ourselves but for you. Health care reform, not yesterday but today and forever, because America needs it, and they need it now.

#### HEALTH CARE

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

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, as work begins today on the 1,000-page and \$1 trillion health care bill, the Congressional Budget Office provided Members with some troubling points yesterday.

For example, supporters of this plan argue it's necessary to bring down costs. We need to do that. However, the CBO admitted that the public plan would have essentially no impact on the long-term growth of health care costs, the legislation's purported goal.

A few other issues: the \$1 trillion score was not produced on the actual bill, but a summary provided days before the text was introduced. And more questions.

What impact will the health care bill and its taxes have on job losses? What will the big tax increase do to small business? What is the cost of the government plan? And what happens if it doesn't let private plans play by the same rules?

Let's make sure we don't replace the bureaucracy of insurance with barriers, burdens, and bureaucracy of government. Neither one is good medicine. Real reform is good medicine. Let's do it right. Let's take the time to work together as a team and solve this problem once and for all.

#### SURFACE TRANSPORTATION REAUTHORIZATION

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

Mr. SIRES. Madam Speaker, currently, highway connections are wors-

ening, ports are clogged, rail lines are plagued with choke points, and our communities are suffering with increased congestion, ever-worsening air pollution, and a struggling economy. We must act now to address these critical infrastructure issues and bring aid to our communities.

Our communities are struggling right now, not only with an inefficient and underperforming transportation system, but also with high unemployment rates and a sluggish economy.

The Surface Transportation Authorization Act produced by Chairman OBERSTAR is a bold step forward on transportation policy that will address our aging infrastructure and create or sustain 6 million family-wage jobs.

We need to continue the work we did with the Recovery Act and move forward with this legislation now to boost the economy, aid our communities, and transform our transportation system.

#### MEDIA IGNORE PRESIDENT'S DISAPPROVAL RATING

(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, a recent Washington Post editorial listed among President Obama's assets "a steady affection from a large majority of the country." The national media frequently claim that the President is overwhelmingly popular.

A new poll by Rasmussen tells a different story. The poll shows that just 28 percent of voters strongly approve of the way that the President is doing his job. Thirty-six percent strongly disapprove, giving President Obama an approval index rating of a negative 8 percent. And that's before the American people find out about his plans to ration health care.

A negative approval rating is hardly steady affection from a large majority of the country. The national media should tell Americans the whole story, not tell them what to think.

#### SUPPORTIVE OF THE IDEAS CONTAINED IN THE HEALTH CARE REFORM LEGISLATION

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

Mr. KAGEN. Madam Speaker, I rise this morning to strongly support the ideas contained within our health care reform legislation.

The idea is very simple. It's about equality. It's about no discrimination against any citizen due to preexisting medical conditions. And isn't it about time? You know, it was a little over 50 years ago that this Congress in a bipartisan way guaranteed the equality at the lunch counter; and now working together we're going to guarantee that every citizen has equality at the pharmacy counter, at the physician's office, and at the hospitals that they need to

go to to guarantee the health that they require just to survive.

This is our time in Congress to work together to fashion a health care system that works for everybody, not just those who were chosen at the top of the feeding chain.

I stand in support of health care reform that is meaningful, that guarantees no discrimination against any citizen anywhere in this land.

#### ECONOMIC IMPACT OF HIGHWAY INVESTMENT

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BROWN of South Carolina. Madam Speaker, the unemployment rate in South Carolina is over 12 percent. This is the third worst in the Nation, but only \$400,000 in stimulus highway dollars have been spent. Instead of creating jobs, red tape is slowing projects down and forcing millions to be spent on painting road lines and pouring sidewalks, instead of going towards job-creating jobs like I-73.

Infrastructure investment is a proven job creator, but instead of workers constructing miles of new and badly needed highways, we have miles of red tape.

And we are at risk of seeing even more job losses as the Obama administration and the Senate stand against a new highway bill. Instead of setting a path of 6 years of needed investment in highways and transit, the other body and President Obama want us to wait another 18 months. They want us to go down the same path as the last highway bill, where 12 extensions led to hundreds of millions of dollars in reduced investments and tens of thousands of jobs lost.

Madam Speaker, we can do better. We must move forward with a new highway bill, but we also must ensure that we give States the tools they need to cut through the red tape preventing these dollars from creating jobs and building new infrastructure.

#### NOW IS THE TIME TO ACT ON HEALTH CARE REFORM

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

Ms. SCHWARTZ. The introduction of health care reform legislation marks tremendous progress toward meaningful health care reform for all Americans. As a member of the Committee on Ways and Means and a centrist Democrat, I worked to ensure that this legislation is built on American assets of innovation, competition, private-public choices, and shared responsibility.

I authored core provisions to increase access to primary care and strengthen consumer protections in the private market, both of which are key to improving the quality, efficiency, and reducing the cost of care, while improving health outcomes.

These provisions will increase the number of primary care doctors and nurses, increase reimbursement for primary care, and coordinate care for patients. Copayments for prevention and primary care will be eliminated for all Americans. Insurance companies will be prohibited from excluding coverage of preexisting conditions and will be required to explain coverage in plain language.

As Members of Congress, we have a shared responsibility to contain health costs for families, businesses and the government, while ensuring that every American has access to affordable, meaningful, stable coverage. The status quo is unacceptable and unsustainable. Now is the time to act.

#### AMERICANS NEED TO DEMAND A MARKET-BASED HEALTH CARE SYSTEM

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

Mr. BROUN of Georgia. Madam Speaker, I'm a medical doctor. I used to do a radio program called "House Calls with Dr. Paul," where I tried to explain medical problems to people so that they could understand them.

As a Member of Congress, I am here this morning to try to explain this health care bill in ways that Americans can understand it. America needs to decide whether they want a health care system where they make the decisions in conjunction with their doctor or some Washington bureaucrat makes those decisions.

They need to make the decision whether they want a health care system where they have to wait long periods of time for surgeries and for tests, for MRIs and x-rays, where people who have cancer can't get the life-saving treatments that they desperately need, which is what we've been seeing from the other side.

We have solutions. Republicans have introduced numerous bills; and numerous bills will be introduced that will solve the health care problems, lower the cost of premiums, lower the cost of medicine, hospital bills and doctors' bills. The American people need to decide and demand a market-based health care system.

#### IMMIGRATION REFORM

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

Mr. POLIS. Over the 4th of July weekend, I toured a detention facility in Aurora, Colorado, where I met dozens of law-abiding immigrants. There are more than 30,000 immigrants like them throughout the country who find themselves in detention. Some of these individuals include teenagers, torture survivors, and the elderly. Others are asylum seekers who asked for protection upon arrival in the United States

due to persecution in their country of origin, only to find themselves locked up for months or years like criminals at taxpayer expense.

For thousands of immigrants in similar circumstances throughout the country, even if the Department of Homeland Security ultimately rules in their favor, while they wait we are paying \$132 a day to feed them, clothe them, house them. They want to be out working, paying taxes; but we insist that they avail themselves at our expense.

While at the Aurora detention center, I met immigrants who were placed in detention following a minor traffic infraction or a car accident that wasn't their fault. Due to the complicated nature of our current immigration system, many of them are stuck in the nebulous gray area between being lawfully and unlawfully present as they await the decision of an immigration judge. But regardless of the final outcome, separating parents from their American children by placing them into detention at taxpayer expense goes against our most basic values as Americans.

As Congress works toward comprehensive immigration reform, I urge my colleagues to deal with the detention issue as part of that.

#### FEDERAL GOVERNMENT SHOULD'N'T RATION HEALTH CARE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, it is interesting to sit here on the floor and listen to my colleagues from the other side describe their health care bill. It's going to solve everything. The only thing they haven't said is it's going to have a solution for cancer overnight and every other disease known to man.

And I thought, where have we heard this kind of promise before? How far back do we have to go? And then I realized it was the stimulus package. We were told we had to vote for the stimulus package on the President's timeline, and they guaranteed us unemployment wouldn't go above 8 or 8.5 percent. They guaranteed us all these jobs would be created. They guaranteed us that government solution.

Well, we've seen what's happened, and now we're hearing the same thing on health care. Well, just remember what the President said when he was in Michigan recently and someone asked him a question about their 100-year-old mother who received a pacemaker. He asked, Under your system, what would happen? And the President's response was, Well, boy, that's a tough question; you might just have to give her pain pills.

That sounds like rationing to me. I'm not sure I want the Federal Government to tell me I should take a pain pill when I need some surgery.

#### YOUNG ADULTS FINANCIAL LITERACY ACT

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

Mr. CARSON of Indiana. Madam Speaker, I come to the floor to discuss the Young Adults Financial Literacy Act, which I mentioned last week, to help community organizations provide better financial education to young adults.

As our recession drags on, it is clear that many of the problems we now face could have been avoided by better educating people about the financial system.

Today, across our country, thousands of young people are getting their first credit card, taking out loans for college, and renting their first apartments. Yet statistics show that many of these young adults never learn basic financial skills like budgeting, saving, and maintaining manageable debt.

My bill will help young people receive the financial education they need before they take these critical steps. It will provide grants for the development and implementation of effective education programs, empowering a young generation of consumers at this critical economic time.

So I encourage my House colleagues to cosponsor the Young Adults Financial Literacy Act.

#### STOP THE TAXING ON SMALL BUSINESS

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

Mr. BUCHANAN. Madam Speaker, this past week I held a town hall meeting in North Port, Florida. More than 300 people showed up.

A common theme at the forum was that the government should not nationalize health care. My constituents don't want a one-size-fits-all system where bureaucrats choose your treatments and doctors. My constituents want to make their own medical choices.

Some in Congress are rushing to bring a complex and far-reaching health care bill to the House floor within the next 2 weeks. This plan has numerous challenges in it.

First, it imposes an 8 percent tax on small businesses who don't offer health insurance to their employees. Most of these family-run businesses want to offer health care insurance but can't afford it. It's an 8 percent tax not on profit but on overhead. It becomes overhead. It's an 8 percent expense.

How does taxing small business help us get out of the worst economic recession in more than a century? This is a job killer, not a job creator.

Let's work together and make it better for small business and stop the taxing on small business.

□ 1030

EARLY DIAGNOSIS SAVES MONEY  
FOR RESEARCH

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

Mr. PALLONE. I heard my Republican colleague from California who just spoke say that somehow the President was suggesting that this health care reform bill, which is so important, might go so far as to cure cancer. I tell you, it's not going to cure cancer. But if you think about the fact that in this bill we put so much emphasis on prevention and we make sure that 97 percent of Americans who are not elderly would now be covered, the fact of the matter is that means that people go to a doctor on a regular basis. And if they go to a doctor and they find out that they have cancer at an earlier stage, then they get the attention so maybe they don't die from the cancer.

You know what? If everybody goes to the doctor now and as a result of that they don't have to go for more serious treatment and the expense that's involved with that, there will be money saved—and that money can go towards more research on cancer and the cure for cancer.

So I would say to my colleague, we're not saying it's going to cure cancer, but I tell you it would do a lot towards preventing those people that have serious problems, finding them out early, being diagnosed, and helping them out.

SELLING THE FAILED STIMULUS  
PLAN

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

Ms. FOXX. Five months ago, President Obama warned that if Congress failed to pass the stimulus plan, unemployment could reach 9 percent. But the President promised if we took action and accepted his stimulus plan, unemployment would halt around 8 percent.

Despite borrowing \$787 billion for wasteful government spending under the guise of stimulus, the national unemployment rate now stands at 9.5 percent—a rate not seen in 26 years.

Even though unemployment is rising at an alarming rate, the President continues to sell the American people on his failed stimulus plan. Just recently, the President said the stimulus plan had “done its job.” The American people know better. The American people know you can't spend and borrow your way back to a growing economy.

It's time for a real economic recovery plan, one that puts money back in the hands of families and small businesses. It's time for Congress to pass the House Republican's economic recovery plan—a plan for fiscal discipline and tax relief.

PROVIDING FOR CONSIDERATION  
OF H.R. 3170, FINANCIAL SERVICES  
AND GENERAL GOVERNMENT  
APPROPRIATIONS ACT,  
2010

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 644 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 644

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 145, line 11. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of this resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3170, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The gentleman from Colorado is recognized for 1 hour.

POINT OF ORDER

Mr. FLAKE. Madam Speaker, I raise a point of order against consideration of the rule because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).

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

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

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

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

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I rise today once again to plead with the majority party to lift the legislative version of martial law that's been imposed on appropriation bills this year.

We're more than halfway through the season and so far we've had, for appropriation bills, more than 700 amendments have been filed with the Rules Committee. Only 119, or less than 20 percent, have been made in order. Roughly a quarter of them that have been made in order have been my earmark amendments, which I'm pleased for. Don't get me wrong. I'm grateful they're made in order.

But these earmarks, this is about the only vetting, as shallow as it may be, on the floor of the House that these earmarks get, because they're certainly not getting the vetting they deserve in the Appropriations Committee. But this is insufficient.

It's not right to have a legislative version of martial law on appropriation bills and to bring up the issue of timing, to say, We don't have time to deal with all the amendments that have been offered, as was demonstrated yesterday when I asked unanimous consent five times—five times—to simply swap out an amendment that was not ruled in order by the Rules Committee—that was germane, just not ruled in order—for one of mine that would have been given.

It wouldn't have taken any extra time. We would have been under the same time constraints of the bill. So we would be living within the time constraints that the majority party has laid down.

But the majority party simply wouldn't allow it, because this isn't about time. We adjourned or we were finished with legislative business by around four o'clock yesterday. We were finished with amendments by five o'clock. Members were free to go after the last amendment votes around four o'clock.

This isn't an issue of time. But say that it was. If it was an issue of time, then allowing amendments to be swapped and substituted or amendments to be modified within the time limit should be allowed.

But instead, the majority party simply doesn't want to deal with certain amendments. They don't want their members to vote on certain amendments. That's what is at issue here.

As a result, the votes on amendments on these appropriation bills have all the excitement and anticipation of a Cuban election. You know the result. It's going to be lopsided or it's agreed to in advance.

That may be efficient. The trains may run on time. But it isn't the legislative process that we're used to here. Traditionally, appropriation bills have been brought to the floor under an open rule. That's always been important.

It's become even more important over the last several years when we placed in those bills literally thousands and thousands and thousands of appropriation requests by individual Members, many of them no-bid contracts—Members awarding no-bid contracts to private companies and, in many cases, their campaign contributors, with virtually no vetting in the Appropriations Committee.

So the only opportunity we have to vet those is here on the House floor, and then Members are denied the opportunity in many cases to bring those amendments to the floor. That simply is not right.

Let me take the bill that we will be dealing with today and give a few examples. In the Rules Committee under this rule that we're dealing with now, many amendments were offered, as I mentioned, and they were submitted as requested by the Rules Committee, pre-submitted, which we didn't even used to have to do with appropriation bills, but we can accept that. These were submitted—and many of these were turned down.

For example, one was to make in order to provide the appropriate waivers for amendment 87 offered by Representative BOEHNER, the minority leader, which would ensure that low-income D.C. students are able to receive a scholarship through the D.C. Opportunity Scholarship Program by removing the requirement that students must be OSP recipients during the 2009–2010 school year.

This would simply allow the D.C. voucher program—the highly popular D.C. voucher program—to continue. This is not something that is not germane. It is germane. This is the bill

that deals with D.C. appropriations. But the majority party simply didn't want to vote on that. And so they rejected it, and it's out.

Later today, I will be asking for unanimous consent to substitute this amendment for one of mine that I have been fortunate enough to have made in order. It won't take any additional time.

So time is not an issue. It's simply saying that we should be able to vote on amendments that Members want to vote on, not just those amendments that the majority leadership wants us to vote on; to lift martial law on appropriation bills, if only for a brief window, for the appropriation bills that we have still to consider.

Another amendment—I see Mr. WALDEN here—that he has offered. The Walden-Pence amendment would prohibit funds from being available in the act from being used to implement the fairness doctrine and certain broadcast localism regulations.

I'd like to yield to the gentleman from Oregon to speak on that.

Mr. WALDEN. I appreciate the gentleman raising this point of order and yielding. How ironic; the amendment we offered in good faith, after consideration with the parliamentarians, is fully in order under our House rules normally, except for the gag order that's been placed on us by the Rules Committee.

How ironic; we're trying to stand up and protect First Amendment free speech rights for American citizens and broadcasters to be able to discuss political issues and religious issues on America's airwaves, protect that right as the House did in 2007 with a 309–115 bipartisan vote.

We're talking about free expression, First Amendment rights, privileges that American citizens have enshrined, and the Democrat leadership of this Congress has conspired to prevent us from even allowing that amendment to be debated on this House floor and voted on. And yet, when it was brought before this House in 2007, 309 Members voted "yes." It was a 3–1 margin that stood up for free speech and to protect free speech on America's airwaves, to protect the rights of religious broadcasters to engage in their discussions on America's airwaves.

Members of both parties supported this. And yet today, sometimes I feel like we're more an Iranian-style democracy, where all these rules that have been in place for many, many years in this House, historically back to its inception, that allow for open and vigorous debate on our House floor, have been now twisted and turned and crammed down to the fact that you're gagged. I'm gagged, the people we represent are gagged. It is simply outrageous that this is occurring.

□ 1045

We should be able to offer these amendments, as we have historically, in Republican and Democrat Con-

gresses in the past. This is nearly unprecedented in the scope of clamping down on our ability to represent our constituents and in our ability to raise these issues on the floor of this great institution, of this democratic institution, where free speech and the opportunity to debate public policy issues are enshrined.

What has this House come to?

Mr. FLAKE. I thank the gentleman.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 10 minutes.

Mr. PERLMUTTER. I oppose the gentleman's point of order. I yield myself such time as I may consume.

Madam Speaker, once again, this point of order is not about unfunded mandates. It's about TV broadcasting and about a whole variety of other things, but it's about delaying the bill that is under consideration and about, ultimately, stopping it. I hope my colleagues see through this attempt and will vote "yes" so we can consider this legislation on its merits and not stop it on a procedural motion. Those who oppose the bill can vote against it on final passage. We must consider this rule today, and we must pass this legislation.

I have the right to close, but in the end, I will urge my colleagues to vote "yes" to consider the rule.

With that, I reserve the balance of my time.

Mr. FLAKE. Madam Speaker, yes, this isn't about unfunded mandates. Unfortunately, it's about the only opportunity we have to stand up, and we'll stand up later when the rule is discussed, but I'm here because the Rules Committee would not make in order the amendments that Members wanted to offer on an appropriations bill.

These are bills that are brought to the floor under open rules, traditionally, to allow Members the opportunity to represent their constituencies; but here we're being gagged and told we can't do that because we're only going to allow the amendments that we want to hear, the ones that are non-controversial, the ones that we have debated before and that we know won't impact negatively on us. That's not any way to run this body.

I yield to the gentleman from Oregon.

Mr. WALDEN. If you want to talk about how this body is being run, in the Energy and Commerce Committee yesterday, the best we could get on the Democrats' health plan was a closed-door briefing from the Congressional Budget Office that was only open to members of our staff and to no other staff and to no other citizens, and it was shut down to the press. Now, I find that outrageous.

So not only is this occurring on the amendments we hope to bring that are fully within the scope of the rules of this House and that have been well vetted—and you can smile. I get it. You

guys are in control. You're going to win. You've got the votes. You can shut us down. Yet, at the end of the day, the American people get it, and they get that bills are being rammed through here without due consideration and process and that Members on both sides of the aisle are having their amendments shut down, and they're not even being allowed to be considered.

I've been here for 10 years now. I remember, during appropriations season, we worked hard. We worked day and night, sometimes a lot longer than I'd wished we'd worked, but Members had the right under our rules to bring amendments forward that were within the constraints of the rules of this House and within the historic principles of this House. We had vigorous debates and we took tough votes. Then we went back and we defended those votes.

Mr. FLAKE. Madam Speaker, I yield back the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I appreciate the gentleman's comments, but they did not speak to the point of order at all. So, Madam Speaker, again, I want to urge my colleagues to vote "yes" on this motion to consider so we can debate and pass this important legislation.

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

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

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

The question of consideration was decided in the affirmative.

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

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 644.

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

There was no objection.

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

Madam Speaker, House Resolution 644 provides for the consideration of H.R. 3170, the Financial Services and General Government Appropriations Act for fiscal year 2010. This is the first Financial Services Appropriations bill under a President who believes Wall Street actually needs someone to watch it. This bill provides the much needed resources for the Federal Government to improve our oversight of Wall Street while investing in small businesses on Main Street.

As a member of the House Financial Services Committee, we have worked

with Chairman FRANK to examine the causes of our recent economic downturn. There were many causes of it, but our findings conclude that a large factor of this downturn was misguided deregulation promoted in the financial markets.

Under the Bush administration, the Securities and Exchange Commission was underfunded. The SEC promoted a "good old boy" atmosphere that disregarded investor and taxpayer interests in favor of Wall Street wealth. Under the Bush administration, the SEC repeatedly turned a blind eye regarding fraud as they did with the warnings about Bernie Madoff. Also, the SEC knowingly helped build the house of cards that was the basis for this subprime mortgage bubble.

Under the Bush administration, big business just became too big to fail, and the whole house of cards came tumbling down. AIG, Bernie Madoff, Lehman Brothers, Bear Stearns, WaMu, Wachovia, and other financial disasters could have been avoided if our Federal agencies had been given the resources to connect the dots, to look at the books and to take preventative measures.

This legislation increases funding for the SEC by 8 percent over last year. It provides funds for the SEC to hire 140 additional analysts to protect investors and taxpayers from nefarious corporate interests and schemes. Those 140 new analysts can monitor publicly traded companies and can restore trust for investors and taxpayers. This provision sends a clear message to Wall Street that your days of wine and roses are over. The bill also increases funding for the FTC to help consumers and to go after illegal credit card practices.

For my constituents back in Colorado, this bill provides a 38 percent increase in funding for the Small Business Administration. During an economic downturn, many individuals who have been laid off open small businesses where they can pursue their entrepreneurial dreams and can be their own bosses. This boost in funding will reinvigorate communities across the Nation at the precise time that we need it.

For the judicial branch, this bill provides the Federal judiciary the funds it needs to hire additional staff and judges. In particular, the past year has seen a 28 percent increase in the number of bankruptcies. This bill will provide for 142 more staff for Federal bankruptcy courts to put these businesses and individuals back on the road to recovery.

Finally, if there is one issue people in our districts will support in this bill, it is the reinstatement of auto dealer franchise agreements which were severed with little notice earlier this year. In my own district, hundreds of workers were put in jeopardy when GM and Chrysler terminated their dealerships—even long-time profitable franchises. At a time when too many Americans are unemployed, adding more workers

to the unemployment rolls is the last thing our economy needs.

This bill is another step toward economic recovery, and I urge its adoption.

I now reserve the balance of my time.

Mr. SESSIONS. I appreciate the gentleman from Colorado for yielding the time. I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to the structured rule, and I also rise in opposition to how my Democrat colleagues continue to shut out Republican voices on the floor of the House of Representatives in virtually every committee here in the House.

My friends on the other side of the aisle have set an historic precedent by shutting down the amendment process once again today in order to accomplish legislative business during the appropriations process, and Republicans disagree with this. Madam Speaker, you will continue to hear of our opposition, and the American people will hear the same.

Chairman OBEY has set an arbitrary time line to finish the financial year 2010 spending bills, which has forced the Democrat-run Rules Committee to limit every single Republican and Democrat chance to offer amendments on the House floor. Hundreds of amendments have been offered by my colleagues, and they have been rejected in an unprecedented fashion.

What is this majority afraid of? Why won't they allow for an open and honest debate that has happened for hundreds of years in this body? Why won't we have open rules on appropriations bills?

Because of this historical new restrictive process, as part of my committee assignments, I had to go to the Rules Committee on Wednesday night just to offer three commonsense amendments. Not one was made in order for the debate today. Two dealt with allowing the same restrictions and opportunities for Federal Government employees and for private contractors.

In a time of record deficits by this Democrat Congress, Congress should find a better way to deal with the American taxpayer for the success of this country and for jobs. Instead, they chose to ignore these amendments and ideas.

My last amendment would have required this Obama administration to post any interaction or communication with General Motors as a public record. Since the American public was not consulted before the takeover of GM, they should at least be able to monitor now how their tax dollars are being spent.

Madam Speaker, today, we are discussing the Financial Services Appropriations bill for fiscal year 2010. It is my intent to focus on the huge increase in spending—no surprise—over last year's level and to discuss the majority party's destructive initiatives that have intruded into the private sector. It is my idea to talk about how



they will continue killing jobs and how we will continue having historic record deficits and to discuss the new Democrat priority of using TARP dividends for more housing handouts instead of using that money to be repaid to the taxpayer.

This underlying legislation is a 7 percent, or \$1.6 billion, increase above the current year's spending levels, and that is excluding the massive stimulus funding. Even Federal Reserve Chairman Ben Bernanke recently stated, Unless we demonstrate a strong commitment to fiscal stability, in the long term, we will have neither financial stability nor healthy economic growth.

The Congressional Budget Office has stated that the budget is on an unsustainable path. This bill does not represent a commitment to fiscal sustainability. With this legislation, Congress only further slows down and impedes our economic recovery, and it increases the financial burden placed on our children, grandchildren and on our future.

With the facade of fiscal sustainability, the Obama administration is posing sweeping financial reforms that will further stretch rather than help the banking industry. The Obama regulatory plan calls for large, interconnected companies to pay a heavy price by limiting companies from mixing banking and commerce. This potentially forces companies like General Electric to spin off its largely lending subsidiary, GE Capital, and turn it into a bank holding company with more regulations, less revenue and less loan capacity.

Once again, this is the Democratic plan to kill private sector jobs and to further encumber and harm economic recovery.

□ 1100

Madam Speaker, what kind of precedent is this administration and Congress setting by forcing regulation on successful businesses while completely avoiding responsibility and transparency in their own spending habits? The American people know that you shouldn't spend what you don't have, and that's exactly what this Democrat majority is doing. According to the Congressional Budget Office, the Obama administration is on its way to doubling the national debt in 5 years. Just last week the Congressional Budget Office released a monthly budget review which states that the Federal budget deficit reached \$1.1 trillion, and this was reached during the month of June. According to the CBO, that is \$800 billion more than the deficit record through June 2008. The bottom line is that the United States is looking at a possible \$2 trillion record deficit for this year alone, a long stretch from the group of people who talked about fiscal insanity just before the election. I think we know what the truth is. The Democratic Party is tax and spend. Especially at a time of deep economic recession, this Congress

should be promoting pro-growth policies that reduce spending and increase jobs. Unemployment continues to rise while our friends on the other side of the aisle consciously continue to tax, borrow and spend their way into record deficits. The CBO estimates that unemployment benefit spending is more than two-and-a-half times what it was at this point last year. The current unemployment rate is now over 9.5 percent, which is the highest level in 26 years, and their own budget estimates say it's going to rise.

Madam Speaker, with record deficits and growing job loss, you would think that this majority would want to bring the national debt down and try to curb spending. But nope, not going to happen. Not with what's on the floor again today. Last month Financial Services Chairman BARNEY FRANK dropped a bill and held a hearing that would redesignate dividends from TARP funds to two housing slush funds. This would take the \$6.2 billion in dividends paid back to the American people and would create a brand new spending program. It is unconscionable that any dividend received would be redistributed in new spending projects rather than returning it to the taxpayer. Again, my friends on the other side of the aisle continue to tax, borrow and spend money that not only they do not have, but the American public knows that it comes out of jobs and economic recovery for this country.

Madam Speaker, how is this economy supposed to bounce back with this Democrat Congress forcing Americans to pay for a failed trillion-dollar stimulus package, a bailout for those who defaulted on their own mortgages, a bailout for those who abused their credit cards, a bailout for corporate America's bad decision making, a new national energy tax, and a possible \$1.5 trillion health care package that will force 120 million Americans out of their current health care coverage? When does this malaise stop? Where are the jobs? Why are we spending more and more money simply to get more unemployment? Madam Speaker, it should be asked on the floor of this House, where are the jobs? Where are the jobs that were promised by Speaker PELOSI? They evaporate again today.

In closing, Madam Speaker, I will continue to point out to our friends on the other side of the aisle that we simply cannot tax, we cannot simply spend and borrow our way out of the country's economic recession that comes from the Democrats running the House, the Senate and the presidency. Madam Speaker, the misery index of this country continues to rise under the leadership of the Democratic Party, and rising unemployment and record deficits cannot be remedied with massive increases in spending. Americans back home are tightening their belts, and the U.S. Congress should be doing the same. I encourage a "no" vote on this rule and a "no" vote on the previous question to amend the rule to allow for an open rule.

I reserve the balance of my time.

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

I have to say that my friend from Texas and I couldn't disagree more about the causes of the troubles that exist today in our economy. The Republican administration under George Bush, prosecuting two wars, cutting taxes for the wealthiest among us, helped drive this country into the ditch. That, coupled with a penchant, a desire, a real effort to deregulate, unregulate and privatize led to failures all throughout Wall Street and the banking system, starting first with a \$60 million Ponzi scheme conducted by Bernie Madoff, followed in part and at the same time by a \$700 billion failure of Wall Street and financial institutions that had to be filled. President Obama inherited a \$1.3 trillion deficit as a result of the misguided policies of the Republican Party and the Bush administration.

With that, I will yield 3 minutes to my friend from Michigan, Mr. BART STUPAK.

Mr. STUPAK. I thank the gentleman and the coach for yielding me time.

I rise today in opposition to the rule and the underlying bill. Madam Speaker, those of us who respect the right of life for the unborn know that when taxpayers fund abortion, more lives are lost to the tragedy of abortion. Out of our conviction for the unborn, 180 Members sent a letter to the Speaker, the chairwoman of the Rules Committee and the chairman of the Appropriations Committee, requesting that existing pro-life riders be included in any legislation reported out of the Appropriations Committee. These provisions include long-standing restrictions, some of which have been there for more than 30 years, on funding for abortion, on the conscience clause and policies respecting human life. These restrictions are important. They are a crucial part of Federal law. But they must be reapproved every year, as they have been by both Democratic and Republican leadership. We asked that those policies remain in legislation out of respect for all Americans who identify themselves as pro-life and out of respect for pro-life Members on both sides of the aisle. But anticipating the possibility that a pro-life appropriations policy will be deleted, a bipartisan group of Members asked for a reasonable accommodation by the Rules Committee. We asked that, at a minimum, the full House be given a reasonable opportunity to debate whether we should use taxpayers money to fund abortions. We asked to just allow us an up-and-down vote on this critical issue. When we saw that the ban on government-funded abortion in the District of Columbia was rendered meaningless, 5 Democrats, 5 Republicans, 10 Members, a bipartisan group, went to the Rules Committee and asked for a simple change, an amendment to strike one word on page 143, line 8, the word Federal. Unfortunately our amendment



was flatly denied. We are not even given a chance to debate whether we should use taxpayer money to fund abortion, a very basic issue and question facing this country.

So, unfortunately, I'm going to urge my colleagues to vote "no" on the rule and also to vote "no" on the underlying bill in its current form and in opposition to the rule, which muzzles the voices of pro-life Members.

Mr. SESSIONS. Madam Speaker, I appreciate the gentleman coming down to talk about the muzzle that's been placed upon Members of this body by Speaker PELOSI. This muzzle affects not just Republicans but Democrats and millions of people's voices that might be heard on the floor of this House.

Madam Speaker, at this time I would like to yield 3 minutes to the gentleman from Concord Township, Ohio, (Mr. LATOURETTE).

Mr. LATOURETTE. I thank my friend from Texas for yielding.

Madam Speaker, this is a bad rule. It's a bad rule because it continues to muzzle the voices of representatives in this House that represent millions of people. As our friend from Michigan just indicated, we should have a debate on these issues. At the end of the debate, we have a vote. Somebody wins, somebody loses.

I can remember, Madam Speaker, in happier times—and I define happier times as being when we were in the majority, sadly—that I had the honor to be where the Speaker pro tempore is. I sat for 3 days once doing the Interior appropriations bill while Member, after Member, after Member came and spoke and said what was on their minds on the issues of the day; and then we voted. Our Democratic friends knew we then had more votes than they did. They were going to lose most. They might win some. But we at least got to talk about it. This is unconscionable.

I rise to thank a couple of people because even on this horrible rule, there is some daylight. I want to thank the Rules Committee for protecting from a potential point of order an amendment that I inserted into the Financial Services appropriations bill during the course of the markup; and I want to thank Chairman SERRANO and Chairman OBEY for going before the Rules Committee and protecting it as well.

The amendment simply says that we will not, as taxpayers in this country, give billions of dollars to General Motors and Chrysler until they come to terms with the hundreds of thousands of people they have put out of work. We know that their actions have thrown 40,000 auto workers out of work. We know that 50,000 people who worked for Delphi have lost their health coverage. This week we had the auto dealers in town, and the actions of the President's auto task force is going to cause the closure of 789 Chrysler dealerships across this country, 2,600 General Motors dealerships. About 60 people work at each dealership. Over

200,000 people thrown out of work because of the goofy actions of an unelected task force, and now the car company is taking advantage. Why do we know it's the goofy action of the task force? We know it because both car companies filed to plan for reorganization on February 17. That plan was rejected. We know from Mr. Bloom, who is the new head of the task force, why that plan was rejected. In testimony before the Senate, he indicated, "We rejected that plan because they didn't get rid of enough people, they didn't close enough auto plants, and they didn't close enough auto dealerships across the country." Well, in response to that, the car companies, if they wanted the billions, they came back and presented a plan that will now cause 300,000 people, 300,000 families to be without jobs in this country.

I would say to my friend from Texas, you would think, Well, maybe this auto task force knows more about manufacturing cars and selling cars than the rest of us. But perhaps the gentleman knows, out of all of the members of the President's task force, do you think anyone has any experience in making a car, selling a car, making a car part? No. No, they don't have any experience.

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

Mr. SESSIONS. I yield the gentleman 15 additional seconds.

Mr. LATOURETTE. The Wall Street Journal did a survey that indicated that most of the members of the President's auto task force don't even own a car; and those that do own cars, own a foreign car. We have got to stop this madness; and if we don't stop the madness, the only stimulation of the economy, as we continue to throw people out of work, is going to be those clerks at the unemployment offices across America.

Mr. PERLMUTTER. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Colorado for the time. I thank both the chairman and ranking member of the Subcommittee on Financial Services for what I think has been a holistic approach to the needs that we are having to address and what has been called an economic collapse. As it has been based on the practices of our past administration, we're simply trying to put Humpty Dumpty back together again. I would hope as we make progress on this bill, that as we fund the Small Business Administration, that we will be reminded of the importance of language to advocate for small businesses. It is very disconcerting to find out how difficult it is for small businesses to actually do business with the Federal Government.

□ 1115

Veterans' businesses, minority-owned businesses, in essence, they don't have an advocate, and our agencies are using "good old boy" systems to give busi-

ness not to our small businesses, but to others.

We need that kind of advocacy in the Small Business Administration, taxpayer advocacy. Americans pay their taxes, and there are people who work and pay taxes and want to do the right thing. The taxpayer advocacy system needs to get teeth because it is dysfunctional. The IRS does what it wants to do and treats taxpayers poorly. And the taxpayer advocacy needs to strengthen its ability to serve. I like the language in the TARP oversight. It is important to ensure that the TARP oversight also includes the ability to make banks lend.

But, lastly, let me say how grateful I am for this language dealing with automobile dealers to restore their civil rights and keep them in this place. Bob Knapp of Knapp Chevrolet in Texas has said, We will lose 10,000 jobs. He is a central city car dealership of some 60 years old. The atrocity of GM to close this longstanding, profit-making, employee-providing institution is a shame. Let us get Chrysler and GM at the table to restore the ownership of these dealerships to their owners and let them sell cars the American way.

The language in this bill is the right language. I thank those who have helped to offer this language, but now we have to implement the language. Get these car dealers back doing their jobs. And to GM and Chrysler, accept these appeals, recognizing the large number of jobs that will be lost. Create a job or save a job, there are jobs here. We can save a job.

Mr. SESSIONS. Madam Speaker, I would like to yield 1 minute to the distinguished gentleman from Colorado Springs, Mr. LAMBORN.

Mr. LAMBORN. I thank the gentleman for yielding.

Madam Speaker, I rise today to oppose the provision in this Financial Services bill that allows taxpayer-funded abortions in the District of Columbia. We cannot seriously talk about wanting to reduce the number of abortions in this country and then turn around and pay for them with taxpayer money. Planned Parenthood's own researchers report that without public funding, 30 percent fewer women have abortions.

We have seen many polls showing that the American people oppose using their tax dollars for abortions. A poll done this year found that 69 percent of respondents said they are against repealing the Hyde amendment if its repeal would result in taxpayer funding of abortion as a method of birth control. Life begins at conception, and I cannot, in good conscience, support a bill that squanders taxpayer money for the first time in decades to destroy life in the womb.

I urge my colleagues to reject this bill. I urge President Obama to reject this bill and to oppose taxpayer-funded abortions in the District of Columbia.

Mr. PERLMUTTER. Madam Speaker, before I yield 4 minutes to the gentlewoman from the District of Columbia,

I need to respond to my friend from Colorado, as well as the gentleman from Michigan who spoke earlier, and I'm looking at page 143, lines 8 through 12, section 812, which says: "None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered or where the pregnancy is the result of an act of rape or incest."

Mr. LAMBORN. Would the gentleman yield?

Mr. PERLMUTTER. Yes, for 15 seconds.

Mr. LAMBORN. Thank you for that brief response on my part. Those funds are fungible, and that is not a true prohibition. It will be used for taxpayer-funded abortions.

Mr. PERLMUTTER. I thank my friend. I think the language is about as clear as it could be when it says "none of the Federal funds appropriated."

I will now yield 4 minutes to my friend from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding, and I thank him for making a clarification before I could.

Let me tell you something about fungible funds. You go home and tell the folks in your county or in your city that the funds that come from the Federal Government are fungible with their local funds, and therefore Congress should have jurisdiction over what they do in your local jurisdiction, and they may put you out of the House.

The fact is that the committee was at pains to respect the difference between local and Federal issues, and I very much appreciate that they did. I'm surprised that Mr. STUPAK would come to the floor with misinformation without looking at the bill to work up people on a controversial issue. The District asks, only be left abortion in our control inasmuch as it is left in the control of other Americans. And throughout the United States, pursuant to the Supreme Court decision in *Roe v. Wade*, local jurisdictions may use local funds for abortions for poor women.

We are American citizens, and we demand to be treated as American citizens. We are older American citizens than some of you because we were created as a city with the Nation itself more than 200 years ago. I appreciate that our Rules Committee appreciated our citizenship and responded to and respected it.

Now for those who are new, they might say, well, why is the D.C. appropriations in the Financial Services bill? The proper question is, why is Congress having anything to do with the D.C. budget, a local budget? It is none of your affair. And it is an anomaly that we are going to cure soon. But the fact is that it is here under the Home Rule Act, which made the District of Columbia a self-governing jurisdiction. It is in the Financial Services bill because there is no place to put it. There is no place to put it be-

cause it doesn't belong in a Federal budget because it is not the money of the people of the United States. These are the funds of the people who live in the District of Columbia.

Some Members may mistakenly, others deliberately, come to the floor to try to impose their will or their choices or the choices of their citizens on the citizens of another jurisdiction. They wouldn't stand for that for one second in their own jurisdictions, whether on abortion or on any other issue. We saw the deadly effects that can occur, and I appreciate that Mr. SERRANO removed from the D.C. appropriations an attachment that was responsible for the death and for the terrible health of thousands of D.C. residents when we were barred from using a needle exchange program that thousands of jurisdictions are able to do. We are not going to stand for it. It is not your business to deal with the health of my citizens or to keep us from doing what is required and legal to keep them healthy.

Local control is older than the Nation itself. The war slogan "no taxation without representation" meant today, as it means in the District when you see it on the license plates, "Take your hands off of the local jurisdiction that is not your own." This is the D.C. budget before you. It contains funds raised here and nowhere else.

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

Mr. PERLMUTTER. Madam Speaker, I would like to inquire as to the amount of time on each side.

The SPEAKER pro tempore. The gentleman from Colorado has 14½ minutes remaining.

The gentleman from Texas has 14¾ minutes remaining.

Mr. PERLMUTTER. I yield the gentlewoman 1 additional minute.

Ms. NORTON. I thank the gentleman for his generosity.

This is a local budget. Make no mistake about it: no amendment is in order on anybody's local budget. The time for lip service for local control has run out. We have profound disagreements on some issues from abortion to vouchers. Go home and deal with them there. Allow us to deal with these issues in our own way as a local jurisdiction.

I appreciate that the Rules Committee has indeed respected our citizenship. And I demand that other Members of Congress do so, as well.

Mr. SESSIONS. Madam Speaker, I would remind the gentlewoman from the District of Columbia that the Democratic Party owns the majority in this House. It has 60 Senators in the Senate, it has the President of the United States, and that is how they can get their own things done.

Madam Speaker, at this time, I would like to yield 3 minutes to the distinguished gentleman from Hood River, Oregon (Mr. WALDEN).

Mr. WALDEN. It is kind of ironic for someone who is so passionate about

achieving voting rights in this city that we would be denied voting rights on this floor on amendments that we sought to be considered.

And that is really the issue I want to speak about at this time, and that is that we brought an amendment fully vetted within our rules to be allowable, had the Democrat majority allowed it to be considered, to protect freedom-of-speech rights for broadcasters and American citizens when it comes to debating political issues and religious issues on the Nation's airwaves.

The great irony here is in this city we cannot, and in this Chamber cannot, get a vote or even a debate on that amendment under the new regime in charge here in the House.

Now in 2007 when democracy was flourishing a little bit more in this body, and Members of Congress, elected by however many thousands of votes and representing more than half a million people, 650,000 or 660,000 people, could bring issues to this floor during this one time and have them debated and considered. When Mr. PENCE and I brought the Broadcaster Freedom amendment to this floor, and it was allowed to be considered, 309 Members of this body voted in favor of it. When we sought to renew the prohibition on the Federal Government from putting Federal censors over the airwaves, we were denied the opportunity even to have that debate. You see, the one we got passed in 2007 expired 1 year later because it only went for as long as the appropriations bill.

We have a bill, a bipartisan bill, in committee to make this permanent. But once again, the Democratic leadership refuses to engage in democracy and allows us even to have a hearing on that legislation. Now, the irony is that both Republicans and Democrats in times gone by have abused the Fairness Doctrine. Bill Ruder who was assistant Secretary of Commerce under John Kennedy admitted to CBS news producer, Fred Friendly, "Our massive strategy was to use the Fairness Doctrine to challenge and harass right-wing broadcasters and hoped the challenges would be so costly to them that they would be inhibited and decide it was too expensive to continue." George Will reported in a column December 7, 2008, that Richard Nixon emulated that process.

What we are trying to do is prevent any party, any politician in Washington from using a flawed process to silence and gag political speech on the airwaves. We all ought to be for that. Now the Fairness Doctrine is gone right now. But there are many, including leaders on the other side of the aisle, who have called for its return. Leader after leader, when asked by the press, called for its return. Some will say, well, no, that is not going to happen. Well, they have come around with a Trojan horse in the back door and say, we are going to do it a different way. We are going to call it "localism." We are going to set up these

boards and commissions. We will have all this involvement. And if a broadcaster doesn't live up to what they are told to do, then their license will be pulled, or whatever.

We are just trying to say, no, Government, we don't need your censorship. Stay out of the process and allow us a vote. Don't just gag and spend here.

Mr. PERLMUTTER. If I could, I would ask my friend from Texas how many more speakers he has. We don't have any others. And I will close.

Mr. SESSIONS. I appreciate the gentleman asking. Due to the limited time that I was allowed by the Rules Committee, I know that we have a lot of people, but we have at least three additional speakers.

Mr. PERLMUTTER. Then I would reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, just for the record, I think we are on even time about now that is left. Is that an indication, if I can engage with the gentleman, that he is through with his speakers?

Mr. PERLMUTTER. Yes. I don't have any other speakers. Somebody may come wandering in, and I may ask for your indulgence. But at this point, we don't have any speakers.

Mr. SESSIONS. I appreciate the engagement of the gentleman. We will go ahead and proceed and run through our speakers with an indication that he believes he is through at this time.

Madam Speaker, at this time, I would like to yield 3 minutes to the gentleman from Clarence, New York (Mr. LEE).

Mr. LEE of New York. I thank my friend from Texas for yielding.

I rise to strongly oppose the rule. I had offered an amendment to this measure that deals with one of the less-discussed aspects of the restructuring of the auto industry and, that is, the treatment of retirees. By now we all have heard the stories of workers who have given much of their lives to these companies, only to see their retirement benefits slashed or completely lost. But with Delphi Corporation, which is GM's largest parts supplier, we have an incredibly egregious case of inequity.

As part of the restructuring agreement, GM agreed to assume the pension benefits of Delphi's hourly workers, 100 percent guaranteed, while the salaried workers' pension liabilities will be turned over to the federally chartered Pension Benefit Guaranty Corporation. When these pensions are turned over to the PBGC, salaried retirees stand to lose up to as much as 70 percent of their pension payments.

□ 1130

So basically, we have two groups of employees who've worked side by side for the same company for decades, and being treated so differently by the government.

My view, and that of a number of Members on both sides of the aisle, is that it is fundamentally unfair, and it

will be incredibly damaging to these families, especially when, going back to the beginning of the year, these same retirees lost not only their health benefits but also their life insurance.

In the weeks since the decision has been announced, I have pursued all possible avenues to acquire information regarding how this inequitable decision was arrived at. And last week, I, along with 43 Democrats and Republicans representing 13 different States, requested that congressional hearings on this issue be held in both the House and in the Senate.

Now, the amendment I offered simply prevents funds from being allocated to the auto task force until all relevant data and documents pertaining to this matter are turned over. This is certainly an extraordinary step, but you and I, and all Americans, are now 60 percent owners of General Motors, and we have every right to use all tools at our disposal to get to the bottom of this travesty.

My amendment was not made in order, which is unfortunate. I have spoken with a number of these salaried retirees, and they recognize the need to make sacrifices in order to ensure a better economy over this long-term period that we're struggling through. They did not, however, sign up for having their benefits that they have earned, the benefits they counted on, being taken from them, and certainly not without a substantive explanation.

I urge my colleagues to vote down this rule and give the House an opportunity to stand up for hardworking Americans.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 3 minutes to the distinguished gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I have 3 minutes. I'd like to, if I can, on my time, engage the gentleman in a colloquy about the rule. I was told earlier that I was discussing an amendment, I'm sorry, a point of order on unfunded mandates so we couldn't really talk about the rule. But now we are talking about the rule, so I'd like to have some kind of window into the mind of the Rules Committee as to why certain amendments were allowed on an appropriation bill and certain amendments weren't. If I could engage the Member in a colloquy, I'd enjoy that.

Mr. PERLMUTTER. Madam Speaker, I will let the gentleman do a soliloquy. I am not going to enter into a colloquy.

Mr. FLAKE. I don't blame the Member for not wanting to talk about this. And I really feel for members of the Rules Committee that are forced to carry out the bidding of the leadership, because this clearly, this clearly is a decision from the top, this year, to declare martial law on appropriation bills and not allow Members of Congress to bring amendments to the floor under an open rule that we have traditionally, and this has been the hallmark of this institution—openness.

The gentleman from Ohio (Mr. LATOURETTE) mentioned that he'd been

in the Chair in previous years where, for 3 days we debated amendments to the Interior bill. Many of those amendments were amendments that I offered, some of which were uncomfortable to people on that side and on this side, earmark amendments or others. Yet, we did it for 3 days.

This party has said, the majority party now has said we can't take 3 days on that bill. Okay, then let's limit the time. So we agreed here; we have time limits already set for the Financial Services bill. I have 11 amendments that were made in order. I'll be asking unanimous consent later, when I offer my amendments, to swap a few of those amendments out to modify them to reflect the amendments that were offered by Members and were not allowed by the Rules Committee.

So it's not going to be an issue of time. We've settled the issue of time. It will tell us whether or not the majority party simply wants to muscle, not just this side of the aisle, but certain of their Members as well.

The gentleman from Michigan (Mr. STUPAK) stood up to oppose the rule because the amendment with regard to Federal funding for abortion was not allowed. That is one amendment that I will try to modify instead of one of mine, or have mine modified to reflect that amendment.

Again, it won't be an issue of time. The question will be, can or will—they can—will the majority allow that modification and allow that amendment to be offered. Under rules of unanimous consent, or under the rules of this body, under unanimous consent the majority party can agree to modify any amendment that is offered by a Member. And so it's not a question if they can. The question is if they will.

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

Mr. SMITH of New Jersey. Madam Speaker, Ms. NORTON earlier suggested that prohibiting funding for abortion, over which we have constitutional jurisdiction, is none of our affair. I would respectfully submit, Madam Speaker, defending innocent and inconvenient children, protecting them from violence, is always our affair.

Human rights, and the defense of human rights, protecting the weak and the most vulnerable, is always our affair. So I would respectfully ask Members to reject this rule.

Last week, President Obama told, of all people, the Pope, that he wanted to reduce abortion. Oh, really? This week, pursuant to Mr. Obama's 2010 budget policy request, the House is getting ready to reverse a longstanding pro-life policy that prohibits taxpayer funding for abortions except in the rare cases of rape, incest or to save the life of the mother.

Today's vote isn't just about whether pro-life Americans will be forced to subsidize dismembering unborn children to death, or paying to poison unborn children to death, or delivering

premature children to effectuate their destruction, children who are too immature to withstand life outside of the womb. Our vote today is also about government policies that are hurting women, abandoning women to the abortionists. We know that abortion hurts women. The evidence grows every day.

Retaining current law, and that's what the Lincoln Davis, Todd Tiahrt amendment would have done and should do if this rule goes down, actually reduces abortion. Some of my colleagues have already pointed this out. It couldn't be more clear. The evidence is in. When you deny funding for abortion, the numbers go down. So when President Obama says he wants to reduce abortions, the answer is to take away the public subsidy.

My friend on the other side said the bill restricts no Federal funds. We have jurisdiction over all the funds with regard to this issue. If we want to save a life, please don't use that kind of very thin and, I think, very shallow argument. Saving a life in the District of Columbia is no different than saving a life anywhere in the United States of America. These are our children. We need to protect and safeguard those children from the violence of abortion.

If you want to reduce abortion, Madam Speaker, and colleagues, don't subsidize it. The Guttmacher Institute, Planned Parenthood's research arm, has said that between 20 and 35 percent do not get abortions under the Medicaid program because of the Hyde amendment.

There are millions of children walking in America. There are thousands of children in the District of Columbia who today are enjoying their summer vacation, playing ball, having fun, getting ready to go back to school in late August and early September, because the subsidy was not there to effectuate their very painful demise through abortion.

Abortion is child abuse. It is violence against children. Vote "no" on this rule.

Mr. SESSIONS. Madam Speaker, this debate today, once again focuses on jobs, more spending by this Democrat majority, higher unemployment, more taxation, further government intrusion into the financial sector of this country. And we've heard about even some issues dealing with abortion that the gentleman, Mr. STUPAK, brought to this floor, that the gentleman, Mr. SMITH brought to this floor. So I'll be asking for a "no" vote on the previous question so that we can amend the rule to do it right, to go back to what essentially has been 200 years worth of open rules on appropriations.

There's no question that this rule the majority brings forth today will only cement the dangerous precedent that the majority is setting every single day.

Madam Speaker, it's so sad because no new Member of this body in the last session or this session has ever seen an

open rule. They're damaging bipartisanship in this body. It's sad.

I'll urge my colleagues to vote "no" on the previous question so that we can allow a free and open debate on appropriations bills and uphold the right of millions of Americans who've been gagged, not only by Speaker PELOSI, but the Rules Committee.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. SESSIONS. I urge a "no" vote on the previous question, a "no" vote on the rule, and once again, a demand from the Republican Party where we want to know where are the jobs that were promised, Madam Speaker.

I yield back the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I yield myself such time as I might consume to close.

First, to my friend from Oregon and his concern about the fairness doctrine, there is nothing in the bill that allows for the fairness doctrine. He was concerned about a smile that I had on my face because I remember when the gentleman brought the amendment last year and I supported his amendment. But there is nothing in the bill that provides for the fairness doctrine. And in effect, what he's trying to do is restrain something that doesn't exist. So that's point number one.

Point number two: to my friend from New Jersey, I respect his passion about abortion and his feelings about abortion. It is a very emotional and difficult discussion. But section 812 of the bill, at page 143, couldn't be more clear: None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered, or where the pregnancy is the result of an act of rape or incest.

So to those two specific points, I wanted to make my comments.

As to my friend from Texas and his closing argument, it simply doesn't hold water. The administration that preceded the Obama administration, the administration of George Bush, drove this country into a fiscal ditch. And it's going to take everything that we have to get out of that ditch. The banking system almost collapsed. Jobs were lost. Plants were closed. Businesses were shuttered. Homes were foreclosed. And it is with great effort, great energy that we are trying to reverse what occurred because of the reckless actions of that administration.

Under this bill, there is more money invested in the Small Business Administration to encourage and build and strengthen our small businesses which have been hurt by this recession. But that is the engine that will ultimately drive this economy. We need to get

small businesses back on their feet. That happens, in part, through this bill.

Secondly, we restore reasonable regulation to the marketplace, regulation that was denied and excluded under the prior administration. The Securities and Exchange Commission was, in effect, rendered neutral and neutered under the prior administration, exposing the country to gigantic Ponzi schemes like that conducted by Bernard Madoff.

We need to make sure that our Federal Trade Commission is fully funded so that it can protect consumers and businesses alike against unfair and deceptive trade practices. The Judiciary has to be staffed to handle all the bankruptcies that have occurred. The bill that is pending that we propose will assist the Federal Government in managing these affairs.

Finally, Mr. LATOURETTE's amendment concerning the auto dealers is an important portion of this bill, to give those who had franchises and were terminated improperly the right to get their franchise back and their dealerships open and going again, thereby saving jobs.

□ 1145

This is an important piece of legislation. This bill helps keep the government running, so providing the funds that exist in the bill is something that we must move forward on.

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

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 644 OFFERED BY MR. SESSIONS OF TEXAS

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion

except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

**THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS**

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

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

The yeas and nays were ordered.

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

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

- H.R. 1442, by the yeas and nays;
- H.R. 129, by the yeas and nays;
- H.R. 2188, by the yeas and nays;
- H.R. 409, by the yeas and nays;
- ordering the previous question on H. Res. 644, by the yeas and nays;
- adopting H. Res. 644, if ordered;
- H. Res. 543, by the yeas and nays.

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

**PROVIDING FOR SALE OF FEDERAL INTEREST IN SALT LAKE CITY LAND**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1442, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1442, as amended.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 548]  
YEAS—422

Abercrombie	Bilirakis	Buchanan	Cleaver	Holt	Mitchell
Ackerman	Bishop (GA)	Burgess	Clyburn	Honda	Mollohan
Aderholt	Bishop (NY)	Burton (IN)	Coble	Hoyer	Moore (KS)
Adler (NJ)	Bishop (UT)	Butterfield	Cohen	Hunter	Moore (WI)
Akin	Blackburn	Buyer	Cole	Inglis	Moran (KS)
Alexander	Blumenauer	Calvert	Conaway	Inslee	Moran (VA)
Altmire	Blunt	Camp	Connolly (VA)	Israel	Murphy (CT)
Andrews	Bocchieri	Campbell	Conyers	Issa	Murphy (NY)
Arcuri	Boehner	Cantor	Cooper	Jackson (IL)	Murphy, Patrick
Austria	Bonner	Cao	Costa	Jackson-Lee	Murphy, Tim
Baca	Bono Mack	Capito	Costello	(TX)	Murtha
Bachmann	Boozman	Capps	Courtney	Jenkins	Myrick
Bachus	Boren	Capuano	Crenshaw	Johnson (IL)	Nadler (NY)
Baird	Boswell	Cardoza	Crowley	Johnson, E. B.	Napolitano
Baldwin	Boucher	Carnahan	Cuellar	Johnson, Sam	Neal (MA)
Barrett (SC)	Boustany	Carney	Culberson	Jones	Neugebauer
Barrow	Brady (PA)	Carson (IN)	Cummings	Jordan (OH)	Nunes
Bartlett	Brady (TX)	Carter	Dahlkemper	Kagen	Nye
Barton (TX)	Brady (TX)	Cassidy	Davis (AL)	Kanjorski	Obey
Bean	Braley (IA)	Castle	Davis (CA)	Kaptur	Olson
Becerra	Bright	Castor (FL)	Davis (IL)	Kennedy	Olver
Berkley	Broun (GA)	Chaffetz	Davis (KY)	Kildee	Ortiz
Berman	Brown (SC)	Chandler	Davis (TN)	Kilpatrick (MI)	Pallone
Berry	Brown, Corrine	Chandler	Deal (GA)	Kilroy	Pascarell
Biggert	Brown-Waite,	Clarke	DeFazio	Kind	Pastor (AZ)
Bilbray	Ginny	Clay	DeGette	King (IA)	Paul
			Delahunt	King (NY)	Paulsen
			DeLauro	Kingston	Payne
			Dent	Kirk	Perlmutter
			Diaz-Balart, L.	Kirkpatrick (AZ)	Perriello
			Diaz-Balart, M.	Kissell	Peters
			Dicks	Klein (FL)	Peterson
			Doggett	Kline (MN)	Petri
			Donnelly (IN)	Kosmas	Pingree (ME)
			Doyle	Kratovil	Pitts
			Dreier	Kucinich	Platts
			Driehaus	Lamborn	Poe (TX)
			Duncan	Lance	Polis (CO)
			Edwards (MD)	Langevin	Pomeroy
			Edwards (TX)	Larsen (WA)	Posey
			Ehlers	Larson (CT)	Price (GA)
			Ellison	Latham	Price (NC)
			Ellsworth	LaTourette	Putnam
			Emerson	Latta	Quigley
			Engel	Lee (CA)	Radanovich
			Etheridge	Lee (NY)	Rahall
			Fallin	Levin	Rangel
			Farr	Lewis (CA)	Rehberg
			Fattah	Lewis (GA)	Reichert
			Filner	Linder	Reyes
			Flake	Lipinski	Richardson
			Fleming	LoBiondo	Rodriguez
			Forbes	Loeback	Roe (TN)
			Fortenberry	Lofgren, Zoe	Rogers (AL)
			Foster	Lowey	Rogers (KY)
			Fox	Luetkemeyer	Rogers (MI)
			Frank (MA)	Lujan	Rohrabacher
			Franks (AZ)	Lummis	Rooney
			Frelinghuysen	Lungren, Daniel	Ros-Lehtinen
			Fudge	E.	Roskam
			Gallely	Lynch	Ross
			Garrett (NJ)	Mack	Rothman (NJ)
			Gerlach	Maffei	Royal-Ballard
			Giffords	Maloney	Royce
			Gingrey (GA)	Manzullo	Ruppersberger
			Gonzalez	Marchant	Rush
			Goodlatte	Markey (CO)	Ryan (OH)
			Gordon (TN)	Markey (MA)	Ryan (WI)
			Granger	Marshall	Salazar
			Graves	Massa	Sanchez, Linda
			Grayson	Matheson	T.
			Green, Al	Matsui	Sanchez, Loretta
			Green, Gene	McCarthy (CA)	Sarbanes
			Griffith	McCarthy (NY)	Scalise
			Grijalva	McCauley	Schakowsky
			Guthrie	McClintock	Schauer
			Gutierrez	McCollum	Schiff
			Hall (NY)	McCotter	Schmidt
			Hall (TX)	McDermott	Schock
			Halvorson	McGovern	Schwartz
			Hare	McHenry	Scott (GA)
			Harman	McHugh	Scott (VA)
			Harper	McIntyre	Sensenbrenner
			Hastings (FL)	McKeon	Serrano
			Hastings (WA)	McMahon	Sessions
			Heinrich	McMorris	Sestak
			Heller	Rodgers	Shadegg
			Hensarling	McNerney	Shea-Porter
			Herge	Meek (FL)	Sherman
			Herseth Sandlin	Meeks (NY)	Shimkus
			Higgins	Melancon	Shuler
			Hill	Mica	Shuster
			Himes	Michaud	Simpson
			Hinche	Miller (FL)	Sires
			Hinojosa	Miller (MI)	Skelton
			Hirono	Miller (NC)	Slaughter
			Hodes	Miller, Gary	Smith (NE)
			Hoekstra	Miller, George	Smith (NJ)
			Holden	Minnick	Smith (TX)

Smith (WA)	Thornberry	Waters
Snyder	Tiahrt	Watson
Souder	Tiberi	Watt
Space	Tierney	Waxman
Speier	Titus	Weiner
Spratt	Tonko	Welch
Stark	Towns	Westmoreland
Stearns	Tsongas	Wexler
Stupak	Turner	Whitfield
Sullivan	Upton	Wilson (OH)
Sutton	Van Hollen	Wilson (SC)
Tanner	Velázquez	Wittman
Taylor	Visclosky	Wolf
Teague	Walden	Woolsey
Terry	Walz	Wu
Thompson (CA)	Wamp	Yarmuth
Thompson (MS)	Wasserman	Young (AK)
Thompson (PA)	Schultz	

## NOT VOTING—10

Coffman (CO)	Johnson (GA)	Schrader
Dingell	Lucas	Young (FL)
Eshoo	Oberstar	
Gohmert	Pence	

□ 1212

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COFFMAN of Colorado. Madam Speaker, on rollcall No. 548, I was unavoidably detained. Had I been present, I would have voted "yea."

Ms. ESHOO. Madam Speaker, I was not present during the rollcall vote No. 548 on July 16. I would have voted "yes."

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 16, 2009.

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

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Cathy Mitchell, Chief of the Elections Division of the California Secretary of State's office, indicating that, according to the unofficial returns of the Special Election held July 14, 2009, the Honorable Judy Chu was elected Representative to Congress for the Thirty-Second Congressional District, State of California.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER

(By Robert F. Reeves, Deputy Clerk).

Enclosure.

ELECTIONS DIVISION,  
STATE OF CALIFORNIA,  
Sacramento, CA, July 15, 2009.

Hon. LORRAINE C. MILLER,  
Clerk, House of Representatives, The Capitol,  
Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, July 14, 2009, for Representative in Congress from the Thirty-Second Congressional District of California, show that Judy Chu received 15,238 votes or 61.67% of the total number of votes cast for that office.

According to the unofficial results, Judy Chu has been elected as Representative in Congress from the Thirty-Second Congressional District of California.

To the best of the Secretary of State's knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by Los Angeles County, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

(For Cathy Mitchell, Chief,  
Elections Division).

## SWEARING IN OF THE HONORABLE JUDY CHU, OF CALIFORNIA, AS A MEMBER OF THE HOUSE

Mr. STARK. Madam Speaker, I ask unanimous consent that the gentlewoman from California, the Honorable JUDY CHU, be permitted to take the oath of office today.

Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

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

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the California delegation present themselves in the well. All Members will rise, and the Representative-elect will raise her right hand.

Ms. CHU appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 111th Congress.

□ 1215

## WELCOMING THE HONORABLE JUDY CHU TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. The gentleman from California (Mr. STARK) is recognized for 1 minute.

Mr. STARK. Madam Speaker, as the dean of the California delegation, it is my duty and a deep pleasure to introduce the newest addition to our delegation, Dr. JUDY CHU. The election of Dr. CHU is groundbreaking—not only because she's a Renaissance woman—she taught psychology at East Los Angeles Community College—but also because she's the first Chinese American woman ever to serve in Congress.

Dr. CHU's impressive record as an elected official goes back over a few years. She was elected to the Garvey School District's Board in 1985. She's held the title of mayor, city council-

woman, State assemblywoman and chair of the Assembly appropriations committee, vice chair of the California State Board of Equalization, and now a Member of Congress.

The causes she has championed over the years are as varied and important as the offices she has served in. As chair of the Assembly appropriations committee, she ensured that programs benefiting students, people with disabilities, and the elderly were properly funded. Her effectiveness extended to the Assembly floor, building coalitions to pass legislation that enhanced protections for victims of domestic violence, strengthened hate crime laws, and brought much-needed improvements to public school facilities.

Her experience as a professor, public servant, and advocate for families and the less fortunate will make her an important voice in this Congress. I know she's ready to hit the ground running.

Please join me in welcoming Dr. Chu to the House of Representatives.

I yield to the gentlewoman from California (Ms. Chu).

Ms. CHU. Speaker PELOSI and fellow Members of the House of Representatives, I'm so honored and humbled to be here in this great hall of Congress. I'm especially honored to follow in the footsteps of my mentor, Secretary of Labor Hilda Solis, whose support and encouragement I truly cherish.

I am proud to have been elected by a district of people in California, in the San Gabriel Valley in Los Angeles, that is diverse, that is working class, and that cares deeply about its senior centers, parks, and community centers.

They are anxious to ensure that their kids will have a job when they graduate from college, that they don't have to fear getting sick, and that they can be secure in staying in their homes. I look forward to working with you and making sure that this happens.

I want to thank my supporters for believing in me so strongly. And they are up there. I want to thank my family, my nieces—my family especially. My husband, Mike Eng.

It is at times like this when I think about my grandfather, who came to this country with nothing. He worked hard and opened up a small Chinese restaurant and working night and day, day and night, and he used that very expensive labor—his sons—to make ends meet. And now, two generations later, here I am.

America is truly the land of opportunity. I thank you all very much.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath of office to the gentlewoman from California (Ms. CHU), the whole number of the House is 434.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.



There was no objection.

LOS PADRES FOREST LAND  
CONVEYANCE

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 129, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 129, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 549]  
YEAS—422

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Billbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocchieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
    Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter

Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb  
Lofgren, Zoe  
Lowey  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
    E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan

NOT VOTING—11

Bachus  
Clay  
Hall (TX)  
Lucas

Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
    T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer

Pence  
Rush  
Schrader  
Sires

Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
    Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)

NOTICE OF INTENTION TO OFFER  
RESOLUTION RAISING A QUES-  
TION OF THE PRIVILEGES OF  
THE HOUSE

Mr. WALDEN. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Oregon, Mr. Walden submitted an amendment to the Committee on Rules to H.R. 3170, the Financial Services and General Government Appropriations Act;

Whereas the said gentleman's amendment would have protected the free speech rights of broadcasters and American citizens by prohibiting funds made available in the Act from being used to implement the Fairness Doctrine and certain broadcast localism regulations,

Whereas a similar amendment was adopted by the House in 2007 during consideration of H.R. 2829, the Financial Services and General Government Appropriations Act, 2008 by a vote of 309 yeas and 115 nays, and became law, but the Democratic leadership allowed the provision to expire;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process; but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for free speech on this Floor, and

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 644, the rule to accompany H.R. 3170, be amended to allow the gentleman from Oregon's amendment be considered and voted on in the Houses.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Oregon will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

JOINT VENTURES FOR BIRD HABITAT  
CONSERVATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.



bill, H.R. 2188, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2188, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 550]

YEAS—400

Abercrombie	Conyers	Hill
Ackerman	Cooper	Himes
Aderholt	Costa	Hinchey
Akin	Costello	Hinojosa
Alexander	Courtney	Hirono
Altmire	Crenshaw	Hodes
Andrews	Cuellar	Hoekstra
Arcuri	Culberson	Holden
Austria	Cummings	Holt
Baca	Dahlkemper	Honda
Bachmann	Davis (AL)	Hoyer
Bachus	Davis (CA)	Hunter
Baird	Davis (IL)	Inglis
Baldwin	Davis (KY)	Issa
Barrett (SC)	Davis (TN)	Jackson (IL)
Barrow	Deal (GA)	Jackson-Lee
Bartlett	DeFazio	(TX)
Becerra	DeGette	Jenkins
Berkley	Delahunt	Johnson (GA)
Berman	DeLauro	Johnson (IL)
Berry	Dent	Johnson, E. B.
Biggert	Diaz-Balart, L.	Johnson, Sam
Bilbray	Diaz-Balart, M.	Jones
Bilirakis	Dicks	Jordan (OH)
Bishop (GA)	Dingell	Kagen
Bishop (NY)	Doggett	Kanjorski
Bishop (UT)	Donnelly (IN)	Kaptur
Blackburn	Doyle	Kennedy
Blumenauer	Dreier	Kildee
Blunt	Driehaus	Kilpatrick (MI)
Boccheri	Duncan	Kilroy
Boehner	Edwards (MD)	King (IA)
Bonner	Edwards (TX)	King (NY)
Bono Mack	Ehlers	Kingston
Boozman	Ellison	Kirk
Boren	Ellsworth	Kirkpatrick (AZ)
Boswell	Emerson	Kissell
Boucher	Engel	Klein (FL)
Boustany	Eshoo	Kline (MN)
Boyd	Etheridge	Kratovil
Brady (PA)	Farr	Kucinich
Brady (TX)	Fattah	Lamborn
Bralley (IA)	Filner	Lance
Bright	Flake	Langevin
Broun (GA)	Fleming	Larsen (WA)
Brown (SC)	Forbes	Larson (CT)
Brown, Corrine	Fortenberry	Latham
Brown-Waite,	Fox	LaTourette
Ginny	Frank (MA)	Latta
Buchanan	Franks (AZ)	Lee (CA)
Burton (IN)	Frelinghuysen	Lee (NY)
Butterfield	Fudge	Levin
Buyer	Gallegly	Lewis (CA)
Calvert	Garrett (NJ)	Lewis (GA)
Camp	Gerlach	Linder
Campbell	Giffords	Lipinski
Cantor	Gingrey (GA)	LoBiondo
Cao	Gohmert	Loebsack
Capito	Gonzalez	Lofgren, Zoe
Capuano	Goodlatte	Lowe
Cardoza	Gordon (TN)	Luetkemeyer
Carnahan	Graves	Lujan
Carney	Grayson	Lummis
Carson (IN)	Green, Al	Lungren, Daniel
Cassidy	Green, Gene	E.
Castle	Griffith	Lynch
Castor (FL)	Grijalva	Mack
Chaffetz	Guthrie	Maffei
Chandler	Hall (NY)	Maloney
Childers	Hall (TX)	Manzullo
Chu	Hare	Marchant
Clarke	Harper	Markey (CO)
Clay	Hastings (FL)	Markey (MA)
Cleaver	Hastings (WA)	Marshall
Clyburn	Heller	Massa
Coble	Hensarling	Matheson
Coffman (CO)	Herger	Matsui
Cohen	Herseith Sandlin	McCarthy (CA)
Connolly (VA)	Higgins	McCarthy (NY)

McCaul	Platts	Skelton
McClintock	Poe (TX)	Slaughter
McCollum	Polis (CO)	Smith (NE)
McCotter	Pomeroy	Smith (NJ)
McDermott	Posey	Smith (WA)
McGovern	Price (GA)	Souder
McHenry	Price (NC)	Space
McHugh	Putnam	Speier
McIntyre	Quigley	Spratt
McKeon	Radanovich	Stark
McMorris	Rahall	Stearns
Rodgers	Rangel	Stupak
McNerney	Rehberg	Sullivan
Meek (FL)	Reichert	Sutton
Meeks (NY)	Reyes	Tanner
Melancon	Richardson	Taylor
Mica	Rodriguez	Teague
Michaud	Roe (TN)	Terry
Miller (FL)	Rogers (AL)	Thompson (CA)
Miller (MI)	Rogers (KY)	Thompson (MS)
Miller (NC)	Rogers (MI)	Thompson (PA)
Miller, Gary	Rohrabacher	Tiahrt
Miller, George	Rooney	Tiberi
Minnick	Ros-Lehtinen	Tierney
Mitchell	Roskam	Titus
Mollohan	Ross	Tonko
Moore (WI)	Rothman (NJ)	Towns
Moran (KS)	Roybal-Allard	Tsongas
Moran (VA)	Royce	Turner
Murphy (CT)	Ruppersberger	Rush
Murphy, Patrick	Rush	Upton
Murphy, Tim	Ryan (OH)	Van Hollen
Murtha	Ryan (WI)	Velazquez
Myrick	Salazar	Visclosky
Nadler (NY)	Salazar	Walden
Napolitano	Sanchez, Linda	Walz
Neal (MA)	T.	Wamp
Neugebauer	Sanchez, Loretta	Wasserman
Nunes	Sarbanes	Schultz
Nye	Scalise	Waters
Oberstar	Schakowsky	Watson
Obey	Schauer	Watt
Olver	Schiff	Waxman
Ortiz	Schmidt	Weiner
Pallone	Schock	Welch
Pascarella	Scott (GA)	Westmoreland
Pastor (AZ)	Scott (VA)	Wexler
Paul	Sensenbrenner	Whitfield
Paulsen	Sessions	Wilson (OH)
Payne	Sestak	Wilson (SC)
Perlmutter	Shadegg	Wittman
Perriello	Shea-Porter	Wolf
Peters	Sherman	Woolsey
Peterson	Shimkus	Wu
Petri	Shuler	Yarmuth
Pingree (ME)	Shuster	Young (AK)
Pitts	Simpson	
	Sires	

NOT VOTING—33

Adler (NJ)	Granger	Moore (KS)
Barton (TX)	Gutierrez	Murphy (NY)
Bean	Halvorson	Olson
Burgess	Harman	Pence
Capps	Heinrich	Schrader
Carter	Inslie	Schwartz
Cole	Israel	Serrano
Conaway	Kind	Smith (TX)
Crowley	Kosmas	Snyder
Fallin	Lucas	Thornberry
Foster	McMahon	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1240

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Madam Speaker, on rollcall No. 550, had I been present, I would have voted "yea."

Mr. McMAHON. Madam Speaker, on rollcall No. 550, H.R. 2188, had I been present, I would have voted "yea."

Mr. ADLER of New Jersey. Madam Speaker, on rollcall No. 550, had I been present, I would have voted "yea."

Mrs. HALVORSON. Madam Speaker, on rollcall No. 550, had I been present, I would have voted "yea."

LAS VEGAS MOTOR SPEEDWAY LAND CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 409, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 409, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 551]

YEAS—406

Abercrombie	Cassidy	Franks (AZ)
Ackerman	Castle	Frelinghuysen
Aderholt	Castor (FL)	Fudge
Adler (NJ)	Chaffetz	Gallegly
Akin	Chandler	Garrett (NJ)
Alexander	Childers	Gerlach
Altmire	Chu	Giffords
Andrews	Clarke	Gingrey (GA)
Arcuri	Clay	Gohmert
Austria	Cleaver	Gonzalez
Baca	Clyburn	Goodlatte
Bachmann	Coble	Gordon (TN)
Bachus	Coffman (CO)	Graves
Baird	Cohen	Grayson
Baldwin	Cole	Green, Al
Barrett (SC)	Connolly (VA)	Green, Gene
Barrow	Conyers	Griffith
Bartlett	Cooper	Grijalva
Bean	Costa	Guthrie
Becerra	Costello	Hall (NY)
Berkley	Courtney	Hall (TX)
Berman	Crenshaw	Halvorson
Berry	Crowley	Hare
Biggert	Cuellar	Harman
Bilbray	Cummings	Harper
Bilirakis	Dahlkemper	Hastings (FL)
Bishop (GA)	Davis (AL)	Hastings (WA)
Bishop (NY)	Davis (CA)	Heinrich
Bishop (UT)	Davis (IL)	Heller
Blackburn	Davis (KY)	Hensarling
Blumenauer	Davis (TN)	Herger
Blunt	Deal (GA)	Herseith Sandlin
Boccheri	DeFazio	Higgins
Boehner	DeGette	Hill
Bonner	Delahunt	Himes
Bono Mack	DeLauro	Hinchey
Boozman	Dent	Hinojosa
Boren	Diaz-Balart, L.	Hirono
Boswell	Diaz-Balart, M.	Hodes
Boucher	Dicks	Hoekstra
Boustany	Dingell	Holden
Boyd	Doggett	Holt
Brady (PA)	Donnelly (IN)	Honda
Brady (TX)	Doyle	Hoyer
Bralley (IA)	Dreier	Hunter
Bright	Driehaus	Inglis
Broun (GA)	Duncan	Inslie
Brown (SC)	Edwards (MD)	Israel
Brown, Corrine	Edwards (TX)	Issa
Brown-Waite,	Ehlers	Jackson (IL)
Ginny	Ellison	Jackson-Lee
Buchanan	Ellsworth	(TX)
Burton (IN)	Emerson	Jenkins
Butterfield	Engel	Johnson (GA)
Buyer	Eshoo	Johnson (IL)
Calvert	Etheridge	Johnson, E.B.
Camp	Fallin	Johnson, Sam
Campbell	Farr	Jones
Cantor	Fattah	Jordan (OH)
Cao	Filner	Kagen
Capito	Flake	Kanjorski
Capps	Fleming	Kaptur
Capuano	Forbes	Kildee
Cardoza	Fortenberry	Kilpatrick (MI)
Carnahan	Foster	Kilroy
Carney	Fox	Kind
Carson (IN)	Frank (MA)	King (IA)

King (NY) Mollohan  
 Kingston Moore (KS)  
 Kirk Moore (WI)  
 Kirkpatrick (AZ) Moran (KS)  
 Kissell Moran (VA)  
 Klein (FL) Murphy (NY)  
 Kline (MN) Murphy, Patrick  
 Kosmas Murphy, Tim  
 Kratovil Murtha  
 Kucinich Myrick  
 Lamborn Nadler (NY)  
 Lance Napolitano  
 Langevin Neal (MA)  
 Larsen (WA) Neugebauer  
 Larson (CT) Nunes  
 Latham Nye  
 Latta Oberstar  
 Lee (CA) Obey  
 Lee (NY) Ortiz  
 Levin Pallone  
 Lewis (CA) Pascrell  
 Lewis (GA) Pastor (AZ)  
 Linder Paul  
 Lipinski Paulsen  
 LoBiondo Payne  
 Loeb sack Perlmutter  
 Lofgren, Zoe Perriello  
 Lowey Peters  
 Luetkemeyer Peterson  
 Luján Petri  
 Lummis Pingree (ME)  
 Lungren, Daniel Pitts  
 E. Platts  
 Lynch Poe (TX)  
 Mack Polis (CO)  
 Maffei Pomeroy  
 Manzullo Price (NC)  
 Marchant Putnam  
 Markey (CO) Quigley  
 Markey (MA) Radanovich  
 Marshall Rahall  
 Massa Rangel  
 Matheson Rehberg  
 Matsui Reichert  
 McCarthy (CA) Reyes  
 McCarthy (NY) Richardson  
 McCaul Roe (TN)  
 McClintock Rogers (AL)  
 McCollum Rogers (KY)  
 McCotter Rogers (MI)  
 McDermott Rooney  
 McGovern Ros-Lehtinen  
 McHenry Roskam  
 McHugh Ross  
 McKeon Rothman (NJ)  
 McMahan Roybal-Allard  
 McMorris Royce  
 Rodgers Ruppertsberger  
 McNerney Rush  
 Meek (FL) Ryan (OH)  
 Meeks (NY) Ryan (WI)  
 Melancon Salazar  
 Mica Sánchez, Linda  
 T. Michaud  
 Miller (FL) Sanchez, Loretta  
 Miller (MI) Sarbanes  
 Miller (NC) Scalise  
 Miller, Gary Schakowsky  
 Miller, George Schauer  
 Minnick Schiff  
 Mitchell Schmidt

NOT VOTING—27

Barton (TX) Lucas  
 Burgess Maloney  
 Carter McIntyre  
 Conaway Murphy (CT)  
 Culberson Olson  
 Granger Oliver  
 Gutierrez Pence  
 Kennedy Posey  
 LaTourette Price (GA)

□ 1247

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3170, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 644, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 200, not voting 6, as follows:

[Roll No. 552]

YEAS—227

Abercrombie Giffords  
 Ackerman Gonzalez  
 Adler (NJ) Gordon (TN)  
 Altmore Grayson  
 Andrews Green, Al  
 Arcuri Green, Gene  
 Baca Grijalva  
 Bachus Gutierrez  
 Baird Hall (NY)  
 Baldwin Halvorson  
 Barrow Hare  
 Bean Harman  
 Becerra Hastings (FL)  
 Berkley Heinrich  
 Berman Herstein Sandlin  
 Bishop (GA) Higgins  
 Bishop (NY) Himes  
 Blumenauer Hinchey  
 Boswell Hinojosa  
 Boucher Hirono  
 Boyd Hodes  
 Brady (PA) Holden  
 Brady (IA) Holt  
 Brown, Corrine Honda  
 Butterfield Hoyer  
 Capps Inslee  
 Capuano Israel  
 Cardoza Jackson (IL)  
 Carnahan Jackson-Lee  
 Carney (TX)  
 Carson (IN) Johnson (GA)  
 Castle Johnson, E. B.  
 Castor (FL) Kagen  
 Chandler Kanjorski  
 Chu Kaptur  
 Clarke Kennedy  
 Clay Kilpatrick (MI)  
 Cleaver Kilroy  
 Clyburn Kind  
 Cohen Kirkpatrick (AZ)  
 Connolly (VA) Kissell  
 Conyers Klein (FL)  
 Costa Kosmas  
 Courtney Kratovil  
 Crowley Kucinich  
 Cuellar Langevin  
 Cummings Larsen (WA)  
 Davis (AL) Larson (CT)  
 Davis (CA) Lee (CA)  
 Davis (IL) Levin  
 Davis (TN) Lewis (GA)  
 DeFazio Lipinski  
 DeGette Loeb sack  
 Delahunt Lofgren, Zoe  
 DeLauro Lowey  
 Dicks Luján  
 Doggett Lynch  
 Doyle Maffei  
 Edwards (MD) Maloney  
 Edwards (TX) Markey (CO)  
 Ellison Markey (MA)  
 Engel Marshall  
 Eshoo Massa  
 Etheridge Matheson  
 Farr Matsui  
 Fattah McCarthy (NY)  
 Filner McCollum  
 Foster McDermott  
 Frank (MA) McGovern  
 Fudge McMahan  
 Meek (FL) Meek (FL)

Van Hollen  
 Velázquez  
 Visclosky  
 Walz  
 Wasserman  
 Schultz

Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch

Wexler  
 Wilson (OH)  
 Woolsey  
 Wu  
 Yarmuth

NAYS—200

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

Fox  
 Franks (AZ)  
 Frelinghuysen  
 Gallegly  
 Garrett (NJ)  
 Gerlach  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Granger  
 Graves  
 Griffith  
 Guthrie  
 Hall (TX)  
 Harper  
 Hastings (WA)  
 Heller  
 Hensarling  
 Herger  
 Hill  
 Hoekstra  
 Hunter  
 Inglis  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 Kildee  
 King (IA)  
 King (NY)  
 Kingston  
 Kirk  
 Kline (MN)  
 Lamborn  
 Lance  
 Latham  
 Capito  
 Carter  
 Cassidy  
 Chaffetz  
 Childers  
 Coble  
 Coffman (CO)  
 Cole  
 Conaway  
 Costello  
 Crenshaw  
 Culberson  
 Dahlkemper  
 Davis (KY)  
 Deal (GA)  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dingell  
 Donnelly (IN)  
 Dreier  
 Driehaus  
 Duncan  
 Ehlers  
 Ellsworth  
 Emerson  
 Fallin  
 Flake  
 Fleming  
 Forbes  
 Fortenberry

Minnick  
 Mitchell  
 Moran (KS)  
 Murphy, Tim  
 Myrick  
 Neugebauer  
 Nunes  
 Nye  
 Oberstar  
 Olson  
 Ortiz  
 Paul  
 Paulsen  
 Peterson  
 Petri  
 Pitts  
 Platts  
 Poe (TX)  
 Posey  
 Putnam  
 Radanovich  
 Rehberg  
 Reichert  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Royce  
 Ryan (WI)  
 Scalise  
 Schmidt  
 Schock  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Skelton  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Souder  
 Stearns  
 Stupak  
 Sullivan  
 Tiahrt  
 Tiberi  
 Thornberry  
 Turner  
 Upton  
 Walden  
 Wamp  
 Westmoreland  
 Whitfield  
 Wilson (SC)  
 Wittman  
 Wolf  
 Woolsey  
 Wu  
 Yarmuth  
 Young (AK)

NOT VOTING—6

Lucas Price (GA) Sherman  
 Pence Schrader Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1254

Mr. ROYCE changed his vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 216, nays 213, not voting 5, as follows:

[Roll No. 553]

YEAS—216

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

NAYS—213

Aderholt	Barrett (SC)	Blackburn
Akin	Bartlett	Blunt
Alexander	Barton (TX)	Bocieri
Altmire	Biggart	Boehner
Austria	Bilbray	Bonner
Bachmann	Bilirakis	Bono Mack
Bachus	Bishop (UT)	Boozman

Boren	Hall (TX)	Neugebauer
Boustany	Harper	Nunes
Brady (TX)	Hastings (WA)	Nye
Bright	Heller	Oberstar
Broun (GA)	Hensarling	Olson
Brown (SC)	Herger	Paul
Brown-Waite,	Hill	Paulsen
Ginny	Hoekstra	Perriello
Buchanan	Holden	Peterson
Burgess	Hunter	Petri
Burton (IN)	Inglis	Pitts
Buyer	Issa	Platts
Calvert	Jenkins	Poe (TX)
Camp	Johnson (IL)	Posey
Campbell	Johnson, Sam	Putnam
Cantor	Jones	Radanovich
Cao	Jordan (OH)	Rahall
Capito	Kanjorski	Rehberg
Carney	Kildee	Reichert
Carter	King (IA)	Roe (TN)
Cassidy	King (NY)	Rogers (AL)
Castle	Kingston	Rogers (KY)
Chaffetz	Kirk	Rogers (MI)
Childers	Kirkpatrick (AZ)	Rohrabacher
Coble	Kline (MN)	Rooney
Coffman (CO)	Lamborn	Ros-Lehtinen
Cole	Lance	Roskam
Conaway	Latham	Ross
Costello	LaTourette	Royce
Crenshaw	Latta	Ryan (WI)
Culberson	Lee (NY)	Scalise
Dahlkemper	Lewis (CA)	Schmidt
Davis (AL)	Linder	Schock
Davis (KY)	Lipinski	Sensenbrenner
Davis (TN)	LoBiondo	Sessions
Deal (GA)	Luetkemeyer	Shadegg
Dent	Lummis	Shimkus
Diaz-Balart, L.	Lungren, Daniel	Shuler
E.		Shuster
Donnelly (IN)	Mack	Simpson
Doyle	Manzullo	Skelton
Dreier	Marchant	Smith (NE)
Driehaus	Marshall	Smith (NJ)
Duncan	McCarthy (CA)	Smith (TX)
Ehlers	McCaul	Souder
Ellsworth	McClintock	Stearns
Emerson	McCotter	Stupak
Fallin	McHenry	Sullivan
Flake	McHugh	Taylor
Fleming	McIntyre	Terry
Forbes	McKeon	Thompson (PA)
Fortenberry	McMorris	Thornberry
Fox	Rodgers	Tiahrt
Franks (AZ)	Melancon	Tiberi
Frelinghuysen	Mica	Turner
Gallegly	Michaud	Upton
Garrett (NJ)	Miller (FL)	Walden
Gerlach	Miller (MI)	Wamp
Gingrey (GA)	Miller, Gary	Westmoreland
Gohmert	Mitchell	Whitfield
Goodlatte	Mollohan	Wilson (OH)
Granger	Moran (KS)	Wilson (SC)
Graves	Murphy, Tim	Wittman
Griffith	Murtha	Wolf
Guthrie	Myrick	Young (AK)

NOT VOTING—5

Lucas	Price (GA)	Young (FL)
Pence	Schrader	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1305

Messrs. PETERS and DINGELL changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. PRICE of Georgia. Madam Speaker, on rollcall Nos. 552 and 553, I was inadvertently detained. Had I been present, I would have voted “nay” on rollcall Nos. 552 and 553.

#### PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. WESTMORELAND. Was the last vote held open to change the outcome of the vote?

The SPEAKER pro tempore. The vote was open for the minimum duration under the rule.

Mr. WESTMORELAND. I'm sorry, the House was not in order, and I did not hear your answer. I'm sorry.

The SPEAKER pro tempore. The vote lasted for the minimum period required.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. WESTMORELAND. Madam Speaker, I know that at times we hold the vote open to make sure that everyone has a chance to vote. In the last vote, approximately 24 more people voted than had voted in the previous vote 5 minutes earlier. So what was the reason for leaving the vote open when clearly the outcome was changed by the vote being held open and people changing their vote?

The SPEAKER pro tempore. The vote lasted for the required minimum period.

Mr. WESTMORELAND. What is that minimum time?

The SPEAKER pro tempore. That vote was a minimum 5-minute vote.

Mr. WESTMORELAND. That was a minimum 5-minute vote?

Further parliamentary inquiry, what is the max time?

The SPEAKER pro tempore. There is no maximum time.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

#### SUPPORTING HOME SAFETY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 543, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. HALVORSON) that the House suspend the rules and agree to the resolution, H. Res. 543.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 9, answered “present” 3, not voting 5, as follows:

[Roll No. 554]

YEAS—416

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

Napolitano  
 Neal (MA)  
 Neugebauer  
 Nunes  
 Nye  
 Oberstar  
 Obey  
 Olson  
 Oliver  
 Ortiz  
 Pallone  
 Pascrell  
 Pastor (AZ)  
 Paulsen  
 Payne  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Petri  
 Kissell  
 Pingree (ME)  
 Pitts  
 Platts  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (GA)  
 Price (NC)  
 Putnam  
 Quigley  
 Radanovich  
 Rahall  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Roskam  
 Ross

Rothman (NJ)  
 Roybal-Allard  
 Royce  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Salazar  
 Sánchez, Linda  
     T.  
 Sanchez, Loretta  
 Sarbanes  
 Scalise  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schock  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Serrano  
 Sessions  
 Sestak  
 Shea-Porter  
 Sherman  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Sires  
 Skelton  
 Slaughter  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Souder  
 Space  
 Speier  
 Spratt  
 Stark  
 Stearns  
 Stupak

Sullivan  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Turner  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walden  
 Walz  
 Wamp  
 Wasserman  
     Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Westmoreland  
 Wexler  
 Whitfield  
 Wilson (OH)  
 Wilson (SC)  
 Wittman  
 Wolf  
 Woolsey  
 Wu  
 Yarmuth  
 Young (AK)

NAYS—9

Blackburn Lee (NY) Rooney  
 Flake Lummis Sensenbrenner  
 Kingston Paul Shadegg

ANSWERED "PRESENT"—3

Gohmert Issa Poe (TX)

NOT VOTING—5

Lucas Rangel Young (FL)  
 Pence Schrader

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1314

Mr. POE of Texas changed his vote from "yea" to "present."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. GOHMERT. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. GOHMERT. Madam Speaker, we just voted on H. Res. 543. I voted present because I was confused. This indicates that we are designating June as Home Safety Month. By designating the month that just passed as Home Safety Month, would this be an ex post facto law that would be prohibited by the Constitution?

The SPEAKER pro tempore. The Chair cannot construe the measure.

Mr. GOHMERT. I understand it is confusing to you as well. But were we designating the month just passed as Home Safety Month?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. GOHMERT. Well, I thought the question mark on the end might have helped it become one. But anyway, I understand it is confusing to the Chair, so I guess no answer is an answer.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GENERAL LEAVE

Mr. SERRANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 3170.

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

There was no objection.

□ 1315

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 644 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3170.

□ 1316

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, with Mr. HASTINGS of Florida in the chair.

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

The gentleman from New York (Mr. SERRANO) and the gentlewoman from Missouri (Mrs. EMERSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

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

I am pleased to rise in support of the Financial Services and General Government 2010 appropriations bill, which includes total funding of \$24.150 billion.

This is a bill that we worked on cooperatively with our ranking member, JO ANN EMERSON, and I want to thank her for her work that she has put into this bill, for her friendship and her all around goodwill. We had helpful input from our subcommittee members and a productive full committee markup where all members had an opportunity to offer amendments and to have them debated and considered.

This is a bill that we, as a Congress, can be proud of. The agencies that this

bill funds touch the lives of all of us, and the funding is directed to those programs where we believe the American people will derive the most benefit.

You have had a chance to look at the bill and report and to see the specifics of how the money for the 2010 fiscal year have been allocated so, in the interest of time, I'm not going to present a lot of detail regarding each program and agency. Instead, I would like to briefly highlight the five important themes that were addressed throughout this bill.

The first of these is rebuilding the regulatory agencies designed to protect investors, consumers and taxpayers. A significant increase of \$76 million above 2009 is provided for the Securities and Exchange Commission. This is the agency that combats financial manipulation, fraud and deceptive practices. It has not been vigilant enough in executing these duties in the past few years. The increase provided will allow the SEC to hire approximately 140 new employees to strengthen their oversight capacity.

In addition, the Federal Trade Commission, which protects consumers in financial matters, will receive \$33 million more than in 2009.

The Consumer Product Safety Commission, which plays an important safety role in our product decisions, will also receive increased funding.

Funding is strengthened for several of the Inspector General offices included in our bill that are charged with making sure that regulatory and financial agencies are doing what they're supposed to do.

With regard to the Troubled Assets Relief Program, TARP, the bill requires the Treasury Department to provide reports so that we know how Treasury is addressing those parts of the financial crisis over which it has been given oversight responsibilities.

A second major theme of the bill is to make sure capital and other assistance gets to small businesses and low-income communities, not just to large businesses and the wealthy. Funding increases are directed to the two key agencies which play important roles in this area. The Small Business Administration receives \$236 million more than last year, and the Community Development Financial Institutions Fund receives \$137 million more than in 2009.

Our third priority of supporting equitable and efficient administration of justice in the Federal courts is met by well-directed funding increases that allow our courts to keep up with the costs and growing workloads.

The fourth theme is to provide for fair and effective collection of taxes. Full funding is provided for the President's request for the IRS, which includes a substantial increase for tax enforcement to close the gap between taxes owed and taxes paid. We also help our taxpayers meet their responsibility by including resources for the IRS to provide assistance in person, over the phone, and on the IRS Web site.

Our final priority is to meet our obligations to the Nation's Capital City, Washington, D.C., by including payments to address high-priority needs. We reduce undue interference in local affairs by dropping numerous restrictions on the District that do not apply to other parts of the Nation. For example, we dropped the prohibition on use of local D.C. tax funds for abortion, thereby putting the District in the same position as the 50 States by leaving that decision up to the elected government of the District of Columbia.

Beyond these five priority areas, our bill touches the lives of Americans in other ways as well. For example, we assist American farmers by clarifying language from last year's bill regarding trade with Cuba and the requirement for payment of "cash in advance." We also provide increased funding for Drug-Free Communities coalitions who work to reduce problems of youth drug abuse in their neighborhoods and communities.

Before I conclude, I would like to thank staff on both sides of the aisle who have made tremendous contributions to this process. All the staff, both majority and minority, have worked long hours with dedication, and I would like to extend my personal thanks.

So let me end by saying that I believe this is a good bill that merits your support. It directs funding to improve the services that our government agencies provide to our constituents as they invest their savings, purchase products, start small businesses and pay taxes. It addresses the needs of our courts and our Nation's Capital City. I would ask for your vote in favor of its passage.

I reserve the balance of my time.

Mrs. EMERSON. I yield myself such time as I may consume.

Mr. Chairman, since this is the first bill I'm managing on the floor as ranking member of the Financial Services Subcommittee, I'd like to say for the record how honored I am to have this position.

The economic challenges facing our Nation demand that the contents of the Financial Services Appropriations bill be deliberately laid out and carefully structured. The subcommittee has jurisdiction over a diverse group of agencies which regulate the financial and telecommunications industries, collect taxes and provide taxpayer assistance, support the operations of the White House, the Federal Judiciary, and the District of Columbia, manage Federal buildings and provide oversight of the Federal workforce.

I want to commend Chairman SERRANO for his efforts in crafting the bill. It has been a real privilege and pleasure to work with him. And while we don't always agree, he has been very open to concerns and issues raised by Members on our side of the aisle. I thank the chairman for his commitment to bipartisanship and for listening to the minority views.

I also want to thank the majority staff who worked on this bill, including

the Clerk, David Reich, Bob Bonner, Karyn Kendall, Lee Price, Andria Oliver, Ed O'Kane, Alex Jobal and Nadine Berg. I also have to commend the members of the minority staff. John Martens, Alice Hogans, Dena Baron, and my staff, Justin Rone and Jeffrey Connor, who have all been extremely dedicated to putting the best possible product forward from the subcommittee. On both sides, these staff members worked very hard for the committee and the American people, and I appreciate their efforts.

While I've been pleased to have a wonderful working relationship this year with Chairman SERRANO, I am disappointed by the fact that we're not doing what our constituents have asked us to do, and that is to work together in a totally bipartisan way at the full committee level to make the lives of our constituents better.

For example, the rule for consideration of the bill limits debate to 17 amendments, and I believe that 97 were submitted to the Rules Committee. This rule, then, doesn't, the rule governing the debate here, did not display bipartisanship or regular order because we had colleagues who want today offer amendments about which they felt very strongly, saving taxpayer money by taking extra returned TARP money and putting it toward the deficit, people who felt very strongly about the D.C. public school systems, and the like. But it's troubling that they weren't able to offer their very substantive amendments, amendments which our constituents feel very strongly about.

I do urge my colleagues to support a process where every Member has the opportunity to have his or her voice heard on the floor of the House.

Now, let me turn to the bill before us today. The \$24.15 billion allocation provided to the subcommittee is much too large. It's a 7 percent, or \$1.6 billion increase above the current year, excluding stimulus funding. This allocation allows most agencies in the bill to be funded at or above the rate of inflation. I believe the resource requirements of the agencies funded in the bill can be met with a smaller allocation. Especially at a time when every household in America faces difficult budgetary choices, Congress must be diligent when spending the taxpayers' money. The Federal Government, in this bill, is growing at an incredible rate at a time when employers who I represent in the district have cut jobs, and when people are really hurting. They're making the tough choices, and we really should too, as an example to them.

The Congressional Budget Office concedes that, "Under current law the Federal budget is on an unsustainable path—meaning that the Federal debt will continue to grow much faster than the economy over the long run."

This bill primarily funds government agency operating accounts. It doesn't support programs or grants, and doesn't represent a commitment to fiscal sustainability. In short, this bill

provides a 7-percent increase which goes straight to the bureaucracy's bottom line. We're not making the tough decisions the American people feel we should consider at a crucial time for our Nation's economy.

The administration's own budget documents state that the Federal debt held by the public will be 68.5 percent of gross domestic product by 2014. This is the highest percentage of Federal debt to GDP since 1950, the year that I was born.

That said, using the allocation provided to him, Chairman SERRANO has done an outstanding job of crafting this bill. I'm grateful that the bill provides increases to critical programs such as the Financial Crimes Enforcement Network, the Treasury Terrorism and Financial Intelligence Programs, and Tax Preparation Assistance Grants.

I also support the proposed reduction in the ONDCP's media campaign in order to provide additional resources to the Drug-Free Communities program and the High Intensity Drug Trafficking Areas program.

I'm pleased the bill provides \$74 million for D.C. education programs, including \$42 million to D.C. public schools. My stepdaughter currently teaches in a District public school, and her reports, along with the Adequate Yearly Progress measurements, indicate dramatic improvements need to be made before every D.C. school is offering the opportunity that children in D.C. deserve.

In the meantime, this bill does not eliminate the Opportunity Scholarships program, but it does restrict the program to students already enrolled in it.

How can we limit educational opportunities for low-income students when we know the public school system is underperforming?

Regarding the General Services Administration, I am grateful that the chairman has included language directing a review of the GSA supply schedule. In just one example of the need for this review, the Department of Homeland Security has identified \$42 million of savings over 5 years by no longer using the GSA to purchase office supplies. We want to try to improve the GSA supply procurement process so that this savings can be replicated throughout all government departments and agencies.

□ 1330

I also support the GSA construction and alteration projects funded in the bill. I don't usually have positive things to say about GSA construction and alteration accounts, but I will say that the chairman has done an excellent job in crafting the bill that funds justifiable projects.

I also want to thank the chairman for including language clarifying the congressional intent regarding the cash-in-advance policy in the sale of agricultural and medical supplies to

Cuba. This clarification will help American producers expand their markets in a significant neighboring export market.

One area of the bill that I believe has received an excessive level of funding is payments under the Help America Vote Act. There is no question that we are obligated to provide for free and fair elections. It's a hallmark of our democracy, and we must always work to safeguard the electoral process. However, the administration justifiably proposed to cut this particular program to \$50 million because the States aren't spending the funds that have been provided in the past years. The account contains a surplus of \$186 million today. This bill needlessly adds \$100 million to this underused account.

The Election Assistance Commission is waiting for the States to claim the 2008 and 2009 grant funds. Of the \$115 million provided in fiscal year 2008, only \$25 million has been claimed by the States. Of the fiscal year 2009 funds, \$100 million, only \$3 million has been paid to two States.

Another area of the bill that deeply concerns me is controversial changes to longstanding general provisions regarding the District of Columbia. I strongly oppose these changes. I do not believe that increasing the availability of abortions or medical marijuana will improve the quality of life in the District of Columbia.

As you see, Mr. Chairman, this bill is very controversial. Not only does the proposed bill spend more than \$24 billion, but it proposed to change longstanding policies on which Members on both sides of the aisle have long agreed. This is why the bill should be considered in regular order.

We recognize that operating under an open rule is grueling, long, hard work, and we've done it that way for years and years, at least as long as I have been on this committee. At the same time, we believe that the responsible regular functioning of this institution is important, especially on spending measures that demand the full attention of the Congress because they have the full attention of the American people.

In conclusion, Mr. Chairman, while I have some reservations regarding this bill and I'm disappointed that it's not being debated so that all Members could be heard, I would again like to thank Chairman SERRANO for his openness and his friendship.

I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I would like to yield 3 minutes to the chairman of the full committee and the most famous Chicago Cubs fan in the Nation, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I think George will dispute that fact.

Mr. Chairman, this bill is a key part of efforts to restore the stability of, and public confidence in, America's financial institutions. For example, with the Securities and Exchange Commis-

sion, this bill strengthens its ability to enforce rules that govern investments and financial markets and detect and prosecute fraudulent schemes. Under the Federal Trade Commission allocation, it strengthens the FTC's capacity to protect consumers and combat anti-competitive behavior and prosecute unfair and deceptive practices in areas such as foreclosure and credit repair services.

With respect to the Treasury Inspector General, it provides \$30 million to help the Inspector General perform mandated reviews in cases where bank failures or other circumstances caused losses for the deposit insurance fund. It also provides a substantial amount of funding, \$387 million more than 2009, to target wealthy individuals and businesses who avoid U.S. taxes by parking money in overseas tax havens.

I think those are four good reasons to vote for the bill.

I also want to speak just for a moment to the LaTourette amendment. That amendment simply is an effort to try to find a way to give auto dealers across the country an opportunity to have a decent review process, a decent appeals process, given the fact that GM and Chrysler have set up their own arbitrary process to shut them down.

I would point out the majority of Members of this House are sponsors of similar legislation, and I would also suggest this. This Congress has provided \$60 billion in funding to the auto industry. I think to suggest that somehow they have been abused because the Congress is trying to provide some efforts to help local auto dealers get a better understanding of what is happening to them is, in my view, off the point.

In addition to the \$60 billion we provided those auto companies, we've also provided increased Federal purchases of automobiles to try to get rid of their backlog. We've provided the Cash for Clunkers provision which they wanted to see passed, and we provided \$2 billion in research funding to help the auto industry develop new technology. I hardly think that they have been underprivileged in terms of their treatment by this Congress.

So I would simply say before people get too exercised about the LaTourette amendment, I don't think anybody expects that language to survive intact. What we do want is to see that language used as an opportunity to get the auto dealers and the auto companies to sit down and work out a better appeals process so that you don't have some significantly profitable auto dealers at the local level being unnecessarily put out of business. That means job losses in virtually every county in this district, and I don't think we have an obligation to support that.

Mrs. EMERSON. I now yield 3 minutes to a fellow subcommittee member and a very hardworking member from Texas (Mr. CULBERSON).

Mr. CULBERSON. I thank the gentle-

A wise friend, a local historian pointed out to me the city council makes decisions that can affect you for the next month, the next week, State legislatures make decisions that may affect you the next year, but the United States Congress makes decisions that will affect the next generation and for many years to come. And so we, all of us, take very seriously our obligation here to work together to find solutions to the problems that face the Nation, to protect what is great about America. And this committee has done so, all of us on the committee, regardless of our core principles, the districts we work for, represent, trying to find areas we can work together.

And I want to thank Chairman SERRANO, our full committee chairman, Mr. OBEY, for example, finding areas to work together with our superb ranking member, Mrs. EMERSON, to find common ground on important areas. I want to thank the chairman for accepting the amendment that Mr. LATOURETTE offered that we all support to protect car dealers from being arbitrarily shut down and enforcing State franchise laws, for accepting the amendment to get information from the White House on whether or not foreign combatants captured on foreign battlefields are actually being read Miranda rights.

I want to thank the committee chairman for agreeing as we work together to try to get the Supreme Court to open up their oral arguments to disclosure on the Internet.

But when it comes to the financial solvency and security of the Nation, there are profound differences of opinion between those of us who are fiscally conservative and the fiscally liberal majority. We, this week, saw the deficit exceed a trillion dollars for the first time on the same day that the majority laid out a government takeover of the health care industry, what would be the largest tax increase in the history of America, the week after the liberal majority passed the largest tax increase in the history of the country on energy. The energy tax that this majority passed will affect everyone in America and hammer the private sector unless you're Amish. I think the Amish are the only people that come out okay under that energy tax.

And don't forget this liberal majority is going to allow the Bush tax cuts to expire 12 months from this coming January 1. When you combine all of those things together, the New York Post points out today that in New York City the tax rate would get to about 58 percent.

So there is a profound difference in us as fiscal conservatives and the direction that the liberal, fiscally liberal majority is taking us.

I offered an amendment in committee, which the majority denied, that all money refunded by TARP recipients had to go to pay down the deficit. That amendment was rejected. We keep searching, as fiscally conservative

Members in the minority, we keep searching for ways to keep money. Is there any cut that this liberal majority would accept? We haven't seen it yet. We've offered every cut we can imagine, from little ones to big ones. Nothing is accepted.

This Congress is spending more money in less time than any Congress in history. It's irresponsible. It's dangerous. This endangers the national security of the country, and there should be no more spending, no more debt, no new taxes.

Mr. SERRANO. Mr. Chairman, I would like to yield 2 minutes to the dean of the House, the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Chairman, I begin by thanking my good friend from New York and the distinguished chairman of the full committee for their kindness and their graciousness in making this time available.

I have rarely voted against the rule and rarely voted against the previous question. I am very much troubled by what we see happening here today. I recognize the goodwill of the gentleman from New York and the gentleman from Wisconsin, but I would observe that we are playing with fire here.

My friend from Wisconsin mentioned billions of dollars we've made available to the auto industry. He's correct. We have. Now the question is do we, by what we are doing here with regard to the auto dealers, jeopardize those expenditures and jeopardize the well-being of our auto industry? That is what is at stake here.

This is a serious matter. If the auto industry goes down because we have taken sides in a quarrel between the auto industry and the dealers, we will have destroyed not only the dealers that complain but all of the other dealers and all of the people who work for the auto industry, who are associated with it, all of the suppliers. Frankly, we are playing with fire here.

I recognize that there is the intention to use this as a lever to help the dealers, and I applaud that. But I think that this is the wrong lever, the wrong time, and the wrong way to use this kind of lever.

The result of this playing with fire can be a serious disaster which we visit upon ourselves, upon the auto industry, upon all of those who are dependent upon it. And I would urge my colleagues in dealing with this to be exquisitely careful with this kind of exercise because it imposes upon all of us and upon the Nation an incredible level of danger which I hope will be avoided, and we are now putting ourselves in a position where all of the good that has been done to try and preserve this important auto industry is being put at risk.

Mr. Chair, it is with sadness and great dismay that I rise in opposition to H.R. 3170, the

"Financial Services and General Government Appropriations Act of 2010." The bill's legislative language, which would force auto manufacturers that have received federal funding to reinstate terminated dealer franchises, has the grave potential to do significant harm to the already suffering national economy. Thanks to the timely intervention of the Administration and extraordinarily speedy bankruptcies, Chrysler and General Motors (GM) are once again on the path toward viability. Nevertheless, section 745 of this bill threatens to undo the delicately wrought restructurings achieved in bankruptcy court for both companies and could very well bring about their collapse. Should section 745 become law, I fear far more dealers, not to mention auto suppliers and other ancillary businesses, would be forced to close than would have otherwise under Chrysler's and GM's original dealer termination plans. Although I recognize that both companies, particularly Chrysler, did a poor job in achieving dealer rationalization, it remains my strong preference to resolve this matter outside of statute. I urge my colleagues to take heed of this warning.

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

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

Mr. LATOURETTE. I thank the gentlewoman for yielding.

Mr. Chairman, I have nothing but the highest regard for the dean of the House. As a matter of fact, when I was elected in 1994, my mentor, Ralph Regula, said, When you grow up, you need to be like JOHN DINGELL.

And in this particular instance, however, I thought I was going to disagree with his remarks, but I couldn't agree with him more. And I would assure him, as the author of the amendment in this bill and also from observing Mr. MAFFEI and the majority leader as they move legislation in a different path, that everybody understands the gravity of this situation. But without exerting this lever, we're going to have a crisis in this country, and an economic recovery will not be possible if we continue to throw people out of work.

The use of expedited bankruptcy proceedings by the automotive task force in connection with the two car companies has caused the extinguishment of State franchise laws and rights that have affected all of the dealers that are listed on this chart: 789 for Chrysler, 2,600 for General Motors. About 60 people work at each dealership. This stroke of the pen, this saying that this is the way we're going to go to get General Motors and Chrysler out of trouble on top of the \$60 billion that Mr. OBEY talked about is going to throw over 200,000 people out of work.

I am grateful to the chairman of the full committee, Mr. OBEY, and the chairman of the subcommittee, Mr. SERRANO, for accepting this amendment and also going to the Rules Committee and protecting it from potential point of order.

And the proof is in the pudding on the car companies. The car companies



submitted reorganization plans on February 17 that didn't contemplate the closing of as many plants, the firing of as many people, nor the closing of the dealerships. The auto task force, according to testimony by Mr. Bloom, the new head of the task force, before the Senate said they pushed back. The task force said to the car companies, you're not being aggressive enough because you haven't closed enough plants, you're not being aggressive enough because you haven't fired enough people, you're not being aggressive enough because you haven't closed enough dealerships, and so now we're left with what we're left with.

As a result, if the crocodile tears that we now hear from Detroit are to be believed, if they really thought this was the way to go, to close down people that are making money for them and don't cost them any money, they would have, on February 17, said, This is our plan. They didn't do it until May, and as a result, 200,000 people are going to lose their job.

□ 1345

Mr. SERRANO. I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES) for the purpose of a colloquy.

Mr. SARBANES. I want to thank the chairman for his leadership, Chairman Serrano, on this bill, for giving me the opportunity to speak on an important issue impacting my district.

The District of Columbia operates a juvenile detention facility named New Beginnings in Anne Arundel County, Maryland, which is in my district. Since its opening this May, there have been two separate instances of escapes by juveniles housed at the facility. In the last instance, six juveniles escaped without any notification to the county in which the facility is located. From all accounts, these escapes occurred through easily breached doors and windows. Both of these episodes have raised troubling questions about the level of oversight and security at the facility.

Applicable District of Columbia law requires: "Developing and maintaining a system with other governmental and private agencies to identify, locate, and retrieve youth who are under the care, custody, or supervision of the department, who have absconded." Unfortunately, these and other standards relating to the security at the facility have not received adequate attention from District of Columbia authorities.

I'd like to yield to the majority leader who I know has a perspective on this.

Mr. HOYER. I would like to echo the remarks of my colleague, Mr. SARBANES.

Prior to opening New Beginnings, the District of Columbia operated another juvenile detention facility, Oak Hill, at the same location. I represented that area of our State for some period of time. This facility was plagued with a history of escapes, and Oak Hill offi-

cially routinely, in my opinion, failed to notify area officials and local law enforcement when that occurred. In 2002, I facilitated an agreement signed by the D.C. Human Services Department obligating them to contact local police and communities in the vicinity about Oak Hill escapees.

Although that facility has now been replaced, I am dismayed that the District has failed to comply with the spirit of that agreement and, as Mr. SARBANES points out, applicable D.C. law. I join with my colleague in urging the subcommittee to continue to work with the District of Columbia to ensure, first, that every effort to prevent future escape is undertaken and, second, that the local community, including law enforcement, be notified should an escape occur.

Mr. SARBANES. I want to thank Chairman Serrano for the opportunity to speak about this important issue; and as we move forward with this legislation, I hope we can work together with the District of Columbia to make sure that we can protect the surrounding community.

I yield to the gentleman from New York.

Mr. SERRANO. I can certainly appreciate the gentleman from Maryland's frustrations, and he raises an important issue. I will work with the gentleman to ensure that the District of Columbia reviews security procedures at the New Beginning youth facility and works cooperatively with local leaders in the State of Maryland.

Mr. SARBANES. Thank you.

Mrs. EMERSON. I now yield 3 minutes to a member of our subcommittee, Mr. CRENSHAW from Florida.

Mr. CRENSHAW. Let me just say, as we stand here debating this bill, there are a lot of people in our country that are hurting because of some particular acts that have taken place, and one of the things this subcommittee is tasked with doing is to make sure the regulatory agencies that could prevent situations like this actually have the proper amount of funding and the oversight to protect American lives in the future.

A lot of you all have heard me say from time to time that the number one responsibility of the Federal Government is to protect American lives, and usually when I say that I am talking about national security. I'm talking about funding for our men and women in uniform.

But today, I rise to talk about two agencies under this bill which are aimed to protect American lives by protecting their health and their financial security: the Consumer Product Safety Commission and the Securities and Exchange Commission.

During the housing boom in Florida, a lot of American drywall producers couldn't keep up with the pace and the demand for drywall for the new homes. So they began to import drywall from overseas locations, including China. However, unbeknownst to the contrac-

tors and to the families who were buying their dream homes, this drywall was contaminated. Some say the Chinese used byproducts from coal plants. Some say it was from overseas shippings.

The end result has been catastrophic. Families have had to flee their homes that smell like rotten eggs, and worst of all, these homes have put their families' health at risk. These contaminants have caused nose bleeds, headaches, asthma attacks, among other things. American families soon realized that their American Dream had turned into an American nightmare.

So how could this have been prevented? Well, my colleagues and I on the subcommittee have asked that since the U.S. Consumer Product Safety Commission is charged with protecting the public from products like this, how did it go undetected? All I know is this legislation is aimed to end an episode like that and make sure it doesn't happen again. There's more money, more regulation, more oversight to end this.

The other tragedy that's taken place this year has devastated the financial security of a lot of our citizens. Last year, a guy named Bernie Madoff admitted that he had created an elaborate Ponzi scheme from the legitimate investments of hardworking Americans. Instead of investing the funds, he would simply deposit the money in his own bank account, and cover this up by masking foreign transfers and filing false SEC reports. Again, how did this happen? How did the SEC not catch this tremendous and egregious highway robbery? Well, the good news is this bill contains additional funds for the SEC to try to help them do a better job of making sure this doesn't happen again.

Now, I would have written this bill differently had I been in charge. I think there are a lot of flaws in the bill, but I think as members of this subcommittee we do have a responsibility to try to protect the health and the financial security of our American citizens.

Mr. SERRANO. I'd like to yield 2 minutes now to a gentlewoman who, notwithstanding some of the things you see happening on this House floor, is really the only Representative from Washington, D.C., Ms. NORTON.

Ms. NORTON. I thank the gentleman for yielding. I thank the gentleman, the ranking member and the committee for bringing this bill forward, especially Chairman SERRANO for consistently showing respect for our citizenship as American citizens by not interfering with local governance and trying to keep others from doing so.

Mr. Chairman, it's very painful for a Member to have to come to the Congress to ask that you vote for her local budget. It's particularly painful when that Member doesn't even have a vote herself on her own local budget. Yet some Members are quick to step up with amendments of their own on a

budget they had nothing to do with raising, as if District of Columbia were just another Federal appropriation.

One Member, I regret to say, came forward with some misinformation which the Rules Committee and I had to correct this morning that somehow we wanted Federal funds to be used for abortion. Nonsense. We have never asked for Federal funds for abortion services in the District of Columbia, only for use of local funds. We have never asked for anything except equality with other jurisdictions and other American citizens.

All residents ask is that you respect the Home Rule Act. Congress had no intention that our local budget would be treated any differently. These are our funds, local funds, not Federal funds. It is very difficult for Congress, and Congress does not, in fact, change the local budget because Congress doesn't know anything about it. The presence of the D.C. budget here becomes a basis for a small minority to use us for their own purposes, to try to impose on us their own choices.

You can't endorse local control as a founding principle for everybody except the residents of your Nation's Capital. The Founders never made exceptions. I ask you to vote for this appropriation and in doing so, to remember, we demand not to be relegated to second-class citizenship because of our treatment in this process and on this floor.

And I thank you, Mr. Chairman, for all you have done for this appropriation.

Mrs. EMERSON. I now yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. The bill before us today will open up the funding spigot for abortions in the District of Columbia. The Dornan amendment has, for years, helped to reduce abortions in D.C. Recently, there has been a lot of talk about abortion reduction, and the one thing that everyone seems to agree on is that public funding for abortion increases the number of lives lost to abortion. Even the Guttmacher Institute has found that significantly more women choose abortion when the government subsidizes it. Unfortunately, the bill before us today will only serve to increase abortion.

The District of Columbia has a sordid history with abortion funding. In 1994, when the funding ban was lifted, D.C. took \$1 million away from the Medical Charities Fund which was created to help AIDS patients to instead pay for abortions. And the District had to request additional funds to make up for the funds used on abortion. Then, when the funding ban was reinstated, the city disregarded the law and continued to fund abortion for two additional years.

The bill will again open the door for D.C. to abuse taxpayer dollars to expand abortion, and it completely disregards the views of the majority of Americans who do not support public funding for abortion.

The bill thrusts upon hardworking taxpayers the values of the Washington elite. Nearly 180 Members of this House, both Republicans and Democrats, made a simple and reasonable request: maintain existing pro-life policies in appropriations bills; and if you don't, allow us the opportunity to vote up or down.

Yesterday, the Rules Committee unilaterally acted to deny Members and, consequently, the constituents they represent, the opportunity even to vote on whether this bill should be used to expand public funding for abortion. Such actions are an offense to the democratic process, to the American taxpayers, and to the sanctity of human life.

I urge my colleagues to oppose the bill.

Mr. SERRANO. I'd like to yield 2 minutes to the gentleman from Texas (Mr. EDWARDS) who by the way was the strongest leading voice in having us put language in this bill that says that any TARP money has to be explained to the Congress on its use and all kinds of reports come back to Congress.

Mr. EDWARDS of Texas. Mr. Chairman, I'd like to thank Chairman SERRANO for his kind comments and for his leadership for including two key provisions in this bill I strongly supported.

First, this bill holds the U.S. Treasury Department accountable for how it invests taxpayer funds under the TARP program. Language included in the bill at my request mirrors my bill, H.R. 2832, which directs the Treasury Secretary to report back to Congress by December of this year on their plans to repay taxpayers the money they have invested in the TARP program. The language also requires the Treasury to submit to Congress the estimates, the likely gains and losses, from those investments.

Our efforts to shore up the financial system must be accompanied by greater accountability and strict oversight to ensure taxpayer dollars are being spent wisely and effectively. The American taxpayers have a right to know how their tax dollars are being invested and when they will be repaid.

Second, the bill adds \$92 million to the budget of the SEC and for the first time specifies that \$4.4 million of SEC funding should be used by the Office of Inspector General, increasing their staff by 140 investigators, lawyers and analysts to investigate and prosecute corporate crime. The Americans want greedy Wall Street criminals who helped cause this recession investigated and punished for their crimes. By increasing enforcement at the SEC, we will send a strong message that if you rob innocent investors of their retirement and college savings you will spend the rest of your life sharing a prison cell with criminals like Bernie Madoff.

I thank Chairman SERRANO for including these two important provisions in this legislation and urge the bill's passage.

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

Mr. SERRANO. I yield 2 minutes to the gentlewoman from California (Ms. LEE) and also wish her, on behalf of the House, a happy birthday.

Ms. LEE of California. Thank you, Mr. Chairman. Let me thank the chairman for his well wishes. They come every 6 months now I think, but thank you so much.

Let me rise in strong support of H.R. 3170 and just say to the chairman, this is my first year on this subcommittee, but it's an honor to serve with you and such great leaders.

□ 1400

I want to thank Chairman SERRANO and Ranking Member EMERSON for their very hard work on this bill in a bipartisan fashion. You've worked together during very difficult times for our economy and, of course, for this appropriation.

This bill begins the work of rebuilding the regulatory and oversight framework of the Federal Government, restoring home rule to the District of Columbia, and safeguarding consumers by reinvigorating the Consumer Products Safety Commission.

By investing in the Securities and Exchange Commission, the Federal Trade Commission, the Consumer Products Safety Commission, the IRS, and other vital agencies, we can bring back a fair and honest marketplace that is safe for consumers and investors alike.

We need strong regulators to enforce our Nation's financial regulations. This will ensure the stable operation of our capital markets, help stabilize the economy, and bring an end to this unregulated financial environment during the Bush administration, which has created havoc in the lives of millions.

The chairman has also taken great strides in restoring home rule to the residents of the District of Columbia. As Chairman SERRANO has said, we were elected to represent our home districts, not elected to represent the District of Columbia, nor are we members of the D.C. City Council.

The people of the District of Columbia should have the ability to make the same decisions as other communities and cities which make these decisions for themselves. They should not be subject to the ideological whims of Members who wish to advance personal agendas on the back of D.C. residents.

These are Americans. They deserve to be treated fairly—just like we'd want our constituents to be treated.

I also want to thank the chairman for clarifying the definition of cash in advance for agricultural and medical equipment payments from Cuba.

The CHAIR. The time of the gentlewoman has expired.

Mr. SERRANO. I yield the gentlewoman 30 additional seconds.

Ms. LEE of California. Let me just say that United States companies should be able to benefit from profits

and create jobs, which is the bottom line, during this recession as a result of these business opportunities. So this provision is very important for our economic recovery.

So I look forward to working with the chairman and the subcommittee to ensure that the Treasury Department prioritizes real terrorist threats to our national security and does not waste vital agency resources—our tax dollars—on Americans who want to travel to the Caribbean.

Mrs. EMERSON. I continue to reserve the balance of my time.

Mr. SERRANO. I yield 1 minute to my friend and leader, the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend for yielding and I congratulate him on his leadership of this committee and say how pleased I am that my good friend, JO ANN EMERSON, is the ranking Republican on this committee. I thank her for her leadership—one of the very constructive Members of this body.

This subcommittee is a special subcommittee to me because I had the great honor of serving on this subcommittee for 23 years. I chaired this subcommittee for 2 years and then served as the ranking member when we had the hostile takeover of the institution by the other side, and they became the chair and I became the ranking member. So I have served on this committee for some time.

I rise today because I normally would have weighed in with the chairman and with the ranking member on the issue of pay for civilian employees. As a matter of fact, I had the opportunity to discuss with the chairman the provisions for pay in this bill.

The administration and I had a discussion some months ago with reference to their recommendation on civilian and military pay. I indicated to him that we are in a very unique situation in America today. We've lost millions of jobs, millions of people are concerned about losing their jobs, and I therefore perceived it as a relatively unique situation where Federal employees understood that there would be constraints that were not necessarily present in other years.

Federal employees are already constrained by the ECI, the Economic Cost Index, wage index, in the country. If people across the country don't get raises, they don't get raises.

However, for the 28 years that I have served in this body, there have only been 4 years where there has not been pay parity between the military pay cost-of-living adjustment and the civilian cost-of-living adjustment.

In 1985, the military received half a point more than the civilians. In 1994 and 1995, the civilians received in 1994, 1.7 percent more than the military and, in 1995, fourth-tenths of a point more than the military. In 2002, the military received 2.2 more.

Both the military and the civilian employees obviously perform great

services for our country. I think there was a sense by the military and civilians that parity between the two made sense, and in fact the Congress, as you see in 24 of those 28 years, has followed that policy.

The chairman, in consultation with me, because I don't want the burden to be on him or the committee, and in discussion with those of us who represent a large number of Federal employees, concluded because of the uniqueness of our economic situation that agreeing to this lack of parity—not supporting it, but agreeing to it—that may be, for some, a distinction without a difference, but it is, I think, a distinction.

However, because of my concern and my discussions with Mr. Orszag in February or March, I went back to Mr. Orszag—and I want to read into and submit for the RECORD a letter dated July 9, 2009.

It says, "Thank you for your June 24, 2009, letter regarding pay parity for Federal civilian employees and non-military in noncombat zones."

Now, the reason he references non-combat zones is because I think there is an appropriateness in the hazardous duty pay, whether they be military or civilian. We put people in harm's way and we put them at risk, and giving them greater compensation makes a lot of sense. I suggested this to the Armed Services Committee. That's not what we did here, but I will go on.

"Given the exceptional circumstances surrounding the economic downturn, the administration did not include equal pay increases for civilian and military pay personnel in its fiscal year 2010 budget submissions. Nonetheless, the administration shares your commitment"—and, really, the commitment of all of us in this Congress who, for 24 out of 28 years, has fought for and affected pay parity as the policy of this Congress—"nonetheless, the administration shares your commitment to a strong civil service that can attract the talent we need to deliver the high level of performance the American people deserve from their government."

This is the important sentence. I made it known to Mr. SERRANO. I did not go over this with Mrs. EMERSON. But, it says this, "The administration is therefore committed in future years to the principle of pay parity between the annual pay increase for the Federal civilian workforce and members of the Armed Service serving in nonhazardous locations." Again, this is not about hazardous duty pay for people in harm's way. "Thank you for your efforts on behalf of Federal employees," et cetera.

I rise simply to note that on behalf of the Federal employees I represent, the Federal employee representatives with whom I have had extended discussions, the Senate has taken action in their subcommittee. They did not effect pay parity either, although they effected a greater increase than is included in this bill.

Between now and the conference committee, I intend to be working with Mr. SERRANO and Mrs. EMERSON on what policy we believe to be appropriate, given the economic circumstances that confront all Americans.

Federal employees have the benefit of having stable, secure jobs. They very much appreciate that. They understand that they don't want their fellow citizens to be in distress and without them being cognizant of that distress and appreciation for the economic situation it puts us in.

So I thank the chairman, I thank the ranking member for their concern and their focus, and I look forward to working with him on this issue as they proceed through the process and we go to conference.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, July 9, 2009.

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

DEAR MR. MAJORITY LEADER: Thank you for your June 24, 2009, letter regarding pay parity for Federal civilian employees and military personnel serving in non-combat zones.

Given the exceptional circumstances surrounding the economic downturn, the Administration did not include equal pay increases for civilian and military personnel in its Fiscal Year 2010 budget submission. Nonetheless, the Administration shares your commitment to a strong civil service that can attract the talent we need to deliver the high level of performance the American people deserve from their government. The Administration is therefore committed in future years to the principle of pay parity between the annual pay increase for the Federal civilian workforce and members of the armed services serving in non-hazardous locations.

Thank you for your efforts on behalf of Federal employees. We look forward to continue working with you in the future.

Sincerely,

PETER R. ORSZAG,  
Director.

Mrs. EMERSON. I now yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady for yielding. I come to the floor and I rise in opposition to this bill. I do so for a number of reasons, but the reason I take this opportunity to express that is, the longstanding policy that blocked the compulsion that was delivered to American taxpayers to fund abortions through the District of Columbia has been dropped from this bill, and it was refused to be allowed as an amendment here to the floor. So the constituents of America will not know how their Member would vote and where their Member stands on compelling public funds to be used for abortions in the District of Columbia.

We've gone through this debate here before. This debate has gone on back and forth, but it was established back in the early nineties. The process of funding public abortions in D.C. were established in the early nineties, and

that was rolled back, and still the District of Columbia violated Federal law for 2 years and continued to fund abortions.

Now, here's the image that I have in my mind. Two of them. One of them is to compel anyone who has a moral objection to funding abortions is wrong. The second thing is the memory of the vote on the Mexico City Policy. When we lost that as a pro-life coalition here in Congress, I saw people over on that side of the aisle jumping up and down, hugging, clapping, and cheering. And why? Because we were going to compel taxpayers to fund abortions in foreign lands.

How could anyone be that delighted about such a policy? But I think it was because those who were cheering and clapping and hugging believe they had landed a blow against the convictions of the people who they could just consider be wearing a different jersey on the other side of the aisle.

It is bigger than this, it's deeper than this. This is life. This is unborn, innocent human life that doesn't have a voice here on this floor. If we could hear their scream for mercy, we would at least hear the Tiahrt amendment and have a real debate here on the floor, as we would have had in any of the two previous centuries this United States Congress has operated under open rules.

I oppose the bill and I advocate for open rules.

Mr. SERRANO. I yield 1 minute to my friend and colleague from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the chairman and my friend. Mr. Chairman, why Tuesday? Why do we have Federal elections on Tuesday? My guess is that most Members of this House of Representatives don't know the answer to that question, and the answer is: There is no good answer for our voting on Tuesday.

There is good reason to change voting from Tuesday to weekends. One out of four people say they don't vote in Federal elections because the weekday is too busy for them. They're balancing their jobs and their schedules and their kids.

I've introduced the Weekend Voting Act, which would move Federal elections from Tuesdays to weekends. And I want to thank the chairman of this subcommittee for including language that I had proposed in this bill directing the GAO to conduct a study on the cost-benefit analysis of weekend voting.

That study is going to answer the question: Why Tuesday? But, more importantly, it's going to answer the question: Why not weekends, and lead to the empowerment of the American people.

We ought to make it easier for people to vote, not harder.

Mrs. EMERSON. I now yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

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

Mr. Chairman, for almost two decades, Congress has banned the use of taxpayer funds for abortion in the District of Columbia except in the exceedingly rare and tragic cases of rape, incest, or the life of the mother.

President Obama tells us he wants to reduce abortion. Well, one of the most effective and proven ways to reduce abortion is not to fund it. The evidence is compelling. And, frankly, it's logical.

The research arm of Planned Parenthood, an organization that itself every year performs over 305,000 abortions in its own clinics—a staggering loss of children's lives—their research arm, the Guttmacher Institute, has made it absolutely clear that when taxpayer funding is not available, between 20 and 35 percent of Medicaid abortions that would have been procured simply don't occur and that these children go on to be born.

Today, there are thousands of children in the District of Columbia and millions throughout the country who live, attend schools, have boyfriends and girlfriends, get married and have their own kids—dream and hope because taxpayer subsidies didn't effectuate their demise.

Pursuant to the Constitution of the United States, Congress has the authority and, I would respectfully submit, the obligation and duty, especially from a human rights perspective, to set policy as it relates to how funds are used in either protecting or destroying children. We should not be subsidizing the killing of unborn children.

By definition, abortion is infant mortality. Ultrasound technology, the rise of prenatal medicine has shattered the myth that unborn children are somehow not human, nor alive.

Dr. Alveda King, Mr. Chairman, niece of the late Dr. Martin Luther King, had two abortions. She now leads an organization known as the Silent No More Campaign, made up exclusively of women who have had abortions.

The CHAIR. The time of the gentleman has expired.

Mrs. EMERSON. I yield the gentleman 1 additional minute.

□ 1415

Mr. SMITH of New Jersey. She has made it very clear that, after every abortion, one baby dies—two if they're twins—and the woman is wounded.

The intermediate and long-term psychological damage and physical damage to women is underreported and underappreciated, but as she and so many others have pointed out, it is real and frightening. Dr. King has said, How can the dream survive? She was talking about her late uncle, the late Dr. Martin Luther King. How can the dream survive—these are her words—if we murder children?

Abortion methods, Mr. Chairman, are gruesome. The cheap sophistry of choice, the euphemisms that are cynically employed to cloak it, can't mask a dismemberment abortion that hacks

a child to death and can't mask poison shots that chemically burn and kill an unborn child. Abortion is infant mortality. We should not be funding it. There will be children who will die if this legislation becomes law simply because the subsidies are there to effectuate their deaths.

I hope Members will vote "no" on the bill.

Mr. SERRANO. Could I inquire as to how much time is available?

The CHAIR. The gentleman from New York has 8½ minutes available, and the gentleman from Missouri has 5½ minutes available.

Mr. SERRANO. Mr. Chairman, I would like to yield 2 minutes for a colloquy to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I commend the Chair of this subcommittee for producing a good bill, and I seek to enter into a colloquy with him about the importance of making voting systems auditable and about conducting audits of electronic election results.

Voting is the foundation of our democracy. It is the right through which we preserve all other rights. Anything of value should be auditable, especially our votes. That's why it is so important that States using paperless systems have all of the funding they need to convert to paper ballot voting systems before the next general election and that all States have the funding they need to conduct audits of the electronic tallies.

I would yield at this moment back to the chairman.

Mr. SERRANO. I agree with the gentleman about the importance of protecting the integrity of the vote count. I was pleased to incorporate HAVA funding in the bill and language in the committee report stressing the importance of gathering information on voting system malfunctions, of making official paper ballots more accessible, and of verifying election results. I hope jurisdictions will use these funds to deploy the most accessible paper ballot voting systems and will audit their election results to ensure the integrity of our democracy.

Mr. HOLT. I thank the gentleman very much.

We have a recent compelling example of how important this is. We have the resolution of the Senate race in Minnesota. If the only information available were an electronic tally, one candidate would have been presumed the winner without recourse, but because a bipartisan canvassing board was able to inspect and recount actual voter-marked ballots, they were able to determine that the other candidate actually won. Software electronic counts alone cannot be relied upon to ensure that the intent of the voters will be honored.

In 2010, seven entire States and counties in a dozen others will not be able to verify independently the electronic tallies in their elections unless they use their HAVA funds to deploy accessible paper ballot voting systems. We

have not succeeded yet in establishing a national standard.

The CHAIR. The time of the gentleman has expired.

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

Mr. HOLT. However, I urge every jurisdiction in the country that has changed their voting system in the last several years to move to an accessible paper ballot system.

I thank the gentleman very much for his support.

Mr. SERRANO. The gentleman is most welcome, and I look forward to working with him to make sure all States have the funding they need to implement these critical election protection measures.

Mr. Chairman, I reserve the balance of my time

Mrs. EMERSON. At this time, Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentlelady for recognizing me again during the course of this debate.

Mr. Chairman, one of the sad consequences of bringing appropriations bills to the floor under a closed rule or under a structured rule is that you leave so many Members on both sides of the aisle between the devil and the deep blue sea. Sadly, we have that in this particular bill.

Mr. Chairman, you would have seen during the rule vote that it was a close vote, and thanks to some great work by orthopaedic surgeons in its last 30 seconds, the provision was able to survive.

I would suggest that it is not a mystery to those of us in this House that the people who voted "no" on the rule, many of them—both Republicans and Democrats, and I think the last time I saw the scoreboard it was 33 Democrats—weren't voting "no" against their leadership and the rule that they'd brought forward. They were voting "no" because the rule did not permit a discussion on an amendment by Mr. TRAHRT or by anybody else relative to the use of taxpayer funds for abortions in the District of Columbia. That's why they voted "no."

Likewise, we have discussed—Mr. OBEY has discussed, Mr. DINGELL has discussed, and I have discussed—the fact that Mr. SERRANO and Mr. OBEY were very gracious to accept an amendment that I offered that deals with the 200,000 people in this country who are about to lose their jobs, who work at auto dealerships across the country.

You know, for 14 years—just as an aside, Mr. Chairman—I chafed at the fact that appropriators were legislating on authorization bills, but now that I'm one of them, I love it. I think it's a wonderful process, and I hope it continues.

Having said that, as for the vote that Members are going to take in a couple of hours, nobody is going to know where they stand on the car dealers, and nobody is going to know where they stand on the issue of abortion. If

you vote "yes" on the bill, you can call up and say, Hey, I was with you auto dealers. Yet the people who don't think that taxpayer funds should be used for abortion are going to be concerned about that vote. If you vote "no" on the bill, you are not going to have any difficulty with the people who don't think taxpayers' funds should be used for abortions, but your auto dealers would be right to be mad at you. These need to be open ruled.

The CHAIR. The time of the gentleman has expired.

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

Mr. LATOURETTE. The fact of the matter is we have to have some clarity. The people who send us here to Washington deserve to know where we stand on these issues. For every year that these appropriations bills had come to the floor when we were in the majority, we hadn't liked some of the amendments. I can remember being where the Chair is today. I sat in that chair for 3 days on an Interior Appropriations bill, and I let every Democrat and every Republican who wanted to say something come down and strike the last word or offer an amendment. At the end of the day, the will of the House prevailed. This rule and the way this debate is being conducted, the rule of the House is not being adhered to.

Mr. SERRANO. Mr. Chairman, I would like to yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a member of the subcommittee and one of our great leaders.

Ms. DELAURO. Mr. Chairman, this is a strong bill, a bill that aims to bring much needed stability and confidence to our financial system and assistance to our small businesses.

The bill provides critical funding to the Securities and Exchange Commission to help it strengthen the regulation of our financial markets and to the Federal Trade Commission to enhance its ability to protect consumers. It ensures further oversight of TARP. It requires Treasury reports that will notify Congress of steps taken to implement oversight recommendations. To help small businesses weather the current economic storm, the bill supports \$848 million for the SBA, including \$25 million in new microlending and \$10 million in microloan technical assistance.

In 2008 alone, SBA's intermediary microlenders made more than 5,000 loans, totaling more than \$60 million, to entrepreneurs who were unable to secure the credit that they needed from conventional lenders. This bill also includes significant funding for IRS tax enforcement to support the administration's efforts to combat tax haven abuse.

I have worked to ensure that the bill includes a provision which prevents Federal contracts from going to domestic corporations that incorporate in tax havens to avoid meeting their tax obligations.

The bill also eliminates Bush-era restrictions that hamper the ability of U.S. companies to export agriculture goods to Cuba. In this economic climate, we should be opening and not irrationally closing markets for American products.

In recent years, many of our regulatory agencies have neglected their responsibilities to protect consumers, taxpayers and investors. This bill takes strong steps to reverse that disregard while making critical investments in programs that help small businesses, the lifeblood of our economy, succeed.

I urge my colleagues to support the passage of this important piece of legislation.

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

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON) for the purposes of a colloquy.

Mr. SKELTON. Mr. Chairman, I intended to offer an amendment to provide funding for the Harry S. Truman Scholarship Foundation in the amount of \$660,000. I decided not to offer that amendment today, but I wish to engage the chairman of the subcommittee in a colloquy regarding the importance of this foundation.

Mr. Chairman, I believe that it is in the best interest of our Nation to ensure that the leaders of tomorrow have access to the best educational opportunities available. For that reason, I have long been associated with the Harry S. Truman Scholarship Foundation, which awards scholarships for college students to attend graduate school in preparation for careers in government or elsewhere in public service.

The Truman Scholarship Foundation was established by Congress in 1975 as the Federal memorial to our 33rd President, Harry S. Truman. The foundation has been operating from the original appropriation and the interest from that amount since 1977; but as the cost of college has increased over the years, the foundation's assets have not grown accordingly to meet the needs of the students it serves.

So, Mr. Chairman of the subcommittee, Mr. SERRANO, I ask your assurance that you will seek to include funding for the Truman Foundation in conference with the other body.

Mr. SERRANO. Will the gentleman yield?

Mr. SKELTON. I yield.

Mr. SERRANO. I thank the gentleman for bringing this to my attention, and I will assure him that I will do my best to work with my Senate colleagues in conference.

Mr. SKELTON. I certainly thank the gentleman, and I thank you for this opportunity to raise the issue on the floor.

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

Mrs. EMERSON. Mr. Chairman, I would like to thank the chairman again for his graciousness and for his openness in working with me and with

the rest of the subcommittee on the minority side, and I look forward to continuing that relationship.

I yield back the balance of my time.

Mr. SERRANO. How much time do I have left, Mr. Chairman?

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. SERRANO. I yield myself the balance of the time.

Mr. Chairman, I want to thank the gentlewoman, and I want to thank all of the speakers who have participated today, but I think there is a clarification that needs to be made.

Many speakers have come to the House floor and have spoken about the abortion issue and have said that the American taxpayer is being asked in this bill to foot the bill for abortions. That is not correct, and that has to be made clear.

First of all, to me, the issue is whether or not the District of Columbia should be given the opportunity to govern its own affairs or whether Congress will continue to impose on D.C. its will. So, for many years, the folks in the District of Columbia have had to accept Congress' wishes for many test items and issues throughout the country. I believe that, in some cases—and with all due respect to my colleagues—they have imposed these provisions on the District of Columbia in many areas of gay marriage, of needle exchange programs, of abortion, and of gun issues so that they could go back home and say they had done something on that issue. Yes, they did, to the people of the District of Columbia—not to the people in their districts but to the people of the District of Columbia.

What this bill simply says is that local funds raised locally by the taxpayers of the District of Columbia can be used to provide abortion services. The ban on the use of Federal funds for abortion remains in place.

□ 1430

Let me repeat that. Federal funds going to the District of Columbia cannot be used to supply abortion services. What we've done is to say, local funds that you raise on your own from your own American citizen taxpayers can be used for those purposes. That should be clarified, and people should know the truth.

This bill is a good bill; and I hope that at the end of the day, people will vote for it. It covers many areas. I thank all my colleagues.

Mr. LATOURETTE. Mr. Chair, since I was elected to serve in Congress, I have supported the pro-life position. I am strongly committed to protecting the rights of the unborn. Accordingly, I think it is wrong for Americans' tax dollars to be used to pay for abortion.

Mr. Chair, I voted against the rule for consideration of this bill because it did not afford Members an opportunity to express their clear position on the issue of taxpayer-funded abortion. Fortunately, we will have a chance to vote again on a conference report between the House and the Senate, which I hope will strip these abortion provisions from the bill before any bill is signed into law.

Mr. Chair, let the record reflect that I oppose lifting the restrictions on government-funded abortions in the District of Columbia.

Mr. FRELINGHUYSEN. Mr. Chair, I rise in support of the District of Columbia Opportunity Scholarship Program.

We, as Members of Congress, have one notion that binds us all together—every one of us understands that the key to the future of our great nation is the quality of the education we provide our children.

We all know the story of many failing District of Columbia public schools: Low graduation rates. High drop out rates. Low math and reading scores, reflected in a city-wide adult literacy rate of 37%! And, we can all agree that the children in the District deserve a first class education!

A few years back, I had the honor to Chair the District of Columbia Appropriations Subcommittee. In that capacity, I worked to create a program to give a 'hand-up' to children in DC—the District of Columbia Opportunity Scholarship Program.

We built a 'three-sector' approach, endorsed by former Mayor Anthony Williams and then councilman and current Mayor Adrian Fenty, and others: public schools, charter schools, and the latter, and the Opportunity Scholarship Program, which provides families with funds to send their children to private or parochial schools.

Since 2005, some 3,000 students have been provided with Opportunity Scholarships (over 7,000 applied). Today, there is a long waiting list, but over 1,700 D.C. scholarship students are attending 49 non-public schools. The average annual income for these families is around \$23,000.

In April, the U.S. Department of Education released its own report—finding that students in the scholarship program are performing at higher academic levels than their peers who are not in the program, and are better off by virtually every important measure in their chosen schools.

So this is a good news story, right?

Well, not any more.

During the markup of this bill in Committee, I offered an amendment to make all DC children eligible for the Opportunity Scholarship Program.

And an amendment to allow the younger brothers and sisters of Opportunity Scholars to be allowed to participate alongside their older siblings. Both were defeated.

And likewise, I tried on behalf of Minority Leader Boehner and others before the Rules Committee, unsuccessfully, to make all children eligible.

But the Rules Committee said "no" to the Boehner amendment and in doing so, slammed the 'door of opportunity,' inexcusably, on thousands of low-income Washington families.

Anticipating that there may well be a wellspring of indignation that Congress is again interfering with DC governance, may I ask where the District would be today if the Federal Government had not assumed most of the costs of the city's judicial system, and numerous city employee pension obligations—which we still pay.

And, I never heard protests about intervention when I inserted funding in the D.C. Appropriations bill to rebuild many dilapidated and dangerous DC school playgrounds or money to protect the Anacostia riverfront.

So why not continue to support a program that really is important: one that helps children!! by providing \$14 million to give these children a better school and their parents a chance to fulfill their dreams?

And may I add, the dollars that now rescue some children in failing District public schools do not come at the expense of the public system—the program offers parents a choice without hurting public schools.

We need to heed the call of many city parents who want school choices for their children—a future as bright as ones in many of our states.

While the theoretical debate on such scholarships may have some value in the political sphere, District children should not be the pawns in some ideological battle. Rather, we need to protect their future and keep the scholarship program alive and expand it.

Finally, Mr. Chair, as the Washington Post recently wrote, and I quote: "Political ideology and partisan gamesmanship should not be allowed to blow apart the educational hopes of hundreds of DC children." I could not agree more!

Mr. PENCE. Mr. Chair, it is morally wrong to take the taxpayer dollars of hundreds of thousands of Washington, D.C. residents who cherish the right to life and use them to fund abortions. I am deeply disturbed that this Congress is set to vote on a Financial Services and General Government Appropriations Act that lacks traditional protections against using tax dollars to fund the destruction of human life.

Every year since 1996, this annual funding bill has included language that prevented the use of federal and local funds to pay for abortions in the District of Columbia. Not only was the language prohibiting the use of local funds stripped from the Financial Services Appropriations bill, but a bipartisan amendment to restore this ban on taxpayer-funded abortion offered by Congressman TODD TIAHRT (R-KS) and Congressman LINCOLN DAVIS (D-TN) was blocked by the Democrat-controlled Rules Committee from even receiving an up-or-down vote on the House floor, violating a much older tradition of this storied institution.

Earlier this year I joined nearly 180 of my colleagues in writing a letter to Speaker PELOSI to urge the retention of important pro-life provisions that have historically been included in government spending bills. Despite our bipartisan plea, the Democrat leadership has chosen to remove these provisions and deny the people's representatives a vote in this House, shutting out the voices of the millions of pro-life American taxpayers they represent.

The District of Columbia now has the unlimited ability to use local taxpayer funds to provide abortions. This is a dark moment for the cause of life in America and I hope that this Congress will rededicate itself not only to protecting the taxpayer, but the unborn.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the Financial and Governmental Services Appropriation Act of 2010.

The bill appropriates a total of \$46.2 billion to fund the important operations and functions of the U.S. government. This support will help fund federal government salaries, including a 2% pay raise for all federal civilian employees, the U.S. postal service, and it will help to rebuild the regulatory, enforcement and oversight structure of the federal government.



This bill supports our efforts to protect consumers and investors by strengthening the oversight of Wall Street and large financial institutions. Enhancing the regulatory authorities and oversight functions of government agencies will be a major focus of these efforts. This legislation contributes to this process by increasing the flow of government resources to the agencies that will be on the frontlines. The bill appropriates \$1 billion for the Securities and Exchange Commission, \$149 million to fund the operations of the Treasury Department Inspectors General; \$292 million for Federal Trade Commission; \$113 million for the Consumer Product Safety Commission; and \$38 million for the FDIC Inspector General.

The bill also acknowledges the key role the nation's small businesses will play in the recovery by providing resources for the government programs that are helping small businesses weather current economic conditions. Small businesses drive economic growth and job creation in the U.S. Protecting the health of existing small businesses and fostering the growth of new ones is a congressional priority. In addition to providing \$847 million for the Small Business Administration, the bill further illustrates Congress' commitment to supporting healthy small businesses by reinstating agreements with auto dealerships that were dropped as part of the recent General Motors or Chrysler bankruptcy proceedings.

This bill funds the important functions and operations of the federal government, while also supporting the financial reform, enforcement and oversight priorities of Congress. I encourage my colleagues to join me in support of the bill.

Ms. CORRINE BROWN of Florida. Mr. Chair, I rise today in support of H.R. 3170, Financial Services and General Government Appropriations for FY 2010. The gentleman from New York, Mr. SERRANO, has done a wonderful job of shepherding this complicated and bipartisan bill to the floor today.

I rise today to speak on one specific provision in this bill. The bill requires automakers that have taken government funding, such as General Motors (GM) and Chrysler, to reinstate agreements with dealerships they have dropped as part of their recent bankruptcy proceedings.

Automobile dealers are the backbone of all of our communities. They are an economic engine employing dozens and sometimes hundreds of hardworking, taxpaying members of the community.

Auto dealers are on the frontlines of the U.S. automotive industry. They take the chances with the new cars being developed in laboratories in Detroit and around the world. They are the face of our cities, the sponsor of many little league teams and the lead in many charitable events.

When the Auto Task Force and the bankruptcy judges took the ability of our auto dealers to earn a living, they took away a portion of our communities.

The bill gives these men and women the opportunity to reclaim their lives and their businesses, and plug a hole that has been torn in each and every one of our districts.

Support this bill, support our communities and support our automobile dealers.

Mr. KLINE of Minnesota. Mr. Chair, there is an amendment to this bill that should have been made in order, but was not.

The Financial Services and General Government Appropriations bill before us today in-

cludes a modest investment of \$12 million to provide an educational lifeline to a few lucky disadvantaged students living in our nation's capital.

We are all too painfully aware of the challenges facing the public school system in the District of Columbia, where less than half of elementary students are proficient in reading and math. Mayor Adrian Fenty and Chancellor Michelle Rhee are working hard to turn this around, and I applaud their efforts.

But change can't happen fast enough for the District's children. That's why Congress created a three-sector plan to improve education for all students. Students could choose to attend their traditional neighborhood public school, a charter school, or a private school—if they were lucky enough to win a scholarship lottery.

Sadly, this Democratic majority and the Obama Administration have backed away from this bipartisan, fair approach that lets District parents decide what school is best for their child. This majority has cut off the scholarship option for any student who is not already in the program.

Earlier this spring, the Department of Education actually rescinded more than 200 scholarships from new students who had been told they would be able to attend the private school their parents had chosen for them this fall.

Instead, these students will now be forced to attend a D.C. public school—one they did not choose, and one that may be failing academically or expose their child to physical danger. Adding insult to injury, some of these children are being separated from older siblings who were lucky enough to receive a scholarship in the past.

This matter is best illustrated by The Washington Post, which featured the plight of one mother, Latasha Bennett, in a July 10 editorial.

The Post reports that Ms. Bennett is "in an understandable panic over where her daughter will go to kindergarten next month. She had planned on the private school where her son (already a scholarship recipient) excels, but, without the voucher she was promised, she can't afford the tuition."

What the amendment that was rejected by this Democratic majority would have done is help Ms. Bennett and the thousands of District parents who are trying to give their children the opportunities they never had. It's that simple.

The parents who are fortunate enough to participate in the program are grateful for the opportunity these scholarships provide their children, and students are taking advantage of the benefits. After three years of study we know parents remain highly satisfied with their children's schools, and participating students are ahead of their counterparts in D.C. public schools in reading.

In fact, the lead independent researcher, Dr. Patrick J. Wolf, has called this program a success. In written testimony to the Senate Committee on Homeland Security and Government Reform, he stated the "D.C. OSP has met a tough standard of efficacy in serving low income inner city students." Further, in responding to a question from the Chair of the Committee, Mr. Wolf agreed the D.C. OSP is one of the most effective national programs he has studied.

This type of success should translate into an expansion of the program. Instead, this Ad-

ministration's Statement of Administration Policy on this bill actually praises the Democratic majority for taking away families' choices, stating, "The Administration also appreciates the Committee's support for continuing the D.C. Opportunity Scholarship program for only those students currently enrolled in the program."

The reaction from D.C. residents is telling: More than 7,000 D.C. residents have signed a petition imploring Congress to keep the program alive.

Further, seven members of the D.C. Council also have petitioned Education Secretary Arne Duncan to reverse his decision. In their letter, the members say "we believe we simply cannot turn our backs on these families because doing so will deny their children the quality education they deserve."

The D.C. Opportunity Scholarship Program has helped thousands of low-income students in Washington go to the school of their choice—including the exclusive Sidwell Friends School attended by the President's own children.

The President obviously chose the school he thought was best for his daughters. Why shouldn't every parent have that opportunity? I am ashamed this majority will not even allow Congress to debate whether or not to continue the program and the benefits it provides to families in the District of Columbia. What a travesty.

This Administration has spoken about "green shoots" when it discusses hopeful signs in our weakened economy.

The D.C. Opportunity Scholarship Program is a "green shoot" in the weakened school system of this nation's capital city—and we are letting it die.

Mr. JOHNSON of Georgia. Mr. Chair, I urge my colleagues to support this legislation, first, because it provides much-needed funding, and second because it will correct a grave injustice affecting people in all of our districts.

Auto manufacturers operating on taxpayer money are shutting down dealerships without any justification and without adequate compensation to the dealers.

These closures are difficult for all communities but their effects are especially pronounced in minority communities.

The closure of minority-owned dealerships cost 150,000 jobs in 2008 and will cost another quarter of a million jobs in 2009.

Members of this body have worked for decades to support small business and minority-owned business. We should do everything we can to help them now.

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

The CHAIR. All time for general debate has expired.

Mr. SERRANO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OBEY) having assumed the chair, Mr. HASTINGS of Florida, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.



**ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES**

Ms. DELAURO. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 651

*Resolved*, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON EDUCATION AND LABOR.—  
Ms. Chu.

Ms. DELAURO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010**

The SPEAKER pro tempore. Pursuant to House Resolution 644 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3170.

□ 1431

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule and the bill shall be considered read through page 145, line 11.

The text of that portion of the bill is as follows:

H.R. 3170

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

**TITLE I**

**DEPARTMENT OF THE TREASURY**

**DEPARTMENTAL OFFICES**

**SALARIES AND EXPENSES**

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles;

maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, \$303,388,000, of which not to exceed \$21,983,000 is for executive direction program activities; not to exceed \$46,249,000 is for economic policies and programs activities; not to exceed \$48,080,000 is for financial policies and programs activities; not to exceed \$64,611,000 is for terrorism and financial intelligence activities; not to exceed \$22,679,000 is for Treasury-wide management policies and programs activities; and not to exceed \$99,786,000 is for administration programs activities: *Provided*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 4 percent by all such transfers: *Provided further*, That any change in funding greater than 4 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed \$3,000,000, to remain available until September 30, 2011, is for information technology modernization requirements; not to exceed \$200,000 is for official reception and representation expenses; and not to exceed \$258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, \$6,787,000, to remain available until September 30, 2011, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, \$500,000, to remain available until September 30, 2011, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, \$3,400,000, to remain available until September 30, 2012, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: *Provided further*, That of the amount appropriated under this heading \$3,000,000, to remain available until September 30, 2012, is for modernizing the Office of Debt Management's information technology.

**DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS**

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$9,544,000, to remain available until September 30, 2012: *Provided*, That \$4,544,000 is for repairs to the Treasury Annex Building: *Provided further*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

**OFFICE OF INSPECTOR GENERAL**

**SALARIES AND EXPENSES**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$29,700,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses.

**TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION**

**SALARIES AND EXPENSES**

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$149,000,000, of which not to exceed \$6,000,000 shall be available for official travel expenses; of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

**FINANCIAL CRIMES ENFORCEMENT NETWORK**

**SALARIES AND EXPENSES**

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$102,760,000, of which not to exceed \$26,085,000 shall remain available until September 30, 2012; and of which \$9,316,000 shall remain available until September 30, 2011: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

**TREASURY FORFEITURE FUND**

(RESCISSION)

Of the unobligated balances available under this heading, \$50,000,000 is permanently rescinded and returned to the general fund.

**FINANCIAL MANAGEMENT SERVICE**

**SALARIES AND EXPENSES**

For necessary expenses of the Financial Management Service, \$244,132,000, of which not to exceed \$9,220,000 shall remain available until September 30, 2012, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

**ALCOHOL AND TOBACCO TAX AND TRADE BUREAU**

**SALARIES AND EXPENSES**

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$99,500,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory

assistance to State and local agencies with or without reimbursement.

#### UNITED STATES MINT

##### UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2010 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$26,700,000.

#### BUREAU OF THE PUBLIC DEBT

##### ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$192,244,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until September 30, 2012, for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2010 shall be reduced by not more than \$10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at \$182,244,000. In addition, \$90,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

#### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$243,600,000, to remain available until September 30, 2011, notwithstanding subsections (d) and (e) of section 108 of such Act (12 U.S.C. 4707); of which \$10,000,000 shall be for financial assistance, technical assistance, training, and outreach programs under sections 105 through 109 of such Act (12 U.S.C. 4704-4708), designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations, and other suitable providers; of which \$1,000,000 shall be available for the pilot project grant program under section 1132(d) of division A of the Housing and Economic Recovery Act of 2008 (Public Law 110-289); of which \$80,000,000 shall be transferred to the Capital Magnet Fund, as authorized by section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 1301 et seq.), as amended by section 1131 of the Housing and Economic Recovery Act of 2008 ("HERA"; Public Law 110-289), to support financing for affordable housing and economic development projects; of which up to \$18,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit Program; of which up to \$7,500,000 may be used for the cost of direct loans; and of which up to \$250,000 may be used for administrative expenses to carry

out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$16,000,000: *Provided further*, That section 1339(h)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as added by section 1131 of HERA, shall be applied by substituting the term "at least 10 times the grant amount or such other amount that the Secretary may require" for "at least 10 times the grant amount".

#### INTERNAL REVENUE SERVICE

##### TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,273,830,000, of which not less than \$5,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$10,000,000 shall be available for low-income taxpayer clinic grants, of which not less than \$9,000,000, to remain available until September 30, 2011, shall be available for Community Volunteer Income Tax Assistance matching grants for tax return preparation assistance, and of which not less than \$205,800,000 shall be available for operating expenses of the Taxpayer Advocate Service.

##### ENFORCEMENT

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,904,000,000, of which not less than \$59,206,000 shall be for the Interagency Crime and Drug Enforcement program; and of which not to exceed \$126,500 shall be for official reception and representation expenses associated with hosting the Leeds Castle Meeting in the United States during 2010: *Provided*, That up to \$10,000,000 may be transferred as necessary from this account to "Operations Support" solely for the purposes of the Interagency Crime and Drug Enforcement program: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act. In addition to amounts made available above, \$600,000,000 shall be made available for enhanced tax enforcement activities.

##### OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$4,082,984,000, of which up to \$75,000,000 shall remain available until September 30, 2011, for information technology support; of which not to exceed \$1,000,000

shall remain available until September 30, 2012, for research; of which not less than \$2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed \$25,000 shall be for official reception and representation; and of which \$290,000,000 shall be made available to support enhanced tax enforcement activities: *Provided*, That of the amounts provided under this heading, such sums as are necessary shall be available to fully support tax enforcement and enhanced tax enforcement activities.

##### BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$253,674,000, to remain available until September 30, 2012, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

##### HEALTH INSURANCE TAX CREDIT

##### ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), \$15,512,000.

##### ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

ADMINISTRATIVE PROVISIONS—DEPARTMENT  
OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 105. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 106. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 107. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 108. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 109. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 110. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 111. Section 122(g)(1) of Public Law 105-119 (5 U.S.C. 3104 note), is further amended by striking "11 years" and inserting "12 years."

SEC. 112. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 113. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of

the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 114. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 115. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 116. The Secretary is authorized to establish additional Treasury accounts for the Alcohol & Tobacco Tax and Trade Bureau, Department of the Treasury; U.S. Customs and Border Protection, Department of Homeland Security; and the Bureau of Alcohol, Tobacco Firearms and Explosives, Department of Justice, for purposes of administering refunds under 31 U.S.C. 1324.

This title may be cited as the "Department of the Treasury Appropriations Act, 2010".

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT  
AND FUNDS APPROPRIATED TO THE  
PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102 , \$450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$59,319,000, of which not less than \$1,400,000 shall be for the Office of National AIDS Policy.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$13,838,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the

exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$2,500,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,200,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, \$12,231,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$115,280,000, of

which \$16,768,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET  
SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, \$92,687,000, of which not to exceed \$3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY  
SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$27,575,000; of which \$1,300,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS  
HIGH INTENSITY DRUG TRAFFICKING AREAS  
PROGRAM  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$248,000,000, to remain available until September 30, 2011,

for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy ("the Director"), of which up to \$2,700,000 may be used for auditing services and associated activities (including up to \$250,000 to ensure the continued operation and maintenance of the Performance Management System): *Provided further*, That each High Intensity Drug Trafficking Area designated as of September 30, 2009, shall be funded at not less than the fiscal year 2009 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2010 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS  
(INCLUDING TRANSFER OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), \$132,400,000, to remain available until expended, which shall be available as follows: \$20,000,000 for outreach and media activities related to drug abuse prevention; \$98,000,000 for the Drug-Free Communities Program, of which \$2,000,000 shall be made available as directed by section 4 of Public Law 107-82, as amended by Public Law 109-469 (21 U.S.C. 1521 note); \$1,000,000 for the National Drug Court Institute; \$10,000,000 for the United States Anti-Doping Agency for anti-doping activities; \$1,900,000 for the United States membership dues to the World Anti-Doping Agency; \$1,250,000 for the National Alliance for Model State Drug Laws; and \$250,000 for evaluations and research related to National Drug Control Program performance measures, which may be transferred to other Federal departments and agencies to carry out such activities: *Provided*, That any grantee under the Drug-Free Communities Program seeking a renewal grant (year 2 through 5, or year 7 through 10) that is not awarded renewal funding shall be afforded a fair, timely, and independent appeal of the non-renewal decision prior to the beginning of the funding year.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$1,000,000, to remain available until September 30, 2011.

PARTNERSHIP FUND FOR PROGRAM INTEGRITY  
INNOVATION  
(INCLUDING TRANSFER OF FUNDS)

To execute the Partnership Fund for Program Integrity Innovation, \$40,000,000, to remain available until September 30, 2012, which may be used for grants, contracts, cooperative agreements, and administrative costs for carrying out Partnership Fund for

Program Integrity Innovation pilot projects: *Provided*, That funds made available under this heading may be transferred by the Director of the Office of Management and Budget to appropriate agencies to carry out pilot projects and to conduct or provide for evaluation of such projects: *Provided further*, That no funds may be obligated for any pilot project unless the Director of the Office of Management and Budget has determined that the project (1) addresses programs that have a substantial state role in eligibility determination or administration or where Federal-state cooperation could otherwise be beneficial, (2) in aggregate, is expected to save at least as much money as it costs, (3) demonstrates the potential to streamline administration and/or strengthen program integrity, and (4) does not achieve savings primarily by reducing the participation of eligible beneficiaries: *Provided further*, That the Director shall notify the Committees on Appropriations of the House of Representatives and the Senate of each determination required by the preceding proviso at least 15 days in advance of obligating funds for the pilot project involved, and shall include in the notification a statement of the purposes and objectives of the pilot project and a plan for evaluating its results: *Provided further*, That the Director shall submit a progress report on activities funded under this heading to the Committee on Appropriations not later than September 30, 2010, and annually thereafter for the next four years.

SPECIAL ASSISTANCE TO THE PRESIDENT  
SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,604,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT  
OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$330,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the

amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from “Special Assistance to the President” or “Official Residence of the Vice President” without the approval of the Vice President.

SEC. 202. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the headings “Office of National Drug Control Policy” and “Federal Drug Control Programs”, a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: *Provided*, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed \$1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

This title may be cited as the “Executive Office of the President Appropriations Act, 2010”.

### TITLE III

#### THE JUDICIARY

##### SUPREME COURT OF THE UNITED STATES SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$74,034,000, of which \$2,000,000 shall remain available until expended.

##### CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111, \$14,525,000, which shall remain available until expended.

##### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$33,577,000.

##### UNITED STATES COURT OF INTERNATIONAL TRADE SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$21,350,000.

##### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$5,080,709,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed \$5,428,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

##### DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A, and also under 18 U.S.C. 3599, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under 18 U.S.C. 3006A(e), and also under 18 U.S.C. 3599(f) and (g)(2), in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, \$982,699,000, to remain available until expended.

##### FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), \$62,275,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

##### COURT SECURITY

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, in-

stallation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$457,353,000, of which not to exceed \$15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

##### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$83,075,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

##### FEDERAL JUDICIAL CENTER SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$27,328,000; of which \$1,800,000 shall remain available through September 30, 2011, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

##### JUDICIAL RETIREMENT FUNDS

##### PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$71,874,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$6,500,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(1), \$4,000,000.

##### UNITED STATES SENTENCING COMMISSION SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$16,837,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

##### ADMINISTRATIVE PROVISIONS—THE JUDICIARY (INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except “Courts of Appeals, District Courts, and Other Judicial Services—Defender Services” and “Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners”, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund, which will establish the baseline referred to in the second proviso of section 608.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561-569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking "18 years" and inserting "19 years"; and

(2) in the sixth sentence (relating to the Northern District of Ohio), by striking "18 years" and inserting "19 years".

This title may be cited as the "Judiciary Appropriations Act, 2010".

#### TITLE IV

#### DISTRICT OF COLUMBIA

#### FEDERAL FUNDS

#### FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$35,100,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior

fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

#### FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$15,000,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

#### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$268,920,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$12,022,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$108,524,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$65,114,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$83,260,000, to remain available until September 30, 2011, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse: *Provided*, That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

#### DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$55,000,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$83,260,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$83,260,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

#### FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$212,408,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$153,856,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the



provision of services for or related to such persons; of which \$58,552,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than \$2,000,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$37,316,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT FOR WATER AND SEWER SERVICES

For a Federal payment for water and sewer services, \$20,400,000, which shall be used as follows: \$20,000,000 for a payment to the District of Columbia Water and Sewer Authority (WASA), to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan and subject to a 100 percent match from WASA; \$400,000 for the District of Columbia Department of the Environment, to conduct a study of lead levels in the District's drinking water.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$2,000,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$205,000, to remain available until September 30, 2011.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, \$1,700,000: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO), not later than 60 days after enactment of this Act, a detailed budget and comprehensive description of the activities to be carried out with such funds, and the CFO

shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate not later than June 1, 2010.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$74,400,000, to be allocated as follows: for the District of Columbia Public Schools, \$42,200,000 to improve public school education in the District of Columbia; for the State Education Office, \$20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of Education, \$12,200,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 126), of which up to \$1,000,000 may be used to administer and fund assessments: *Provided*, That notwithstanding the second proviso under this heading in Public Law 111-8, funds provided herein may be used to provide opportunity scholarships to students who received scholarships in the 2009-2010 school year: *Provided further*, That funds available under this heading for opportunity scholarships, including from prior-year appropriations acts, may be made available for scholarships to students who received scholarships in the 2009-2010 school year: *Provided further*, That none of the funds provided in this Act or any other Act for opportunity scholarships may be used by an eligible student to enroll in a participating school under the DC School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; and (2) the core subject matter teachers of the eligible student hold 4-year bachelor's degrees.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, \$15,000,000, to remain available until September 30, 2011, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory: *Provided*, That the District of Columbia provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia, \$2,375,000, of which \$2,000,000 is to remain available until September 30, 2011, to support costs associated with the District of Columbia National Guard; and of which \$375,000 is to remain available until expended for the District of Columbia National Guard retention and college access programs, which shall hereafter be known as the "Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program".

FEDERAL PAYMENT FOR HOUSING FOR THE HOMELESS

For a Federal payment to the District of Columbia, \$19,200,000, to remain available until September 30, 2011, to support permanent supportive housing programs in the District.

FEDERAL PAYMENT FOR YOUTH SERVICES

For a Federal payment to the District of Columbia, \$5,000,000, to remain available until September 30, 2011, to support the "Reconnecting Disconnected Youth" initiative.

FEDERAL PAYMENT FOR PUBLIC HEALTH SERVICES

For a Federal payment to the District of Columbia, \$4,000,000, to remain available until September 30, 2011, for HIV/AIDS prevention programs in the District.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1-204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2010 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$8,858,278,000 (of which \$5,721,742,000 shall be from local funds, including \$313,789,000 from dedicated taxes) \$2,575,447,000 shall be from Federal grant funds, \$556,429,000 shall be from other funds, and \$4,660,000 shall be from private funds; in addition, \$125,274,000 from funds previously appropriated in this Act as Federal payments, which does not include funds appropriated under the American Recovery and Reinvestment Act of 2009 (123 Stat. 115; 26 U.S.C. Section 1, note): *Provided further*, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be \$712,697,000: in addition for capital construction projects, an increase of \$2,963,810,000, of which \$2,373,879,000 shall be from local funds, \$54,893,000 from the District of Columbia Highway Trust fund, \$212,854,000 from the Local Street Maintenance fund, \$322,184,000 from Federal grant funds, and a rescission of \$1,833,594,000 from local funds and a rescission of \$91,327,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of \$1,038,889,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be available, allocated and expended as proposed under "Title III—District of Columbia Funds Division of Expenses" of the Fiscal Year 2010 Proposed Budget and Financial Plan transmitted to the Mayor by the District of Columbia Council on June 5, 2009: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act (87 Stat. 777; D.C. Official Code §1-201.01 et seq.): *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2010, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the "District of Columbia Appropriations Act, 2010".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$1,500,000, of which, not to exceed \$1,000 is for official reception and representation expenses.



CONSUMER PRODUCT SAFETY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission (CPSC), including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$2,000 for official reception and representation expenses, \$113,325,000, of which \$2,000,000 shall remain available for obligation until September 30, 2011 to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 110-140 (15 U.S.C. 8004).

ELECTION ASSISTANCE COMMISSION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, \$17,959,000, of which \$3,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: *Provided*, That \$750,000 shall be for the Help America Vote College Program as provided by the Help America Vote Act of 2002 (Public Law 107-252): *Provided further*, That \$300,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

ELECTION REFORM PROGRAMS

For necessary expenses relating to election reform programs, \$106,000,000, to remain available until expended, of which \$100,000,000 shall be for requirements payments under part 1 of subtitle D of title II of the Help America Vote Act of 2002 (Public Law 107-252), \$4,000,000 shall be for grants to carry out research on voting technology improvements as authorized under part 3 of subtitle D of title II of such Act, and \$2,000,000, shall be to conduct a pilot program for grants to States and units of local government for pre-election logic and accuracy testing and post-election voting systems verification.

FEDERAL COMMUNICATIONS COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$335,794,000: *Provided*, That \$334,794,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at \$1,000,000: *Provided further*, That any offsetting collections received in excess of \$334,794,000 in fiscal year 2010 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2009, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation

shall not exceed \$85,000,000 for fiscal year 2010.

FEDERAL DEPOSIT INSURANCE CORPORATION  
OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$37,942,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION  
SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, \$65,100,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY  
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$24,773,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$291,700,000, to remain available until expended: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$102,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$19,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$170,700,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION  
REAL PROPERTY ACTIVITIES  
FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, \$459,900,000. Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$8,465,585,000, of which: (1) \$722,537,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:  
Alabama:  
Mobile, United States Courthouse, \$96,000,000.  
California:  
Calexico, Calexico West, Land Port of Entry, \$9,437,000.  
Colorado:  
Lakewood, Denver Federal Center Remediation, \$9,962,000.  
District of Columbia:  
Columbia Plaza, \$100,000,000.  
Southeast Federal Center Remediation, \$15,000,000.  
Florida:  
Miami, Federal Bureau of Investigation Field Office Consolidation, \$190,675,000.  
Georgia:  
Savannah, United States Courthouse, \$7,900,000.  
Maine:  
Madawaska, Land Port of Entry, \$50,127,000.  
Maryland:  
White Oak, Food and Drug Administration Consolidation, \$137,871,000.  
Greenbelt, United States Courthouse, \$10,000,000.  
Texas:  
El Paso, Tornillo-Guadalupe, Land Port of Entry, \$91,565,000.  
San Antonio, United States Courthouse, \$4,000,000:

*Provided*, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except for funds for projects

as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) \$400,276,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

District of Columbia:

East Wing Infrastructure Systems Replacement, \$35,000,000.

Eisenhower Executive Office Building (roof replacement), \$15,000,000.

New Executive Office Building, \$30,276,000.

Special Emphasis Programs:

Fire and Life Safety Program, \$20,000,000.

Energy and Water Retrofit and Conservation Measures, \$20,000,000.

Federal High-Performance Green Buildings—Energy Independence and Security Act of 2007, \$20,000,000.

Basic Repairs and Alterations, \$260,000,000:

*Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) \$140,525,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$4,861,871,000 for rental of space which shall remain available until expended; and (5) \$2,340,376,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C.

592(b)(2), and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2010, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

#### GENERAL ACTIVITIES

##### GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; \$63,165,000, of which \$3,000,000, to be available until expended, is provided for the Office of Federal High-Performance Green Buildings.

##### OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses; \$72,881,000, of which \$1,000,000 shall be for a payment to the Oklahoma City National Memorial Foundation as authorized by 16 U.S.C. 450ss-5.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$60,080,000: *Provided*, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

##### ELECTRONIC GOVERNMENT FUND

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of inter-agency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, \$33,000,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purpose of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

##### ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138, \$3,756,000.

##### FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services, including services authorized by 5 U.S.C. 3109, \$36,515,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed \$61,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2010 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

##### ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

##### (INCLUDING TRANSFERS OF FUNDS)

SEC. 501. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 502. Funds in the Federal Buildings Fund made available for fiscal year 2010 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 503. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2011 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 504. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 505. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 506. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of General Services under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the

House and Senate Committees on Appropriations prior to exercising any lease authority provided in the resolution.

SEC. 507. In furtherance of the emergency management policy set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Administrator of the General Services Administration may provide for the use of the Federal supply schedules of the General Services Administration by relief and disaster assistance organizations as described in section 309 of that Act. Purchases under this authority shall be limited to use in preparation for, response to, and recovery from hazards as defined in section 602 of that Act.

MERIT SYSTEMS PROTECTION BOARD  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$40,339,000 together with not to exceed \$2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), \$2,200,000, to remain available until expended, of which up to \$50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289) notwithstanding sections 8 and 9 of Public Law 102-259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$3,800,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS  
ADMINISTRATION  
OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, \$339,770,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110-409, 122 Stat. 4302-16 (2008), and the Inspector General Act of 1978 (5 U.S.C. Appendix), and for the hire of passenger motor vehicles, \$4,100,000.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, \$85,500,000, of which \$61,757,000 shall remain available until September 30, 2012: *Provided*, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$27,500,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND  
RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$13,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2010, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2010 shall not exceed \$1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN  
FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$1,000,000 shall be available until September 30, 2011 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$14,415,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$97,970,000, of which \$5,908,000 shall remain available until expended for the Enterprise Human Resources Integration project; \$1,364,000 shall remain available until expended for the Human Resources Line of Business project; and in addition \$13,238,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which \$9,364,000 shall remain available until expended for the cost of implementing the new integrated financial system, and of which \$4,248,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2010, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$3,148,000, and in addition, not to exceed \$20,428,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS,  
EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS,  
EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND  
DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL  
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 107-304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$18,495,000.

POSTAL REGULATORY COMMISSION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109-435), up to \$14,333,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act: *Provided*, That unobligated balances remaining in this account on October 1, 2009 shall be transferred back to the Postal Service Fund: *Provided further*, That unobligated balances remaining in this account on October 1, 2010 shall be transferred back to the Postal Service Fund.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT  
BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), \$2,000,000, to remain available until September 30, 2011.

SECURITIES AND EXCHANGE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$1,036,000,000, to remain available until expended; of which not less than \$4,400,000 shall be for the Office of Inspector General; of which not to exceed \$20,000 may be used toward funding a perma-

nent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$1,025,780,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That \$10,220,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2010 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2010 appropriation from the general fund estimated at not more than \$0.

SELECTIVE SERVICE SYSTEM  
SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$24,150,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108-447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$428,387,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Pro-*

*vided further*, That \$110,000,000 shall be available to fund grants for performance in fiscal year 2010 or fiscal year 2011 as authorized, of which \$1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110-186, and of which \$1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110-140: *Provided further*, That \$11,690,500 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2011: *Provided further*, That \$10,000,000, to remain available until September 30, 2011, shall be for expenses for the relocation of the headquarters of the Small Business Administration.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$16,300,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, \$1,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$3,000,000, to remain available until expended, and for the cost of guaranteed loans, \$80,000,000, as authorized by section 7(a) of the Small Business Act, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2010 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$17,500,000,000: *Provided further*, That during fiscal year 2010 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed \$3,000,000,000: *Provided further*, That during fiscal year 2010, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$153,000,000, which may be paid to the appropriations account for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, \$1,690,000, to remain available until expended, of which \$352,357 is for loan guarantees as authorized by section 42 of the Small Business Act, and \$1,337,643 is for loan guarantees as authorized by section 12085 of Public Law 110-246.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$102,310,000, to be available until expended, of which \$91,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be paid to the appropriations for Salaries and Expenses; of which \$9,000,000 is for indirect administrative expenses for the direct loan program, which may be paid to the appropriations for Salaries and Expenses; of which \$1,000,000 is for

the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be paid to the appropriations for the Office of Inspector General; and of which \$1,310,000 is for administrative expenses to carry out the guaranteed loan programs, which may be paid to the appropriations account for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 510. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 511. For an additional amount under the heading "Small Business Administration—Salaries and Expenses", \$62,300,000, to remain available until September 30, 2011, which shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, in the amounts and for the purposes specified in the table that appears under the heading "Administrative Provisions—Small Business Administration" in the reports of the Committees on Appropriations of the House of Representatives and the Senate accompanying this Act.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$118,328,000, of which \$89,328,000 shall not be available for obligation until October 1, 2010: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2010.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, up to \$244,397,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109-435): *Provided*, That unobligated balances remaining in this account on October 1, 2009 shall be transferred back to the Postal Service Fund: *Provided further*, That unobligated balances remaining in this account on October 1, 2010 shall be transferred back to the Postal Service Fund

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by

5 U.S.C. 3109, \$49,242,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of en-

actment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing non-domestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by

the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107-204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2009, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2010 shall remain available until expended.

SEC. 618. During fiscal year 2010, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term "payment of cash in advance" shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SEC. 619. None of the funds made available in this Act may be used to implement or enforce section 101(a) of the Consumer Product Safety Improvement Act of 2008 in regards to off-highway vehicles. For purposes of this section the term "off-highway vehicles" mean motorized vehicle designed to travel on 2, 3, or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control, and such term includes snowmobiles.

SEC. 620. (a) Section 101(a)(1) of the Federal and District of Columbia Government Real Property Act of 2006 (Public Law 109-396; 120 Stat. 2711) is amended to read as follows:

"(1) IN GENERAL.—

"(A) U.S. RESERVATION 13.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in U.S. Reservation 13, subject to the conditions described in subsection (b).

"(B) OLD NAVAL HOSPITAL.—Not later than 60 days after the date of the enactment of the Financial Services and General Government Appropriations Act, 2010, the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in Old Naval Hospital."

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Federal and District of Columbia Government Real Property Act of 2006.

## TITLE VII

### GENERAL PROVISIONS—GOVERNMENT-WIDE

#### DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2010 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$13,197 except station wagons for which the maximum shall be \$13,631: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102-404): *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction,

shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.



SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2010, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2010, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2010, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2010 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2010 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2009, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2009, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2009.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary

to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such com-

munication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasireligious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling." *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with

the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term "agency"—

(1) means an Executive agency, as defined under 5 U.S.C. 105;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 723. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts:

*Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate inter-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed \$17,000,000: *Provided further*, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 724. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 725. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the inter-agency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 726. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 727. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any non-Federal government Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission to the Federal government of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 728. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 729. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 730. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 731. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 732. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 733. (a) For fiscal year 2010, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 735. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 736. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 737. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually-billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508): *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guide-

lines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 738. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms “Great Lakes” and “Great Lakes State” have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term “Great Lakes restoration activities” means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 739. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 740. None of the funds made available by this or any other Act may be used to im-

plement, administer, enforce, or apply the rule entitled “Competitive Area” published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. Notwithstanding section 748 of division D of the Omnibus Appropriations Act, 2009, the President may modify or replace Executive Order 13423 if the President determines that a revised or new Executive Order will achieve equal or better environmental or energy efficiency results in terms of emission of greenhouse gases, use of renewable energy, reduction in water use, sustainable environmental practices, toxic and hazardous chemicals, construction and renovation practices, vehicle consumption of petroleum products, and use of electronic equipment and its disposition and notifies the appropriate committees of Congress at least 15 days in advance of the change.

SEC. 742. Not later than 120 days after enactment of this Act, each executive department and agency shall submit to the Director of the Office of Management and Budget a report stating the total size of its workforce, differentiated by number of civilian, military, and contract workers as of December 31, 2009. Not later than 180 days after enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee a comprehensive statement delineating the workforce data by individual department and agency, as well as aggregate totals of civilian, military, and contract workers.

SEC. 743. (a)(1) Not later than the end of the third quarter of fiscal year 2010 and each subsequent fiscal year, and for each department or agency not later than its inventory required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270), the head of each Federal department or agency (other than the Department of Defense) shall submit to Congress an annual inventory of the activities performed during the preceding fiscal year pursuant to contracts for services for or on behalf of such department or agency, as the case may be. The entry for an activity on an inventory under this section shall include, for the fiscal year covered by such entry, the following:

(A) The functions performed by the contractor.

(B) The contracting organization, the component of the department or agency administering the contract, and the organization whose requirements are being met through contractor performance of the function.

(C) The dollar size and funding source for the contract under which the function is performed by appropriation and operating agency.

(D) The fiscal year for which the activity first appeared on an inventory under this section.

(E) The number of full-time contractor employees (or its equivalent) paid for the performance of the activity.

(F) A determination whether the contract pursuant to which the activity is performed is a personal services contract.

(G) Whether the contract has been performed pursuant to a contract awarded on a noncompetitive basis, either originally or upon a subsequent renewal.

(H) Whether the contract has been performed poorly, as determined by a contracting officer, during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality.

(2) The inventory required under this subsection shall be submitted in unclassified form, but may include a classified annex.

(b) Not later than 30 days after the date on which an inventory with respect to a department or agency is required to be submitted to Congress under subsection (a), the head of such department or agency shall—

(1) make the inventory available to the public; and

(2) publish in the Federal Register a notice that the inventory is available to the public.

(c) Not later than 90 days after the date on which an inventory is submitted under subsection (a), the head of the department or agency, or component thereof, responsible for activities in the inventory shall—

(1) review the contracts and activities in the inventory for which such head is responsible;

(2) ensure that—

(A) each contract on the list that is a personal services contract has been entered into, and is being performed, in accordance with applicable statutory and regulatory requirements;

(B) the activities on the list do not include any inherently governmental functions; and

(C) to the maximum extent practicable, the activities on the list do not include any functions closely associated with inherently governmental functions;

(3) identify activities that should be considered for conversion—

(A) to performance by employees of the department or agency; or

(B) to an acquisition approach that would be more advantageous to the department or agency; and

(4) develop a plan to provide for appropriate consideration of the conversion of activities identified under paragraph (3) within a reasonable period of time.

(d) Nothing in this section shall be construed to authorize the performance of personal services by a contractor except where expressly authorized by a provision of law other than this section.

(e)(1) The term “function closely associated with inherently governmental functions” means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

(2) The term “inherently governmental functions” has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

(3) The term “personal services contract” means a contract under which, as a result of its terms or conditions or the manner of its administration during performance, contractor personnel are subject to the relatively continuous supervision and control of one or more Government officers or employees, except that the giving of an order for a specific article or service, with the right to reject the finished product or result, is not the type of supervision or control that makes a contract a personal services contract.

SEC. 744. Congress requests the President, and directs the Attorney General, to transmit to each House of Congress, not later than 14 days after the date of the adoption of this Act, copies of any portions of all documents, records, and communications in their possession referring or relating to the notification of rights under *Miranda v. Arizona*, 384 U.S. 436 (1966), by the Department of Justice, including all component agencies, to captured foreign persons who are suspected of terrorism and detainees in the custody of the Armed Forces of the United States.

SEC. 745. (a) None of the funds made available in this or any other Act may be used to obtain a financial or ownership interest (or right to acquire such an interest) in an automobile manufacturer that deprives an automobile dealer of its economic rights under a dealer agreement and does not assume (or assign to a successor in interest) each dealer agreement which is valid and in existence (and has not been lawfully terminated under applicable State law) before the date of the commencement of a case under title 11 of the United States Code by such automobile manufacturer.

(b) Any automobile manufacturer with respect to which the Federal Government has a financial or ownership interest (or right to acquire such an interest) shall, to the extent that a valid dealer agreement existing immediately before the date of the commencement of a case under title 11 of the United States Code by such automobile manufacturer is not assumed by or assigned to another automobile manufacturer, require any new entity created in such case to enter into a new dealer agreement with the dealer whose agreement was not so assumed or assigned, and on the same terms as existed immediately before such date.

SEC. 746. Except as expressly provided otherwise, any reference to “this Act” contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

#### TITLE VIII

#### GENERAL PROVISIONS—DISTRICT OF COLUMBIA

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and the Senate

and the President are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2010.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 808. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term “official duties” does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 809. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 810. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a “conscience clause” which provides exceptions for religious beliefs and moral convictions.

SEC. 811. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 812. None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 813. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2010 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 814. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1-204.42).

SEC. 815. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 816. None of the funds contained in this Act may be used to distribute any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1,000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, park, playground, video arcade, or youth center, or an event sponsored by any such entity.

SEC. 817. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

The CHAIR. No amendment to the bill shall be in order except those printed in House Report 111-208. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

AMENDMENT NO. 1 OFFERED BY MR. SERRANO

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-208.

Mr. SERRANO. Mr. Chairman, I rise to offer amendment No. 1 printed in the report of the Committee on Rules.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SERRANO: Page 57, line 24, insert "(increased by \$4,875,000)" after the dollar amount.

Page 64, line 5, insert "(reduced by \$5,125,000)" after the first dollar amount.

Page 68, line 11, insert "(reduced by \$2,875,000)" after the dollar amount.

Page 68, line 13, insert "(reduced by \$2,250,000)" after the dollar amount.

Page 79, line 21, insert "(increased by \$250,000)" after the dollar amount.

At the end of the bill (before the short title), insert the following:

#### TITLE IX

##### ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for first-class travel by the employees of Federal departments and agencies in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

The CHAIR. Pursuant to House Resolution 644, the gentleman from New York (Mr. SERRANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. SERRANO. Mr. Chairman, this amendment does several things. First, it increases FY 2010 funding for the Consumer Product Safety Commission by \$4.9 million to its authorized level of \$118,200,000. I thank my colleagues DEBBIE WASSERMAN SCHULTZ and ROSA DELAURO for cosponsoring my amendment to increase funding for the CPSC. Recently enacted consumer protection legislation has increased the workload of the CPSC considerably. The Consumer Product Safety Improvement Act was signed into law last August. This law sets strict limits on the amount of lead and chemicals that can be used in making children's products. The CPSC has faced many challenges in implementing the new law, and this additional funding will enable them to fully address workload needs.

This amendment incorporates an amendment first offered by my colleague Mr. HASTINGS to provide an additional \$250,000 for the National Credit Union Administration's Community Development Revolving Loan Fund. This is a worthy program that provides loans and grants to credit unions that serve low-income communities with the goal of improving the quality of financial services provided to those communities.

This amendment also incorporates an amendment first offered by my colleague Mr. CUELLAR to prohibit the use of funds for first-class travel for employees of agencies funded by the bill. I think it makes sense to prohibit first-class travel for Federal employees.

I will close by saying that this is a good amendment, and I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I claim time in opposition to the manager's amendment.

The CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, while I don't oppose the content of this amendment, I do oppose the process in which it was offered.

Mr. Chairman, this is a controversial bill to many Americans. Increasing spending by \$1.6 billion, or 7 percent, should be allowed to be debated under this bill. In addition, the changes in long-standing policy on abortion and on medical marijuana should also have an opportunity to be debated. I think that the responsible regular functioning of this institution is so important, especially on spending measures that demand the full attention of Congress, because they've got the full attention of the American people.

As my colleagues know, a manager's amendment traditionally is meant not to be controversial. It's meant to be offered and supported by both sides of the aisle to improve the bill in ways on which we can all agree. The manager's amendment is meant to have a quick debate, typically followed by debate on more difficult issues. Taking three proposed amendments by our Democratic colleagues and rolling them into a manager's amendment while prohibiting debate on the majority of amendments submitted by the Republicans is not in the tradition of this House or the tradition of what a manager's amendment should be.

I urge a "no" vote.

I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. SERRANO).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PAULSEN

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-208.

Mr. PAULSEN. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PAULSEN: Page 6, line 25, after the dollar amount insert "(increased by \$15,000,000)".

Page 63, line 6, after the dollar amount insert "(reduced by \$15,000,000)".

Page 64, line 5, after the first dollar amount insert "(reduced by \$15,000,000)".

Page 68, line 11, after the dollar amount insert "(reduced by \$15,000,000)".

The CHAIR. Pursuant to House Resolution 644, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. I yield myself as much time as I may consume.

Mr. Chair, I rise today to offer an amendment that would provide an additional \$15 million for the Financial

Crimes Enforcement Network, which is also known as FinCEN. The Department of the Treasury established FinCEN in 1990 to provide a government-wide multi-source financial intelligence and analysis network. The agency's functions have expanded over the years and now include some regulatory responsibilities as well as providing important information on new incidents and patterns of fraud to the SEC, Department of Justice, the FBI and other intelligence organizations.

Now part of the Department of Treasury's Office of Terrorism and Financial Intelligence, FinCEN is also the lead office in fighting the financial war on terror, combating financial crime and enforcing economic sanctions against rogue nations. The recent economic crisis has demonstrated how important FinCEN's efforts are to our national financial security because it was FinCEN that was providing some of the earliest information regarding the financial crisis. FinCEN was one of the first to highlight the ever-growing problem of mortgage fraud, and it continues to track this problem today. Earlier this month, for instance, FinCEN helped the FBI release a new report, estimating a 36 percent increase in mortgage fraud between fiscal years '07 and '08. We must make greater efforts at reversing this trend.

The information provided to government organizations by FinCEN is essential to catch criminals and defeat terrorists. The ability to follow the money trail really and truly provides our intelligence and law enforcement community with information that leads to a broader understanding of terrorist organizations and drug dealers.

My amendment will provide FinCEN with additional resources and is an investment in the financial and economic security of the country. FinCEN is currently going through a process of modernizing and upgrading their technologies so they are better equipped to monitor, detect and battle crimes in the 21st century. We need these efforts to support continued success. Investing in FinCEN's IT modernization will provide a greater capability of identifying those who have misrepresented the health and size of their investments to their clients. It will provide the necessary tools for analyzing financial information and detecting criminal wrongdoing. And finally, this measure will provide needed support in coordination with Federal, State and local law enforcement. Especially in this time of economic crisis, our government agencies need the best information possible to confront these important issues of financial and economic security, and FinCEN can be that helper.

I reserve the balance of my time.

Mr. SERRANO. I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. SERRANO. I appreciate the gentleman's attention to the Financial Crimes Enforcement Network. I would like to point out that the Appropriations Committee has been very supportive of FinCEN. The reported bill provides the administration's requested funding increase of \$11.3 million, or 12.3 percent, including \$10 million to begin upgrades of the Bank Secrecy Act database used by law enforcement and intelligence agencies. We recognize the intent of the gentleman. We think it's a good amendment, and we accept it.

Mr. LATOURETTE. Will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Ohio.

Mr. LATOURETTE. I thank the chairman for yielding.

I just wanted to indicate that, as I am also in support of the gentleman's amendment, financial crimes are really something that needs to be looked at. The gentleman's amendment takes care of it. And I just want to commend the gentleman from Minnesota, who is a new Member of the House, for bringing this important issue to our attention.

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

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

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PRICE OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-208.

Mr. PRICE of Georgia. Mr. Chair, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PRICE of Georgia:

Page 24, strike lines 1 through 5.

The CHAIR. Pursuant to House Resolution 644, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, this is a very simple amendment. It strikes \$4.2 million from the bill, decreases the funding in the bill to strike the funding for the President's Council of Economic Advisers.

On January 20, 2009, when Barack Obama was inaugurated as President of the United States, the national unemployment rate stood at 7.6 percent, and the outstanding public debt of the Nation stood at \$10.627 trillion. Confronted with this dire situation, the President urged Congress to pass an economic stimulus package. His solution—an end product containing \$787 billion in new deficits for special inter-ested giveaways.

□ 1445

Despite many of us who claimed, and I would suggest knew, that it wouldn't work, the American people expected immediate results because the President and his administration sold it as such.

Peter Orszag, the Director of the Office of Management and Budget, in responding to a question from CNN on when would Americans feel some benefit from the job losses, stated that it will take weeks to months. Now the President and his administration are backtracking on the stimulus package. In his most recent weekly address, the President said, "The Recovery Act was not designed to work in 4 months. It was designed to work over 2 years."

Well, Mr. Chairman, that is news to the American people who have taken notice and they have lost faith in the President's economic policies. Most folks think he simply doesn't have a plan that works.

And one of the biggest cheerleaders of the President's economic policies, the executive offices most responsible for the ineffective and destructive policies that we are seeing today, is the Council of Economic Advisers and its chairman, Christine Romer. She touted in a report which served as the basis for selling the nonstimulus plan to the American people that under such a plan the unemployment rate would max out at 8 percent if the plan were adopted. In fact, she said, without it, the unemployment rate would top out at 9 percent.

Well, Mr. Chairman, as you know, as well I do, to put it mildly, the administration and Ms. Romer were just plain wrong. The unemployment rate today stands at 9.5 percent, and more than 14 million individuals are unemployed under their watch.

Now the Council of Economic Advisers is championing a sweeping new health care reform and selling it as part of the economic recovery. A recent report by the Council of Economic Advisers entitled, "The Economic Case for Health Care Reform," actually claims that slowing the annual growth rate of health care costs by 1.5 percentage points would increase real domestic product. Yet using the Chair's own modeling, House Republicans have determined that 4.7 million jobs would be lost as a result of the taxes on businesses which cannot afford to provide health insurance coverage.

So it has become abundantly clear, Mr. Chairman, that everything with this administration is about more government, more taxes, more spending and less jobs. If the stimulus and the health care package aren't proof enough, take a look at the auto bailout, the national energy tax, the upcoming plan to destroy the private student lending system, and on and on and on.

So the question must be asked, What responsible economist would actually advocate for this administration's job-



killing policies in the midst of a recession? And the answer, Mr. Chairman, is the Council of Economic Advisers.

My amendment is more than a vote to eliminate funding. It is a vote of "no confidence" on this administration's economic policies and those of the Council of Economic Advisers. They don't have a plan to get America back to work.

I would urge that we adopt this amendment, which is a commonsense amendment that moves us in the direction of not only saving money but coming up with a responsible, commonsense plan.

I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise to oppose the amendment.

The CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. First of all, I think it is important to realize that a lot of Members, especially—well, all Members from the other side will get up and make it sound as if the last few months have been the months that caused the economic crisis that we are in. The fact of life is that this President is trying to clean up the mess that was created during the last 8 years, because the prior President left this economy in pretty much good shape. It fell apart during these last 8 years. And we are trying to recover.

On this particular matter, the Council of Economic Advisers, or the CEA, was created in 1946 when the country faced a major economic crisis, just as we are doing today. At the end of the Second World War, many feared that the economy would sink back into depression with the phase-out of war spending. The Congress wanted to ensure that sound economic advice would be provided at the highest levels of the administration.

In the wake of a stock market bubble followed by a housing bubble that we have recently had, people have reason to worry about where the growth and jobs of the future will come from. We need the CEA to help the administration make better policy for the future.

Today, CEA has been involved in developing and evaluating the Recovery Act, health care options, energy and greenhouse gas policies, tax changes, job and training programs and other major economic challenges of our time.

As the administration develops policies in all these critical areas, the CEA brings solid, scientific evidence on the economic effects of alternative policies into the discussion. This is probably one of those times where we really need this kind of a Federal agency. And this is not the time to do away with it.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman has 1¼ minutes remaining.

The gentleman from New York has 2 minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the comments of my friend, but if we could hear the Amer-

ican people and their response to, once again, this blaming previous administrations, they would say, look, give me a break. Give me a break.

The American people are hurting. Millions of Americans are out of work. Yet the Obama administration and congressional Democrats promised that their \$1 trillion stimulus bill would create jobs immediately and that the unemployment rate wouldn't rise above 8 percent.

Instead, 1.96 million jobs have been lost since this administration started, and we are \$2 trillion more in debt since this administration started. In June alone, almost half a million jobs were lost, driving the unemployment rate to 9.5 percent, the highest level in 26 years.

So it is clear that the Democrats' \$1 trillion stimulus plan just isn't working. And every American has the right to ask, where are the jobs? Where are the jobs, Mr. Chairman? This is about jobs. This majority clearly doesn't have the appropriate program. This administration clearly doesn't have the appropriate program. Democrats are clearly on the side of more government and more taxes. Republicans, however, Mr. Chairman, are on the side of the American people.

I urge adoption of this amendment.

I yield back the balance of my time.

Mr. SERRANO. It is very easy for folks on the other side to say, let's not talk about the past administration. I agree. That is not my intention. In fact, our President has said on many occasions the past is the past. But if we keep coming up and making it sound like something happened January 20 until today that brought us to our knees economically, then it is my role, and everybody else's role on this side, just to clarify and to discuss a little history. And the history is the fact that this economy is in bad shape not for anything that has happened this year, but what happened in the past.

On this amendment, this is the wrong time to get rid of this. This is the wrong time to move against it. We need it more than ever. I hope that people will defeat this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 4 OFFERED BY MRS. EMERSON

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-208.

Mrs. EMERSON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. EMERSON:

Page 58, line 19, insert "(reduced by \$50,000,000)" after the dollar amount.

Page 58, line 20, insert "(reduced by \$50,000,000)" after the dollar amount.

The CHAIR. Pursuant to House Resolution 644, the gentlewoman from Missouri (Mrs. EMERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Chairman, my amendment would strike \$50 million from the \$100 million under the Election Assistance Commission for Help America Vote grants for States.

The President's budget requested a total of \$52 million for election reform programs, \$50 million for grants to States, and \$2 million for research and other initiatives. My amendment would simply return the State grant funding level in this account to the same amount that the President's budget requested.

Sixty-two percent of the States have not even applied for their fiscal year 2008—2008—Help America Vote funds. Of the \$115 million provided for State grants in fiscal year 2008, only about 20 percent of the funds have been obligated to the States; \$25 million has been given to 18 States. Of the \$100 million provided for State grants in fiscal year 2009, not even 4 percent has left the Treasury. Only two States have received fiscal year 2009 funds. So we have almost \$186 million still sitting in the Treasury for these grants.

Now, I think you all know me and you know me well enough to know that if there is a need, I'm fully supportive of matching the funding level to that need. However, I see little need to provide another \$100 million in unused funds to then get to a total of \$286 million in untapped funds.

I respect my chairman, and I respect the need for election reform and certainty in the election process. There is no question that we are obligated to provide for free and fair elections. It is a hallmark of our democracy, and we must always work to safeguard our elections. However, this is one account that has a demonstrated lack of funding needs for the coming fiscal year. Even the President recognized the opportunity to save the taxpayer \$50 million.

I urge all to do the same and vote "yes" on my amendment.

I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I would like to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman. Nothing is more important in a democracy than the integrity of the democratic process. Everything we do in this body is based on the assumption that the voters put us here as the result of a fair, accessible, and accurate

process. If there is anything we should not shortchange, it is our ability to conduct the most exemplary elections in the world. And we have not reached that standard yet.

In fact, the major national election official organizations and more than 25 civil rights, disability rights and other public interest groups have asserted that local jurisdictions still need all the funding originally authorized by HAVA simply to carry out HAVA's original requirements.

I have heard the gentle lady speak. But this letter addressed to every Member of Congress from such organizations as the National Association of Counties, the National Association of Secretaries of State, the American Association of People with Disabilities, NAACP Legal Defense and Educational Fund, Paralyzed Veterans of America, and others says that it is "imperative," in their words, that State and local governments receive all the funding that is coming to them, that should be coming to them from HAVA. It should not be cut.

They need this funding for poll-worker training, for voter education and for putting in place voter systems that are accessible and reliable, and as we discussed earlier, auditable.

They say in this letter that full funding is necessary to fulfill the promise of HAVA, and I include this letter for the RECORD.

I urge my colleagues to support the modest HAVA funding in this bill and to defeat this amendment.

MARCH 17, 2009.

MAKE ELECTION REFORM A REALITY—SUPPORT FULL FUNDING FOR HAVA

DEAR MEMBER OF CONGRESS: We, the undersigned organizations, are deeply appreciative of the funding appropriated for the Help America Vote Act (HAVA) in FY08 and FY09 and urge you to support full funding and appropriate the remaining \$470 million of authorized funding in FY10. Of this amount, \$442 million is for the federally-mandated processes and equipment that state and local governments were required to have in place for federal elections beginning in 2006 and \$28 million is for assisting state and local governments in making all polling places accessible and the protection and advocacy payments. It is imperative that state and local governments receive all of the funding they were promised to fully implement statewide voter registration databases, to keep up with the spiraling costs of purchasing and maintaining voting equipment and to ensure proper poll worker training and voter education in this environment of continually changing voting processes and procedures.

The lack of full federal funding for HAVA has led man state and local governments to scale back on their initial plans for implementation. Most devastatingly, initial Congressional delay in providing proper funding for the Election Assistance Commission (EAC) and the National Institute of Standards and Technology (NIST) ultimately prevented the timely development of the voting system guidelines and the implementation of a federal voting system certification program. This led to cost increases for state and local governments that in some cases were unable to utilize existing equipment and others that had to replace voting equipment more than once in an effort to comply with

evolving guidance to ensure both accessibility and security. While the efforts of the EAC and NIST have since been funded, delay in their funding has contributed significantly to cost increases for state and local governments.

Full funding is necessary to fulfill the promise of HAVA and provide resources to state and local governments to meet the new and changing expectations for voting equipment and procedures. Should you have any questions, please contact the organizations listed below.

Sincerely,

ORGANIZATIONS REPRESENTING STATE AND LOCAL ELECTION OFFICIALS

International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT).

National Association of Counties (NACo).  
National Association of Election Officials (The Election Center).

National Association of State Election Directors (NASED).

National Association of Secretaries of State (NASS).

National Conference of State Legislators (NCSL).

CIVIL AND DISABILITY RIGHTS AND VOTER ADVOCACY ORGANIZATIONS

Leadership Conference on Civil Rights.  
American Association of People with Disabilities (AAPD).

American Civil Liberties Union (ACLU).  
American Federation of Labor-Congress of Industrial Organizations (AFL-CIO).

American Federation of State, County and Municipal Employees.

Asian American Justice Center.  
Association of Community Organizations for Reform Now (ACORN).

Brennan Center for Justice at NYU School of Law.

Common Cause.  
Demos.

Fair Elections Legal Network.  
FairVote.

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW.

Lawyers' Committee for Civil Rights Under Law.

League of Women Voters of the United States.

NAACP Legal Defense and Educational Fund, Inc.

National Association for the Advancement of Colored People (NAACP).

National Association of Latino Elected and Appointed Officials Educational Fund (NALEO).

National Council of La Raza.

National Gay and Lesbian Task Force Action Fund.

Paralyzed Veterans of America.  
People For the American Way.

Project Vote.  
SAVE.

Union for Reform Judaism.  
U.S. Public Interest Research Group.

Mrs. EMERSON. I continue to reserve my time.

Mr. SERRANO. How much time do we have on this side?

The CHAIR. The gentleman from New York has 3 minutes remaining.

Mr. SERRANO. I would like to yield myself whatever time I may consume.

You know, when we buy a car, the first thing they tell us is to make sure we service that car regularly, change the parts that are necessary, oil it and keep it in good shape.

We have a democracy, and as the gentleman from New Jersey says, and as

everyone knows, at the core of that democracy is the ability to vote and to have our votes counted properly. Yet what we are trying to do here today is to cut away, if you will, from that maintenance program, which is more than a maintenance program. What happened here in 2000 and in other places after 2000 was that the American people, regardless of the outcome of the election, were left with the understanding that something was wrong and that the greatest democracy on Earth was having a difficult time counting people's votes properly. And so HAVA was created.

HAVA is still in operation. HAVA is having moneys go out to communities. This is not the time to cut HAVA funds. On the contrary, this is the time to reinforce the core of our democracy by allocating the necessary funds. Give the States the opportunity to deal with the issue. Let the States deal with the issues back home that they have to as they meet the Federal requirements.

So I would oppose this amendment, and I would remind us that we don't pay that much attention to elections and how we run them because we have had this for so long in this society and this country that we take it for granted. But 2000 should tell us that we should never take it for granted again and that we should pay strict attention to it.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I said earlier that I have great respect for my chairman, and I certainly have great respect for the gentleman from New Jersey who has worked tirelessly on HAVA and worked to ensure that we have fair elections across this country.

□ 1500

And I do not believe that we should, to take a quote, shortchange any piece of the electoral process. But I bring to my colleagues' attention, once again, the fact that we have \$186 million that is sitting in the Treasury the States have not tapped into. Sixty-two percent of the funds from 2008 haven't been used. We've only used 4 percent for 2009. And I think that nobody better than our President understands the need for us to find savings. And when we're sitting on \$186 million, and with the additional \$52 million that we will have in this account, we're still well over \$200 million. And I dare say that at the rate that the States are using this money, we will never spend it.

And certainly, in difficult economic times, I truly believe that deferring to the President's budget request makes good economic sense.

I yield back the balance of my time, and urge a "yes" vote on my amendment.

Mr. SERRANO. I would urge a "no" vote on this amendment. And I yield the balance of my time to Mr. HOLT from New Jersey.

Mr. HOLT. Again, I hear the comments of the ranking member. It's important to point out, in this letter,

signed by the major election official organizations in the country, the Secretaries of State, associations of counties, election officials and so forth, they say that the rate at which the funding has been available to them in the past has led, in their words, “many state and local governments to scale back on their initial plans for implementation” of HAVA. We must, again, in their words, meet the promise of HAVA. This is not an imagined expense. This is a real expense to preserve democracy, and we have it on good authority, from the people who are doing the work, that this money is needed.

Mr. SERRANO. I urge a “no” vote, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Missouri (Mrs. EMERSON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. EMERSON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Missouri will be postponed.

AMENDMENT NO. 5 OFFERED BY MRS.  
BLACKBURN

The Acting CHAIR (Mr. HOLDEN). It is now in order to consider amendment No. 5 printed in House Report 111-208.

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. BLACKBURN:

At the end of the bill (before the short title) insert the following:

TITLE IX—FIVE PERCENT REDUCTION

SEC. 901. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The Acting CHAIR. Pursuant to House Resolution 644, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, again, today I rise in defense of the American taxpayer.

Mr. Chairman, we were greeted this week with the unfortunate news that we have already spent \$1 trillion more than we have taken in in this fiscal year. The projections for next year are no better. Many think they're even worse. And yet, here we find ourselves on the floor again, one more day, one more “approps” bill, one more debate about spend, spend, spend.

Everybody in this Chamber knows that I am the grandmother of two precious little boys. Their future is so special and precious to me. And because of

that, every day when I come to work, I think about the ramifications of the votes that I take and what it is going to do to them. And every day, I come down here, and what I try to do is slow the growth of government spending. It is completely out of control. It is about to bankrupt this Nation, and it is costing us jobs, jobs, jobs. And I do that because my grandsons already, at the age of 14 months and 1 month, they already owe \$70,000 to Uncle Sam. The debt that we run up here will be paid in their denied opportunities of tomorrow. I just can't run up that debt with a clear conscience, and I really don't think that, if my colleagues stopped to think about it, that they would want to be running up that type of debt either.

That is especially true when we consider the funding for the programs that are before us today, because that funding has risen over 52 percent in the past 3 years. These same programs have already received \$7 billion this year in stimulus funding. And yet, we propose another 6.4 percent increase, another \$1.5 billion increase more than last year. That will include a new \$5 million for a program called Youth Services. When I saw that, I thought, my goodness. I wonder how our youth will end up servicing the massive debt that we are leaving them to handle.

My 5 percent across-the-board cut will save the taxpayers \$1.2 billion. My friends on the other side of the aisle will, no doubt, rise in opposition to this bill, and they're going to tell their constituents how hard they've worked in committee, how responsible the bill is. And as one of my constituents said, it must be mighty hard work to spend a billion dollars an hour, 24 hours a day, 7 days a week, which is exactly what is happening in Congress.

I just don't buy the lines about hard work anymore, and neither does the American taxpayer. How hard can we be working? How many hard choices can possibly be being made by Members of this Chamber when every year we spend more and more and more.

My colleagues may say that they aren't increasing funding by all that much, if you don't count the stimulus money, and you don't count the special appropriations. But we have already spent that money on programs. And I do count that money, and I count it because the ones who are going to have to pay that back are our children and our grandchildren.

Mr. Chairman, the gentleman across the aisle from me may offer a series of programs that his party claims are just too vital to be cut. And I would challenge him to take that list to his constituents, to lots of grandmoms like me, and just ask them if they agree.

I would concede that yes, indeed we do have critical programs that need to be funded. I would simply suggest that, in this economy, when people are losing their jobs, when businesses are struggling, with a \$1 trillion deficit already on the books for this year, that

we consider reducing by 5 percent the amount of increase that is before us today.

And so now, so that my colleagues can dazzle me with their Washington-style math, I will reserve the balance of my time.

Mr. SERRANO. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. It's interesting that when we speak about debt we never bring up the debt that the last administration rang up through the Iraq war. That's got to be at least half a trillion dollars, if not more. And I'm still waiting to find the weapons of mass destruction.

Secondly, if I may brag for a second, I've got the gentlewoman beat. I have four grandchildren. And I don't want to saddle them with any debt in the future. But I think that this bill speaks to another issue that deals with them, and that is their present, so that they don't continue to be ripped off by crooks on Wall Street.

And yet the gentlewoman's cut, for instance, would cut \$51 million from the Securities and Exchange Commission, which would slash 120 staff members who have been placed here now to go after the crooks on Wall Street and all the other folks that created a problem for my four grandchildren now.

And so, yes, it is important to talk about the future. But it's also important to talk about the present. And what I keep hearing from folks is that, in a desire to save money now, we should do nothing to go after those people who created, who created much of the problems that we are facing now.

Let me give you another example. The IRS—new enforcement initiatives would go unfunded, resulting in over \$600 million in lost tax revenues.

In other words, your 5 percent cut, the gentlewoman's 5 percent cut, would take away funding that goes after my grandchildren? No. After their parents? No. They would go after the millionaires and the zillionaires who are parking money overseas and who are not paying their fair share of taxes. So you would cut, she would cut, the gentlewoman would cut people to go after this.

If this amendment passes, the Small Business Administration would not be able to meet the borrowing needs of small businesses. SBA lending, in its popular 7(a) loan program, which both sides support, would be reduced by \$875 million. Many small businesses, and we hear so often on that side about how much they love small business people, many small businesses have turned to the SBA or loans as the credit markets have tightened up, making less credit available to small businesses in this economic downturn. What this amendment proposes, is exactly the wrong thing to do.

The Federal courts would be impacted with a 5 percent reduction

across the board. One thousand full-time employees would be reduced from the Federal courts. On and on, absolutely, you were right. I have a list, but the list is not a list made up by staff or myself just for me to have something to say; it is the result of the impact of a 5 percent reduction. And so, it makes a lot of sense to say, in some cases, it scores a lot of points to say I want to cut the budget by 5 percent. But I think when you look at what we're talking about, you're hurting the very people we should protect.

So let me once again say, I appreciate the fact that the gentlewoman has two grandchildren that she wants to protect in the future. I have four that I want to protect in the future, but I want to make sure that we protect them now by making sure they don't get ripped off again, or their parents, as we did the last couple of years. I reserve the balance of my time.

Mrs. BLACKBURN. What we are saying is save a nickel out of a dollar. A nickel out of a dollar, out of the amount of increase that is being given.

All of these programs sound great, but may I remind my colleagues, this administration has piled up more debt, more debt than every previous administration from George Washington to George Bush. You must have liked the deficit spending so much that you're doing more and more and more and more of it.

There are some of us that have come to this floor repeatedly. Budgets and appropriations should be about priorities.

I encourage a "yes" vote on my amendment.

Mr. SERRANO. We always talk about the debt. The debt was as a result of the last administration. In fact, all of these bailout programs started while we had another President in office.

The fact of life is that we have to protect the present. We have to make sure the past doesn't come back. And this 5 percent cut would hurt the very agencies in this bill that are supposed to assure us of a better present and a better future.

I oppose the amendment and urge its defeat.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-208.

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. BROUN of Georgia:

At the end of the bill (before the short title) insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for the salary of the Assistant to the President on Energy and Climate Change, the Deputy Assistant to the President on Energy and Climate Change, or any position in the Council on Environmental Quality.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, I rise today in support of my amendment, which eliminates funding for the climate czar, their deputy, and staff salaries for the Council on Environmental Quality.

For too long the executive branch has skirted Senate confirmation proceedings and congressional oversight by appointing officials to oversee vast parts of the Federal Government. Administrations from both parties have been guilty of this practice. It's time for it to stop.

Mr. Chairman, we do not need and should not have czars. The last time I checked, only pre-Communist Russia had czars, and we are most certainly not Russia. But the word czar aptly describes the kind of power that these positions hold in our Federal Government. And the current administration has no fewer than 30 czars.

Unfortunately, the Rules Committee, as has been their practice, did not allow an amendment to eliminate all of these positions.

□ 1515

The CEQ was mandated by Congress 40 years ago. While their chairman is Senate confirmed and their members are various agency heads, the veil of secrecy by which this council operates is totally unacceptable, and it should be unacceptable to every Member of this House. It's no small secret that the council's actions are overtly political and lacking a proper legislative check, and it didn't just happen overnight. The previous administration's CEQ had its fair share of problems as well.

I have no problem with this administration, or any administration for that matter, seeking advice from outside experts on the important issues of the day. In fact, that's how it should be. But the recent actions by the council with regards to the Army Corps of Engineers as well as their so-called oversight on the projects from the Democrats' nonstimulus bill, to name just two, have forced me to resort to

defunding their operations. Obviously, I would have preferred to remedy this problem through the normal committee process, but that option has not been afforded Members of the minority of this Congress.

Attempting to fix these issues in the appropriations process is less than desirable, but that's all that's afforded the minority right now, and that should be unacceptable to the American people.

I urge my colleagues to wake up and reclaim our constitutional footing as the check on the executive branch and vote "yes" on my amendment.

I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I would like to yield 2 minutes to one of our colleagues and subcommittee chairman, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. The gentleman's amendment represents a misguided view on the subject of climate change and global warming. As the United States finally faces up to its responsibility to adapt to climate change, the gentleman wants to hobble our efforts for some illogical reason.

I, for one, am very comforted by the fact that Carol Browner is serving President Obama on energy and climate change issues and our response to them. We need all of the expertise that we can muster as we figure out how to adapt and mitigate climate change. My friend Carol Browner brings her respected experience as the former head of EPA to this job. The President, as well as the entire country, could not be better served in this important battle.

Also, the gentleman appears to want to defund the Council on Environmental Quality. The CEQ, under Nancy Sutley, is probably one of the best repositories of environmental expertise, and the United States is well served by them. NEPA was created in 1969 and Richard Nixon signed it into law.

As the chairman of the Interior and Environmental Appropriations Committee, I'm proud of the fact that we have dramatically increased funding for climate change science and wildlife adaptation over the last few years. But as my good friend MIKE SIMPSON, who is the ranking member on the Interior Subcommittee, repeatedly has said, we must make sure that the increased spending to combat climate change is spent properly. And I think that Carol Browner can also provide that kind of oversight at the White House. Why anyone would want to refuse her work is beyond me.

I urge a "no" vote on this very, very mischievous amendment.

Mr. BROUN of Georgia. How much time do I have left?

The Acting CHAIR. The gentleman from Georgia has 2 minutes, and the gentleman from New York has 3 minutes remaining.

Mr. BROUN of Georgia. This is about transparency and accountability. This administration has appointed more czars than pre-Communist Russia has appointed, and this one that we're trying to defund is just one of many.

Congress has no oversight. This is totally unacceptable. It should be unacceptable to you guys, too, Mr. Chairman, as well as every Member of this House. It should be unacceptable that we have czars appointed in what's supposed to be a free society, in a democratic Republic, representative government. Congress has the authority and responsibility to oversee the administration, and we're not doing our job, frankly, and it's about time for us to do our job.

Mr. DICKS. Will the gentleman yield on that point?

Mr. BROUN of Georgia. If I can have your time.

Mr. DICKS. I will just say this. We had at least 50 oversight hearings on this deal. Mr. SIMPSON and I—

Mr. BROUN of Georgia. I reclaim the balance of my time.

The thing is, this administration has given all of these czars tremendous amounts of power outside the purview of what they should have under the Constitution of the United States, and this particular czar doesn't look at scientific facts that there are thousands of scientists that say that there is minimal, if any, human effect on global temperatures.

We have an administration who has loaded up this council with people who are carrying out a political process, and it's been politicized, and it should be totally unacceptable. It is to me. It should be to all us of us.

I reserve the balance of my time.

The Acting CHAIR. The gentleman's time has expired.

Mr. SERRANO. I yield myself 1 minute.

It's amazing that we hear about oversight now. Yes, we do have oversight. It's funny how the other side never claimed oversight when the White House was having meetings determining what our energy policy should be between the White House and lobbyists and no Members of Congress were present, or when the White House and the administration knew that there was torture and other actions going on and nothing was being said.

The problem here is this may rise to a new legislative low because on these committees we respect the White House. When President Bush was in and this committee was in function, we let basically the White House have the staff members it said it needed, and now what we're trying to do here legislatively is to fire people at the White House. That's the wrong thing to do, and we should oppose it.

I yield the balance of my time to Chairman RAHALL. He takes care of all Puerto Rico issues, so I'm very nice to him.

Mr. RAHALL. I thank the gentlemen for that recognition.

Mr. Chairman, I rise in opposition to the pending amendment. It is, in what I view, a vindictive manner that seeks to prohibit the payment of a salary to any person employed by the White House Council on Environmental Quality, in addition to the Assistant to the President for Energy and Climate Change and a deputy assistant.

As the chairman of the Committee on Natural Resources, which has jurisdiction over the National Environmental Policy Act, and hence, CEQ, I can assure my colleagues that eliminating this entity, which is the goal with the pending amendment, would have severe repercussions on our Nation's environment and our economy. CEQ, at least under President Obama, has served to coordinate policy among various Federal agencies and provide regulatory stability, coordination and stability.

I witnessed this firsthand recently with respect to coal surface mining in my home State in Appalachia. The EPA was off in one course, the U.S. Army Corps of Engineers were off on another course, and the coal industry caught in between was the subject of conflict and requirements with nobody able to provide it with a roadmap on how to obtain permits in order to mine coal in this country.

It was CEQ which stepped in, got the regulatory entities together, resulting in an interagency action plan on Appalachian surface coal mining. Now, the efficacy of that action plan remains to be seen, I grant you, but at least a plan is in place and the rules of engagement are set forth.

Now, if this amendment is part of a continued protest against the administration's position on climate change, let me be clear on that point. I voted against the House cap-and-trade bill. I did not support it, but I do support, as the subcommittee has said, the right of this President or any President to establish positions in his or her own White House. And if President Obama finds that he wants a White House assistant on energy and climate change, that's his prerogative. That's his right. It was the right of President Bush before him and many other Presidents in the past.

So I urge my colleagues to indeed oppose this ill-conceived, vindictive amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-208.

PARLIAMENTARY INQUIRY

Mr. FLAKE. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman may state his parliamentary inquiry.

Mr. FLAKE. I plan to ask for unanimous consent to modify my amendment to reflect some of the amendments throughout this process that were not made in order by the Rules Committee. What I want to know is, is it in order, if the other side agrees with the unanimous consent request, and is it possible for them to do so and allow these other amendments to be offered?

Mr. SERRANO. I object, Mr. Chairman.

The Acting CHAIR. The gentleman has not stated a parliamentary inquiry.

The gentleman will state his inquiry.

Mr. FLAKE. The inquiry is, under unanimous consent, can the majority party agree to modify my amendment?

The Acting CHAIR. That is a hypothetical question.

If the gentleman wishes to make a unanimous consent to modify his amendment, that request is in order at the time the amendment is pending.

Does the gentleman wish to offer amendment No. 7?

Mr. FLAKE. Yes, I do.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for a small business incubator project of the University of West Georgia in Carrollton, Georgia, and the amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I ask unanimous consent that my amendment be modified to the form I have at the desk.

The Acting CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The Acting CHAIR. Objection is heard.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

What I wanted to establish is that by unanimous consent the majority party could agree for me to modify my amendment. Now, I was allowed for 11 amendments under this rule to strike earmarks from the bill. Unfortunately, numerous Members, dozens of Members, were denied the ability to offer any amendments on this bill. It seems the majority party only wants to deal

with those amendments that they know they could win.

Now, under tradition, this House has brought appropriations bills of the House to the floor under an open rule. We've broken with tradition this year. There is a headline on AP wire right now that says, "House Democrats muzzle GOP on sensitive issues." That's a pretty accurate headline. That's exactly what's happening here.

Now, we were told that it was a time constraint issue, that we simply couldn't finish all of the appropriations bills under a certain amount of time so we had to restrict the number of amendments. That's what the world was told here, the country was told. We find out that's not the case at all. We have a time limit under this bill. I have 11 amendments. I'm willing to modify my amendments to reflect some of those that were denied, amendments that were germane.

The first one that I have at the desk is one that would protect broadcaster freedom. This is an amendment that was offered last year in the appropriation bill. It was germane, and it received 309 votes from this Chamber, but the majority leadership doesn't want to vote on that, and so they've denied the authors of that amendment the ability to come to the floor and offer it. And so I'm willing to substitute that for one of mine under unanimous consent, but the gentleman objected twice, so we won't be able to do that.

So I just want to say it on the record—and I will say it again and again—this process is not right. We know this isn't the way it should be done. House Democrats are muzzling the GOP on sensitive issues, just like the headlines now read. It's not an issue of time. We're under time constraints already. We're willing to simply substitute time for time, but the majority party simply will not allow it.

Now to the merits of this amendment.

I'm seeking to strike funding, \$100,000 for funding a small business incubator at the University of West Georgia. This would reduce the overall cost of the bill by a commensurate amount. This is money that's going to a business incubator. You will see that theme throughout a lot of these amendments, whether they're at a university or under some other umbrella. We're taking money from the Treasury here, money that we have to borrow, and funding business incubators.

□ 1530

Now a business incubator, that's a bit of a nebulous term and I haven't quite figured out what it is. It means different things in different places. But apparently here it's simply to offer counseling, resource information exchange, and distance-learning opportunities for entrepreneurs and small business ventures. That kind of thing is done all the time in every State, everywhere. But not everybody gets a Fed-

eral earmark to do that and it's not fair to do it here. People that get this kind of money should have to compete for it if that money is available at all.

With that, I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. On a bipartisan basis, we have scrutinized thousands of Member requests and recommended funding for those projects we believe are most meritorious. In addition, the Small Business Administration was given an opportunity to vet this project and provided the committee with no negative feedback regarding the project or the grantee. I urge my colleagues to oppose this amendment.

I yield such time as he may consume to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the ranking member for yielding to me.

I want to say right off that I support the gentleman's request for unanimous consent but I certainly rise to oppose this striking amendment No. 7 by my friend and colleague from Arizona. I want to thank Chairman SERRANO and Ranking Member EMERSON for supporting this request, this project.

I commend the gentleman from Arizona. I think that his heart is true and consistent in regard to wanting to reduce government spending and waste, and I think he is to be commended for that. And I think the gentleman from Arizona knows that I too feel the same way. In fact, I have introduced legislation to bring some fairness and equity to Member initiatives, to cut them in half indeed. I know the gentleman is aware of that.

He doesn't know a lot about this project, and I'm sure that a lot of Members when their project for their district, for their constituents is challenged, they may dread coming down here to the floor. But I don't dread it at all. I'm thrilled to have an opportunity to come down and explain to the gentleman about this project.

Very simply, this \$100,000 would go to the University of West Georgia's Small Business Development Center and their partnership with the Carroll County Economic Development Foundation's Burson Center to simply fund the expansion of their small business support center, or incubator. This center, which already exists, provides resources ranging from business counseling, to temporary office space, to technical support and access to an online database of Angel Investors Networks looking to support a potentially successful small business.

Specifically, this expansion will target the more than 12,000 veterans from

west Georgia that will be returning in the coming year. Given the tight job market, 30 percent or more of these returning veterans will attempt to start their own business and will likely require some type of support in beginning that effort.

I urge my colleagues to oppose this striking amendment.

The Acting CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. FLAKE. I thank the Chair and I thank the gentleman for his kind words. I think I'm the most commended Member in this body who never wins an amendment. Nevertheless, I think when you look at what's being funded here, these are activities that go on all over the country, whether they're sponsored by universities, whether they're sponsored by business groups, chambers of commerce, other associations. And to single one out and say that the University of West Georgia is deserving of a Federal earmark for their project, for their business incubator simply doesn't make sense.

We have a deficit this year that will approach \$2 trillion by the time we finish the fiscal year. We are borrowing money from the taxpayers all over this country, or actually borrowing it from foreign countries, and we're asking the taxpayers and future generations of taxpayers to pay for it because we don't have the money to fund these programs.

This bill increases spending in the Financial Services appropriations bill, I think, \$1.6 billion or so increase over last year. Yet we're funding projects as if we have no problem at all, as if money grows on trees here. And it doesn't. At some point I think we have to step back and say, We can't continue to do business this way. At some point we have to say, We're going to strike an earmark, or we're going to save some money somewhere. I would suggest that now is the time. If we're not going to do it now, I don't know when we're going to do it.

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

The Acting CHAIR. The gentlewoman from Missouri has 2 minutes remaining.

Mrs. EMERSON. I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, again, a lot of what the gentleman says, I can agree with, but I continue to believe that some portion of Federal dollars that my constituents send to Washington is returned back to them and to our district, the 11th of Georgia. Yes, preferably through tax relief. But when necessary, through direct support of responsible and well-vetted local initiatives.

Let me explain to the gentleman and provide just a little more context for this request and the needs that this center is seeking to meet. Here are the six counties that the center services as well as the unemployment rate in each



county: Carroll County, 11 percent unemployment; Bartow, 11.5; Floyd County, 10.4 percent; Paulding, 9.8 percent; Haralson, 12.2 percent unemployment; and Polk, 10.5 percent unemployment.

As I said, Mr. Chairman, at the outset in defending this initiative against the gentleman's amendment to strike, this is a good project. And as he says, Well, why don't they go through the regular process. Well, I think if they went through the regular process, this project would have a 98 percent chance of getting funded. But I think it's my responsibility if I can to make sure that we don't take that 2 percent chance. I proudly stand here and defend this project.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

#### AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

#### TITLE IX

##### ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Commercial Driver Training Institute project of Arkansas State University in Newport, Arkansas, and the amount otherwise provided in such section is hereby reduced by \$200,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified to the form I have at the desk.

The Acting CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The Acting CHAIR. Objection is heard.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. That didn't sound like the Clerk, so I guess we've been objected to again.

Again what I am trying to do here is modify my amendment to reflect one

of the amendments that was rejected by the Rules Committee. This particular amendment would keep in place the restrictions that have been in place for a long, long time against using taxpayer money to fund abortion services.

The sponsors of this amendment, on both sides of the aisle, felt so strongly about it that many of them on the other side of the aisle voted against the rule. So when time expired just about an hour or so ago to vote on the rule for this bill, it was about 10 votes short of passing because more than 30 Democrats voted against the rule. Now the vote was held open for an inordinate amount of time so that leadership could twist some arms and change some votes to get this rule to pass. You had Members on both sides of the aisle feel that strongly about bringing an amendment to the floor, but the majority party leadership decided, no, that we should be muzzled, not just on this side but Members on that side of the aisle as well.

Mr. Chairman, that's just not right, but that's what happens when you declare martial law on appropriations bills and say to the world, We can't do it because time does not allow. And then when somebody here asks for unanimous consent to simply substitute time for time, one amendment that wasn't allowed in order for one amendment that was, the majority stands up and says, I object.

So let's get rid of the fiction once and for all that this is an issue of time. What it's an issue of, the majority leadership does not want Members to have the ability to offer the amendments they would like to. We had the gentleman stand up in the last hour who presided a couple of years ago over the Interior appropriation bill. He noted that he sat in the Chair for over 3 days to listen to amendments come up on the Interior appropriation bill. I remember that time. I offered many of those amendments. There were many amendments that people on both sides of the aisle offered that the leadership on both sides of the aisle was uncomfortable with. But they allowed it to occur, because that's the way it should work here.

Under this martial law rule, we have a structured rule and the majority leadership picks which amendments can be offered and which ones cannot. That is simply not right, Mr. Chairman.

Now in terms of this amendment, this amendment would prohibit \$200,000 from funding the Arkansas Commercial Driving Training Institute, and it would lower the cost of the bill by a commensurate amount. The recipient of this earmark is Arkansas State University. It's had a truck driving institute for more than 20 years. I am all for driver safety, particularly big 18-wheelers that are on the road, but I'm not sure why the Federal Government is funding this particular driving program. Nor do I understand why this institute is receiving another earmark,

having received nearly a quarter of a million dollars in earmark funds in the omnibus bill that we passed just a few short months ago.

In fact, it appears that this institute was established and built in part with taxpayer dollars, Federal taxpayer dollars, thanks to a nearly \$350,000 earmark it received in the fiscal 2008 transportation spending bill.

A quick search on the Internet shows there are dozens and dozens and dozens of commercial driving training schools all over the country. None of them have received this kind of Federal largesse. Why do we continue to fund institutes like this? Aren't some of the others just as deserving? Or is it just because we have Members in a position to do it?

If you look at this chart, you'll get the answer there. This is the Financial Services bill that we're dealing with now. Sixty percent of the earmarks in this bill are going to just 24 percent of the body. That represents appropriators, chairmen, ranking minority members, so-called powerful Members. Sixty percent. If you look at the dollar value of the earmark, that goes up to 70 percent. Seventy percent of the earmark dollars in this bill are going to less than 24 percent of the body.

Now you'll hear a lot of high-minded rhetoric about we can't let those faceless bureaucrats in the bureaucracy decide where the money goes. Well, most of the Members in this body would do better with faceless bureaucrats than with the Appropriations Committee, because time and time again, and this is a trend that we've seen throughout the appropriation bills this year, a small number of Members get a big chunk of the cash. And this is going to some organizations that have gotten earmarks year after year after year after year.

I reserve the balance of my time.

Mr. BERRY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BERRY. Thank you, Mr. Chairman.

I certainly want to thank our distinguished chairman and ranking member of this committee and the staff that's done magnificent work preparing this bill and getting it to the floor. We all appreciate them and what they've done.

I try to never rise to speak that I don't encourage anyone that will listen to me to keep in their hearts and minds and in their prayers our men and women in uniform and their families. I am delighted to be here to not only hopefully defend this amendment against attacks but I have heard my friend from Arizona's complaints.

I would refer him first of all to article I, section 9 of the United States Constitution that says no money shall be drawn from the Treasury but in consequence of appropriations made by law.

□ 1545

It says, "No money shall be drawn from the Treasury but in consequence of appropriations made by law." I don't think the bureaucrats have the authority under the Constitution to appropriate money. That's the job of this Congress, this House, and the Appropriations Committee.

And I know my friend from Arizona means well. He has good intentions. He does these things in a spirit of camaraderie and never gets too vicious with his attacks. And I appreciate that. He is indeed a good fellow. But my mother used to tell me that the road to the bad place was paved with good intentions.

These people this truck driving course takes care of, the people that it makes possible for them to get trained, they're trained for good jobs that already exist. They're not going to get trained and then be out of work. They're going to be trained to operate vehicles over the Nation's highways in a safe manner.

This program helps to filter out any people that would not be suitable for that type work. That's part of what it does. This is a need that has existed for many, many years, and we have put lots and lots of State money, a lot of local money into this program and this community college, which does an outstanding job—and it has other programs where it trains people for jobs that already exist, and this is just one of its programs.

It would be absolutely foolish for us to deny this little bit of funding for a place that has worked so hard, has a very difficult time economically, and does only take up an effort to try to improve the lives of the people that want to work hard and participate in these programs and be trained for a good job.

And so I urge a "no" vote on this amendment, and I would urge my colleagues that choose to oppose earmarks—I like to call them Member-directed spending—but I think the Constitution is very clear on who's supposed to do that. If they would choose to be opposed to these Member-directed spending in these bills, then they need to go back to the Constitution and see where it says bureaucracy or bureaucrat or Federal agency or the executive branch or anything like that. It doesn't say that. It says the Congress has to pass these laws and make this money available.

So, I'm delighted to be here and appreciate the opportunity to speak against this amendment.

I reserve the balance of my time.

Mr. FLAKE. I urge support of the amendment.

Mr. BERRY. I urge a "no" vote on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated as No. 9.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

#### TITLE IX

##### ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Proof of Concept Center of Idaho TechConnect, Inc., in Nampa, Idaho, and the amount otherwise provided in such section is hereby reduced by \$285,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

The CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The CHAIR. Objection is heard.

The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I'd like to engage on my time a colloquy with the gentleman, the chair of the relevant subcommittee, if I could.

I'm just wondering why the majority doesn't want to consider these amendments that weren't made in order.

Mr. SERRANO. The Rules Committee made in order a certain amount of amendments. The Rules Committee is a body composed of Members from both sides. That's the rule that we're working under. And I think that out of respect for the House and the rules that we work under, we should accept that as the format for this debate today, and not to change it in any way just when we feel like it.

Mr. FLAKE. I thank the gentleman. He makes an important point. We have traditions in this House that we ought to uphold—and one tradition is appropriation bills being brought to the floor under an open rule. And we shouldn't be able to change that just because we feel like.

What I'm trying to do is return to the traditions of the House and allow Members to bring the amendments that they would like to offer; that their constituents, with their voice in Washington, would like them to be able to offer. But we're not allowed to. As the headline out there right now reads,

"House Democrats muzzle GOP on sensitive issues."

Now this amendment that I would like to have offered instead of mine would allow the School Choice Initiative in Washington, D.C., to continue. Funding will go away for everyone except those who are currently in the program.

Over the past several years, thousands of residents of D.C. schools have been able to go to the schools of their choice. Now, because of this bill being passed today, unless an amendment is accepted otherwise, those children will be denied that choice.

Now that is an amendment that has support on this side of the aisle and the other side of the aisle. It was an amendment that was offered at the Rules Committee that was fully germane. It was in order to be considered. It was simply rejected because the majority leadership did not want this body to vote on it. I don't know why. We will have to all speculate.

But the fact is that we're taking the time that could have been offered for this amendment and allowing that one to be offered instead. So we're not increasing the time for these appropriation bills. The majority party is still objecting to that unanimous consent request.

Now, with regard to this amendment, this amendment would prohibit \$285,000 from going to Idaho TechConnect, Inc., for the Proof of Concept Center, and reduce the overall cost of the bill by a commensurate amount. This Idaho TechConnect accelerates Idaho's innovation-based economy by connecting people, resources, and ideas.

Here's another one that's pretty much indistinguishable, I think, from the last one. It's a business incubator of some type that a group here, Idaho TechConnect, seems to think is worthy of Federal largess or an earmark. It doesn't want to compete for dollars that might be in an account that Congress, through its role under article I, has instructed the agency to set up. No. It attempts to earmark dollars beyond that.

The last gentleman mentioned that Congress has the power to appropriate. It certainly does. That's what we do here. That's the most important part of what we do here. And we tell the agencies what they can fund and what they can't, and we provide the money for them to do so.

We will often tell them to set up a program by which individuals and organizations around the country can compete for Federal dollars. But instead, here what Congress is doing is saying, We don't like what you've set up so we're going to run a parallel program, we're going to earmark dollars for these programs, because if the organization in my district had to compete for those dollars, they may not get them. There's only a 98 percent chance that they would get them. I want to make sure they do. Or, there's a 5 percent chance they would get it. I want

to make sure that they get those monies. And so we run a parallel track here.

I would say that I can't find the word bureaucrat in the Constitution, nor can I find the word earmark. Congress has the power to appropriate. But we authorize, we appropriate, and we have oversight functions. And we're circumventing that process when we earmark in this fashion.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. In addition, the Small Business Administration was given an opportunity to vet this project, and it provided the committee with no negative feedback regarding the project or the grantee.

Unfortunately, Mr. SIMPSON, the sponsor of the amendment, was unable to come to the floor due to other important business.

I yield the balance of my time to the distinguished minority leader, Mr. BOEHNER.

Mr. BOEHNER. I want to thank the gentelady for yielding. I want to thank Mr. FLAKE for his attempt to have my amendment offered. As you know, the gentleman asked unanimous consent to substitute for his amendment an amendment that would provide for a continuing scholarship program for students—poor students here in the District of Columbia.

This is an issue that many of us fought very hard for some 5 or 6 years ago. Unfortunately, the administration and the majority party here in the House have decided to end this program and only allow those students who are currently enrolled to finish. It does nothing to address the siblings of these students that are in these schools.

The reason this program was set up is because the District of Columbia had some of the worst schools in America. And while we spend nearly \$15,000 per student for the students here in the District of Columbia, this small program is serving about 2,200 kids—2,200 kids, to give them a chance.

And all they wanted was the opportunity to debate the continuation of this program. But the majority party says, No, no, no. We can't have a debate on that. Why? Because we might win. And it wouldn't be us winning, it would be the poor kids in D.C. who are currently getting these scholarships. But we can't even have the debate. We can't even have a vote. What has this place become?

I just think it's outrageous that Members on either side of the aisle don't have an opportunity to offer amendments to these appropriation bills. This process now has gone on for

4 or 5 weeks, and it appears that it will go on for the next couple of weeks.

This is not what has ever happened in the 18½ years that I've been here—the 19th appropriation season I've been through. I've never seen anything like this in terms of the majority willing to suppress virtually all the Members of the House on both sides of the aisle.

And I think that the amendment that I wanted to offer to help save this program for poor kids here in D.C. was a worthy amendment. And I think Members on both sides of the aisle wanted to have an opportunity to debate that amendment and have a vote on it. But, no, it couldn't happen.

So I would urge my colleagues to vote against this bill.

Mr. FLAKE. I thank the gentleman and the gentleman's comments, the minority leader. We ought to allow substitution of this amendment. There's no reason, other than the majority party simply doesn't want to have the debate or have the vote.

With that, I urge support of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

#### TITLE IX

##### ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Greenstone Group project of the Northeast Entrepreneur Fund in Virginia, Minnesota, and the amount otherwise provided in such section is hereby reduced by \$200,000.

The CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I ask unanimous consent that my amendment be modified to the form I have at the desk.

The Acting CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The CHAIR. Objection is heard.

The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. This amendment that I had hoped to substitute was an amendment offered by the gentleman, Mr. GINGREY of Georgia, which would simply have prohibited union activity on government time. Apparently, it's an amendment that the majority leadership did not want—it's a debate that they didn't want this body to have. It's an amendment they didn't want this body to vote on.

□ 1600

Now, it's a shame because it would be a 5-minute time limit, or 5 minutes per side, just the same as this amendment. This isn't an issue of time. There were a lot of amendments submitted to the Rules Committee. Far fewer were made in order, but now we have the time established and we're simply wanting to substitute one germane amendment for another germane amendment, but the majority party is objecting once again. So I think that the headline that was just out—House Democrats muzzle GOP on sensitive issues—is completely correct, and it is a shame, Mr. Chairman.

This amendment would prohibit \$200,000 in funding for the Northeast Entrepreneur Fund, and it would reduce the cost of the bill by a commensurate amount.

According to the sponsor's Web site, the Northeast Entrepreneur Fund has helped start, stabilize or expand more than 1,100 local businesses and helped train or retain more than 3,000 jobs.

The certification letter indicated the funding for the Greenstone Group would strengthen 500 entrepreneurs in the region through group-based learning, peer support and access to various business services.

Again, here we have another business incubator. This is something that private-sector organizations, chambers of commerce, trade associations, and other businesses offer and do all over this country—hundreds in every State. Yet here we are singling one out and are saying this one is worthy of a Federal earmark, and we're going to give \$200,000 to it. That's not right, Mr. Chairman. We can't continue to spend money this way.

Every dime that we are spending over and above what we spent last year, and a lot of what we spent last year is borrowed. When will we decide enough is enough and that we can't continue to do business as usual and fund earmarks in this fashion?

I reserve the balance of my time.

Mr. OBERSTAR. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, I want to take the opportunity to thank the chairman of the full committee, Mr. OBEX, the chairman of the subcommittee, Mr. SERRANO, and the

ranking member, Mrs. EMERSON, for acknowledging the merits of this proposal and for including these funds for Greenstone Group.

I respect the gentleman from Arizona. He is consistent, persistent and sincere in his opposition to constituent-inspired investments that Members offer on their behalf; but were he to prevail, he would, in fact, be muzzleing job-creating opportunities in northeastern Minnesota, an area in my district where unemployment rates are 12.9 percent, 15 percent and 16 percent in one community after another.

The term "Greenstone Group" is derived from the mineral deposit that underlies much of northeastern Minnesota's iron ore mining country. It is a natural resource-based economy. We've been losing jobs with the downturn in steel and iron ore production. In fact, the iron ore mines are completely shut down, and some 6,000 jobs have been lost. The bright spot is the Northeast Entrepreneur Fund, which the gentleman, in fact, cited from the application proposal.

The Entrepreneur Fund, which I have supported for over 20 years, has stabilized and has created 1,000 businesses, 2,500 jobs, people who are employed, who are paying Federal, State and local taxes that would not otherwise be paid. The return to the Federal Government on this investment is significant and real and tangible. The Entrepreneur Fund has provided \$7 million in loans to 350 businesses. Over 9,000 individuals have been helped by the fund, by the Northeast Entrepreneur Fund. They have established a Women's Business Center. They've been an SBA microlender.

They're not doing it all by themselves. The gentleman from Arizona said, well, this can and should be done by the private sector. Well, the John S. and James L. Knight Foundation, the Blandin Foundation, Minnesota Power Company, and the Lloyd K. Johnson Foundation all are partners and participants with the Northeast Entrepreneur Fund and with the Greenstone Group. There is a public-private partnership that has been very successful and that has the support of the private sector. How does this translate?

Carol Willoughby, whom I know personally, has a very small company, Let the Whole World Know.

Without the training, the technical training from the Northeast Entrepreneur Fund, I could not have done it. I wouldn't be in business without them, she wrote.

Luke Popham and Jeremy Rebrovich, two beginning entrepreneurs, were turned down by nine banks until the Northeast Entrepreneur Fund found them, helped them and guided them.

Jeremy says, Without the Northeast Entrepreneur Fund, I wouldn't be in business today.

They built a fitness center with their carpentry skills, and they have 900 clients. They're producing, and they're creating jobs in an area that is losing jobs.

What the Entrepreneur Fund and the Greenstone Group do is simply provide, in participation with the private sector, professional business coaching. People with real world business experience have helped these beginning entrepreneurs do the right thing—develop good business plans, get on their feet, and operate successful businesses. These one-on-one meetings with their coaches help the business owners step back from the day-to-day job of running their businesses and help them to see the possibilities for growth. They develop sound business plans. This is a good investment of Federal dollars.

I urge opposition to the gentleman's amendment, and I reserve the balance of my time.

The Acting CHAIR. The gentleman from Arizona has 2½ minutes remaining and the right to close.

Mr. FLAKE. I thank the Chair.

I would yield to the gentleman just 30 seconds for him to explain whether there is any time in the foreseeable future that he believes the entity will not be reliant, or dependent, on Federal funds.

Mr. OBERSTAR. When the private-sector lending enterprises can step up on their own and can support startup enterprises like that, you won't need a helping hand, but when the private sector says, We can't do this alone and we need a helping hand, then I think there is an appropriate role for the Federal sector to be a partner with the private sector.

Mr. FLAKE. I thank the gentleman. I thank him for that clarification.

Mr. Chairman, no Member of Congress will ever say that, in his district, there is full employment and that there is no need for outside assistance. This particular entity isn't just receiving this earmark. It received an earmark for nearly \$250,000 in the FY09 omnibus bill that we passed just a few months ago. So we have last year's bill, this year's bill and likely next year's bill.

There are organizations all over the country that would like, one, to compete for SBA funds on merit rather than on earmark, and there are private-sector organizations that would like to provide this assistance, but they're competing with government entities that are providing some of the same services, a lot of these services that are indicated here—strengthening entrepreneurs, group-based learning, peer support, access to various business services. These are services provided by the private sector all over the place as well, but these private-sector organizations now have to compete with government organizations to survive. In some cases, it is no wonder there aren't private-sector organizations. They're crowded out by their government counterparts.

So, rather than continuing to fund entities that have received earmarks year after year and that have no real prospect of not being reliant on Federal Government funding in the future,

we've got to say enough is enough. We can't continue to spend money this way when we're running a deficit that might approach \$2 trillion this year.

With that, I urge support of the amendment, and I yield back the balance of my time.

Mr. OBERSTAR. When the gentleman from Arizona waves his magic wand over the northeastern part of my district and restores economic stability and growth and job creation, then we won't need this helping hand.

As I pointed out, there is no crowding out of the private sector. In fact, as I cited, one of the participants was turned down nine times by small banks that don't have the backing of big correspondent banks. They couldn't do it on their own. Then the Northeast Entrepreneur Fund came in and partnered with them, and now we have got jobs created and we have got people working. That is what we're doing. There is no crowding out. There is a partnership, a public-private partnership, that is successful in job creation and in payroll creating, taking people off the unemployment rolls and putting them on payrolls.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated as No. 11.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. FLAKE:  
At the end of the bill (before the short title), insert the following:

#### TITLE IX

##### ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Green Business Incubator project of Montgomery County, Maryland, and the amount otherwise provided in such section is hereby reduced by \$150,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified to the form I have at the desk.

Mr. SERRANO. I object.

The Acting CHAIR. Hearing an objection, the gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I'm just proud of myself for getting those words out before the objection came.

Again, I would have substituted, this time, the Broadcaster Freedom Act amendment, which would have been the same amendment we passed last year, which needs to be passed every year to prohibit the FCC from bringing back the so-called Fairness Doctrine, which would muzzle or gag, much like we're being muzzled or gagged on this side during this debate. It would muzzle or gag, particularly, conservative talk radio. That is the purpose that has been raised in the past, and there are fears and, certainly, some support among certain powerful Members of this body to reinstate the so-called Fairness Doctrine.

This would prohibit the FCC from spending any money to implement that Fairness Doctrine. Again, first we're being told that we don't have time to consider this amendment. We know that's not the case. So the real reason is the majority leadership does not want this amendment to be considered. They don't want the debate to happen. They don't want a vote to happen. They don't want to put their Members on record. They simply don't want to prohibit funding for that purpose. It is too bad, Mr. Chairman. I would hope that we could return to the traditions of this House, have open appropriations bills and have an open debate.

This amendment would remove \$150,000 in funding for the Montgomery County Green Business Incubator, and it would reduce the cost of the bill by a commensurate amount. The recipient of this earmark is the Montgomery County Department of Economic Development. Now, I should say I don't know how many counties there are around this country. States like Arizona have large counties. A few States in the Midwest and in the South have literally hundreds of counties. In just about every county in the country there is a Department of Economic Development. Cities have them. States have them. There are literally thousands across this country, but we're singling out one here, the Montgomery County Department of Economic Development.

We're saying, You don't have to compete with everybody else for any dollars that the SBA has to send out, because we're going to earmark those dollars, and you're going to get them regardless of the merit of your program. It may be good; it may not be, but it doesn't matter because a powerful Member of Congress can simply say you're going to get that money, and that's what's happening here.

Again, these are business incubators, which is a pretty broad topic, providing services that a lot of private-sector organizations across this country already provide.

I reserve the balance of my time.

Mr. VAN HOLLEN. I rise to claim the time in opposition, Mr. Chairman.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Chairman, first of all, I want to commend my colleague from Arizona for taking the time to scrutinize many of these projects.

I am pleased with the changes we have made in this body with respect to the transparency and accountability of the earmark reform process. It's something that my colleague has fought for for many years, but those changes did not actually take place until the new Congress was sworn in in January 2006. I am pleased we have gotten to this point, and I think the gentleman performs a very useful function here.

Montgomery County, Maryland, has become one of the Nation's centers in the biotech area. It is one of the top 10 biotech centers in the country. One of the reasons they were able to do that is they pursued a successful strategy of creating incubators.

Mr. Chairman, I include for the RECORD a whole list of success stories for the Montgomery County Incubator.

MONTGOMERY COUNTY INCUBATOR NETWORK  
SUCCESS STORIES—JUNE 2009

1. Avalon Pharmaceuticals.

Ken Carter, Ph.D., President, 20358 Seneca Meadows Parkway, Germantown, MD 20876, 301-556-9900.

Admitted: January 2000.

Graduated: October 2000.

Current Employees: 50+.

At admission: 3.

Avalon Pharmaceuticals, Inc is a bio company that utilizes an innovative forward chemical genetics approach to create safer and more effective small molecules medicines—focused in the area of cancer. The company has received more than 60 million in venture capital funding. In December 2004 the company was selected as a Top 100 Innovator by Red Herring. Red Herring covers technology innovation, venture financing, and the deals that make a difference. Its award-winning journalists go deeper, providing a comprehensive, critical analysis of what's new and why it matters. Red Herring's editorial staff evaluated over 1,200 submissions from 900 public and private companies, and selected the Top Innovator companies. The company executed an IPO in 2005 and was sold in 2009 to Clinical Data.

2. Nextone Communications.

Ravi Narayan, COO and Co-founder, 101 Orchard Ridge Dr., Suite 300, Gaithersburg, MD 20878, Tel. 240-912-1300.

Admitted: April 1999.

Graduated: January 2003.

Current Employees: 100+.

At admission: 4.

Nextone develops carrier-grade products that provide scalable session management of voice over IP (VoIP) and other real-time services. Nextone's portfolio of core and edge session management technologies enables service providers and carriers to interconnect their voice networks in the most simple and cost effective way. Nextone has offices in Asia and Europe.

3. Systems Integration & Development, INC (SID).

Ajay Agrawal, President & Founder, 15200 Shady Grove Road, Suite 300, Rockville, MD 20850, Tel. 301-840-2120.

Admitted: January 1999.

Graduated: July 2002.

Current Employees: 110.

At admission: 4.

SID specializes in designing, developing, and implementing superior quality web based software solutions for commercial enterprises and government agencies. SID has developed several web based COTS tools as solutions for workflow management, document management and tracking systems. 2004 has been a stellar year for SID. The company has been named members of several key "who's who" lists in the IT world, including Maryland Technology Fast 50 (ranked 21st), Washington Technology Fast 50 (ranked 13th), and the Technology Fast 500 for North America (ranked 483rd.)

4. GeneDX, Inc.

Sherri Bale, Founder, President & Clinical Director, 207 Perry Parkway, Gaithersburg, MD 20877, Tel: 301-519-2100, x102.

Admitted: July 1999.

Graduated: September 2002.

Current Employees: 25.

At admission: 2.

GeneDx specializes in genetic testing for rare hereditary disorders. Its mission is to make clinical testing available to people with rare genetic conditions and their families.

5. Opgen, Inc.

Noel Doheny, CEO, 708 Quince Orchard Boulevard, Gaithersburg, MD 20878, Tel: 301-919-6635.

Admitted: March 2008.

Graduated: July 2008.

Current Employees: 56.

At Admission: 2.

Opgen holds the record for the fastest graduation in the Incubator Network. The company owns a proprietary molecular detection system. The purpose of its technology is to detect and identify pathogens. Opgen's technology was utilized by the U.S. FDA to detect and trace the source of e-coli and salmonella that broke out in the produce markets. The company has received \$50MM in venture funding and has contracts with the FDA and DARPA.

7. Aeras Global TB Foundation.

Jerald Sadoff, MD, President & CEO, 1405 Research Boulevard, Rockville, MD 20850, Tel: 301-547-2900.

Admitted: February 2004.

Graduated: September 2006.

Current Employees: 110.

At Admittance: 5.

Aeras is the recipient of over \$200MM in grants, namely from the Bill & Melinda Gates Foundation. The organization is focused on developing a new and improved vaccine for tuberculosis, as well as diagnostics and therapeutics.

8. Advanced Vision Therapies, Inc.—“Finding Solutions to Prevent Blindness”.

Michael Kaleko MD, PhD, President, 9 West Watkins Mill Road, Gaithersburg, MD 20878.

Admitted: June 2003.

Graduated: January 2007.

Current Employees: 18.

At Admittance: 4.

Advanced Vision Therapies, Inc. (AVT) is focused on the treatment of sight-threatening eye diseases, such as age-related macular degeneration and finding a cure that works. AVT recognized that an improved delivery system is required to enable the broad application of ocular therapeutics. The company has identified two novel therapeutics and developed a proprietary delivery system, which, with a single administration, will provide sustained, possibly life-long therapy. AVT was acquired by the Wellstadt group who was subsequently acquired by Roche.

9. 20/20 GeneSystems, Inc.

Jonathan Cohen, Esq., CEO, 9430 Key West Avenue, Rockville, MD 20850.

Admitted: September 2001.

Graduated: December 2006.

Current Employees: 14.  
At Admittance: 2.

20/20 GeneSystems, Inc. is dedicated to the development and commercialization of novel protein biomarker based diagnostics useful for both early disease detection and personalized medicine. The company presently utilizes several proprietary protein array technologies including a technique for multiplex tumor profiling that is a platform for "companion diagnostics" that predict patient response to targeted therapies. The company is using its technology to develop what it believes will be the first blood test for the early detection of lung cancer that will be a routine screen for smokers and others at high risk for the world's leading cancer killer. The company also has a profitable business unit, 20/20 BioResponse, dedicated to delivering biotechnology solutions to first responders.

10. ADF Solutions, Inc.  
JJ Wallia, CEO, 4641 Montgomery Avenue, Suite 515, Bethesda, MD 20814.

Admitted: October 2005.

Graduated: June 2007.

Current Employees: 18.

At Admittance: 2.

ADF Solutions is the leading provider of software triage tools for forensic analysis. These tools allow for first responders, case agents and forensic examiners to quickly and cleanly analyze suspect computers and drive images, both in the field, and in forensic laboratories. The company's solutions are currently being deployed and tested at agencies worldwide for child exploitation cases, drive images analysis, cyber crimes, financial crimes and others.

11. Ariadne Genomics, Inc.  
Ilya Mazo, PhD, CEO, 9430 Key West Avenue, Rockville, MD 20850.

Admitted: October 2005.

Graduated: June 2007.

Current Employees: 30.

At Admittance: 4.

Ariadne brings together a unique combination of talents in algorithm design, commercial bioinformatics system construction and bench-level biological expertise. The availability of public human and other genomic data, organism-wide protein-protein interaction data and widespread gene profiling technologies presents new challenges to the storage and analysis of biological and pre-clinical data. In recognition of this trend, Ariadne introduces a new generation of bioinformatics products that combine flexibility of desktop applications and browsing power of web-based solutions.

12. NetImmune (now known as RioRey).  
Jason Lu, Original Founder, 7920 Norfolk Avenue, Bethesda, MD 20814.

Admitted: October 2005.

Graduated: April 2006.

Current Employees: 26.

At Admittance: 2.

Distributed Denial of Service (DDOS) attacks, in which a targeted server is crippled or shut down by a flood of malicious traffic, are a growing threat to both public and private networks, endangering revenue, productivity and confidential data. NetImmune's technology provides a unique, hardware-based solution to the DDOS threat. The technology was originally developed by the University of Maryland, commercialized by NetImmune and is now sold under the name of RioRey.

13. Radius Technology Group, Inc.  
Chris Archer, CEO, 804 Pershing Court, Suite 001, Silver Spring, MD 20910.

Admitted: August 2004.

Graduated: August 2007.

Current Employees: 23.

At Admittance: 3.

Radius Technology is an award winning Information Assurance and Security Services

Firm. They offer innovative, comprehensive information assurance and technology security services. Their risk-based approach aligns the most effective information assurance solutions with the unique needs and business objectives of its clients.

14. Get Real Consulting (formerly InetXperts).

Robin Weiner, CEO, 51 Monroe Street, Suite 1903, Rockville, MD 20850.

Admitted: October 2002.

Graduated: December 2007.

Current Employees: 30.

At Admittance: 3.

Get Real Consulting is the 2009 Microsoft Health Users Group—Innovation Awards Winner and the 2008 Emerging Business of the Year (Montgomery County Chamber). The company focuses on delivering high quality IT/Healthcare solutions and was one of the first Microsoft Health Vault solutions provider.

15. Institute for Biological Energy Alternatives (IBEA).

J. Craig Venter, CEO, 9704 Medical Center Drive, Rockville, MD 20850.

Admitted: May 2002.

Graduated: September 2004.

Current Employees: 200+.

At Admittance: 4.

IBEA is now a part of the consolidated J. Craig Venter Institute. The JCVI in May of 2009 received a \$43 million, five year contract from the NIH/NIAID to provide genomics resources that are responsive to the needs of the global infectious disease community. To do this, JCVI investigators with scientific and technical expertise in infectious diseases, human genomics, DNA sequencing, genotyping, and bioinformatics, will continue to generate comprehensive genomic data sets that will enable pathogen countermeasures such as vaccines, therapeutics, diagnostics, and surveillance methods.

About the Craig Venter Institute: The JCVI is a not-for-profit research institute in Rockville, MD and San Diego, CA dedicated to the advancement of the science of genomics; the understanding of its implications for society; and communication of those results to the scientific community, the public, and policymakers. Founded by J. Craig Venter, Ph.D., the JCVI is home to approximately 400 scientists and staff with expertise in human and evolutionary biology, genetics, bioinformatics/informatics, information technology, high-throughput DNA sequencing, genomic and environmental policy research, and public education in science and science policy. The legacy organizations of the JCVI are: The Institute for Genomic Research (TIGR), The Center for the Advancement of Genomics (TCAG), the Institute for Biological Energy Alternatives (IBEA), the Joint Technology Center (JTC), and the J. Craig Venter Science Foundation.

□ 1615

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

We are now adjusting to a new imperative, which is to make sure that we, as a Nation and as communities, move in the direction of clean energy technology and energy efficiency. These funds would be used by Montgomery County on a competitive basis to provide seed funding for startup small businesses, companies that have to meet very rigorous criteria, just as the kind of criteria they used and was applied in the biotech sector. So I think this is an incredible example of strong public-private partnerships. Again, these will be distributed on a very com-

petitive basis. There is going to be a long line of people waiting for these requests, and they are going to have to meet the competition requirements. I'm pleased to join in this request with my colleague Donna Edwards. Unfortunately, Mr. Chairman, we're in Ways and Means marking up the health bill, so I am going to have to turn it over to my colleague.

The Acting CHAIR. Without objection, the gentlewoman from Maryland will control the balance of the time.

There was no objection.

Mr. FLAKE. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from Arizona has 2½ minutes remaining and the gentlewoman from Maryland has 3 minutes remaining.

Mr. FLAKE. And I have the right to close?

The Acting CHAIR. The gentleman is correct.

Mr. FLAKE. I will reserve the balance of my time.

Ms. EDWARDS of Maryland. Mr. Chairman, I rise in strong opposition to this amendment. This amendment would prohibit funding for a project that will have a tremendously positive economic impact not only to Montgomery County but to the entire State of Maryland. This Green Business Incubator is expected to house 20 to 25 new businesses that will create an estimated 460 green jobs in our State. This project is both unique and innovative, and it's timely. This is a transformational time for American entrepreneurs, creators and innovators; and we have an opportunity not to do the work as government but to facilitate it, to jump-start it and to get out of the way of smart green entrepreneurs.

This is not the type of project that should be cut. Instead, this project should be used as a model for local areas around the Nation. The project is an example of how local communities can spark economic growth within a region, not with the help of giant outside corporations, but with small local businesses that are most closely connected to the people and their communities.

Now aside from providing economic growth, this Green Business Incubator and others like it around the country is a way to invest in our environment and new environmental technologies, 21st century technologies. The project will use both critical environmental investments and technologies that have resulted in new energy and climate policies and that have accelerated demand for green technologies.

This particular area of Maryland is a technology hub. Montgomery County intends to use the linkage locally with some of our strongest Federal laboratories, NIST, NOAA, NASA and the Department of Energy to develop new technologies that are environmentally sound. It is going to take a continuum of technologies to meet our global, environmental and energy needs in the 21st century. We have a strong track



record in Montgomery County with these Federal research to commercialization models. In FY09, Montgomery County had 135 companies in incubators with a fiscal impact of \$465,000 to county coffers. This Green Business Incubator will contain the 21st century labs and communications facilities that fledgling green businesses need to grow, flourish, employ hundreds of workers and generate thousands of dollars in private market capital.

I would like to thank Chairman SERRANO and Ranking Member EMERSON for seeing the importance of this project for this century and for seeing its potential to spur environmentally sound economic growth for small business in Maryland. I urge a "no" vote on this amendment.

I reserve the balance of my time.

Mr. FLAKE. The gentleman who spoke earlier mentioned that this was in the top 10 of something. I know that Montgomery County beat out eight competing counties to house the Maryland Clean Energy Center, which is the State's first clearinghouse to drive clean energy and technologies. So we have an organization here, a county that is beating out competition. That's a good thing. But we're telling them, because you're beating out that competition, we're going to give you an earmark so you won't have to compete anymore. I mentioned that there are literally thousands of county Departments of Economic Development around the country who would like a shot at these funds, I'm quite sure. But when they apply for these funds at the SBA, they're probably being told, Sorry. That account is oversubscribed. There are too many earmarks in it so you won't be able to compete because a particular powerful Member of Congress simply siphoned off the funding so that an organization or institution in his or her district could receive those funds without competing for them. Just remember, what earmarks really are are no-bid contracts. It's basically an acknowledgement that you don't want the organization or institution in your district or elsewhere to compete for the funding, so you are going to ensure that they get it. And when you look at a chart like this, it's particularly pernicious when 60 percent of the share of earmarks are associated with appropriators, leadership, committee Chairs or ranking minority members, who comprise just 24 percent of this body, and 70 percent of the dollar value is associated with that group. And so you have a spoils system that decides where this money goes. Remember, Congress has the power to appropriate; and what we should do is first authorize, then appropriate and then conduct proper oversight but not circumvent that process by saying, We're just going to run a parallel program over here in Congress and earmark the dollars.

With that, I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Maryland has 30 seconds remaining.

Ms. EDWARDS of Maryland. Mr. Chair, with all due respect to the gentleman from Arizona—and I definitely understand his purpose—the fact of the matter is, this is a great project not just for the State of Maryland but for this country. It's important for us to look specifically at what a project will accomplish, how many jobs it's going to create in our State of Maryland and the value of that. I agree. I'm not going to pick and choose winners and losers among businesses in my congressional district, but I will pick and chose for the growth of small business in our community and stand behind those choices.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Arizona has 30 seconds remaining.

Mr. FLAKE. I thank the Chair.

The argument we're hearing is akin to saying—you know this whole college bowl system that we have, the BCS? That's good. But we think the University of Maryland or Arizona State University or BYU or another organization, we think they're better. So we're just going to award them the national championship. They shouldn't even have to compete in the BCS or anywhere else because we think they're better. And because we can, we're going to do that. That's one of the problems with the contemporary practice of earmarking. And for that, I hope that we will object this amendment and at some point say that we can't continue to spend money in this way.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

#### TITLE IX

##### ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Activity Based Total Accountability project of the Florida Institute of Technology in Melbourne, Florida, and the

amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

Mr. SERRANO. I object.

The Acting CHAIR. Hearing objection, the gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I thank the chairman.

It's unfortunate that it's been objected to again. Again, this amendment that I would have substituted is one that had bipartisan support, many Democrats, many Republicans, that would simply keep in place the restrictions that have been in place for years with regard to taxpayer-funded abortion. This is one that the rule for this bill just narrowly passed after the vote was held open for longer than it was supposed to so that a few arms could be twisted to make the rule pass because so many Members wanted this amendment to be considered. But yet the leadership on the majority side has said, We don't want to have a debate on this. We don't want to have a vote on this.

Now it doesn't matter which side you're on on this issue. I think everyone should agree that we should have a vote on it. This is the people's House. People should have the opportunity to vote on issues like this. It is not increasing the time for debate. It's simply substituting one amendment for another. It is unfortunate we won't be able to do that.

This amendment would remove \$100,000 in funding for the Florida Institute of Technology in Melbourne, Florida, to be used for, quote, activity-based total accountability. According to the earmark sponsor's Web site, he requested just short of \$1 million to "create a national government services standards program to provide guidelines for which the efficiency of government services can be compared."

I reserve the balance of my time.

Mr. CULBERSON. I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman and Members, funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. On a bipartisan basis, we have scrutinized thousands of Members' requests and recommended funding for those projects that the committee believes are most meritorious. In addition, the Small Business Administration was given an opportunity to vet this project and provided the committee with no negative feedback regarding the project or the grantee. I urge my colleagues to oppose this amendment.

I yield such time as he may consume to the gentleman from Florida (Mr. POSEY).

Mr. POSEY. I thank the gentleman from Texas for yielding, and I want to thank our good friend, the Congressman from Arizona, for filing this well-intentioned but badly misguided amendment. It's not often that Members of Congress get the opportunity to specifically vote to make government more accountable. By defeating this amendment, you will have done that. You will have cast a vote, a stand-alone vote to make government more accountable.

The amendment strikes funding for a government accountability program known as the Activity-Based Total Accountability Institute. Government accountability is not a partisan issue. Thank goodness it's a bipartisan issue. The Florida legislature established this Activity-Based Total Accountability Institute on a strong bipartisan vote. In fact, it was a unanimous vote of the State legislature. And I am proud to point out that eight Members of the current Congress, Republicans and Democrats, supported this legislation when it was first passed by the Florida legislature. Those Members include the likes of outstanding congresspeople, Representative WASSERMAN SCHULTZ, Representative KENDRICK MEEK, Representative GINNY BROWN-WAITE, Representative MARIO DIAZ-BALART, Representative RON KLEIN, Representative SUZANNE KOSMAS, Representative CONNIE MACK, Representative ADAM PUTNAM and Representative GUS BILIRAKIS. We joined together in a bipartisan fashion because we know we need a greater accountability in government and in how taxpayer dollars are being spent, and this was a way to accomplish that.

I think we can accomplish much when we come together and reach across party lines for greater accountability and for the most efficient use of taxpayer dollars. That's why we did this; and that's what we did when we passed it; and hopefully that's what we will continue to do here today.

Activity-Based Total Accountability has been proposed as model legislation by the American Legislative Exchange Council, the Nation's oldest and largest bipartisan and nonprofit association of State lawmakers. Also the National Conference of State Legislators recommended that it be model legislation in each and every State. In fact, ALEC called it "the best legislation to come out of any State capital in over a decade." If you support better government accountability, you should vote against this amendment, obviously.

Activity-Based Total Accountability helps us better understand unit-based accounting—what it does, what it costs the government to accomplish a certain task, how does that compare on a State-by-State basis. That's what ABTA tells decision makers, and that's what it tells the public. It's the most useful kind of cost accounting which

presents the cost for all government activities in a format anyone can understand. Taxpayers can see line by line what government actually accomplishes with its resources.

Florida put \$750,000 into the establishment of the institute to gather budget data from every State. The comprehensive analysis of apples to apples will help every State spend its resources more efficiently and the Federal Government's as well. Defeating the amendment will allow the program to continue, and I would respectfully request that you join me in voting "no" on the amendment.

Mr. CULBERSON. If the gentleman will yield, I think it's important to point out—and I want to say that I share my colleague Mr. FLAKE's zeal for trying to cut spending and control spending. I know Mr. POSEY shares that concern. We all, as fiscal conservatives, are committed to controlling spending. But under the rules that this liberal majority has established, under their PAYGO, this bunch thinks that to cut taxes increases the deficit; and therefore, under the rules of this House, it is forbidden, essentially, to cut taxes and impossible to cut spending.

□ 1630

So, even if Mr. FLAKE's amendment were passed, the money that he is reducing, \$100,000, would churn right back in to the appropriations bill to be spent elsewhere. I know that aggravates Mr. FLAKE as much as it does me.

We have to reform the budget process. We have to be able, as fiscally conservative Members of Congress, to get up on this floor and offer cutting amendments that actually cut spending. But the game is rigged against taxpayers. Taxpayers are the losers in the way the rules of the House operate. And it is just not right.

Now, Mr. POSEY has got a very worthwhile project here in his own district, and that is something that he believes in his heart works. I join in opposing this amendment, but I would ask the Members to help us reform the budget process so we can actually cut spending and cut taxes.

Mr. FLAKE. I thank the gentleman from Texas for his comments. I think if we could bottle up all the shared zeal to cut spending, then maybe we could pass one of these amendments to cut spending.

The gentleman points out that we are not cutting it, and that year after year, when those of us who want to come down here and strike funding for earmarks want to do it, we receive objection from those on the Appropriations Committee to say, well, you're not really saving anything because it will go right back into there.

But you can go and lower the 301(b)s and (a)s, and you can do it the way you want to, but maybe, just maybe the reason the Appropriations Committee, on both sides of the aisle, unfortunately, and it pains me to say this as a Republican, but part of the reason you

don't see the Appropriations Committee very anxious to cut spending is because of this. When you look at 70 percent of the dollar value of the earmarks being associated with Members who make up less than 24 percent of the body, if you take the Appropriations Committee, it is less than 14 percent of the body, and more than half of the dollar value of earmarks goes to just 14 percent of the body.

So I have to take with a rather large grain of salt the lamenting year after year after year by appropriators on both sides of the aisle that we can't cut this earmark spending because that darn money will just go right back into the system. So we can change any time we want.

I should say, also, this amendment made in order here will cut the funding and reduce it in the bill by the same amount. And to hear the excuse that we simply can't do that—and also this is something called activity-based total accountability, and the sponsor says that the purpose of the earmark is so that we can have more transparency in our funding structures at the State and local level. I find it ironic that we are using the least accountable system for distributing funds in order to increase transparency somewhere else.

At some point, we are all going to scratch our heads and say, wouldn't it be better when we are running at what could be a \$2 trillion deficit this year to actually save the money and not spend it and concede to the taxpayers we can't continue to go on this way? But simply to say we can't cut these earmarks because, oh, that money will just go somewhere else, really, is a bit, it is just—

Mr. CULBERSON. Will the gentleman yield?

Mr. FLAKE. For 15 seconds. I think I have heard this before.

Mr. CULBERSON. We tried in committee, Jeff. Mr. LEWIS, the ranking member, offered an amendment in full committee to cut the overall spending levels in the Appropriations Committee, and we were defeated by the liberal majority. So we have made the effort. We are trying. And we are doing it at every opportunity. The frustration is your amendment won't save any money. I join you in wanting to cut, but this won't do it.

Mr. FLAKE. Reclaiming my time, we were in control for 6 years while I have been in this Congress, and we didn't make any effort to do that. That is the unfortunate thing. And we haven't done any better under the current leadership. But, unfortunately, we didn't send a very good example when we were in charge because we could have, at any time, ensured that the money went back to the taxpayer. But we didn't.

With that, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

#### TITLE IX

##### ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Commercial Kitchen Business Incubator project of the El Pajaro Community Development Corporation in Watsonville, California, and the amount otherwise provided in such section is hereby reduced by \$90,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. Objection being heard, the gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Is the gentleman sure he doesn't want to just reserve the right to object until he hears which amendment I have?

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FLAKE. All right. This amendment, I would submit, the modification would be to allow the school choice initiative to continue in D.C., again, a bipartisan amendment offered to the Rules Committee, rejected by the Rules Committee, because the Democratic leadership decided that this House should not debate the topic nor vote on it.

We have the time. It is not an issue of time. I'm willing to forgo one of my amendments to allow this one to be offered. But, again, the House leadership has decided they don't want to debate nor vote on this amendment, and so we are not allowed to.

We are breaking tradition that has held for decades and decades and decades in this House in order to simply shield Members or shield parties or

whatever from votes that might be taken in the body. And that is unfortunate.

This amendment would prohibit \$90,000 in funding for the Commercial Kitchen Business Incubator in Watsonville, California, and would lower the overall cost of the bill by a commensurate amount. According to the sponsor, the funding would be used for a small business incubator for food service microenterprise. Specifically it would be used to purchase industrial kitchen equipment.

With that, I reserve the balance of my time.

Mr. FARR. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment. And let me explain, as others have explained the situation. Pajaro Valley is in the central part of California. It is probably the most agriculturally productive area in the region and in the whole Nation. It is also the epicenter for the Loma Prieta earthquake in 1989. It was the largest plant closure for food processing plants, and it now has an unemployment rate of over 25 percent.

We have been struggling for many years to try to get involved in how do you create businesses, create new businesses, create businesses that people who have no capital, have no ability to go out and borrow money can start. And a lot of that is cottage industry. One of the cottage industries is the catering business, areas where you learn to be chefs at restaurants, learn, particularly with all of our specialty crops and organic crops, how do you take those crops and move them to the next stage. It is also a struggle because in order to do that and to get into the commercial world, you have to have a commercially licensed kitchen.

So we have been struggling. The local community is very involved in this. Local businessmen sit on the board of directors of the community development corporation. This is a corporation set up under Federal law. Under the small business development corporations, you have bankers sitting on this, you have business people sitting on it, and you have lawyers sitting on it. And what they do is they work with people in giving them the skills they need to go into business for themselves.

Part of that is to build a place where you can come and learn all of this food processing and food cooking. You need to have a kitchen. It needs to be industrialized. It needs to be certified. You just can't run a business out of the back of your home. It is just not legal in a residential area to start a commercial enterprise like that. It has strong backing from the small business community. This is a one-time expenditure, never to be done again.

I really have to say that I object to going after the poorest of the poor who want to get on their feet, who want to

get off welfare and have that American Dream. And this is one area, one niche, that everybody has identified as a niche that needs to be filled. So I think this amendment would kill the American Dream. I suggest that you oppose it.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman. I respect the gentleman from California. He and I have worked together on a lot of legislation.

But in this case, I would simply say there are a lot of areas in the country that are hurting. In California, El Centro has an unemployment rate of 27 percent. Just across the California border in Arizona, Yuma has an unemployment rate of 20 percent. There are a lot of people hurting in a lot of places. But when I hear the gentleman say this is going to be a one-time expenditure, we have heard that before. We have heard that many, many times before. I'm sure some of the earmarks that we talked about earlier, the first year the Member got the earmark, he would have said, this is going to be a one-time expenditure. And yet year after year after year, we are funding the same earmark.

These business incubators are particularly prone to repetitive earmarks over the years. We seem to keep funding them again and again.

Again, let me say that there are a lot of business incubator services provided by chambers of commerce, trade associations and private sector organizations just wishing to supply services and to make a dollar. And yet now they are going to be asked to compete with a government entity that is receiving Federal largesse. And it simply doesn't work very well. We know we don't have sufficient money to spread around to everybody who wants it. We are running a deficit that could approach \$2 trillion. So we have to prioritize here. I would suggest it is time to say that we can no longer fund these business incubators that have kind of a nebulous mission that is provided by a lot of private sector organizations around there.

I reserve the balance of my time.

Mr. FARR. There is absolutely no competition with the private sector. They have endorsed this. They are the members of the board of directors. They are trying to assist this community to get on its feet. And why I take umbrage with this, there are 201 earmarks in this piece of legislation. The author of this amendment has chosen 11 to go after. And they are about attacking poor people, the poorest of poor. That is what incubator centers are about, to get people on their feet, people who can't get loans, can't get access to the capital that the normal business community can do. And who is helping them? The business people who say, yes, we need these jobs. These are niche jobs that are unfilled.

If you're going to begin the entrepreneurial spirit in America, then you

have to get people into the entrepreneurial capability. That is legal. That is fiscal. And that is what this does.

So I object to the fact that you have gone through this bill and only picked out 11 of 201 earmarks, less than 10 percent of this bill. If you want to attack earmarks, attack an F-22. Attack something that is big that really saves some money, instead of something that attacks poor people.

Mr. FLAKE. I thank the gentleman. I hope I have the opportunity, because I will offer an amendment to the Defense Appropriations bill to stop funding the F-22. The gentleman has a good point. But we should also make the point that we cannot continue to pick and choose winners and losers here. What we are doing is borrowing money from our kids and our grandkids all around the country. We are borrowing money from small businesses and others because we simply don't have the money here. We are running a deficit.

So what we are doing is selling bonds to finance the deficit that is going to have to be paid back at some time. We are saying, Mr. Small Businessman or Mrs. Small Businesswoman, we are going to take money from you now because we think we know how to spend it better on that business over there or on that incubator over there.

I would submit that that simply is not the most efficient use of resources. The market would tell us that is the most inefficient way to allocate money. Government doesn't do a particularly good job of allocating money, allocating money to startup businesses or anything else. So we have got to say "stop" somewhere.

I will be glad to support some of the programs that the gentleman has, some of the amendments to cut big items of spending from our entitlement programs and elsewhere. But we have got to do that, and we have got to do this. We can't let any program go and simply say that we are not going to cut spending when we have a deficit of nearly \$2 trillion.

With that, Mr. Chairman, I would urge support of the amendment.

I yield back the balance of my time.

Mr. FARR. Mr. Chairman, this amendment doesn't save the Federal taxpayer one penny. It just takes it out of the earmark and puts it into the general fund. This earmark is to help the poorest of the poor get on their feet.

I recommend a strong "no" vote on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111-208.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Defense Procurement Assistance Program of the Economic Growth Connection of Westmoreland in Greensburg, Pennsylvania, and the amount otherwise provided in such section is hereby reduced by \$125,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form that I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I thought the seventh time might be the charm, but apparently not. Apparently, the majority party is insistent that it only hear the amendments that it wants to have debated and that it wants to vote on, rather than the amendments that the Members here decide what they want to debate and vote on.

It is unfortunate. I would have substituted the amendment that would prohibit union activity on government time. It seems to be a simple concept, not controversial. But it is apparently one that the leadership did not want to debate nor to vote on. It is not an issue of time. Time constraints are already here.

□ 1645

The only issue is the majority leadership decided they don't want to debate or have a vote on this issue.

This amendment would prohibit \$125,000 from going to the Economic Growth Connection of Westmoreland in Greensburg, Pennsylvania, and reduce the overall cost of the bill by a commensurate amount. This funding would go toward the EGC's defense procurement and assistance program to, according to the sponsor, provide small and medium-sized business with additional support for all phases of the government contracting and acquisition process.

I reserve the balance of my time.

Mr. SERRANO. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. The Economic Growth Connection of Westmoreland operates a Defense Procurement Assistance Center to serve two counties in southwestern Pennsylvania having a combined population base of 500,000 and combined workforce of over 257,000. The Economic Growth Connection is dedicated to growing small business and making local firms more competitive. This particular project, the Defense Procurement Assistance Program, advances these goals by: Offering assistance to small businesses on how to work with the DOD, including assistance with Federal Acquisition Regulations and workforce training; acting as a liaison between prime contractors and local suppliers to identify opportunities for subcontracting; conducting seminars to enhance the skill sets of the local workforce in this supply chain, including workshops on military certifications, process improvements, and quality assurance; and developing a manufacturing database to identify local companies and their capabilities. This database lists over 800 companies employing an estimated 48,000 people. And over the last 3 years, clients have been awarded on average \$40 million each year in procurement contracts.

This is a worthy project. And I think it should be retained.

I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, to be honest, I'm not sure how much more help southwestern Pennsylvania needs in the way of defense procurement assistance. And I'm not sure how much more the taxpayers in this body can actually afford.

According to [usaspending.gov](http://usaspending.gov), the district in which the Economic Growth Connection of Westmoreland appears to reside has benefited from nearly \$1.4 billion in Federal contracts from 2004 to 2009, hardly the poorest of the poor. The Army, Navy, Air Force and Defense Logistics Agency make up four of the top 10 contracting agencies, and more than 60 percent of these funds were not subject to full and open competition.

Similarly, [usaspending.gov](http://usaspending.gov) indicates that the district of the sponsor of this earmark has benefited from more than a billion dollars in Federal contracts from 2004 to 2009, with less than half available for everyone to compete for.

Among the list of contractors receiving these funds, according to [usaspending.gov](http://usaspending.gov), are many that we've come to know very well, all too well: Kuchera Defense Systems, Argon ST, KDH Defense, and Concurrent Technologies. Kuchera Defense Systems. That is a defense contractor for whom the sponsor of this earmark requested funding over the past 2 years, was raided by the FBI in January, suspended by the Navy, reported for "alleged fraud," including multiple instances of incorrect charges, along with allegations of defective pricing and ethical violations.

Argon ST has been in the news lately because it purchased Coherent Systems International in 2007. It has been reported that the former head of Coherent Systems pled guilty in Federal Court Tuesday, just this last Tuesday, to a kickback scheme and defrauding the U.S. Air Force.

KDH Defense also made headlines when Roll Call reported that the bulletproof vest company received millions of taxpayer dollars to build a sonar system that it had no experience to design.

Concurrent Technologies has long been the focus of defense earmark critics. For example, at the end of 2007 the Washington Post highlighted that the National Defense Center For Environmental Excellence that was managed by Concurrent had received more than \$600 million in funding, and that little of the center's work had been useful to the Department of Defense.

How long can we continue to provide defense-related procurement dollars for an area with so many organizations that have been associated with conduct that I think people in this body would say are certainly not deserving of more earmarks? Yet we're doing it here again.

How much longer are we going to do this, Mr. Chairman?

With that, I reserve the balance of my time.

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

Mr. FLAKE. It shouldn't surprise anybody that several of these companies in this area were clients of the PMA Group, a now defunct lobbying firm that specialized in obtaining defense earmarks for its clients. Since PMA was raided by the FBI and closed its doors, multiple press reports have noted questions related to campaign contributions made on or behalf of the firm, including questions related to straw man contributions, reimbursement of employees for political giving, pressure on clients to give, suspicious pattern of giving, and the timing of donations related to legislative activity. So here we are, yet again, with another defense-related earmark for an area that has received billions in defense spending that has previously been associated with contractors that have run into trouble, and a lobbying group that has cast a long shadow over this House.

I urge my colleagues, if we're going to step up at any time, and say, enough is enough, let's step up here. For an earmark for \$125,000 to going to help in defense procurement for an area that receives billions and billions of dollars in defense procurement.

When is enough enough, Mr. Chairman?

I ask for support of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated as No. 15.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

#### TITLE IX

##### ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Myrtle Beach International Trade and Conference Center of the City of Myrtle Beach, South Carolina, and the amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. Hearing objection, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. This is, I believe, number 8 times the majority has objected to simply substituting an amendment that was not ruled in order by the Rules Committee, an amendment that was germane. This particular amendment was one that would have protected broadcaster freedom to make sure that talk radio stations around the country and other media organizations would not be subjected to new regulations which would try to control their content. This amendment passed last year by a margin, I think, 309 votes in favor. Yet, it's one that the majority party did not want to hear debated, or did not want to see a vote on, and despite the fact that it has bipartisan support.

Again, Mr. Chairman, we can't continue to go down this road, having martial law on appropriation bills and simply saying that we're going to decide, as a majority party, the majority leadership, which amendments can be offered, which ones can be debated.

This particular amendment would prohibit \$100,000 from being used to expand the Myrtle Beach International Trade and Conference Center in Myrtle Beach, South Carolina. It would reduce

the overall cost of the bill by a commensurate amount.

According to the Myrtle Beach Area Chamber of Commerce, the Myrtle Beach Convention Center hosted over 500 groups in 2008, has an economic impact of more than \$55 million per year. It was the host site of the 2008 South Carolina GOP Presidential candidates debate. It draws a large number of civic and public events.

Why in the world are we spending another \$100,000, when we have nearly a \$2 trillion deficit, for a convention center, convention and conference center? There are convention and conference centers all over the country. There are many in my home State of Arizona. Why we should choose one and say they're worthy of an earmark and the other one isn't, and saying that they shouldn't compete for dollars, we're just going to hand them out.

I reserve the balance of my time.

Mrs. EMERSON. I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House, and the Small Business Administration was given an opportunity to vet this project, and provided the committee with no negative feedback regarding the project or the grantee. Therefore, I urge my colleagues to oppose this amendment.

I yield to Mr. BROWN of South Carolina.

Mr. BROWN of South Carolina. Mr. Chairman, I rise today to speak against the amendment offered by my friend from Arizona. I am proud to represent coastal South Carolina. I know that the economy of Myrtle Beach is suffering, and jobs are being lost every day.

The tourism industry is the number one industry in the Myrtle Beach region, and the lifeblood of the surrounding area. The Myrtle Beach International Trade and Conference Center is an important part of that industry, with local economy impact of over \$55 million every year. However, it has reached capacity, limiting its ability to attract major conventions. In light of this, the community has embarked upon a multiyear effort to expand the Center, funded through a mix of local and other dollars.

Not only will improvements to the Center assist in attracting national conventions to Myrtle Beach, which will result in more good-paying jobs for the region, but it also serves as the emergency command center for the city of Myrtle Beach in the event of a hurricane or other types of national disasters, which is why this project has received past support from the Department of Homeland Security.

Horry County is one of the hardest-hit counties in South Carolina during this recession, and I am proud to do everything I can to assist my district to

create jobs and improve the quality of life of my constituents.

Mr. Chairman, I would submit, for the RECORD, a letter from Myrtle Beach Mayor John Rhodes, as well as a letter from the Myrtle Beach Chamber of Commerce, detailing why this funding is needed and how it will be spent.

Mr. Chairman, I urge my colleagues to vote "no" on the Flake amendment No. 15.

MYRTLE BEACH AREA  
CHAMBER OF COMMERCE,  
*Myrtle Beach, SC, July 15, 2009.*

Hon. HENRY BROWN,  
*House of Representative,  
Washington, DC.*

DEAR CONGRESSMAN BROWN: I am writing to thank you for your efforts to secure federal funds for the expansion of the Myrtle Beach Convention Center. In particular, I thank you for seeking \$100,000.00 in the current legislation moving through Congress. Your support of this important project is greatly appreciated.

The expansion project, once underway, will create hundreds of jobs in our area. With our unemployment rate reaching record levels, we desperately need more jobs and this project will help us accomplish that objective.

Once complete, the expanded convention center will attract more groups and thousands of visitors to the area, boosting tourism and creating jobs. Since tourism is the key cornerstone to our local economy, we simply must find ways to grow the economic base and create more jobs. Because the convention center is so important to our economy today, an expanded convention center will undoubtedly create new jobs in our local community.

We appreciate your past support of expanding the Myrtle Beach Convention Center and urge you to continue to seek funding for this important project. Your leadership is crucial to this project and I hope you will continue to press forward on this project.

Thank you for all you do to lead South Carolina and the First Congressional District.

With warmest regards, I am,  
BRAD DEAN,  
*President.*

CITY OF MYRTLE BEACH,  
OFFICE OF THE MAYOR,  
*Myrtle Beach, SC, July 15, 2009.*

Hon. HENRY BROWN,  
*House of Representatives,  
Washington, DC.*

DEAR CONGRESSMAN BROWN: I understand that you will head to the floor tomorrow to defend the \$100,000 that you have requested for the Myrtle Beach Convention Center. I want to first thank you for your continued support for this project.

Not only will an enhanced convention and trade center create jobs in Horry County, which is one the state's leaders in unemployment (not something that we are proud of nor happy about), but will further enhance overall tourism to the Grand Strand, which in turn will help create jobs.

While I have the opportunity, I wanted to give you a quick update on the expansion. The property has been purchased and a needed expanded parking lot has been completed. Designs are now underway for the performing arts portion of the structure which will be around 30,000 sq ft. City Council is ready to issue bonds for that construction as soon as design is completed and bid. The program work is ongoing for the further expansion of 100 to 150 thousand sq ft. The design team and center staff just completed a whirl-

wind tour of facilities in three states to get ideas of what is working and not working in other facilities. There is a lot of work ahead of us, but this facility plays a huge role in the multi-billion dollar tourism economy for the Grand Strand and the State and the expansion thereof is critical to us.

Thank you again for all of your support.

Sincerely,

JOHN T. RHODES,  
*Mayor.*

Mrs. EMERSON. I yield 3 minutes to my good friend, Mr. CULBERSON from Texas.

Mr. CULBERSON. Mr. Chairman, the budget deficit this year, this week, for the very first time in history has exceeded \$1 trillion. The national debt is now over \$12 trillion.

The liberal majority that controls this House, passing the energy tax just before the Fourth of July break, the biggest tax increase in the history of America, the liberal majority that controls this House, passing this "spendulus" bill in a single shot, more money than is spent by the entire annual budget of the United States. We are on the brink—this liberal majority that controls the House has taken over the automobile industry, the insurance industry, the banking industry. They're on the brink of taking over the health care industry. And by the way, Business Investors Daily reports today, the health care bill will make it illegal to even buy private insurance.

This is the most massive expansion of government in the history of the United States. This Congress has spent more money in less time than any Congress in history, is about to raise taxes more than any Congress in history.

We are on an unsustainable path for the future of this Nation. It's vitally important for us to control spending. No new taxes, no new spending, no new debt. That's very simple. Yet, the game, the rules of the House are rigged against the taxpayers.

Even if every one of Mr. FLAKE's amendments were adopted, even if every amendment offered on the floor to cut these earmarks were adopted, taxpayers won't save a dime.

Imagine sitting down to a game of chess, and even if you think you've got checkmate you don't, because the rules are rigged against you. The rules of this House are set up in such a way by the liberal majority that on a spending bill, it's impossible to cut spending. You've got to cut another bill, the budget bill, and reduce what's called the 302(a) overall spending level, which can't be done on this bill.

□ 1700

On the tax bill, you can't cut taxes. It's forbidden to cut taxes under the rules of the way this bunch runs the House. Their game is rigged against the taxpayers, and that's my greatest frustration.

First of all, each Member of this House, no one will do a better job of representing the people of South Carolina than my good friend, Mr. BROWN, and he publishes his request on his Web

site. This is all done in a very transparent and open way. All of us are accountable to our constituents about the way we run our office, but it is time for the American people to stand up and demand that the rules be rigged in favor of the taxpayers.

I'm sick and tired of this Congress spending money that our kids don't have, of rigging the game or the rules of the game so that we cannot cut taxes, so you can't cut spending. This is a charade. It's not right. It's wrong for our kids, and it's time to cut spending, cut taxes, and quit driving up the national debt.

Mr. FLAKE. If the gentleman would continue in that vein, I would give him more time. I even got a bit of whiplash here. I thought the gentleman was arguing to not spend another \$100,000 on Myrtle Beach, the convention center attached to the Myrtle Beach hotel, the Sheraton.

Mr. CULBERSON. Would the gentleman yield? I would be glad to engage in a debate.

Mr. FLAKE. If the gentleman is in support of the amendment, I would yield. If not, please don't say any more.

My frustration was we were in the majority for the first 6 years I was here. There were a lot of the same Members of the same appropriations committee. We could have cut the 302(a)s, but we didn't. And now we have appropriators now in the minority party blaming the appropriators in the majority party for doing what we should have done a few years ago.

So it all seems to me to make sense when you see a chart like this, that explains the spoils system that earmarks really are, when 70 percent of the dollar value of earmarks go to just 24 percent of the House, and when less than 14 percent of the House gets well over 50 percent of the dollar value overall of earmarks.

So I have to say we have to start somewhere, and if we can't start by saving \$100,000 for the Myrtle Beach conference center, I don't know where we can start. I really, really don't.

So I would just urge my colleagues, if we say that we're fiscally responsible, then show it instead of standing up and saying, Hey, we need to cut spending, but first before we cut spending we've got to spend another \$100,000 on the Myrtle Beach Convention Center. I think the taxpayers have heard that for far too long, when we were in the majority and now with the new majority. At some point, we're going to have to say we're not going to do this anymore. That's what we're attempting to do with this amendment. I would urge support of it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.



The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated No. 16.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. FLAKE:  
At the end of the bill (before the short title), insert the following:

#### TITLE IX

##### ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Tech Belt Life Sciences Greenhouse project of the Pittsburgh Life Sciences Greenhouse in Pittsburgh, Pennsylvania, and the amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form that I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. SERRANO. Would the gentleman yield?

Mr. FLAKE. For the purpose—the gentleman has time, I believe.

I will yield the gentleman 30 seconds.

Mr. SERRANO. I just wanted to know if there was a time during this debate where you were going to show any gratitude to the Rules Committee for the fact that of the 17 amendments you got 11?

Mr. FLAKE. I have said from the beginning I'm grateful for the amendments I get. But the vote on my amendments typically has all of the excitement and drama of a Cuban election where we know the outcome, unfortunately, and it serves as a useful purpose for the majority party.

I'm grateful for the amendments I get. I guess you have to be grateful and express gratitude for the benevolence of the majority party for granting me a few amendments on a bill that has traditionally come to the Congress under an open rule.

If that's what we've come to in this House, to just express gratitude for the crumbs that fall from the table in terms of being allowed to offer amendments on appropriation bills, I hope we haven't come to that but, Mr. Chairman, I'm starting to wonder.

I would like to have offered an amendment to substitute for one of mine that would—again, this would be for the D.C. School Choice Initiative, to allow it to continue, to allow students to have the choice of where they go to school, but we're denied once again.

This amendment would remove \$100,000 in funding for the Pittsburgh Life Sciences Greenhouse, Tech Belt Biosciences Initiative and reduce the cost of the bill by the commensurate amount.

This earmark states that the funding will be used for the creation of a Biosciences Tech Belt, and I am anxious to learn what that is.

I would reserve the balance of my time.

Mr. DOYLE. Mr. Chairman, I rise to oppose the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DOYLE. The goal of this project is to promote partnerships between various biotech industries and encourage growth in biosciences.

Pittsburgh Life Sciences Greenhouse is a private-public partnership that provides entrepreneurial life science enterprises in Pittsburgh and western Pennsylvania with the resources and tools they need to make global advances in research and patient care.

Both Pittsburgh and Cleveland are hubs of innovation and entrepreneurship. There are currently 800 companies in the biosciences sector employing more than 25,000 people in this tech belt region. This project will foster growth in the biotech sector by linking companies between the two cities.

Pittsburgh Life Sciences Greenhouse has worked with companies in over 20 counties throughout western Pennsylvania since its inception in 2001. Due to their extraordinary work, 14.5 million has been committed in over 60 companies which have leveraged over \$300 million in additional funding from venture capitalists and angel investors. 228 companies have been launched or grown using Pittsburgh Life Sciences Greenhouse services. Over 300 jobs have been created or retained in the Pittsburgh Life Sciences Greenhouse-invested companies.

The Tech Belt Biosciences Initiative takes these activities to the next level by creating, with its counterpart in Cleveland, an organization called Bio-Enterprise. Together, Pittsburgh and Cleveland pull in \$1 billion in combined NIH research dollars which can spin off hundreds of companies and, in turn, create jobs.

The Tech Belt Biosciences Initiative is designed to maximize this tremendous opportunity to improve public health, generate economic growth in a region in need of jobs, and ultimately make the region an international destination for biosciences and high-tech innovation. Promoting such growth and development not only benefits the State of Ohio, but the State of Penn-

sylvania and the entire country as a whole.

It's now my pleasure to yield 2 minutes to my friend from Pittsburgh (Mr. ALTMIRE).

Mr. ALTMIRE. I understand what the gentleman from Arizona is doing here. He was going through the earmarks, as he does, and somebody needs to do that to make sure that they're all on the up-and-up. He saw the word "greenhouse" and he said, Why are we giving \$100,000 to a greenhouse in Pittsburgh?

Well, what this is is the Pittsburgh Life Sciences Greenhouse. We in Pittsburgh have the University of Pittsburgh Medical Center. We have Carnegie Mellon University. We are partnering with Cleveland, as Congressman DOYLE just talked about, where you have the Cleveland Clinic and Case Western Reserve.

So we have literally thousands of life science biotech startups throughout the region that are doing great work, that are creating jobs, that are growing the economy. And when you heard the word "greenhouse," that's what that's about. We're growing the economy in western Pennsylvania and northeastern Ohio. And this relatively modest investment that we're making through this earmark is going to fund an organization that has promoted 80 different venture capital firms that have directly funded 60 different companies through the initiatives that we're talking about.

So it attracts private investment, angel investors, and venture capital firms that otherwise would not be involved in the Pittsburgh and Cleveland technology corridor, which has suffered with job losses because of trade agreements and because of the down economy over the past several years. And what we've done here is put together a group that's going to attract outside investment to capitalize manyfold above and beyond the relatively modest investment that we make here.

And we are talking about an organization that just directly through this Pittsburgh technology belt, Pittsburgh-Cleveland Tech corridor, has grown 400 jobs and generated \$300 million in venture capital and angel investment.

So I think this is a very worthwhile investment that we can make to grow the economy, and Pittsburgh has weathered the storm very well. What we're talking about today has resulted in the fact that Pittsburgh has an unemployment rate that's below the national average.

Mr. DOYLE. Mr. Chairman, I would like to yield any remaining time to our friend and colleague from Ohio, Mr. RYAN.

Mr. RYAN of Ohio. I want to thank the gentlemen from the Pittsburgh area.

This is a great investment for our community to pull these two, Cleveland-Youngstown-Pittsburgh corridor together.

And I would just like to remind the gentleman from Arizona, as I have before and will continue on every amendment, his congressional district, Mr. Chairman, wouldn't even exist. You in Arizona, it's a desert. All of the water lines, all the sewer lines, the \$7 billion Central Arizona Project was paid for by the taxes of the steelworkers in Pittsburgh. We helped build the West, our area, and now we're saying we need to retool our economy.

And I think it is imperative for everybody in this House to know, we're all Americans here. And so to take investment during the 1950s and 1960s to build the West and then have a Member of Congress come before us here living in the largesse, spreading water into the desert so they can have nice golf courses, and come tell two Members of Congress from Pittsburgh, Pennsylvania, that are trying to retool their economy that somehow this is a bad use of Federal money, I have an answer for this.

Why don't we send the State of Arizona a bill for the \$7 billion that built the Central Arizona Project, that sent all of these water lines and sewer lines and public investment out there. Maybe we should ask for that money back and put it towards deficit reduction.

Mr. FLAKE. Well, that was an interesting recitation of western history, I will tell you that, but this tech belt was created 2 years ago. The CEO of Pittsburgh Life Sciences Greenhouse and the CEO of BioEnterprise, Cleveland, decided to collaborate and leverage the existing resources in Pittsburgh and Cleveland, and this tech belt initiative was born.

But this is an interesting quote. I want everyone to hear this. John Manzetti, the CEO of Pittsburgh Life Sciences Greenhouse said the objective of the tech belt was to "create some excitement and get funding from the Federal Government" to build up their regions. It's been successful at that. Believe me. There's a lot of money that has gone in Federal earmark money, that's for sure.

According to the press release of the sponsor of this earmark, in this year's omnibus appropriation act alone, his district received \$55 million in Federal funding from earmarks. That's just in the omnibus bill itself.

May I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. FLAKE. I will yield to the gentleman from Pennsylvania. The gentleman from Pennsylvania wanted to speak on a previous earmark, and I will yield him the last minute I have here.

Mr. TIM MURPHY of Pennsylvania. With regard to Flake No. 14 amendment, I want to let my colleagues know that the economic growth connection of Westmoreland County located in Greensburg is actually a very valuable resource to manufacturers in helping to keep the local employees,

especially at a time when we are struggling with our economy.

The funding for this will be used for small and medium-sized businesses and give them some additional support they otherwise would not be able to afford in helping small manufacturers compete with large firms to gain defense contracts and other jobs.

It helps them find building and maintenance databases that showcase the unique capabilities they have. It helps them locate places for their manufacturing to take place. It provides several services that otherwise these businesses would have to, at a much larger expense, hire someone to take care of. It provides jobs. It provides help.

And I hope my colleagues, in response, will oppose that amendment and help preserve some jobs in the area.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

#### AMENDMENT NO. 17 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk, No. 17, my final amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

#### Amendment No. 17 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

#### TITLE IX

#### ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 "Small Business Administration—Salaries and Expenses" shall be available for an infrastructure expansion project to promote small business of the City of Loma Linda and the City of Grand Terrace, California, and the amount otherwise provided in such section is hereby reduced by \$900,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent, for the 11th time, that my amendment be modified in the form at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

□ 1715

Mr. FLAKE. I wish we could have modified the amendment. I would have,

again, submitted the Broadcaster Freedom Act to allow us to limit funding to the FCC so that they wouldn't be able to restrict broadcaster freedom across this country, but I wasn't allowed one more time.

I'd like to yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Chairman, I've been sitting in my office watching this debate, and I am absolutely astounded that the general criticism of the gentleman from Arizona appears to be that his amendments appear to be of really no consequence, why are you nitpicking, going after different earmarks. And yet the gentleman has on 11 occasions, I believe, asked to be able to substitute what no one could disagree with, that is, that there would be serious substantive amendments that would go to consequential issues that this House should be given an opportunity to vote upon.

And yet because of the actions of the Rules Committee and the majority party, time and time again this gentleman has not been allowed to do that. And so the American people are being prohibited an opportunity to have their general membership in this House be able to make decisions.

I first came to this House in 1979. One of the things that was crystal clear at that point in time is when you had appropriation bills, every single Member, no matter whether they were a Member of the majority or minority side, had an opportunity to present amendments. Why? Because the power of the purse is the strongest weapon we have in the House of Representatives to be able to exercise the will of the American people, and yet time and time again we are being prohibited from doing that.

The Acting CHAIR. The time of the gentleman has expired.

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

Mr. DANIEL E. LUNGREN of California. And yet the gentleman from Arizona is attempting to give us an opportunity to exercise our constitutional prerogative, to represent our constituents here, and we are being denied that time and time again.

Shame on this House.

Mr. FLAKE. This amendment would strike \$900,000 in funding for the City of Loma Linda, California, and the City of Grand Terrace, California, for an infrastructure expansion project to promote small business and reduce the overall cost of the bill by a commensurate amount.

The sponsor of this earmark states on his Web site these funds would be used to establish a fiber optic infrastructure expansion pilot program between the City of Loma Linda and the City of the Grand Terrace's new business park. The pilot program would demonstrate how updated and expanded Internet access can promote

small business, create jobs, enhance local competitiveness, on and on and on.

The sponsor says that this is needed because private loans are unavailable as a result of the credit crunch and this region would benefit from the use of Federal dollars as an initial investment for future expansions. Well, we have heard that song before. There is a credit crunch out there. No doubt every business across the country will tell you about it, but not every business can say I am going to grab \$900,000 in funding. Yet that's what we're doing here.

We're picking and choosing which cities and municipalities and which organizations can get these dollars rather than say, you know, Mr. Taxpayer, maybe you ought to keep that money and spend it yourself. We're going to have to increase taxes at some point to pay for this, and we're telling everybody out there just to live with it because we make better decisions here on business investments in the U.S. House than you do as a small businessman.

That's, in essence, what we're saying, and it's time that we stop that, Mr. Chairman. We can't continue to go on, and if we can't strike \$900,000 in funding for a project like this, then I don't know where we start. I really don't.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. In addition, the Small Business Administration was given an opportunity to vet this project and provided the committee with no negative feedback regarding the project or the grantee.

Unfortunately, Mr. LEWIS, the sponsor of the amendment, was unable to come to the floor due to other important business.

I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, we passed a milestone that probably we shouldn't be proud of. Just last week, I think, the Webster dictionary finally put the definition of "earmark" in its dictionary, not the traditional definition that I was used to as a kid on a ranch where you mark cattle, but rather, earmark as a designation of dollars from the Congress by a particular Congressman.

When we passed that milestone, I think we've probably gone too far. When it's in the lexicon so frequently that the dictionaries are now picking it up, the appropriators have been trying to find earmark in the Constitution for years without success. At least they will find it now in the dictionary. That's not something we should be proud of.

At some point we do have to stand up and say we've got to stop this when we

have thousands and thousands and thousands of earmarks in appropriation bills over the year and we can't seem to cut funding for one of them here. I don't know when we're going to cut funding. I don't know when we're going to get a hold of this deficit that we have unless we start somewhere, and I would suggest that we start here on this amendment.

Mr. LEWIS of California. Mr. Chair, I rise in opposition to this amendment. The item under consideration would meet the goals set by this Congress as part of our efforts to deal with the ongoing economic crisis. This measure is directly targeted to improving infrastructure and creating new jobs.

In an effort to keep the United States competitive in an increasingly high-tech world, Congress is committed to expanding technology-based job training and cutting-edge communications connectivity. Such efforts are evidenced in the broadband funding provided in the American Recovery and Reinvestment Act and funding for technology research and development in the Enhancing Small Business Research and Innovation Act of 2009. The benefits of such investment are evident in this project, known as the Connected Communities Program in the City of Loma Linda and the City of Grand Terrace.

California communities are facing some of the worst problems in the nation of public infrastructure funding and an economic crisis. The devastating effects of the mortgage crisis continue driving unemployment. In the last year, unemployment in my district has almost doubled from 6.7% to 12.9%, far surpassing the national average. The technology sector is one of the few bright spots—in my District, the number of jobs in technology and health care are projected to double in the next five years.

In an effort to capitalize on growth in the technology and health sectors, the Cities of Loma Linda and Grand Terrace began a comprehensive effort to connect homes, business and teaching institutions to a community-based advanced fiber-optic network. This program complements the national effort to upgrade connectivity infrastructure and promote creation of highly skilled jobs. From employing and training skilled network technicians to attracting cutting-edge small business, the network has successfully approached the national and local economic development goals. The program has stalled, however, and the communities are hard-pressed to find the funds to complete it. Credit markets and investment dollars have dried up because of the drastic economic downturn in Southern California. Small cities like Loma Linda and Grand Terrace have been especially impacted, and are faced with being unable to finance the very infrastructure that can help lead to economic recovery. This request will complete the program and provide fiber-optic connectivity to 95% of the community.

It is my belief that this proven program will play an integral role in the economic recovery of my District and southern California. I ask my colleagues to support the Connected Communities project and defeat this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-208 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. PRICE of Georgia;

Amendment No. 4 by Mrs. EMERSON of Missouri;

Amendment No. 5 by Mrs. BLACKBURN of Tennessee;

Amendment No. 6 by Mr. BROUN of Georgia;

Amendment No. 7 by Mr. FLAKE of Arizona;

Amendment No. 8 by Mr. FLAKE of Arizona;

Amendment No. 9 by Mr. FLAKE of Arizona;

Amendment No. 10 by Mr. FLAKE of Arizona;

Amendment No. 11 by Mr. FLAKE of Arizona;

Amendment No. 12 by Mr. FLAKE of Arizona;

Amendment No. 13 by Mr. FLAKE of Arizona;

Amendment No. 14 by Mr. FLAKE of Arizona;

Amendment No. 15 by Mr. FLAKE of Arizona;

Amendment No. 16 by Mr. FLAKE of Arizona;

Amendment No. 17 by Mr. FLAKE of Arizona.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 279, not voting 14, as follows:

[Roll No. 555]

AYES—146

Aderholt	Bartlett	Bishop (UT)
Akin	Barton (TX)	Blackburn
Alexander	Biggart	Blunt
Austria	Bilbray	Boehner
Bachmann	Bilirakis	Bonner

Bono Mack	Guthrie	Olson	Markey (MA)	Perlmutter	Sires	[Roll No. 556]
Boozman	Hall (TX)	Paul	Marshall	Perriello	Skelton	
Boustany	Harper	Paulsen	Massa	Peters	Slaughter	AYES—172
Brady (PA)	Hastings (WA)	Petri	Matheson	Peterson	Smith (WA)	
Brady (TX)	Heller	Pitts	Matsui	Pierluisi	Snyder	Flake
Bright	Hensarling	Platts	McCarthy (NY)	Pingree (ME)	Speier	Fleming
Broun (GA)	Herger	Poe (TX)	McCollum	Polis (CO)	Spratt	Forbes
Brown (SC)	Hoekstra	Posey	McCotter	Pomeroy	Stark	Fox
Burton (IN)	Hunter	Price (GA)	McDermott	Price (NC)	Stupak	Franks (AZ)
Buyer	Issa	Rehberg	McGovern	Putnam	Sutton	Frelinghuysen
Calvert	Jenkins	Reichert	McHugh	Quigley	Tanner	Gallegly
Camp	Johnson (IL)	Roe (TN)	McIntyre	Radanovich	Taylor	Garrett (NJ)
Campbell	Johnson, Sam	Rogers (AL)	McMahon	Rahall	Teague	Gingrey (GA)
Cantor	Jordan (OH)	Rogers (KY)	McNerney	Rangel	Thompson (CA)	Gohmert
Cao	Kaptur	Rohrabacher	Meek (FL)	Reyes	Thompson (MS)	Goodlatte
Capito	King (IA)	Rooney	Meeks (NY)	Richardson	Thornberry	Granger
Carter	Kingston	Roskam	Melancon	Rodriguez	Tierney	Graves
Cassidy	Kirk	Royce	Miller (MI)	Ros-Lehtinen	Titus	Guthrie
Chaffetz	Kline (MN)	Ryan (WI)	Miller (NC)	Ross	Townes	Hall (TX)
Cleaver	Lamborn	Scalise	Miller, Gary	Rothman (NJ)	Towns	Harper
Coble	Latham	Schmidt	Miller, George	Roybal-Allard	Tsongas	Hastings (WA)
Coffman (CO)	Latta	Schock	Minnick	Ruppersberger	Turner	Heller
Cole	Lee (NY)	Sensenbrenner	Mitchell	Rush	Upton	Hensarling
Conaway	Linder	Sessions	Mollohan	Ryan (OH)	Van Hollen	Herger
Crenshaw	Luetkemeyer	Shadegg	Moore (KS)	Sablan	Visclosky	Hoekstra
Culberson	Lummis	Shimkus	Moore (WI)	Salazar	Walden	Hunter
Davis (KY)	Mack	Shuster	Moran (VA)	Sánchez, Linda	Walz	Brady (TX)
Deal (GA)	Manzullo	Smith (NE)	Murphy (CT)	T.	Wasserman	Bright
DeFazio	Marchant	Smith (NJ)	Murphy (NY)	Sanchez, Loretta	Schultz	Broun (GA)
Dreier	McCarthy (CA)	Smith (TX)	Murphy, Patrick	Sarbanes	Waters	Brown (SC)
Duncan	McCaul	Souder	Murphy, Tim	Schakowsky	Watson	Brown-Waite,
Fallin	McClintock	Stearns	Murtha	Schauer	Watt	Ginny
Flake	McHenry	Sullivan	Nadler (NY)	Schiff	Waxman	Buchanan
Fleming	McKeon	Terry	Neal (MA)	Schrader	Weiner	Jordan (OH)
Forbes	McMorris	Thompson (PA)	Nye	Schwartz	Welch	King (IA)
Fox	Rodgers	Tiahrt	Oberstar	Scott (GA)	Wexler	Burton (IN)
Franks (AZ)	Mica	Tiberi	Obeys	Serrano	Whitfield	Buyer
Gallegly	Michaud	Wamp	Oliver	Sestak	Wilson (OH)	Calvert
Garrett (NJ)	Miller (FL)	Westmoreland	Ortiz	Shea-Porter	Woolsey	Camp
Gingrey (GA)	Moran (KS)	Wilson (SC)	Pallone	Sherman	Wu	Campbell
Gohmert	Myrick	Wittman	Pascrell	Shuler	Yarmuth	Cantor
Goodlatte	Napolitano	Wolf	Pastor (AZ)	Simpson		Cao
Granger	Neugebauer	Young (AK)				Cassidy
Graves	Nunes	Young (FL)				Castle

NOES—279

Abercrombie	Cummings	Himes
Ackerman	Dahlkemper	Hinchee
Adler (NJ)	Davis (AL)	Hinojosa
Altmire	Davis (CA)	Hirono
Andrews	Davis (IL)	Hodes
Arcuri	Davis (TN)	Holden
Baca	DeGette	Holt
Bachus	Delahunt	Honda
Baird	DeLauro	Hoyer
Baldwin	Dent	Inglis
Barrow	Diaz-Balart, L.	Inslee
Bean	Diaz-Balart, M.	Israel
Becerra	Dicks	Jackson (IL)
Berkley	Dingell	Jackson-Lee
Berman	Doggett	(TX)
Berry	Donnelly (IN)	Johnson (GA)
Bishop (GA)	Doyle	Johnson, E. B.
Bishop (NY)	Driehaus	Jones
Blumenauer	Edwards (MD)	Kagen
Bocieri	Edwards (TX)	Kanjorski
Boren	Ehlers	Kennedy
Boswell	Ellison	Kildee
Boucher	Ellsworth	Kilpatrick (MI)
Boyd	Emerson	Kilroy
Braley (IA)	Eshoo	Kind
Brown, Corrine	Etheridge	King (NY)
Brown-Waite,	Farr	Kirkpatrick (AZ)
Ginny	Fattah	Kissell
Buchanan	Filner	Klein (FL)
Butterfield	Fortenberry	Kosmas
Capps	Foster	Kratovil
Capuano	Frank (MA)	Kucinich
Cardoza	Frelinghuysen	Lance
Carnahan	Fudge	Langevin
Carney	Gerlach	Larsen (WA)
Carson (IN)	Giffords	Larson (CT)
Castle	Gonzalez	LaTourette
Castor (FL)	Gordon (TN)	Lee (CA)
Chandler	Grayson	Levin
Childers	Green, Al	Lewis (CA)
Christensen	Green, Gene	Lewis (GA)
Chu	Griffith	Lipinski
Clarke	Grijalva	LoBiondo
Clay	Gutierrez	Loeb
Clyburn	Hall (NY)	Lofgren, Zoe
Cohen	Halvorson	Lowe
Connolly (VA)	Hare	Lujan
Conyers	Harman	Lungren, Daniel
Cooper	Hastings (FL)	E.
Costello	Heinrich	Lynch
Courtney	Herseth Sandlin	Maffei
Crowley	Higgins	Maloney
Cuellar	Hill	Markey (CO)

NOT VOTING—14

Barrett (SC)	Faleomavaega	Rogers (MI)
Bordallo	Lucas	Scott (VA)
Burgess	Norton	Space
Costa	Payne	Velázquez
Engel	Pence	

□ 1746

Messrs. COHEN, TIERNEY, Mrs. MCCARTHY of New York, Messrs. COURTNEY, HINOJOSA, CARNY, LEVIN, Ms. GINNY BROWN-WAITE of Florida, Messrs. BERRY and KENNEDY, Ms. JACKSON-LEE of Texas, and Ms. BEAN changed their vote from “aye” to “no.”

Messrs. PETRI, CULBERSON, SMITH of Texas, and DEFAZIO changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MRS. EMERSON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Missouri (Mrs. EMERSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 250, not voting 17, as follows:

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

NOES—250

Abercrombie	Clyburn	Fortenberry
Ackerman	Cohen	Foster
Adler (NJ)	Connolly (VA)	Frank (MA)
Altmire	Conyers	Fudge
Andrews	Cooper	Gerlach
Baca	Costa	Giffords
Baird	Courtney	Gonzalez
Baldwin	Crowley	Gordon (TN)
Barrow	Cuellar	Grayson
Becerra	Cummings	Green, Al
Berkley	Dahlkemper	Green, Gene
Berman	Davis (AL)	Griffith
Berry	Davis (CA)	Grijalva
Bishop (GA)	Davis (IL)	Gutierrez
Bishop (NY)	Davis (TN)	Hall (NY)
Blumenauer	DeFazio	Halvorson
Bocieri	DeGette	Hare
Boswell	Delahunt	Harman
Boucher	DeLauro	Hastings (FL)
Boyd	Dicks	Heinrich
Brady (PA)	Dingell	Herseth Sandlin
Brown, Corrine	Doggett	Higgins
Butterfield	Donnelly (IN)	Hill
Capps	Doyle	Himes
Capuano	Driehaus	Hinchee
Cardoza	Edwards (MD)	Hinojosa
Carnahan	Edwards (TX)	Hirono
Carnahan	Ellison	Hodes
Carney	Ellsworth	Holden
Carson (IN)	Engel	Holt
Castor (FL)	Eshoo	Honda
Chandler	Etheridge	Hoyer
Christensen	Farr	Inslee
Chu	Fattah	Israel
Clarke	Filner	Jackson (IL)
Clay		

Jackson-Lee (TX)  
 Johnson (GA)  
 Johnson, E. B.  
 Kagen  
 Kanjorski  
 Kaptur  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 Kind  
 King (NY)  
 Kirk  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kosmas  
 Kucinich  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Lee (CA)  
 Lee (NY)  
 Levin  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loeback  
 Lofgren, Zoe  
 Lowey  
 Luján  
 Lynch  
 Maffei  
 Maloney  
 Markey (CO)  
 Markey (MA)  
 Massa  
 Matheson  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McHugh  
 McIntyre  
 McMahon  
 McNerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Michaud

NOT VOTING—17

Barrett (SC)  
 Bordallo  
 Braley (IA)  
 Capito  
 Carter  
 Faleomavaega

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1749

So the amendment was rejected. The result of the vote was announced as above recorded. Stated against: Mr. BRALEY of Iowa. Mr. Chair, on rollcall No. 556, had I been present, I would have voted “no.”

PERSONAL EXPLANATION

Ms. NORTON. Mr. Chair, on rollcall Nos. 555 and 556, had I been present, I would have voted “no.”

AMENDMENT NO. 5 OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered. The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 247, not voting 8, as follows:

[Roll No. 557]

AYES—184

Aderholt  
 Adler (NJ)  
 Akin  
 Alexander  
 Altmire  
 Arcuri  
 Austria  
 Bachmann  
 Bachus  
 Bartlett  
 Barton (TX)  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (UT)  
 Blackburn  
 Blunt  
 Boehner  
 Bonner  
 Bono Mack  
 Boozman  
 Boren  
 Boustany  
 Brady (TX)  
 Bright  
 Broun (GA)  
 Brown (SC)  
 Brown-Waite,  
 Ginny  
 Buchanan  
 Burgess  
 Burton (IN)  
 Buyer  
 Kirk  
 Kirkpatrick (AZ)  
 Kline (MN)  
 Kratovil  
 Lamborn  
 Lance  
 Larson (CT)  
 Latham  
 Latta  
 Lee (NY)  
 Linder  
 Childers  
 Coble  
 Coffman (CO)  
 Cole  
 Conaway  
 Cooper  
 Culberson  
 Davis (KY)  
 Deal (GA)  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dreier  
 Driehaus  
 Duncan  
 Fallin  
 Flake  
 Fleming  
 Forbes  
 Fortenberry

NOES—247

Abercrombie  
 Ackerman  
 Andrews  
 Baca  
 Baird  
 Baldwin  
 Barrow  
 Bean  
 Becerra  
 Berkeley  
 Berman  
 Berry  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer  
 Boccieri  
 Boswell  
 Boucher  
 Boyd  
 Brady (PA)  
 Braley (IA)  
 Brown, Corrine  
 Butterfield

Etheridge  
 Farr  
 Fattah  
 Filner  
 Foster  
 Frank (MA)  
 Fudge  
 Gonzalez  
 Gordon (TN)  
 Grayson  
 Green, Al  
 Green, Gene  
 Griffith  
 Grijalva  
 Hall (NY)  
 Halvorson  
 Hare  
 Harman  
 Hastings (FL)  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Inglis  
 Inslee  
 Israel  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Johnson (GA)  
 Johnson (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Royce  
 Ryan (WI)  
 Scalise  
 Schmidt  
 Schock  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shimkus  
 Shuster  
 Simpson  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Souder  
 Stearns  
 Sullivan  
 Taylor  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Upton  
 Walden  
 Wamp  
 Westmoreland  
 Whitfield  
 Wilson (SC)  
 Wittman  
 Wolf  
 Young (FL)

Lowey  
 Luján  
 Lynch  
 Maffei  
 Maloney  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McHugh  
 McIntyre  
 McMahon  
 McNerney  
 Meek (FL)  
 Meeks (NY)  
 Michaud  
 Miller (NC)  
 Miller, George  
 Minnick  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Murtha  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Norton  
 Oberstar  
 Obey  
 Olver  
 Ortiz  
 Pallone  
 Pascrell  
 Pastor (AZ)  
 Payne  
 Perlmutter  
 Perriello  
 Peterson  
 Pierluisi  
 Pingree (ME)  
 Polis (CO)  
 Pomeroy  
 Price (NC)  
 Quigley  
 Rahall  
 Rangel  
 Reyes  
 Richardson  
 Rodriguez  
 Rogers (KY)  
 Ross

NOT VOTING—8

Barrett (SC)  
 Bordallo  
 Faleomavaega

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1753

So the amendment was rejected. The result of the vote was announced as above recorded. Stated for:

Mr. INGLIS. Mr. Chair, on rollcall No. 557, had I been present, I would have voted “aye.”

AMENDMENT NO. 6 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 282, not voting 8, as follows:

[Roll No. 558]

AYES—149

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

NOES—282

Abercrombie	Buchanan	Dahlkemper
Ackerman	Butterfield	Davis (AL)
Adler (NJ)	Cao	Davis (CA)
Altmire	Capps	Davis (IL)
Andrews	Capuano	Davis (TN)
Arcuri	Cardoza	DeFazio
Baca	Carnahan	DeGette
Baird	Carney	Delahunt
Baldwin	Carson (IN)	DeLauro
Barrow	Cassidy	Diaz-Balart, L.
Bean	Castle	Diaz-Balart, M.
Becerra	Castor (FL)	Dicks
Berkley	Chandler	Dingell
Berman	Childers	Doggett
Berry	Christensen	Donnelly (IN)
Bilbray	Chu	Doyle
Bishop (GA)	Clarke	Driehaus
Bishop (NY)	Clay	Edwards (MD)
Blumenauer	Cleaver	Edwards (TX)
Bocchieri	Clyburn	Ehlers
Bono Mack	Cohen	Ellison
Boren	Connolly (VA)	Ellsworth
Boswell	Conyers	Engel
Boucher	Cooper	Eshoo
Boyd	Costa	Etheridge
Brady (PA)	Costello	Farr
Braley (IA)	Courtney	Fattah
Bright	Crenshaw	Filner
Brown, Corrine	Crowley	Fortenberry
Brown-Waite,	Cuellar	Foster
Ginny	Cummings	Frank (MA)

Frelinghuysen	Lujan	Ross
Fudge	Lynch	Rothman (NJ)
Giffords	Maffei	Roybal-Allard
Gonzalez	Maloney	Ruppersberger
Gordon (TN)	Markey (CO)	Rush
Grayson	Markey (MA)	Ryan (OH)
Green, Al	Marshall	Sablan
Green, Gene	Massa	Salazar
Griffith	Matheson	Sánchez, Linda
Grijalva	Matsui	T.
Gutierrez	McCarthy (NY)	Sanchez, Loretta
Hall (NY)	McCollum	Sarbanes
Halvorson	McDermott	Schakowsky
Hare	McGovern	Schauer
Harman	McHugh	Schiff
Hastings (FL)	McIntyre	Schrader
Heinrich	McMahon	Schwartz
Herseht Sandlin	McNerney	Scott (GA)
Higgins	Meek (FL)	Serrano
Hill	Meeks (NY)	Sestak
Himes	Melancon	Shea-Porter
Hinchey	Michaud	Sherman
Hinojosa	Miller (NC)	Shuler
Hirono	Miller, George	Smith (NJ)
Hodes	Minnick	Smith (WA)
Holden	Mitchell	Snyder
Holt	Mollohan	Speier
Honda	Moore (KS)	Spratt
Hoyer	Moore (WI)	Stark
Inglis	Moran (VA)	Stupak
Insee	Murphy (CT)	Sutton
Israel	Murphy (NY)	Tanner
Jackson (IL)	Murphy, Patrick	Taylor
Jackson-Lee	Murphy, Tim	Teague
(TX)	Murtha	Thompson (CA)
Jenkins	Nadler (NY)	Thompson (MS)
Johnson (GA)	Napolitano	Tierney
Johnson, E. B.	Neal (MA)	Titus
Kagen	Norton	Tonko
Kanjorski	Nye	Towns
Kaptur	Oberstar	Townsend
Kildee	Obey	Tsongas
Kilpatrick (MI)	Olver	Turner
Kilroy	Ortiz	Van Hollen
Kind	Pallone	Visclosky
King (NY)	Pascrell	Walden
Kirk	Pastor (AZ)	Walz
Kirkpatrick (AZ)	Payne	Wasserman
Kissell	Perlmutter	Schultz
Klein (FL)	Perriello	Austria
Kosmas	Peters	Baca
Kratovil	Peterson	Bachus
Kucinich	Pierluisi	Baird
Lance	Pingree (ME)	Baldwin
Langevin	Polis (CO)	Barrow
Larsen (WA)	Pomeroy	Bartlett
Larson (CT)	Price (NC)	Barton (TX)
Lee (CA)	Putnam	Bean
Levin	Quigley	Becerra
Lewis (GA)	Rahall	Berkley
Lipinski	Rangel	Berman
LoBiondo	Reyes	Berry
Loeback	Richardson	Biggart
Lofgren, Zoe	Rodriguez	Bilbray
Lowey	Ros-Lehtinen	Bilirakis
		Bishop (GA)
		Blumenauer
		Blunt
		Bocchieri
		Bonner
		Bono Mack
		Boozman
		Boren
		Boswell
		Boucher
		Boyd
		Brady (PA)
		Braley (IA)
		Brown (SC)
		Brown, Corrine
		Brown-Waite,
		Ginny
		Buchanan
		Burton (IN)
		Butterfield
		Calvert
		Camp
		Cantor
		Cao
		Capito
		Capps
		Capuano
		Cardoza
		Carnahan
		Carney
		Carson (IN)
		Scott (VA)
		Velázquez

NOT VOTING—8

Barrett (SC)	Kennedy	Scott (VA)
Bordallo	Lucas	Velázquez
Faleomavaega	Pence	

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
Thirty seconds remain in this vote.

□ 1756

So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE  
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.  
The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 89, noes 342, not voting 8, as follows:

[Roll No. 559]

AYES—89

Bachmann	Hall (TX)	Minnick
Bishop (NY)	Heller	Moran (KS)
Bishop (UT)	Hensarling	Myrick
Blackburn	Herger	Neugebauer
Boehner	Hoekstra	Nunes
Boustany	Inglis	Olson
Brady (TX)	Issa	Paul
Bright	Jenkins	Petri
Broun (GA)	Johnson (IL)	Pitts
Burgess	Johnson, Sam	Platts
Buyer	Jordan (OH)	Price (GA)
Campbell	Kind	Roe (TN)
Cassidy	King (IA)	Rohrabacher
Chaffetz	Kirk	Royce
Coble	Kline (MN)	Ryan (WI)
Coffman (CO)	Lamborn	Scalise
Conaway	Latta	Schmidt
Cooper	Linder	Sensenbrenner
Ehlers	Luetkemeyer	Sessions
Fallin	Lummis	Shadegg
Flake	Lungren, Daniel	Shimkus
Fleming	E.	Smith (NE)
Fortenberry	Mack	Speier
Foxx	Matheson	Stearns
Franks (AZ)	McCaul	Sullivan
Garrett (NJ)	McClintock	Thornberry
Giffords	McCotter	Tiberi
Gohmert	McHenry	Wamp
Goodlatte	McMahon	Westmoreland
Graves	Miller (FL)	Wilson (SC)

NOES—342

Abercrombie	Carter	Forbes
Ackerman	Castle	Foster
Aderholt	Castor (FL)	Frank (MA)
Adler (NJ)	Chandler	Frelinghuysen
Akin	Childers	Fudge
Alexander	Christensen	Gallely
Altmire	Chu	Gerlach
Andrews	Clarke	Gingrey (GA)
Arcuri	Clay	Gonzalez
Austria	Cleaver	Gordon (TN)
Baca	Clyburn	Granger
Bachus	Cohen	Grayson
Baird	Cole	Green, Al
Baldwin	Connolly (VA)	Green, Gene
Barrow	Conyers	Griffith
Bartlett	Costa	Grijalva
Barton (TX)	Costello	Guthrie
Bean	Courtney	Gutierrez
Becerra	Crenshaw	Hall (NY)
Berkley	Crowley	Halvorson
Berman	Cuellar	Hare
Berry	Culberson	Harman
Biggart	Cummings	Harper
Bilbray	Dahlkemper	Hastings (FL)
Bilirakis	Davis (AL)	Hastings (WA)
Bishop (GA)	Davis (CA)	Heinrich
Blumenauer	Davis (IL)	Herseht Sandlin
Blunt	Davis (KY)	Higgins
Bocchieri	Davis (TN)	Hill
Bonner	Deal (GA)	Himes
Bono Mack	DeFazio	Hinchey
Boozman	DeGette	Hinojosa
Boren	Delahunt	Hirono
Boswell	DeLauro	Hodes
Boucher	Dent	Holden
Boyd	Diaz-Balart, L.	Holt
Brady (PA)	Diaz-Balart, M.	Honda
Braley (IA)	Dicks	Hoyer
Brown (SC)	Dingell	Hunter
Brown, Corrine	Doggett	Insee
Brown-Waite,	Donnelly (IN)	Israel
Ginny	Doyle	Jackson (IL)
Buchanan	Dreier	Jackson-Lee
Burton (IN)	Driehaus	(TX)
Butterfield	Duncan	Johnson (GA)
Calvert	Edwards (MD)	Johnson, E. B.
Camp	Edwards (TX)	Jones
Cantor	Ellison	Kagen
Cao	Ellsworth	Kanjorski
Capito	Emerson	Kaptur
Capps	Engel	Kildee
Capuano	Eshoo	Kilpatrick (MI)
Cardoza	Etheridge	Kilroy
Carnahan	Farr	King (NY)
Carney	Fattah	Kingston
Carson (IN)	Filner	Kirkpatrick (AZ)



Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
MEEKS (NY)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick

Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pierluisi  
Pingree (ME)  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Salazar  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Young (AK)  
Schrader

NOT VOTING—8

Barrett (SC) Kennedy Scott (VA)  
Bordallo Lucas Velázquez  
Faleomavaega Pence

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining in this vote.

□ 1800

So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 115, noes 314, not voting 10, as follows:

[Roll No. 560]

AYES—115

Akin  
Austria  
Bachmann  
Bean  
Biggert  
Bilbray  
Bishop (UT)  
Blackburn  
Boehner  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Campbell  
Cantor  
Cassidy  
Castle  
Linder  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Duncan  
Ehlers  
Fallin  
Flake  
Fleming  
Fortenberry  
Foxy  
Franks (AZ)  
Garrett (NJ)  
Gohmert  
Goodlatte

NOES—314

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Becerra  
Berkley  
Berman  
Berry  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Blunt  
Bocchieri  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown (SC)  
Brown, Corrine  
Butterfield  
Buyer  
Calvert  
Camp  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Castor (FL)

Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Petri  
Pitts  
Platts  
Poe (TX)  
Price (GA)  
Roe (TN)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schauer  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Smith (NE)  
Souder  
Stearns  
Sullivan  
Terry  
Thornberry  
Tiberi  
Upton  
Walden  
Wamp  
Westmoreland  
Wilson (SC)  
Wittman

Forbes  
Foster  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Gerlach  
Giffords  
Gingrey (GA)  
Gonzalez  
Gordon (TN)  
Granger  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski

Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nye  
Oberstar  
Obey  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peterson  
Pierluisi  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sablan  
Salazar  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader

NOT VOTING—10

Barrett (SC) Lucas Scott (VA)  
Bordallo Oliver Velázquez  
Faleomavaega Pence  
Kennedy Rogers (KY)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining in this vote.

□ 1802

So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 94, noes 336, not voting 9, as follows:

[Roll No. 561]

AYES—94

Austria Graves  
 Bachmann Heller  
 Bishop (UT) Hensarling  
 Blackburn Herger  
 Boozman Hoekstra  
 Boustany Inglis  
 Bright Issa  
 Brown (GA) Jenkins  
 Brown-Waite, Johnson (IL)  
   Ginny Jordan (OH)  
 Burgess Kind  
 Campbell King (IA)  
 Cassidy Kline (MN)  
 Chaffetz Lamborn  
 Coble Latta  
 Coffman (CO) Linder  
 Conaway Luetkemeyer  
 Cooper Lummis  
 Deal (GA) Lungren, Daniel  
 Duncan E.  
 Ehlers Mack  
 Fallin Marchant  
 Flake McCaul  
 Fleming McClintock  
 Forbes McCotter  
 Fortenberry McHenry  
 Foxx Miller (FL)  
 Franks (AZ) Minnick  
 Garrett (NJ) Moran (KS)  
 Giffords Myrick  
 Gohmert Neugebauer  
 Goodlatte Nunes

NOES—336

Abercrombie Clarke  
 Ackerman Clay  
 Aderholt Cleaver  
 Adler (NJ) Clyburn  
 Akin Cohen  
 Alexander Cole  
 Altmire Connolly (VA)  
 Andrews Conyers  
 Arcuri Costa  
 Baca Costello  
 Bachus Courtney  
 Baird Crenshaw  
 Baldwin Crowley  
 Barrow Cuellar  
 Bartlett Culberson  
 Barton (TX) Cummings  
 Bean Dahlkemper  
 Becerra Davis (AL)  
 Berkley Davis (CA)  
 Berman Davis (IL)  
 Berry Davis (KY)  
 Biggert Davis (TN)  
 Bilbray DeFazio  
 Bilirakis DeGette  
 Bishop (GA) Delahunt  
 Bishop (NY) DeLauro  
 Blumenauer Dent  
 Blunt Diaz-Balart, L.  
 Boccieri Diaz-Balart, M.  
 Boehner Dicks  
 Bonner Dingell  
 Bono Mack Doggett  
 Boren Donnelly (IN)  
 Boswell Doyle  
 Boyd Dreier  
 Brady (PA) Driehaus  
 Brady (TX) Edwards (MD)  
 Braley (IA) Edwards (TX)  
 Brown (SC) Ellsworth  
 Brown, Corrine Emerson  
 Buchanan Engel  
 Burton (IN) Eshoo  
 Butterfield Etheridge  
 Buyer Farr  
 Calvert Fattah  
 Camp Filner  
 Cantor Foster  
 Cao Frank (MA)  
 Capito Frelinghuysen  
 Capps Fudge  
 Capuano Gallegly  
 Cardoza Gerlach  
 Carnahan Gingrey (GA)  
 Carney Gonzalez  
 Carson (IN) Gordon (TN)  
 Carter Granger  
 Castle Grayson  
 Castor (FL) Green, Al  
 Chandler Green, Gene  
 Childers Griffith  
 Christensen Grijalva  
 Chu Guthrie

Nye Olson  
 Paul  
 Paulsen  
 Perlmutter  
 Petri  
 Pitts  
 Price (GA)  
 Roe (TN)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Royce  
 Ryan (WI)  
 Scalise  
 Schauer  
 Schmidt  
 Schock  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shimkus  
 Smith (NE)  
 Stearns  
 Sullivan  
 Terry  
 Thornberry  
 Tiberi  
 Wamp  
 Westmoreland  
 Wilson (SC)  
 Wittman

Gutierrez  
 Hall (NY)  
 Hall (TX)  
 Halvorson  
 Hare  
 Harman  
 Harper  
 Hastings (FL)  
 Hastings (WA)  
 Heinrich  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Insee  
 Israel  
 Jackson (IL)  
 Jackson-Lee  
   (TX)  
 Johnson (GA)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 King (NY)  
 Kingston  
 Kirk  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kosmas  
 Kratovil  
 Kucinich  
 Lance  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Lee (CA)  
 Lee (NY)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loeb sack

Lofgren, Zoe  
 Lowey  
 Lujan  
 Lynch  
 Maffei  
 Maloney  
 Manzullo  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McHugh  
 McIntyre  
 McKeon  
 McMahon  
 McMorris  
 Rodgers  
 McNeerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Mica  
 Michaud  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Mitchell  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Murphy, Patrick  
 Murphy, Tim  
 Murtha  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Norton  
 Oberstar  
 Obey  
 Oliver  
 Ortiz

Pallone  
 Pascrell  
 Pastor (AZ)  
 Payne  
 Perriello  
 Peters  
 Peterson  
 Pierluisi  
 Pingree (ME)  
 Platts  
 Poe (TX)  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (NC)  
 Putnam  
 Quigley  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Rogers (AL)  
 Rogers (KY)  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Sablan  
 Salazar  
 Sanchez, Linda  
   T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schrader  
 Schwartz  
 Scott (GA)  
 Serrano  
 Sestak  
 Shea-Porter  
 Sherman  
 Shuler  
 Shuster

NOT VOTING—9

Barrett (SC) Ellison  
 Bordallo Faleomavaega  
 Boucher Lucas

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining in this vote.

□ 1805

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 93, noes 337, not voting 9, as follows:

[Roll No. 562]

AYES—93

Austria Gohmert  
 Bachmann Goodlatte  
 Bishop (UT) Heller  
 Blackburn Hensarling  
 Blunt Herger  
 Boehner Hoekstra  
 Boozman Inglis  
 Boustany Issa  
 Brady (TX) Jenkins  
 Bright Johnson (IL)  
 Brown (GA) Johnson, Sam  
 Burgess Jordan (OH)  
 Burton (IN) Kind  
 Buyer King (IA)  
 Campbell Kingston  
 Cantor Kirk  
 Cassidy Kline (MN)  
 Castle Lamborn  
 Chaffetz Latta  
 Coble Linder  
 Coffman (CO) Luetkemeyer  
 Conaway Lummis  
 Cooper Deal (GA)  
 Deal (GA) E.  
 Fallin Mack  
 Flake Marchant  
 Fleming Fortenberry  
 Forbes Foxx  
 Fortenberry Franks (AZ)  
 Franks (AZ) Garrett (NJ)  
 Giffords Gingrey (GA)

NOES—337

Abercrombie Cohen  
 Ackerman Cole  
 Aderholt Connolly (VA)  
 Adler (NJ) Conyers  
 Akin Costa  
 Alexander Costello  
 Altmire Courtney  
 Andrews Crenshaw  
 Arcuri Crowley  
 Baca Cuellar  
 Bachus Culberson  
 Baird Cummings  
 Baldwin Dahlkemper  
 Barrow Davis (AL)  
 Bartlett Davis (GA)  
 Barton (TX) Davis (IL)  
 Bean Davis (KY)  
 Becerra Davis (TN)  
 Berkley DeFazio  
 Berman DeGette  
 Berry Delahunt  
 Biggert DeLauro  
 Bilbray Dent  
 Bilirakis Diaz-Balart, L.  
 Bishop (GA) Diaz-Balart, M.  
 Bishop (NY) Dicks  
 Blumenauer Dingell  
 Boccieri Doggett  
 Bonner Donnelly (IN)  
 Bono Mack Doyle  
 Boren Dreier  
 Boswell Driehaus  
 Boucher Duncan  
 Boyd Edwards (MD)  
 Brady (PA) Edwards (TX)  
 Braley (IA) Ehlers  
 Brown (SC) Ellison  
 Brown, Corrine Ellsworth  
 Brown-Waite, Emerson  
   Ginny Engel  
 Buchanan Eshoo  
 Butterfield Etheridge  
 Calvert Farr  
 Camp Fattah  
 Cao Filner  
 Capito Forbes  
 Capps Foster  
 Capuano Frank (MA)  
 Cardoza Frelinghuysen  
 Carnahan Fudge  
 Carney Gallegly  
 Carson (IN) Gerlach  
 Carter Giffords  
 Castor (FL) Gonzalez  
 Chandler Gordon (TN)  
 Childers Granger  
 Christensen Graves  
 Chu Grayson  
 Clarke Green, Al  
 Clay Green, Gene  
 Cleaver Griffith  
 Clyburn Grijalva

McMorris  
 Rodgers  
 Miller (FL)  
 Minnick  
 Myrick  
 Neugebauer  
 Nunes  
 Olson  
 Paul  
 Petri  
 Pitts  
 Price (GA)  
 Roe (TN)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Royce  
 Ryan (WI)  
 Schmidt  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shimkus  
 Smith (NE)  
 Stearns  
 Sullivan  
 Terry  
 Thornberry  
 Tiberi  
 Wamp  
 Westmoreland  
 Wilson (SC)

Guthrie  
 Gutierrez  
 Hall (NY)  
 Hall (TX)  
 Halvorson  
 Halvorsen  
 Hare  
 Harman  
 Harper  
 Hastings (FL)  
 Hastings (WA)  
 Heinrich  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Insee  
 Israel  
 Jackson (IL)  
 Jackson-Lee  
   (TX)  
 Johnson (GA)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 King (NY)  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kosmas  
 Kratovil  
 Kucinich  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 Lee (CA)  
 Lee (NY)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loeb sack  
 Lowey  
 Lujan

Lynch  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne

NOT VOTING—9

Barrett (SC)  
Bordallo  
Faleomavaega

LaTourette  
Lucas  
Meeks (NY)

Pence  
Scott (VA)  
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1808

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 318, not voting 7, as follows:

[Roll No. 563]  
AYES—114  
Akin  
Bachmann  
Barton (TX)  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Burgess  
Burton (IN)  
Buyer  
Camp  
Campbell  
Cantor  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Conaway  
Cooper  
Deal (GA)  
Dent  
Duncan  
Ehlers  
Fallin  
Flake  
Fleming  
Fortenberry  
Foxy  
Franks (AZ)  
Gallegly

NOES—318

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boccheri  
Bonner  
Bono Mack  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite, Ginny  
Buchanan  
Butterfield  
Calvert  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Christensen  
Chu  
Clarke  
Clay

Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton

Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee (TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (NY)  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee (CA)

Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pierluisi  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sablan  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiahrt  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

NOT VOTING—7

Barrett (SC)  
Bordallo  
Faleomavaega

Lucas  
Pence  
Scott (VA)

Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1812

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 102, noes 326, answered “present” 1, not voting 10, as follows:

[Roll No. 564]

AYES—102

Austria	Goodlatte	Moran (KS)
Bachmann	Graves	Merrick
Barton (TX)	Heller	Neugebauer
Biggart	Hensarling	Nunes
Bishop (NY)	Herger	Nye
Bishop (UT)	Hoekstra	Paul
Blackburn	Inglis	Petri
Boehner	Issa	Pitts
Boozman	Jenkins	Platts
Boustany	Johnson (IL)	Price (GA)
Brady (TX)	Jordan (OH)	Roe (TN)
Bright	Kind	Rohrabacher
Broun (GA)	King (IA)	Roskam
Burgess	Kirk	Royce
Burton (IN)	Kline (MN)	Ryan (WI)
Campbell	Lamborn	Schalise
Cantor	Latta	Schauer
Cassidy	Lee (NY)	Schmidt
Castle	Linder	Sensenbrenner
Chaffetz	Luetkemeyer	Sessions
Coble	Lummis	Shadegg
Coffman (CO)	Lungren, Daniel E.	Shimkus
Conaway	Mack	Smith (NE)
Cooper	Manzullo	Souder
Dent	Marchant	Sullivan
Duncan	McCarthy (CA)	Terry
Ehlers	McCauley	Thornberry
Fallin	McClintock	Tiberi
Flake	McCotter	Upton
Fortenberry	McHenry	Walden
Fox	McMorris	Wamp
Franks (AZ)	Rodgers	Westmoreland
Garrett (NJ)	Miller (FL)	Wilson (SC)
Gerlach	Minnick	Young (AK)
Gohmert		

NOES—326

Abercrombie	Cleaver	Guthrie
Ackerman	Clyburn	Gutierrez
Aderholt	Cohen	Hall (NY)
Adler (NJ)	Cole	Hall (TX)
Akin	Connolly (VA)	Halvorson
Alexander	Conyers	Hare
Altmire	Costa	Harman
Andrews	Costello	Harper
Arcuri	Courtney	Hastings (FL)
Baca	Crenshaw	Hastings (WA)
Bachus	Crowley	Heinrich
Baird	Cuellar	Herseth Sandlin
Baldwin	Culberson	Higgins
Barrow	Cummings	Hill
Bartlett	Dahlkemper	Himes
Bean	Davis (AL)	Hinchee
Becerra	Davis (CA)	Hinojosa
Berkley	Davis (IL)	Hirono
Berman	Davis (KY)	Hodes
Berry	Davis (TN)	Holden
Bilbray	Deal (GA)	Holt
Bilirakis	DeFazio	Honda
Bishop (GA)	DeGette	Hoyer
Blumenauer	Delahunt	Hunter
Blunt	DeLauro	Inslee
Bocchieri	Diaz-Balart, L.	Israel
Bonner	Diaz-Balart, M.	Jackson (IL)
Bono Mack	Dicks	Jackson-Lee
Boren	Dingell	(TX)
Boswell	Doggett	Johnson (GA)
Boucher	Donnelly (IN)	Johnson, E. B.
Boyd	Doyle	Johnson, Sam
Brady (PA)	Dreier	Jones
Braley (IA)	Driehaus	Kagen
Brown (SC)	Edwards (MD)	Kanjorski
Brown, Corrine	Edwards (TX)	Kaptur
Brown-Waite,	Ellison	Kildee
Ginny	Ellsworth	Kilpatrick (MI)
Buchanan	Emerson	Kilroy
Butterfield	Engel	King (NY)
Buyer	Etheridge	Kingston
Calvert	Farr	Kirkpatrick (AZ)
Camp	Fattah	Kissell
Cao	Filner	Klein (FL)
Capito	Forbes	Kosmas
Capps	Foster	Kratovil
Capuano	Frank (MA)	Kucinich
Cardoza	Frelinghuysen	Lance
Carnahan	Fudge	Langevin
Carney	Gallegly	Larsen (WA)
Carson (IN)	Giffords	Larson (CT)
Carter	Gingrey (GA)	Latham
Castor (FL)	Gonzalez	LaTourette
Chandler	Granger	Lee (CA)
Childers	Grayson	Levin
Christensen	Green, Al	Lewis (CA)
Chu	Green, Gene	Lewis (GA)
Clarke	Griffith	Lipinski
Clay	Grijalva	LoBiondo

Loeb sack	Pastor (AZ)	Shuler
Lofgren, Zoe	Paulsen	Shuster
Lowey	Payne	Simpson
Lujan	Perlmutter	Sires
Lynch	Perriello	Skelton
Maffei	Peters	Slaughter
Maloney	Peterson	Smith (NJ)
Markey (CO)	Pierluisi	Smith (TX)
Markey (MA)	Pingree (ME)	Smith (WA)
Marshall	Poe (TX)	Snyder
Massa	Polis (CO)	Space
Matheson	Pomeroy	Speier
Matsui	Posey	Spratt
McCarthy (NY)	Price (NC)	Stark
McDermott	Putnam	Stearns
McGovern	Quigley	Stupak
McHugh	Radanovich	Sutton
McIntyre	Rahall	Tanner
McKeon	Rangel	Taylor
McMahon	Rehberg	Teague
McNerney	Reichert	Thompson (CA)
Meek (FL)	Reyes	Thompson (MS)
Meeks (NY)	Richardson	Thompson (PA)
Melancon	Rodriguez	Tiahrt
Mica	Rogers (AL)	Tierney
Michaud	Rogers (KY)	Titus
Miller (MI)	Rogers (MI)	Tonko
Miller (NC)	Rooney	Towns
Miller, Gary	Ros-Lehtinen	Tsongas
Miller, George	Ross	Turner
Mitchell	Rothman (NJ)	Van Hollen
Mollohan	Roybal-Allard	Velázquez
Moore (KS)	Ruppersberger	Viscosky
Moore (WI)	Rush	Walz
Moran (VA)	Ryan (OH)	Wasserman
Murphy (CT)	Sablan	Schultz
Murphy (NY)	Salazar	Waters
Murphy, Patrick	Sánchez, Linda T.	Watson
Murphy, Tim	Sanchez, Loretta	Watt
Murtha	Sarbanes	Waxman
Nadler (NY)	Schakowsky	Weiner
Napolitano	Schiff	Welch
Neal (MA)	Schock	Wexler
Norton	Schrader	Whitfield
Oberstar	Schwartz	Wilson (OH)
Obey	Scott (GA)	Wittman
Olson	Serrano	Wolf
Oliver	Sestak	Woolsey
Ortiz	Shea-Porter	Wu
Pallone	Sherman	Yarmuth
Pascarell		Young (FL)

ANSWERED "PRESENT"—1

Fleming

NOT VOTING—10

Barrett (SC)	Gordon (TN)	Pence
Bordallo	Kennedy	Scott (VA)
Eshoo	Lucas	
Faleomavaega	McCollum	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
One minute remains in this vote.

□ 1815

So the amendment was rejected.  
The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KENNEDY. Mr. Chair, on rollcall Nos. 556, 558, 559, 560 and 564, I was detained by a phone conversation with George Soros regarding the state/the U.S. economy and world economy and what would be done to rectify it.

Had I been present, I would have voted "no."

AMENDMENT NO. 13 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amend-

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 120, noes 311, not voting 8, as follows:

[Roll No. 565]

AYES—120

Austria	Graves	Neugebauer
Bachmann	Hall (TX)	Nunes
Barton (TX)	Heller	Nye
Bean	Hensarling	Olson
Bilirakis	Herger	Paul
Bishop (UT)	Hoekstra	Paulsen
Blackburn	Hunter	Petri
Boehner	Inglis	Pitts
Boozman	Issa	Platts
Boustany	Jenkins	Poe (TX)
Brady (TX)	Johnson (IL)	Price (GA)
Bright	Johnson, Sam	Radanovich
Broun (GA)	Jordan (OH)	Roe (TN)
Burgess	Kind	Rogers (MI)
Burton (IN)	King (IA)	Rohrabacher
Buyer	Kirk	Rooney
Calvert	Kline (MN)	Roskam
Camp	Lamborn	Royce
Campbell	Lance	Ryan (WI)
Cantor	Latta	Scalise
Cassidy	Lee (NY)	Schauer
Castle	Linder	Schmidt
Chaffetz	Luetkemeyer	Sensenbrenner
Coble	Lummis	Sessions
Coffman (CO)	Lungren, Daniel E.	Shadegg
Conaway	Mack	Shimkus
Cooper	Manzullo	Smith (NE)
Deal (GA)	Marchant	Souder
Dent	McCarthy (CA)	Stearns
Ehlers	McCaul	Sullivan
Fallin	McClintock	Terry
Flake	McCotter	Thornberry
Fleming	McHenry	Tiberi
Forbes	McMorris	Tierney
Fortenberry	Rodgers	Walden
Fox	Miller (FL)	Wamp
Franks (AZ)	Miller, Gary	Westmoreland
Gallegly	Minnick	Wilson (SC)
Garrett (NJ)	Moran (KS)	Wittman
Gohmert	Myrick	Young (AK)
Goodlatte		

NOES—311

Abercrombie	Capito	Dingell
Ackerman	Capps	Doggett
Aderholt	Capuano	Donnelly (IN)
Adler (NJ)	Cardoza	Doyle
Akin	Carnahan	Dreier
Alexander	Carney	Driehaus
Altmire	Carson (IN)	Duncan
Andrews	Carter	Edwards (MD)
Arcuri	Castor (FL)	Edwards (TX)
Baca	Chandler	Ellison
Bachus	Childers	Ellsworth
Baird	Chu	Emerson
Baldwin	Clarke	Engel
Barrow	Clay	Eshoo
Bartlett	Cleaver	Etheridge
Becerra	Clyburn	Farr
Berkley	Cohen	Fattah
Berman	Cole	Filner
Berry	Connolly (VA)	Foster
Biggart	Conyers	Frank (MA)
Bilbray	Costa	Frelinghuysen
Bishop (GA)	Costello	Fudge
Bishop (NY)	Courtney	Gerlach
Blumenauer	Crenshaw	Giffords
Blunt	Crowley	Gingrey (GA)
Bocchieri	Cuellar	Gonzalez
Bonner	Culberson	Gordon (TN)
Bono Mack	Cummings	Granger
Boren	Dahlkemper	Grayson
Boswell	Davis (AL)	Green, Al
Boucher	Davis (CA)	Green, Gene
Boyd	Davis (IL)	Griffith
Brady (PA)	Davis (KY)	Grijalva
Braley (IA)	Davis (TN)	Guthrie
Brown (SC)	DeFazio	Gutierrez
Brown, Corrine	DeGette	Hall (NY)
Brown-Waite,	Delahunt	Halvorson
Ginny	DeLauro	Hare
Buchanan	Diaz-Balart, L.	Harman
Butterfield	Diaz-Balart, M.	Harper
Cao	Dicks	Hastings (FL)

Hastings (WA) McHugh  
 Heinrich McIntyre  
 Herseht Sandlin McKeon  
 Higgins McMahon  
 Hill McNeerney  
 Himes Meek (FL)  
 Hinchey Meeks (NY)  
 Hinojosa Melancon  
 Hirono Mica  
 Hodes Michaud  
 Holden Miller (MI)  
 Holt Miller (NC)  
 Honda Miller, George  
 Hoyer Mitchell  
 Inslee Mollohan  
 Israel Moore (KS)  
 Jackson (IL) Moore (WI)  
 Jackson-Lee Moran (VA)  
 (TX) Murphy (CT)  
 Johnson (GA) Murphy (NY)  
 Johnson, E. B. Murphy, Patrick  
 Jones Murphy, Tim  
 Kagen Murtha  
 Kanjorski Nadler (NY)  
 Kaptur Napolitano  
 Kennedy Neal (MA)  
 Kildee Norton  
 Kilpatrick (MI) Oberstar  
 Kilroy Obey  
 King (NY) Oliver  
 Kingston Ortiz  
 Kirkpatrick (AZ) Pallone  
 Kissell Pascrell  
 Klein (FL) Pastor (AZ)  
 Kosmas Payne  
 Kratovil Perlmutter  
 Kucinich Perriello  
 Langevin Peters  
 Larsen (WA) Peterson  
 Larson (CT) Pierluisi  
 Latham Pingree (ME)  
 LaTourette Polis (CO)  
 Lee (CA) Pomeroy  
 Levin Posey  
 Lewis (CA) Price (NC)  
 Lewis (GA) Putnam  
 Lipinski Quigley  
 LoBiondo Rahall  
 Loeb sack Rangel  
 Lofgren, Zoe Rehberg  
 Lowey Reichert  
 Luján Reyes  
 Lynch Richardson  
 Maffei Rodriguez  
 Maloney Rogers (AL)  
 Markey (CO) Rogers (KY)  
 Marshall Ros-Lehtinen  
 Massa Ross  
 Matheson Rothman (NJ)  
 Matsui Roybal-Allard  
 McCarthy (NY) Ruppertsberger  
 McCollum Rush  
 McDermott Ryan (OH)  
 McGovern Sablan

NOT VOTING—8

Barrett (SC) Faleomavaega Pence  
 Bordallo Lucas Scott (VA)  
 Christensen Markey (MA)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 One minute remains in this vote.

□ 1818

So the amendment was rejected.  
 The result of the vote was announced  
 as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from Arizona (Mr. FLAKE)  
 on which further proceedings were  
 postponed and on which the noes pre-  
 vailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.  
 The Acting CHAIR. This will be a 2-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 119, noes 312,  
 not voting 8, as follows:

[Roll No. 566]

AYES—119

Austria Gohmert  
 Bachmann Goodlatte  
 Bachus Graves  
 Bean Halvorson  
 Bishop (UT) Heller  
 Blackburn Hensarling  
 Blunt Herger  
 Boehner Hodes  
 Bono Mack Hoekstra  
 Boozman Hunter  
 Boustany Inglis  
 Brady (TX) Issa  
 Bright Jenkins  
 Broun (GA) Johnson (IL)  
 Buchanan Johnson, Sam  
 Burgess Jordan (OH)  
 Burton (IN) Kind  
 Buyer King (IA)  
 Campbell Kirk  
 Cantor Kline (MN)  
 Cassidy Lamborn  
 Castle Lance  
 Chaffetz Latta  
 Coble Lee (NY)  
 Coffman (CO) Linder  
 Conaway Luetkemeyer  
 Cooper Lummis  
 Davis (KY) Lungren, Daniel  
 Deal (GA) E.  
 Duncan Mack  
 Ehlens Manullo  
 Emerson Marchant  
 Fallin McCarthy (CA)  
 Flake McCaul  
 Fleming McClintock  
 Forbes McCotter  
 Fortenberry McHenry  
 Foster McMorris  
 Foxx Rodgers  
 Franks (AZ) Mica  
 Garrett (NJ) Miller (FL)

NOES—312

Abercrombie Carnahan  
 Ackerman Ellsworth  
 Aderholt Carson (IN)  
 Adler (NJ) Carter  
 Akin Castor (FL)  
 Alexander Chandler  
 Altmire Childers  
 Andrews Christensen  
 Arcuri Chu  
 Baca Clarke  
 Baird Clay  
 Baldwin Cleaver  
 Barrow Clyburn  
 Bartlett Cohen  
 Barton (TX) Cole  
 Becerra Connolly (VA)  
 Berkley Conyers  
 Berman Costa  
 Berry Costello  
 Biggert Courtney  
 Bilbray Crenshaw  
 Bilirakis Crowley  
 Bishop (GA) Cuellar  
 Bishop (NY) Cummings  
 Blumenauer Dahlkemper  
 Boccieri Davis (AL)  
 Bonner Davis (CA)  
 Boren Davis (IL)  
 Boswell Davis (TN)  
 Boucher DeFazio  
 Boyd DeGette  
 Brady (PA) Delahunt  
 Braley (IA) DeLauro  
 Brown (SC) Dent  
 Brown, Corrine Diaz-Balart, L.  
 Brown-Waite, Diaz-Balart, M.  
 Ginny Dicks  
 Butterfield Dingell  
 Calvert Doggett  
 Camp Donnelly (IN)  
 Cao Doyle  
 Capito Dreier  
 Capps Driehaus  
 Capuano Edwards (MD)  
 Cardoza Edwards (TX)

Minnick  
 Moran (KS) Sires  
 Myrick  
 Neugebauer  
 Nunes  
 Olson  
 Paul  
 Paulsen  
 Petri  
 Pitts  
 Poe (TX)  
 Price (GA)  
 Roe (TN)  
 Rogers (MI)  
 Rohrabacher  
 Roskam  
 Royce  
 Ryan (WI)  
 Scalise  
 Schauer  
 Schmidt  
 Schock  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shimkus  
 Smith (NE)  
 Souder  
 Speier  
 Stearns  
 Sullivan  
 Thornberry  
 Tiberi  
 Upton  
 Walden  
 Wamp  
 Westmoreland  
 Wilson (SC)  
 Wittman

Israel  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Johnson (GA)  
 Johnson, E. B.  
 Jones  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 King (NY)  
 Kingston  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kosmas  
 Kratovil  
 Kucinich  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Lee (CA)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loeb sack  
 Lofgren, Zoe  
 Lowey  
 Luján  
 Lynch  
 Maffei  
 Maloney  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Matheson  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McHugh  
 McIntyre  
 McKeon  
 McMahon  
 McNeerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Michaud  
 Miller (MI)  
 Miller (NC)

Miller, Gary  
 Miller, George  
 Mitchell  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Murphy, Patrick  
 Murphy, Tim  
 Murtha  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Nye  
 Oberstar  
 Obey  
 Oliver  
 Ortiz  
 Pallone  
 Pascrell  
 Pastor (AZ)  
 Payne  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Pierluisi  
 Pingree (ME)  
 Platts  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (NC)  
 Putnam  
 Quigley  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Rogers (AL)  
 Rogers (KY)  
 Rooney  
 Ros-Lehtinen  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Sablan  
 Salazar  
 Sanchez, Linda  
 Sanchez, Loretta  
 Sarbanes

NOT VOTING—8

Barrett (SC) Faleomavaega Pence  
 Bordallo Lucas Scott (VA)  
 Cuberson Norton

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 One minute remains on this vote.

□ 1821

So the amendment was rejected.  
 The result of the vote was announced  
 as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from Arizona (Mr. FLAKE)  
 on which further proceedings were  
 postponed and on which the noes pre-  
 vailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.  
 The Acting CHAIR. This will be a 2-  
 minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 332, not voting 8, as follows:

[Roll No. 567]

**AYES—99**

Akin Goodlatte Neugebauer  
Austria Graves Nye  
Bachmann Halvorson Olson  
Barton (TX) Heller Paul  
Bean Hensarling Paulsen  
Blackburn Herger Petri  
Boehner Hoekstra Pitts  
Boustany Inglis Poe (TX)  
Brady (TX) Issa Price (GA)  
Bright Jenkins Roe (TN)  
Broun (GA) Johnson (IL) Rogers (MI)  
Brown-Waite, Jordan (OH) Rohrabacher  
Ginny Kind Rooney  
Buchanan King (IA) Royce  
Burgess Kirk Ryan (WI)  
Campbell Kline (MN) Scalise  
Cantor Lamborn Schauer  
Cassidy Latta Lee (NY)  
Chaffetz Lee (NY) Schmidt  
Coble Linder Sensenbrenner  
Coffman (CO) Luetkemeyer Sessions  
Conaway Lummis Shadegg  
Cooper Lungren, Daniel Shimkus  
Deal (GA) E. Smith (NE)  
Ehlers Mack Souder  
Fallin Manzullo Speier  
Flake Marchant Stearns  
Fleming McCaul Sullivan  
Fortenberry McClintock Terry  
Foster McCotter Thornberry  
Foxx McHenry Tiberi  
Franks (AZ) Minnick Upton  
Garrett (NJ) Moran (KS) Walden  
Giffords Myrick Westmoreland

**NOES—332**

Abercrombie Christensen  
Ackerman Chu  
Aderholt Clarke  
Adler (NJ) Clay  
Alexander Cleaver  
Altmire Clyburn  
Andrews Cohen  
Arcuri Cole  
Baca Connolly (VA)  
Bachus Conyers  
Baird Costa  
Baldwin Costello  
Barrow Courtney  
Bartlett Crenshaw  
Becerra Crowley  
Berkley Cuellar  
Berman Culberson  
Berry Cummings  
Biggert Dahlkemper  
Billray Davis (AL)  
Billirakis Davis (CA)  
Bishop (GA) Davis (IL)  
Bishop (NY) Davis (KY)  
Bishop (UT) Davis (TN)  
Blumenauer DeFazio  
Blunt DeGette  
Bocieri Delahunt  
Bonner DeLauro  
Bono Mack Dent  
Boozman Diaz-Balart, L.  
Boren Diaz-Balart, M.  
Boswell Dicks  
Boucher Dingell  
Boyd Doggett  
Brady (PA) Donnelly (IN)  
Braley (IA) Doyle  
Brown (SC) Dreier  
Brown, Corrine Driehaus  
Burton (IN) Duncan  
Butterfield Edwards (MD)  
Buyer Edwards (TX)  
Calvert Ellison  
Camp Ellsworth  
Cao Emerson  
Capito Engel  
Capps Eshoo  
Capuano Etheridge  
Cardoza Farr  
Carnahan Fattah  
Carney Filner  
Carson (IN) Forbes  
Carter Frank (MA)  
Castle Frelinghuysen  
Castor (FL) Fudge  
Chandler Gallegly  
Childers Gerlach

Lance Nadler (NY)  
Langevin Napolitano  
Larsen (WA) Neal (MA)  
Larson (CT) Norton  
Latham Nunes  
LaTourette Oberstar  
Lee (CA) Obey  
Levin Oliver  
Lewis (CA) Ortiz  
Lewis (GA) Pallone  
Lipinski Pascrell  
LoBiondo Pastor (AZ)  
Loeb sack Payne  
Lofgren, Zoe Perlmutter  
Lowey Perriello  
Lujan Peters  
Lynch Peterson  
Maffei Pierluisi  
Maloney Pingree (ME)  
Markey (CO) Platts  
Markey (MA) Polis (CO)  
Marshall Pomeroy  
Massa Posey  
Matheson Price (NC)  
Matsui Putnam  
McCarthy (CA) Quigley  
McCarthy (NY) Radanovich  
McCollum Rahall  
McDermott Rangel  
McGovern Rehberg  
McHugh Reichert  
McIntyre Reyes  
McMahon Richardson  
McMorris Rodriguez  
Rodgers Rogers (AL)  
McNerney Rogers (KY)  
Meek (FL) Ros-Lehtinen  
Meeks (NY) Roskam  
Melancon Ross  
Mica Rothman (NJ)  
Michaud Roybal-Allard  
Miller (FL) Ruppersberger  
Miller (MI) Rush  
Miller (NC) Ryan (OH)  
Miller, Gary Sablan  
Miller, George Salazar  
Mitchell Sanchez, Linda  
Mollohan T.  
Moore (KS) Sanchez, Loretta  
Moore (WI) Sarbanes  
Moran (VA) Schakowsky  
Murphy (CT) Schiff  
Murphy (NY) Schock  
Murphy, Patrick Schrader  
Murphy, Tim Schwartz  
Murtha Scott (GA)

**NOT VOTING—8**

Barrett (SC) Gohmert Pence  
Bordallo Lucas Scott (VA)  
Faleomavaega McKeon

**ANNOUNCEMENT BY THE ACTING CHAIR**

The Acting CHAIR (during the vote).  
One minute remains in this vote.

□ 1824

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

**AMENDMENT NO. 16 OFFERED BY MR. FLAKE**

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Arizona (Mr. FLAKE)  
on which further proceedings were  
postponed and on which the noes pre-  
valued by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

**RECORDED VOTE**

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 104, noes 325,  
not voting 10, as follows:

[Roll No. 568]

**AYES—104**

Akin Goodlatte Minnick  
Austria Graves Moran (KS)  
Bachmann Hall (TX) Myrick  
Barton (TX) Heller Neugebauer  
Bean Hensarling Nunes  
Blackburn Herger Olson  
Boehner Hoekstra Paul  
Boustany Hoekstra Petri  
Brady (TX) Hunter  
Bright Ingliis Pitts  
Broun (GA) Issa Poe (TX)  
Brown-Waite, Jenkins Price (GA)  
Ginny Johnson (IL) Roe (TN)  
Buchanan Jordan (OH) Johnson, Sam  
Burgess Kind Jordan (OH)  
Campbell Kington Rohrabacher  
Cantor Kirk Roskam  
Cassidy Kline (MN) Royce  
Chaffetz Lamborn Scalise  
Coble Latta Schauer  
Coffman (CO) Luetkemeyer Schmidt  
Conaway Lummis Schock  
Cooper Lungren, Daniel Sensenbrenner  
Deal (GA) E. Sessions  
Duncan Mack Shadegg  
Ehlers Manzullo Shimkus  
Fallin Marchant Smith (NE)  
Flake Fluke Stearns  
Fleming McCaul Sullivan  
Fortenberry McClintock Terry  
Foster McCotter Thornberry  
Foxx McHenry Tiberi  
Franks (AZ) McMorris Walden  
Garrett (NJ) Rodgers Westmoreland  
Giffords Mica Wilson (SC)  
Gohmert Miller (FL) Wittman

**NOES—325**

Abercrombie Clay Green, Gene  
Ackerman Cleaver Griffith  
Aderholt Grijalva Grijalva  
Adler (NJ) Cohen Guthrie  
Alexander Cole Gutierrez  
Altmire Connolly (VA) Hall (NY)  
Andrews Conyers Halvorson  
Arcuri Costa Hare  
Baca Costello Harman  
Bachus Courtney Harper  
Baird Crenshaw Hastings (FL)  
Baldwin Baldwin Hastings (WA)  
Barrow Cuellar Heinrich  
Bartlett Culberson Herseth Sandlin  
Barton (TX) Cummings Higgins  
Bean Dahlkemper Hill  
Becerra Davis (AL) Himes  
Berkley Davis (CA) Hinchey  
Berman Davis (IL) Hinojosa  
Berry Davis (KY) Hirono  
Billray Davis (TN) Hodes  
Bilirakis DeFazio Holden  
Bishop (GA) DeGette Holt  
Bishop (NY) Delahunt Honda  
Bishop (UT) DeLauro Hoyer  
Blunt Dent Inslee  
Bocieri Diaz-Balart, L. Israel  
Bonner Diaz-Balart, M. Jackson (IL)  
Bono Mack Dicks Jackson-Lee  
Boren Dingell (TX)  
Boswell Doggett Johnson (GA)  
Boucher Donnelly (IN) Johnson, E. B.  
Boyd Doyle Jones  
Brady (PA) Dreier Kagen  
Braley (IA) Driehaus Kanjorski  
Brown (SC) Edwards (MD) Kaptur  
Brown, Corrine Edwards (TX) Kennedy  
Burton (IN) Ellison Kildee  
Butterfield Ellsworth Kilpatrick (MI)  
Buyer Emerson Kilroy  
Calvert Engel King (NY)  
Camp Eshoo Kirkpatrick (AZ)  
Cao Etheridge Kissell  
Capito Farr Klein (FL)  
Capps Fattah Kosmas  
Capuano Filner Kosmas  
Cardoza Foster Kratovil  
Carnahan Frank (MA) Kucinich  
Carney Frelinghuysen Lance  
Carson (IN) Fudge Langevin  
Carter Gallegly Larsen (WA)  
Castle Gerlach Latham  
Castor (FL) Gingrey (GA) LaTourette  
Chandler Gonzalez Lee (CA)  
Childers Gordon (TN) Lee (NY)  
Christensen Granger Levin  
Chu Grayson Lewis (CA)  
Clarke Green, Al Lewis (GA)



Lipinski Pastor (AZ) Sires
LoBiondo Paulsen Skelton
Loebsack Payne Slaughter
Lofgren, Zoe Perlmutter Smith (NJ)
Lowey Perriello Smith (TX)
Luján Peters Smith (WA)
Lynch Peterson Snyder
Maffei Pierluisi Souder
Maloney Pingree (ME) Space
Markey (CO) Platts Heller
Markey (MA) Polis (CO) Spratt
Marshall Pomeroy Stark
Massa Posey Stupak
Matheson Price (NC) Sutton
Matsui Putnam Tanner
McCollum Quigley Taylor
McDermott Radanovich Teague
McGovern Rahall Thompson (CA)
McHugh Rangel Thompson (MS)
McIntyre Rehberg Thompson (PA)
McKeon Reichert Tiahrt
McMahon Reyes Tierney
McNerney Richardson Titus
Meek (FL) Rodriguez Tonko
Meeks (NY) Rogers (AL) Towns
Melancon Rogers (KY) Towns
Michaud Rooney Tsongas
Miller (MI) Ros-Lehtinen Turner
Miller (NC) Ross Upton
Miller, Gary Rothman (NJ) Van Hollen
Miller, George Roybal-Allard Velázquez
Mitchell Ruppertsberger Visclosky
Mollohan Rush Walz
Moore (KS) Ryan (OH) Wamp
Moore (WI) Sablan Wasserman
Moran (VA) Salazar Schultz
Murphy (CT) Sánchez, Linda Waters
Murphy (NY) T. Watson
Murphy, Patrick Sanchez, Loretta Watt
Murphy, Tim Sarbanes Waxman
Murtha Schakowsky Weiner
Nadler (NY) Schiff Welch
Napolitano Schrader Wexler
Neal (MA) Schwartz Whitfield
Norton Scott (GA) Wilson (OH)
Nye Serrano Wolf
Oberstar Sestak Woolsey
Obey Shea-Porter Wu
Olver Sherman Yarmuth
Ortiz Shuler Young (AK)
Pallone Shuster Young (FL)
Pascarell Simpson

Bachmann Franks (AZ)
Barrow Garrett (NJ)
Blackburn Gingrey (GA)
Boehner Goodlatte
Boustany Graves
Bright Halvorson
Broun (GA) Heller
Burgess Hensarling
Campbell Herger
Cantor Hoekstra
Cassidy Inglis
Chaffetz Issa
Coble Jenkins
Coffman (CO) Johnson (IL)
Conaway Jordan (OH)
Cooper Kind
Deal (GA) King (IA)
Duncan Kline (MN)
Ehlers Lamborn
Fallin Luetkemeyer
Flake Lummis
Fleming Marchant
Fortenberry McCaul
Foster McClintock
Foxy McCotter

[Roll No. 569]

AYES—74

NOES—356

Abercrombie Cohen Higgins
Ackerman Cole Hill
Aderholt Connolly (VA) Himes
Adler (NJ) Conyers Hinchey
Akin Costa Hinojosa
Alexander Costello Hirono
Altmire Courtney Hodes
Andrews Crenshaw Holden
Arcuri Crowley Holt
Austria Cellar Honda
Baca Culberson Hoyer
Bachus Cummings Hunter
Baird Dahlkemper Inslee
Baldwin Davis (AL) Israel
Bartlett Davis (CA) Jackson (IL)
Barton (TX) Davis (LL) Jackson-Lee
Bean Davis (KY) (TX)
Becerra Davis (TN) Johnson (GA)
Berkley DeFazio Johnson, E. B.
Berman DeGette Johnson, Sam
Berry Delahunt Jones
Biggart DeLauro Kagen
Blibray Dent Kanjorski
Bilirakis Diaz-Balart, L. Kaptur
Bishop (GA) Diaz-Balart, M. Kennedy
Bishop (NY) Dicks Kildee
Bishop (UT) Dingell Kilpatrick (MI)
Blumenauer Doggett Kilroy
Blunt Donnelly (IN) King (NY)
Boccheri Doyle Kingston
Bonner Dreier Kirk
Bono Mack Driehaus Kirkpatrick (AZ)
Boozman Edwards (MD) Kissell
Boren Edwards (TX) Klein (FL)
Boswell Ellison Kosmas
Boucher Ellsworth Kratovil
Boyd Emerson Kucinich
Brady (PA) Engel Lance
Brady (TX) Eshoo Langevin
Braley (IA) Etheridge Larsen (WA)
Brown (SC) Farr Larson (CT)
Brown, Corrine Fattah Latham
Brown-Waite, Filner LaTourette
Ginny Forbes Latta
Buchanan Frank (MA) Lee (CA)
Burton (IN) Frelinghuysen Lee (NY)
Butterfield Fudge Levin
Buyer Gallegly Lewis (CA)
Calvert Gerlach Lewis (GA)
Camp Giffords Lipinski
Cao Gonzalez LoBiondo
Capito Gordon (TN) Loebsack
Capps Granger Lofgren, Zoe
Capuano Grayson Lowey
Cardoza Green, Al Luján
Carnahan Green, Gene Lungren, Daniel
Carney Griffith E.
Carson (IN) Grijalva Lynch
Carter Guthrie Mack
Castle Gutierrez Maffei
Castor (FL) Hall (NY) Maloney
Chandler Hall (TX) Manzullo
Childers Hare Markey (CO)
Christensen Harman Markey (MA)
Chu Harper Marshall
Clarke Hastings (FL) Massa
Clay Hastings (WA) Matheson
Cleaver Heinrich Matsui
Clyburn Herseth Sandlin McCarthy (CA)

McCollum Polis (CO) Smith (TX)
McDermott Pomeroy Smith (WA)
McGovern Posey Snyder
McHugh Price (NC) Souder
McIntyre Putnam Space
McKeon Quigley Speier
McMahon Radanovich Spratt
McMorris Rahall Stark
Myrick Rangel Stearns
Rodgers Rehberg Stupak
McNerney Meek (FL) Reichert Sullivan
Meeks (NY) Reyes
Melancon Richardson Sutton
Mica Rodriguez Tanner
Michaud Roe (TN) Taylor
Roe (MI) Rogers (AL) Teague
Miller (NC) Rogers (KY) Terry
Miller (NY) Rogers (MI) Thompson (CA)
Miller, George Rooney Thompson (MS)
Mitchell Ros-Lehtinen Thompson (PA)
Mollohan Roskam Tierney
Moore (KS) Ross
Moore (WI) Rothman (NJ) Titus
Moran (VA) Roybal-Allard Tonko
Murphy (CT) Royce Towns
Murphy (NY) Ruppertsberger Tsongas
Murphy, Patrick Rush Turner
Murphy, Tim Ryan (OH) Upton
Murtha Sablan Van Hollen
Nadler (NY) Salazar Velázquez
Napolitano Sánchez, Linda Visclosky
Neal (MA) T. Walden
Norton Sanchez, Loretta Walz
Nunes Sarbanes Wamp
Oberstar Scalise Wasserman
Obey Schakowsky Schultz
Olson Schiff Waters
Olver Schock Watson
Ortiz Schrader Watt
Pallone Schwartz Waxman
Pascarell Scott (GA) Weiner
Pastor (AZ) Serrano Welch
Paulsen Sestak Wexler
Payne Shea-Porter Whitfield
Perlmutter Sherman Wilson (OH)
Perriello Shuler Wittman
Peters Shuster Wolf
Peterson Simpson Woolsey
Pierluisi Sires Wu
Pingree (ME) Skelton Yarmuth
Platts Slaughter Young (AK)
Poe (TX) Smith (NJ) Young (FL)

NOT VOTING—9

Barrett (SC) Gohmert McCarthy (NY)
Bordallo Linder Pence
Faleomavaega Lucas Scott (VA)

□ 1830

So the amendment was rejected.
The result of the vote was announced as above recorded.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, I would like to take this time to yield to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentlewoman from Missouri for her leadership and for allowing me time to speak.

Mr. Chairman, it is my goal to have a clean, up-or-down vote to restrict tax dollars from paying for abortions in the District of Columbia. I'm just asking for a clean, up-or-down vote because I think many people in America do not want us to take tax dollars and provide abortions.

Now, there has been a letter sent to Speaker PELOSI, to Chairman OBEY, and Chairwoman SLAUGHTER on this very important issue back on February 25. I was a cosigner of this letter to the Speaker, to the chairman of the Appropriations Committee and the chairwoman of the Rules Committee, along with another 179 Members, including 21

NOT VOTING—10

Barrett (SC) King (IA) Pence
Blumenauer Linder Scott (VA)
Bordallo Lucas
Faleomavaega McCarthy (NY)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1827

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 74, noes 356, not voting 9, as follows:

Democrats. It was requested that any changes to pro-life riders would be allowed an up-or-down vote on the floor of the House.

I was joined in an amendment on this bill by Mr. DAVIS of Tennessee, Mr. SHULER of North Carolina, Mr. JORDAN of Ohio, Mr. STUPAK of Michigan, Mr. SMITH of New Jersey, Mr. COSTELLO of Illinois, Mr. PITTS of Pennsylvania, Mr. MARSHALL of Georgia and Mrs. BACHMANN of Minnesota. We simply requested that we strike the word "Federal" from the bill, saying no funds shall be made available to provide for abortions. That rule, or that amendment was not made in order by the rule.

Mr. FLAKE of Arizona has tried to substitute one of his amendments that were made in order for this amendment so that we could have a clean, up-or-down vote.

So the whole purpose of the motion to recommit that I intend to offer will be to get a clean, up-or-down vote on this issue.

Now, currently, the bill allows for public funds to be spent on abortions. It does limit Federal funds, but all this money goes into the same bank account. It is a bookkeeping exercise to try to sort it all out. It is impossible to sort it all out. What it means is there will be no prohibitions on abortions in the District of Columbia in this bill, and, in fact, tax dollars will be providing abortions in the bill. Regardless of whether it's Federal or local funds, they will occur.

Now, we know this has happened in the past. In 1996, there was an amendment passed called the Dornan amendment which restricted funds from providing abortions. Following that bill, once they were stopped, there was a study done by the Alan Guttmacher Institute. They found out that there was a 34 percent drop in abortions in the District of Columbia when these funds were restricted.

Now, I've heard the President say, and I have heard many people who are pro-choice say, that they are for reducing the number of abortions. This clearly will be a reduction in the number of abortions if you will oppose this, or if you will support this amendment and allow me a clean, up-or-down vote on the amendment that I'm joined with by many others.

Seventy percent of Americans, according to polling data, oppose using public funds for abortions. So, regardless of where you're at on the issue, certainly, those folks, those 70 percent of Americans need an opportunity for their voice to be heard on the floor of the House. They need an up-or-down, clean vote on whether we're going to take public funds to provide abortions or not.

If you think of it in human terms, there is a financial incentive that will be put in place, paid for by tax dollars, that will encourage women who are single parents, living below the poverty level, to have the opportunity for a free abortion.

If you take that scenario and apply it to many of the great minds we have today, who would we have been deprived of? Our President grew up in those similar circumstances. If that financial incentive was in place, is it possible that his mother may have taken advantage of it?

Clarence Thomas, Supreme Court justice, if those circumstances were in place, is it possible that we would have been denied his great mind?

The opportunity to have tax-funded abortions, a financial incentive, is something that I think most of us want to oppose in America. And it certainly deserves a clean, up-or-down vote.

So it's my intent to offer a motion to recommit that is clean that simply strikes the word "Federal" on page 143, line 8, and allows an up-or-down vote. Now if this is ruled out of order, I would like to encourage those of us here to please allow this vote, a clean vote up or down.

Mrs. EMERSON. I yield back the balance of our time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I think what this needs is not necessarily an up-or-down vote. It needs clarification. What the gentleman is doing is just using this device to bring up an issue, a very difficult issue that we deal with in this society that does not belong anywhere on this bill. The fact of life is that his amendment is out of order. But we will discuss that later at the proper time.

Let's be clear on what this bill does on that particular issue. For a long time, for as long as I can remember, this Congress, that side of the aisle, has been telling the people, the citizens of the Washington, D.C. what to do, not only on the issue of abortion, on the issue of needle exchange, on the issue of guns, on the issue of gay marriages. On whatever issue is important to go back home and say, I am strong on this issue, rather than do it in their districts, they do it on the District of Columbia. And so they stand up and they say, I'm strong on this issue. Yeah, you are in D.C. I'm strong on that other issue. Yes, you are, in D.C. I'm strong on this third issue. Absolutely, in D.C.

Well, D.C. is not a foreign country. D.C. is American citizens, residents of this Nation who, under some behavior, have been put down by that side year after year after year as something other than second-class citizens.

What my bill does, what our bill does is simply say this: There is now a ban on use of Federal funds for abortions in D.C. There is a ban on local tax dollars being used for abortion services. What I do is remove the local ban so that they can have their own debate and decide whether or not they're going to do it.

You assume they're going to do it. I don't know. They're going to debate that later. They may not do it. But the Federal ban stays in place.

So when you say we will now allow taxpayers dollars, no. The American taxpayer who pays Federal dollars will not have a single dollar be used in Washington, D.C., for abortion services. But it may be that the tax dollars paid by the local residents of D.C. may be used for that. But we don't know that.

So this is not, ladies and gentlemen, a vote on abortion or how you feel about that. It's another form of colonialism, and I know a little bit about that. It is about telling people in D.C. you're not equal to the rest of us. We will tell you what to do. You can't think for yourself.

I'm not the mayor of D.C. I'm not the city council of D.C. They have a mayor. They have a city council. But year after year, on issue, after issue, you pick unfairly on the people who live in the District of Columbia.

I know there are folks on both sides of the aisle who have very strong feelings about the issue of abortion. I only implore you to look at the issue and understand that you're not voting on whether abortions will be taking place in this country or not, or anywhere or not. There are abortions taking place in D.C. right now by those people that can have them. That hasn't stopped. These are services that could be granted to them if they wish to.

So I implore you, do not think about the issue of abortion, but think about the issue of rights of American citizens to conduct their own business and to govern themselves.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Financial Services and General Government Appropriations Act, 2010".

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 644, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 644, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. TIAHRT. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. TIAHRT. In its current form I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tiahrt moves to recommit the bill H.R. 3170 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 143, line 8, strike "Federal".

POINT OF ORDER

Mr. SERRANO (during the reading). Mr. Speaker, I make a point of order against the motion under clause 2 of rule XXI. Although the instructions in the motion propose to amend a legislative limitation permitted to remain, it does not propose to merely perfect that language, but adds further legislation.

The instructions would broaden the application of the provision to include the District of Columbia funds and would not be in order under clause 2 of rule XXI.

And I ask for a ruling from the Chair. The SPEAKER pro tempore. Before making a ruling, the Chair will request that the Clerk continue reading the motion.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman's point of order has been made. Does anyone seek to be heard on the point of order?

Mr. TIAHRT. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from Kansas is recognized.

Mr. TIAHRT. Mr. Speaker, first of all, this is a restriction of funds on this amendment. So I think it should be considered as in order on that.

But further, we have a constitutional requirement to oversee the expenditure of funds in the District of Columbia. It has been said that we are sidestepping our responsibility, or overstepping our responsibility by becoming mayor and city council member for the District of Columbia. But, in fact, we have a constitutional requirement to deal with the finances of the District of Columbia.

We also have many people who have asked to have an opportunity to reduce the number of abortions. So in your point of order, it's very clear that since it's a restriction of funds, since we have had so many people ask for a clean vote on this, that I would urge the Speaker to make this motion to recommit in order so that we can have this clean, up-or-down vote on the restriction of funds on this spending bill.

The SPEAKER pro tempore. Does any other Member seek to be heard on the point of order? If not, the Chair is prepared to rule.

Under settled precedent, where legislative language is permitted to remain in a general appropriation bill, a germane amendment merely perfecting that language and not adding further legislation is in order, but an amend-

ment effecting further legislation is not in order.

The amendment proposed in the instant motion to recommit offered by the gentleman from Kansas is unlike the amendment addressed in the precedent of May 25, 1959, recorded in Deschler's Precedents at volume 8, chapter 26, section 22.11, which was held in order as merely perfecting because it simply narrowed the sweep of a limitation in the bill.

Instead, the precedent of November 15, 1989, recorded in section 1054 of the House Rules and Manual, is more pertinent. Indeed, the 1989 precedent is controlling. In that situation, as here, a legislative provision applicable to Federal funds—a limitation adorned with legislative exceptions—was permitted to remain in the general appropriations bill including funding for the District of Columbia. An amendment striking the word "Federal" was held to broaden the legislative provision to address District of Columbia funds as well.

On these premises, the Chair holds that the amendment proposed in the motion to recommit—even if it had been considered in the Committee of the Whole—presents a violation of clause 2(c) of rule XXI. The point of order is sustained. The motion is not in order.

□ 1845

Mr. TIAHRT. Mr. Speaker, I appeal the ruling of the Chair.

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

MOTION TO TABLE

Mr. SERRANO. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

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

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

RECORDED VOTE

Mr. TIAHRT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on the passage of the bill, if arising without further proceedings in recommitment, and a motion to suspend the rules on H. Res. 476.

The vote was taken by electronic device, and there were—ayes 225, noes 195, not voting 13, as follows:

[Roll No. 570]

AYES—225

Abercrombie	Berkley	Butterfield
Ackerman	Berman	Capps
Adler (NJ)	Bishop (GA)	Capuano
Andrews	Bishop (NY)	Cardoza
Arcuri	Blumenauer	Carnahan
Baca	Boswell	Carney
Baird	Boucher	Carson (IN)
Baldwin	Boyd	Castor (FL)
Barrow	Brady (PA)	Chandler
Bean	Braley (IA)	Chu
Becerra	Brown, Corrine	Clarke

Clay	Johnson, E. B.	Perriello
Cleaver	Kagen	Peters
Clyburn	Kanjorski	Pingree (ME)
Cohen	Kaptur	Polis (CO)
Connolly (VA)	Kennedy	Pomeroy
Conyers	Kildee	Price (NC)
Cooper	Kilpatrick (MI)	Quigley
Costa	Kilroy	Rahall
Courtney	Kind	Rangel
Crowley	Kirkpatrick (AZ)	Reyes
Cuellar	Kissell	Richardson
Cummings	Klein (FL)	Rodriguez
Davis (CA)	Kosmas	Rothman (NJ)
Davis (IL)	Kratovil	Roybal-Allard
DeFazio	Kucinich	Ruppersberger
DeGette	Langevin	Rush
Delahunt	Larsen (WA)	Ryan (OH)
DeLauro	Larson (CT)	Salazar
Dicks	Lee (CA)	Sánchez, Linda T.
Dingell	Levin	Sanchez, Loretta
Doggett	Lewis (GA)	Sarbanes
Doyle	Loeback	Schakowsky
Edwards (MD)	Lofgren, Zoe	Schauer
Edwards (TX)	Lowe	Schiff
Ellison	Luján	Schrader
Engel	Lynch	Schwartz
Eshoo	Maffei	Scott (GA)
Etheridge	Maloney	Serrano
Farr	Markey (CO)	Sestak
Fattah	Massa	Shea-Porter
Filner	Matheson	Sires
Foster	Matsui	Slaughter
Frank (MA)	McCarthy (NY)	Smith (WA)
Fudge	McCollum	Snyder
Giffords	McDermott	Space
Gonzalez	McGovern	Speier
Grayson	McMahon	Spratt
Green, Al	McNerney	Stark
Green, Gene	Meek (FL)	Sutton
Grijalva	Meeks (NY)	Tanner
Gutierrez	Michaud	Teague
Hall (NY)	Miller (NC)	Thompson (CA)
Halvorson	Miller, George	Thompson (MS)
Hare	Minnick	Tierney
Harman	Mitchell	Titus
Hastings (FL)	Mollohan	Tonko
Heinrich	Moore (KS)	Towns
Herseth Sandlin	Moore (WI)	Tsongas
Higgins	Moran (VA)	Van Hollen
Hill	Murphy (CT)	Velázquez
Himes	Murphy (NY)	Visclosky
Hinchey	Murphy, Patrick	Walz
Hinojosa	Murtha	Wasserman
Hirono	Nadler (NY)	Schultz
Hodes	Napolitano	Waters
Holden	Neal (MA)	Watson
Holt	Nye	Watt
Honda	Obey	Waxman
Hoyer	Olver	Weiner
Inslee	Ortiz	Wexler
Israel	Pallone	Wilson (OH)
Jackson (IL)	Pascrell	Woolsey
Jackson-Lee	Pastor (AZ)	Wu
Payne	Perlmutter	Yarmuth

NOES—195

Aderholt	Buyer	Ellsworth
Akin	Calvert	Emerson
Alexander	Camp	Fallin
Altmire	Campbell	Flake
Austria	Cantor	Fleming
Bachmann	Cao	Forbes
Bachus	Capito	Fortenberry
Bartlett	Carter	Foxx
Barton (TX)	Cassidy	Franks (AZ)
Berry	Castle	Frelinghuysen
Biggert	Chaffetz	Gallely
Billray	Childers	Garrett (NJ)
Bilirakis	Coble	Gerlach
Bishop (UT)	Coffman (CO)	Gingrey (GA)
Blackburn	Cole	Gohmert
Blunt	Conaway	Goodlatte
Bocciari	Costello	Gordon (TN)
Boehner	Crenshaw	Granger
Bonner	Culberson	Graves
Bono Mack	Dahlkemper	Griffith
Boozman	Davis (AL)	Guthrie
Boren	Davis (KY)	Hall (TX)
Boustany	Davis (TN)	Harper
Brady (TX)	Deal (GA)	Hastings (WA)
Bright	Dent	Heller
Broun (GA)	Diaz-Balart, L.	Hoekstra
Brown (SC)	Diaz-Balart, M.	Hunter
Brown-Waite,	Donnelly (IN)	Inglis
Ginny	Dreier	Issa
Buchanan	Driehaus	Jenkins
Burgess	Duncan	Johnson (IL)
Burton (IN)	Ehlers	Johnson, Sam

Jones  
Jordan (OH)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Lipinski  
LoBiondo  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marshall  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
Melancon

Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Oberstar  
Olson  
Paul  
Paulsen  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Royce

Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Simpson  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Stupak  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

Member is his or her own counsel on how to resolve his or her response on a given question.

Mr. LATOURETTE. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his further inquiry.

Mr. LATOURETTE. Really, I guess I want to ask why is the “present” button yellow, but that’s not my parliamentary inquiry.

The parliamentary inquiry is, that should the Member that finds himself in that conundrum now is going to push red or green choose to insert a statement into the RECORD, where exactly would that appear in the Record?

The SPEAKER pro tempore. It would appear with the debate on the question.

The question is on the passage of the bill. Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 208, answered “present” 1, not voting 5, as follows:

Scott (GA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark

Sutton  
Tanner  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky

Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Woolsey  
Wu  
Yarmuth

## NAYS—208

Aderholt  
Akin  
Alexander  
Altmire  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggart  
Billbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Bocchieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Carney  
Carter  
Cassidy  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costello  
Crenshaw  
Culberson  
Dahlkemper  
Davis (AL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dingell  
Donnelly (IN)  
Dreier  
Driehaus  
Duncan  
Ehlers  
Ellsworth  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)

Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hill  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kline (MN)  
Lamborn  
Lance  
Latham  
Latta  
Lee (NY)  
Levin  
Lewis (CA)  
Linder  
Lipinski  
LoBiondo  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Markey (CO)  
Marshall  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
Moran (KS)

Murphy (NY)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Nye  
Oberstar  
Olson  
Paul  
Paulsen  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rahall  
Rehberg  
Issa  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Stupak  
Sullivan  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—13

Barrett (SC)  
Hensarling  
Herger  
King (IA)  
Linder

Lucas  
Markey (MA)  
Pence  
Scott (VA)  
Sherman

Shuster  
Sullivan  
Welch

## [Roll No. 571]

## YEAS—219

Abercrombie  
Ackerman  
Adler (NJ)  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Castle  
Cantor (FL)  
Chandler  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Doggett  
Doyle  
Edwards (MD)  
Edwards (TX)  
Ellison  
Engel  
Eshoo

Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Insole  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kilpatrick (MI)  
Kilroy  
Kind  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larsen (CT)  
LaTourette  
Lee (CA)  
Lewis (GA)  
Loebbeck  
Lofgren, Zoe  
Lowey  
Lujan

Lynch  
Maffei  
Maloney  
Markey (MA)  
Massa  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McHugh  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Minnick  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Perriello  
Peters  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rangel  
Reyes  
Richardson  
Rodriguez  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## □ 1901

Mr. DUNCAN changed his vote from “aye” to “no.”

Mr. GEORGE MILLER of California changed his vote from “no” to “aye.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PARLIAMENTARY INQUIRY

Mr. LATOURETTE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio will state his inquiry.

Mr. LATOURETTE. Mr. Speaker, this bill has the potential or it is causing some angst among a number of people, and so my question is, as a Member of the House who happens to be not pleased with the abortion language in the bill relative to the District of Columbia but who is tickled pink about the auto dealer language that’s in the bill, how does such a Member resolve that? What procedure exists for such a Member to come to some accommodation?

The SPEAKER pro tempore. The Chair can affirm that on a question of adopting a motion or approving a measure, a Member may respond either in the affirmative, in the negative, or as present. A Member who favors a proposition votes “aye.” A Member who opposes a proposition votes “no.” A Member who wishes to abstain, whether for doubt or recusal or otherwise, might record as “present.” Each

## ANSWERED “PRESENT”—1

Buchanan

Barrett (SC)  
Lucas

Pence  
Perlmutter

Scott (VA)

## NOT VOTING—5

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1910

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CELEBRATING BLACK MUSIC MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 476, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 476, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 572]

YEAS—418

Abercrombie	Capito	Ellison
Ackerman	Capps	Ellsworth
Aderholt	Capuano	Emerson
Adler (NJ)	Cardoza	Engel
Akin	Carnahan	Eshoo
Alexander	Carney	Etheridge
Altmire	Carson (IN)	Fallin
Andrews	Carter	Farr
Arcuri	Cassidy	Fattah
Austria	Castle	Fiener
Baca	Castor (FL)	Flake
Bachmann	Chaffetz	Fleming
Bachus	Chandler	Forbes
Baldwin	Childers	Fortenberry
Barrow	Chu	Foster
Bartlett	Clarke	Fox
Barton (TX)	Clay	Frank (MA)
Bean	Cleaver	Franks (AZ)
Becerra	Clyburn	Frelinguhuysen
Berkley	Coble	Fudge
Berman	Coffman (CO)	Galleghy
Berry	Cohen	Garrett (NJ)
Biggert	Cole	Gerlach
Billbray	Conaway	Giffords
Bilirakis	Connolly (VA)	Gingrey (GA)
Bishop (GA)	Conyers	Gonzalez
Bishop (NY)	Cooper	Goodlatte
Bishop (UT)	Costa	Gordon (TN)
Blackburn	Costello	Granger
Blumenauer	Courtney	Graves
Bocieri	Crenshaw	Grayson
Bonner	Crowley	Green, Al
Bono Mack	Cuellar	Green, Gene
Boozman	Culberson	Griffith
Boren	Cummings	Grijalva
Boswell	Dahlkemper	Guthrie
Boucher	Davis (AL)	Gutierrez
Boustany	Davis (CA)	Hall (NY)
Boyd	Davis (IL)	Hall (TX)
Brady (PA)	Davis (KY)	Halvorson
Brady (TX)	Davis (TN)	Hare
Bralley (IA)	Deal (GA)	Harper
Bright	DeFazio	Hastings (FL)
Broun (GA)	DeGette	Hastings (WA)
Brown (SC)	DeLauro	Heinrich
Brown, Corrine	Dent	Heller
Brown-Waite,	Diaz-Balart, L.	Hensarling
Ginny	Diaz-Balart, M.	Henger
Buchanan	Dicks	Herseth Sandlin
Burgess	Dingell	Higgins
Burton (IN)	Doggett	Hill
Butterfield	Donnelly (IN)	Himes
Buyer	Doyle	Hinchev
Calvert	Dreier	Hinojosa
Camp	Driehaus	Hirono
Campbell	Duncan	Hodes
Cantor	Edwards (MD)	Hoekstra
Cao	Edwards (TX)	Holden
	Ehlers	Holt

Honda	McMahon	Sanchez, Linda
Hoyer	McMorris	T.
Hunter	Rodgers	Sanchez, Loretta
Inglis	McNerney	Sarbanes
Inslee	Meek (FL)	Scalise
Israel	Meeke (NY)	Schakowsky
Issa	Melancon	Schauer
Jackson (IL)	Mica	Schiff
Jackson-Lee	Michaud	Schmidt
(TX)	Miller (FL)	Schock
Jenkins	Miller (MI)	Schrader
Johnson (GA)	Miller (NC)	Schwartz
Johnson (IL)	Miller, George	Scott (GA)
Johnson, E. B.	Minnick	Sensenbrenner
Johnson, Sam	Mitchell	Sessions
Jones	Mollohan	Sestak
Jordan (OH)	Moore (KS)	Shadegg
Kagen	Moore (WI)	Shea-Porter
Kanjorski	Moran (KS)	Sherman
Kaptur	Moran (VA)	Shimkus
Kennedy	Murphy (CT)	Shuler
Kildee	Murphy (NY)	Shuster
Kilpatrick (MI)	Murphy, Patrick	Simpson
Kilroy	Murphy, Tim	Sires
Kind	Myrick	Skelton
King (IA)	Nadler (NY)	Slaughter
King (NY)	Napolitano	Smith (NE)
Kingston	Neal (MA)	Smith (NJ)
Kirk	Neugebauer	Smith (TX)
Kirkpatrick (AZ)	Nunes	Smith (WA)
Kissell	Nye	Snyder
Klein (FL)	Oberstar	Souder
Kline (MN)	Obey	Space
Kosmas	Olson	Speier
Kratovil	Oliver	Spratt
Kucinich	Ortiz	Stark
Lamborn	Pallone	Stearns
Lance	Pascrell	Stupak
Langevin	Pastor (AZ)	Sullivan
Larsen (WA)	Paul	Sutton
Larson (CT)	Paulsen	Tanner
Latham	Payne	Taylor
LaTourette	Perlmutter	Teague
Latta	Perriello	Terry
Lee (CA)	Peters	Thompson (CA)
Lee (NY)	Peterson	Thompson (MS)
Levin	Petri	Thompson (PA)
Lewis (CA)	Pingree (ME)	Thornberry
Lewis (GA)	Pitts	Tiahrt
Linder	Platts	Tiberi
Lipinski	Poe (TX)	Tierney
LoBiondo	Polis (CO)	Titus
Loeb sack	Pomeroy	Tonko
Lofgren, Zoe	Posey	Towns
Lowe	Price (GA)	Tsongas
Luetkemeyer	Price (NC)	Turner
Lujan	Putnam	Upton
Lummis	Quigley	Upton
Lungren, Daniel	Rahall	Van Hollen
E.	Rangel	Velazquez
Lynch	Rehberg	Visclosky
Mack	Reichert	Walden
Maffei	Reyes	Walz
Maloney	Richardson	Wamp
Manzullo	Rodriguez	Wasserman
Marchant	Roe (TN)	Schultz
Markey (CO)	Rogers (AL)	Waters
Markey (MA)	Rogers (KY)	Watson
Marshall	Rogers (MI)	Watt
Massa	Rohrabacher	Waxman
Matheson	Rooney	Weiner
Matsui	Ros-Lehtinen	Welch
McCarthy (CA)	Roskam	Westmoreland
McCarthy (NY)	Ross	Wexler
McCaul	Rothman (NJ)	Whitfield
McClintock	Roybal-Allard	Wilson (OH)
McCollum	Royce	Wilson (SC)
McCotter	Ruppersberger	Wittman
McDermott	Rush	Wolf
McGovern	Ryan (OH)	Woolsey
McHenry	Ryan (WI)	Wu
McIntyre	Salazar	Young (AK)
McKeon		Young (FL)

NOT VOTING—15

Baird	Harman	Pence
Barrett (SC)	Lucas	Radanovich
Boehner	McHugh	Scott (VA)
Delahunt	Miller, Gary	Serrano
Gohmert	Murtha	Yarmuth

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

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Celebrating the goals and ideals of 'Black Music Month'."

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1018, RESTORE OUR AMERICAN MUSTANGS ACT

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-212) on the resolution (H. Res. 653) providing for consideration of the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. PERLMUTTER. Mr. Speaker, on roll call 571 on the passage of H.R. 3170, the Financial Services Appropriation, I was unavoidably detained. I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 648

Mr. KAGEN. Mr. Speaker, I ask unanimous consent to withdraw my cosponsorship of H. Res. 648.

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

There was no objection.

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 gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO DR. CONSTANTINE PAPANAKIS

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

Mr. SESTAK. I rise today to honor a true visionary, a world-class intellect, and a leader of the first order, Dr. Constantine Papadakis. The passing of this extraordinary man has left a void that extends beyond the Philadelphia region to all corners of our Nation and his beloved birth country, Greece.

Dr. Papadakis served for 14 years as president of Drexel University. This

tenure ranked him among the longest serving leaders in higher education today. Under Dr. Papadakis' direction, Drexel's total enrollment grew by more than 130 percent, to 21,000, and full-time undergraduates increased to more than 11,000 students.

Dr. Papadakis led the effort to create the Drexel University College of Medicine, Drexel University Earle Mack School of Law, Drexel Online, and the Center for Graduate Studies in Sacramento, California.

He also formed a partnership between Drexel University and the Pennsylvania Institute of Technology, an intellectual outreach initiative that will help untold numbers of young men and women realize their full potential. The Pennsylvania Institute of Technology's new scholarship program for veterans of the conflicts in Iraq and Afghanistan is another testament to the Papadakis legacy.

Beyond academia, Dr. Constantine Papadakis was a champion of local economic development. He helped create Select Greater Philadelphia. He was a founding member of the World Trade Center of Greater Philadelphia. He also served on the Schuylkill River Development Corporation Board.

During his tenure at Drexel University, Dr. Papadakis had the opportunity to meet with various foreign dignitaries. In 1997, then-President of the People's Republic of China visited Drexel University, where his son had earned his Ph.D.

Dr. Papadakis also had a private audience with Pope John Paul II in Rome during the canonization of St. Katherine Drexel, niece of University founder Anthony J. Drexel. More recently, Drexel University was host to the October, 2007, Democratic Presidential campaign debate.

Dr. Papadakis was born in Athens in 1946, and did not arrive in the United States until 1969. Since his arrival as a student, he has received more than 150 major awards and honors. In addition to these, Dr. Papadakis acknowledged that the greatest achievements of his life were his marriage of 39 years to the love of his life, Elina, and the birth of his bright and talented daughter, Maria, a 2008 Drexel graduate.

I ask that our Chamber and our Nation pause to acknowledge Dr. Constantine Papadakis, a master of business, engineering, and academia, and parenthood, who in every sense led the American Dream and created the conditions for untold thousands of others to do so as well.

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#### SHANE DETWILER—SOLDIER, LAWMAN

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

Mr. POE of Texas. Mr. Speaker, a Texas lawman has been killed in the line of duty. He was from Baytown, Texas. Shane Thomas Detwiler was a

sheriff's deputy in Chambers County and a remarkable family man. He was just 31 years of age.

Shane was killed Monday of this week while investigating another shooting at an area mobile home park. A meter reader reported shots were fired at her when she went to shut off the water service. Shane was shot and killed when he responded to the call at this mobile home. He was gunned down upon entering the mobile home. After a long standoff, the shooter, Gilbert Ortez, Jr., shot and killed himself. Over 100 explosives were later found in his residence.

Shane's wife, Trish Detwiler, said her husband especially loved spending time with their three kids—sons Audie and Aiden and their daughter Abigail. Trish is an English teacher at Barbers Hill High School. In fact, today some of her students who belong to the Future Farmers of America, the FAA, happened to be in town and came by and visited me.

Trish said Shane would get up late at night with the children and make dinner for the whole family every night.

Trish, along with Shane's parents, Tom Detwiler and Cheryl Railsback, said Shane had a sense of adventure and eagerness to try new things. He was a certified scuba diver and also he was about to tackle spearfishing.

Shane wasn't born in Texas, but he got there as fast as he could. Shane was born in Ohio in 1977, and moved to Texas when he was four years of age. He met Trish when they were both in the third grade at Cypress-Fairbanks Independent School District, which is north of Houston. Shane played soccer, was a Cub Scout, and played trumpet in the Cy-Fair High School Band.

Mr. Speaker, this is a photograph of Shane taken not too long ago.

Shane joined the United States Army when he was 17. His mom, Cheryl, had to sign the papers, but she said he really wanted to be a soldier. He rose to the rank of staff sergeant in the United States Army. He served in Korea in 1998 and 1999. When he got back home to Texas, he earned a bachelor's degree in criminal justice from Sam Houston State University in just 2½ years, graduating summa cum laude.

He became a Texas game warden. That's a photograph of him here in his game warden uniform. That happened in 2003. He earned the nickname "Superman" from his fellow game wardens because he excelled in everything he did.

In 2005, Shane left for a yearlong tour of duty in Iraq when his oldest boy was just 3 weeks of age. He served as a counterintelligence special agent for the 321st Military Intelligence Battalion. He earned the Bronze Star and the Global War on Terrorism Service Medal.

But after his tour in Iraq, Shane came home to Texas to his game warden job and then he became a Chambers County sheriff's deputy just 2 months ago. The job of a deputy with

the Chambers County Sheriff's Department allowed him to spend more time with his family. He worked the night shift until just last month.

This young lawman's death is particularly tragic because he leaves behind such young children. Shane's family pastor, Scott Neal of Eagle Heights Fellowship, said it's been particularly heartbreaking. He said, "I asked his wife how she was doing, and she said, 'Only my 4-year-old will remember who their father was.'" That's very sad.

Mr. Speaker, the men and women who serve this country as lawmen and soldiers make great sacrifices to guard the safety and security of our communities. They risk their very lives in that service every day. Their families make great sacrifices as well.

So today we pay tribute to the extraordinary young man called Shane, with so much life ahead of him and his young family who suffers the loss of a wonderful man.

This Nation and the State of Texas owe Shane and his family an immeasurable debt of gratitude for their sacrifice. My fellow Texan who also represents southeast Texas, Dr. Ron Paul, and I are deeply sorry for the loss of Shane. Tomorrow, Shane will be buried in Mont Belvieu Texas.

Mr. Speaker, Shane Detwiler wore the uniform of a soldier, he wore the uniform of a Texas peace officer, he fought bad guys in Iraq, and back home he fought them as well. He did double service protecting the people. He was quite a person. He was the best that America has.

And that's just the way it is.

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#### HEALTH CARE

The SPEAKER pro tempore (Mr. KRATOVLIL). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I rise today to commend the Energy and Commerce, Ways and Means and Education and Labor Committees for working diligently on America's Affordable Health Choices Act. This bill is a historic first step to moving towards providing affordable health care options for all Americans.

Comprehensive health care coverage will cost taxpayers initially. The current CBO estimate projects a government investment of \$1 trillion over the next 10 years, but we must not forget that this investment in the health of Americans is not about the cost but about the savings for American families. According to CBO estimates, streamlining administrative costs may save Medicare \$500 billion. Providing the public plan with the ability to negotiate for Medicare rates will increase those savings.

Advocates for laissez-faire economics have continually noted that competition drives down costs and spurs innovation. With the public plan, we are finally giving the government a tool to



reduce the costs of health care for Americans. For years, insurance companies have monopolized the market and have driven up costs for consumers. In many communities, the only available health option can impose astounding rates that consumers are forced to pay. The public plan will introduce fair price competition, forcing private insurers to keep pace with efficiency and with innovation. With the public plan, we offer Americans personal patient choice and the freedom to stay healthy.

The America's Affordable Health Choices Act provides 97 percent of Americans with health care options. However, border States, such as my own, California, will continue to experience many of the same problems in their busy hospitals. The State of California is home to 22 percent of the Nation's undocumented immigrants. It is true that many of these immigrants will continue to travel to Mexico for care, but they will also continue to clog emergency rooms, which will result in exorbitant costs due to emergency care. We cannot run down costs in States like California without addressing this issue. We must provide hospitals with a mechanism for recovering these costs.

In addition to the public plan, the House's Affordable Health Choices Act introduces improvements to both Medicare and Medicaid. Individuals and families with incomes at or below 133 percent of the Federal poverty level will be eligible for an expanded and improved Medicare. This will ensure that more children remain healthy. Improving rebates to seniors will help close the Medicare part D doughnut hole and will ensure that they do not have to decide between purchasing food or their medications.

This bill has taken many steps to improve Medicare and the care we provide to seniors. However, we must remember that improving care for seniors is not the same as long-term care. If California does not fix its budget crisis by August, residents will lose many Medicare and Medicaid benefits, such as home care for seniors and for the disabled. The House health care bill does not address this problem. Providing the option for home care is another way to reduce costs and to allow seniors to keep their freedom, and it is something we should strongly consider.

Again, America's Affordable Health Choices Act is certainly an impressive first step. We must be careful not to weaken a national public plan, and we must equally encourage our Senate colleagues to support a robust national public plan.

Though local co-ops or State-level systems may seem to offer savings and freedoms for the American people, they raise a host of problems. Duplicating public plans in various locales raises administrative costs. It creates too many levels of bureaucracy that are simply not necessary. Therefore, I support the House version of America's Af-

fordable Health Choices Act. I truly hope this is the historic first step on the road to making health care for all Americans possible.

Mr. Speaker, I look forward to working with my colleagues on this issue.

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EXONERATING LIEUTENANT COLONEL JOHN A. BROW AND MAJOR BROOKS S. GRUBER

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

Mr. JONES. Mr. Speaker, tonight I am on the floor to express my thanks to the United States Marine Corps. On April 8 of 2000, the late Lieutenant Colonel John A. Brow and the late Major Brooks S. Gruber of Jacksonville, North Carolina, were the marine pilots of an M-22 Osprey that crashed in Marana, Arizona. The mishap occurred during a training mission as part of a test phase to determine the aircraft's operational suitability for the Marine Corps. Seventeen other marines were killed in the crash.

From that day until tonight, I have worked with many aviation experts in the Corps and outside the Corps who have helped me reach the conclusion that these pilots were not at fault for this crash. Unfortunately, many inaccurate reports have characterized the cause of the mishap as "pilot error."

To set the record straight, in 2009, I asked the Marine Corps to include in the official military personnel files of Lieutenant Colonel Brow and of Major Gruber a memo which exonerates them from responsibility for the mishap. The memo includes 17 facts regarding the crash, which were developed based on my review of official investigations and public records, as well as from extensive discussions with aviation experts. The evidence shows that the fatal factors in the crash were the aircraft's lack of a vortex ring state warning system and the pilots' lack of critical training regarding the extreme dangers of VRS onset in the Osprey.

Lieutenant Colonel Brow and Major Gruber and their families are dishonored by the assertion that the aircrew was at fault for this fatal crash.

Mr. Speaker, I am grateful that the Marine Corps has accepted the relevance of these facts. On February 20 of 2009, they included my memo in the personnel files of these two marines.

To finally bring this tragedy to a conclusion and to remove the stigma that has been unfairly attached to these two pilots, I've asked the Navy to do the right thing, as the Marine Corps did the right thing, and include this memo in the official safety investigation report on this mishap.

Mr. Speaker, at this time, I submit for the RECORD my letter to Rear Admiral Arthur J. Johnson, dated June 11, 2009, which includes my request and the 17 facts about the crash.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 11, 2009.  
REAR ADMIRAL ARTHUR J. JOHNSON,  
Commander, Naval Safety Center, 375 A Street,  
Norfolk, VA.

DEAR REAR ADMIRAL JOHNSON: Thank you for your response to my letter of April 21, 2009. Notwithstanding your regulations regarding the purpose of Naval Aviation Mishap Safety investigations, I am convinced that the Memorandum of the Record (Memorandum) must be included in the AMB report and JAGMAN investigation as a matter of public record.

Over the last several years, numerous articles and stories referencing the April 8, 2000 crash of the V-22 Osprey have incorrectly identified Lieutenant Colonel Brow and Major Gruber as the cause of the accident and have brought unmerited mental hardship on their families. I outlined two of these incidents in my previous letter. As a reminder, the press release issued by the Marine Corps attributed the accident to the pilot's "extremely rapid rate of descent." Statements such as this and the incomplete nature of the AMB report and JAGMAN investigation have formed the basis for the public's perception of the role of the pilots in this unfortunate accident and must be supplemented with clarifying language.

For example, the JAGMAN stated that the aircraft found itself in vortex ring state (VRS) condition with no apparent warning to the aircrew. It was not until after the accident that Naval Air Systems Command called for a new flight limitation, pilot procedures, and a cockpit warning system for VRS. Clearly, the record must reflect this reality.

Your response stated that safety investigations "are conducted to determine root causes and identify corrective actions, not to assign blame or document accountability." In the case of the Osprey accident, the process of determining root causes and identifying corrective actions led to assigning blame to the pilot and co-pilot by outside organizations because the role of VRS has not been given its proper emphasis. If investigations undertaken after completion of the accident report place the root cause of the accident on other causes, there is reason to acknowledge that and include such a finding in the AMB report and JAGMAN investigation.

There were many subsequent investigations into the safety of the Osprey and the dangers of VRS. Therefore, the process of investigating this accident is not "closed to outside influences." Insights gained after the completion of an accident report can appropriately be appended to an official safety or investigative report.

Everyone can appreciate the desire to close an official investigation. However, subsequent developments clearly demonstrate that the accident report was incomplete. There is a legitimate basis for correcting what was determined in order to promote public justice and remove the stigma attached to the pilot and co-pilot.

In discussions with experts within and outside of the military, additions to closed investigations happen frequently. If you do not agree to place the Memorandum in the AMB report and JAGMAN investigation, I request that you specifically identify whether any of the 17 facts contained in the Memorandum are inaccurate. Inclusion of the Memorandum in the Official Military Personnel Files of these brave Marines is insufficient.

Thank you for your service to our nation. I look forward to your response.

Sincerely,

WALTER B. JONES,  
Member of Congress

Enclosure.

## MEMORANDUM FOR THE RECORD

Based on my review of official investigations and public records regarding this mishap as well as extensive discussions with aviation experts, I, U.S. Congressman Walter B. Jones, have concluded that the fatal factor in the crash of an MV-22 Osprey on April 8, 2000 in Marana, Arizona was the aircraft's lack of a Vortex Ring State (VRS) warning system as well as the pilots' lack of critical training regarding the extreme dangers of VRS onset in the Osprey. I also believe the Marine Corps has blamed the mishap on the pilots' drive to accomplish the mission and a combination of aircrew human factors. Lieutenant Colonel Brow and Major Gruber and their families are dishonored by the assertion that the aircrew was in any way responsible for this fatal accident. Therefore, I request that the following findings be included in all official records relating to this mishap:

1. The fatal crash of an MV-22 on April 8, 2000, in Marana, Arizona, was not a result of air crew human factors or pilot error that can be attributed to the late Lieutenant Colonel John A. Brow or the late Major Brooks S. Gruber who competently and professionally performed their duties as United States Marine Corps aviators.

2. The fatal factor in the crash of an MV-22 on April 8, 2000, was the aircraft's lack of a Vortex Ring State (VRS) warning system and the Department of the Navy's failure to provide the pilots with critical training regarding the extreme dangers of VRS onset in the MV-22.

3. Because of inadequate High Rate of Descent (HROD) and VRS developmental testing, the pilots of the MV-22 involved in the accident on April 8, 2000, were not trained or able to recognize, avoid, or recover from VRS onset in the MV-22.

4. Had adequate HROD and VRS developmental testing been conducted prior to the Operational Evaluation of April 8, 2000, and had a VRS warning system been installed in the aircraft, Lieutenant Colonel Brow and Major Gruber would have been better able to avoid or recover from VRS.

5. LtCol Brow and Maj Gruber were in formation behind another MV-22. The lead aircraft had overshoot its intended approach angle and therefore steepened the approach angle. Unaware of the extreme dangers of VRS onset in the MV-22, LtCol Brow and Maj Gruber slowed their airspeed and descended even quicker, to maintain position on the lead aircraft. Twenty three seconds prior to the crash, the co-pilot of the lead aircraft stated "If you want you can take it long if you need to or you can wave it off. It's your call. You're hanging dash two out there." The lead aircraft pilot decided to continue his rapid descent at a slow forward airspeed, clearly oblivious of the extreme dangers of VRS onset in the MV-22.

6. Numerous reviews and investigations following the mishap have documented that the pilots of the mishap aircraft were not provided with the necessary and critical knowledge and training to recognize, avoid or recover from the extreme dangers of Vortex Ring State (VRS) onset in the MV-22 and the potential for sudden loss of controlled flight in the MV-22 following VRS onset.

7. After the mishap, Naval Air Systems Command (NAVAIR) called for a thorough investigative flight test program to find the boundaries of VRS, characterize its handling qualities, and establish the basis for a new flight limitation, pilot procedures, and a cockpit warning system.

8. As a result of testing following the fatal accident, a visual and aural cockpit warning system was developed to alert the aircrew when the aircraft exceeded the NATOPS flight manual's rate-of-descent limit.

9. On July 27, 2000, the Marine Corps publicly announced in a press release that a combination of "human factors" caused the April 8, 2000 crash. The press release went on to implicate the mishap aircraft pilots by stating that "deviations from the scheduled flight plan, an unexpected tailwind and the pilot's extremely rapid rate of descent into the landing zone created conditions that led to the accident." The release also stated that "although the report stops short of specifying pilot error as a cause, it notes that the pilot of the ill-fated aircraft significantly exceeded the rate of descent established by regulations for safe flight." In this Official USMC press release, Marine Corps Commandant Gen. James L. Jones is quoted as saying: "the tragedy is that these were all good Marines joined in a challenging mission. Unfortunately, the pilots' drive to accomplish that mission appears to have been the fatal factor."

10. This clearly damaging language is inaccurate, based on the fact that at the time of the crash, adequate testing of the MV-22 in the High Rate of Descent/Vortex Ring State (HROD/VRS) regime had not been conducted, the MV-22 did not have a VRS warning system, and the pilots did not have adequate knowledge and training to recognize and avoid the extreme dangers of Vortex Ring State (VRS) onset in the MV-22 and the potential for sudden loss of controlled flight in the MV-22 following VRS onset.

11. According to the Government Accountability Office (GAO), the Commander, Operational Test and Evaluation Force's V-22 Operational Evaluation (OPEVAL) report indicated that the MV-22 "Naval Air Training and Operating Procedures Standardization (NATOPS) manual lacked adequate content, accuracy, and clarity at the time of the accident. Additionally, because of incomplete developmental testing in the High Rate of Descent (HROD) regime, there was insufficient explanatory or emphatic text to warn pilots of hazards of operating in this area. The flight simulator did not replicate this loss of controlled flight regime." Also, the preliminary NATOPS manual and V-22 ground school syllabus provided insufficient guidance/warning as to high rate of descent/slow airspeed conditions and the potential consequences.

12. The Judge Advocate General Manual (JAGMAN) Investigating Officer stated that "the fact that the aircraft found itself in VRS condition with no apparent warning to the aircrew, but also departed controlled flight is particularly concerning."

13. On December 15, 2000, after a second crash of the V-22 that year, then-Secretary of Defense Bill Cohen determined that the accident history of V-22 aircraft and other testing issues required an independent, high-level review of the program. He established a Blue Ribbon Panel to review the safety of the V-22 aircraft and to recommend any proposed corrective actions.

14. This panel was briefed by the Government Accountability Office (GAO) and the contents of this brief were incorporated into a subsequent GAO report. The GAO report cited concerns about the adequacy of development tests conducted prior to the aircraft entering the operational test and evaluation phase and that completion of these tests would have provided further insights into the V-22 Vortex Ring State phenomenon. In particular, the GAO found that developmental testing was deleted, deferred or simulated in order to meet cost and schedule goals.

15. The original plan to test the flying qualities of the flight control system included various rates of descent, speeds, and weights. This testing would have provided considerable knowledge of MV-22 flight

qualities especially in areas related to the sudden loss of controlled flight following VRS onset. To meet cost and schedule targets, the actual testing conducted was less than a third of that originally planned." In addition, MV-22 pilots did not understand the optimum use of nacelle tilt to recover from VRS onset. In my opinion, this testing clearly could have prevented this tragic accident by providing the pilots the knowledge and training to either avoid or recover from VRS.

16. The GAO presentation also revealed that the JAGMAN Investigating Officer opined that the MV-22 Program Manager (PMA-275), Naval Aviation Training Systems (PMA-205) and the Contractor "needed to expedite incorporation of Vortex Ring State and Blade Stall warnings and procedures into the MV-22 NATOPS. The preliminary NATOPS manual and V-22 ground school syllabus provided insufficient guidance/warning as to high rate of descent/slow airspeed conditions and the potential consequences."

17. The GAO report also revealed that the Director, Operational Test & Evaluation (DOT&E) stated that "while the possible existence of VRS in the V-22 was known when flight limits for OPEVAL were established, the unusual attitude following entry into VRS was not expected." DOT&E goes on to say "thus, the first indication the pilot may receive that he has encountered this difficulty is when the aircraft initiated an uncommanded, uncontrollable roll."

As of this evening, I have not yet received a response to this letter. Again, I want to state that I wrote Rear Admiral Johnson on June 11 of 2009, and as of this time, I have not received a response. I am very disappointed.

I hope the Navy will follow the example of the Marine Corps and will help properly honor the sacrifices of these brave pilots who gave their lives in the service of their country.

With that, Mr. Speaker, I will ask God to continue to bless our men and women in uniform in Iraq and Afghanistan. I want to ask God, in His loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq, and I will ask God three times: Please, God; please, God; please, God; continue to bless America.

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.)

#### THE EXPANDING POWER OF THE FEDERAL GOVERNMENT AND ITS INTRUSION INTO AMERICA'S BUSINESS

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

Mr. MORAN of Kansas. Mr. Speaker, unfortunately, here we go again—yet another attempt to expand the power of the Federal Government and to intrude further in America's business. Just like with cap-and-trade, which was forced upon Members without

proper consideration, here comes another bill from the Energy and Commerce Committee. This time it is H.R. 2749, the Food Safety Enhancement Act of 2009.

I do believe that our Nation has the safest food supply system in the world, and I also agree that we should continue to examine that supply system to make certain that we continue to improve upon it. However, H.R. 2749 will not make us a better food safety country. Instead, it will expand the Federal bureaucracy, and it will impose unnecessary costs on a struggling ag economy. This legislation represents a dramatic shift in Federal policy that could, just like cap-and-trade, devastate agriculture.

This legislation was considered by the Energy and Commerce Committee just a couple of weeks ago. Now, just like cap-and-trade, the Democratic leadership wants to bypass the expertise of the Committee on Agriculture and bring this bill to the floor, this time under a suspension of the rules—no further consideration, no markups by other committees of jurisdiction, no amendments, just a vote.

One provision of H.R. 2749 that is of particular concern is section 103. This section would require the U.S. Food and Drug Administration to set on-farm performance standards. For the first time, we would have the Federal Government telling our farmers and ranchers how to grow crops and raise livestock.

The cultivation of crops and the production of food animals is an immensely complex endeavor involving a vast range of processes. We raise a multitude of crops and livestock in numerous regions, using various production methods. Imagine if the government is allowed to dictate how all of that is done. Chaos will ensue. Unfortunately, that is what H.R. 2749 allows.

Those who have never been on a farm will be allowed to tell a producer how to conduct his or her operations. We will not improve food safety by allowing the Food and Drug Administration to tell our farmers what to do. We will improve food safety by allowing farmers and ranchers to do something that they and their ancestors have been doing for generations.

There are other problems with this bill as well—new penalties, record-keeping requirements, traceability, registration mandates, user fees—all things that do nothing to prevent food-borne diseases and outbreaks but that do plenty to keep regulators busy and that increase costs.

I raised these concerns today in a hearing of the House Agriculture Committee, which was reviewing food safety. The witnesses representing the FDA tried to reassure the committee by telling us not to worry, that they knew what they were doing and that they would consult with the Department of Agriculture. However, the FDA has no expertise in crop and livestock production practices, and I have little

confidence that the FDA will work with the USDA.

In fact, a recent example of the FDA's unwillingness to accept the expertise of the USDA was demonstrated this week. It involved another bill, H.R. 1549, which would restrict—in fact, eliminate—the use of animal antibiotics. H.R. 1549 would institute a ban on the nontherapeutic uses of antibiotics, which is another ill-conceived concept concerning a very complex issue. Yet we learned today that no consultation by the FDA has occurred with the USDA.

In a hearing earlier this week before the House Rules Committee, the FDA suddenly shifted its course and supported this ban. No new research or scientific analysis was presented. Again, apparently no consultation with the USDA occurred. So much for collaborating with the Department of Agriculture.

Mr. Speaker, we must stop rushing legislation through Congress without careful, thoughtful and complete consideration. Congress rarely gets things right when we have ample time to properly consider policy changes, but it never makes good decisions when rushed by arbitrary timetables. H.R. 2749 needs to be referred to the Committee on Agriculture to allow for necessary improvements to this food safety bill, improvements which will actually improve the food safety of our country and will not shut down agriculture.

We do not need FDA from farm to fork.

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

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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#### WE NEED PATIENT-CENTERED HEALTH CARE REFORM

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

Mr. BOOZMAN. Mr. Speaker, I share the views of my constituents in the Third Congressional District of Arkansas that we need health care reform. I believe all Americans deserve access to quality, affordable health care; but the one-size-fits-all experiment won't give hardworking Americans, like Melissa Swaim, the peace of mind that she and her family deserve when seeking medical treatment. Melissa is all too familiar with doctors' offices. Her son requires special medical treatments every 3 months that her insurance helps pay for. She is grateful to have insurance help cut the cost of these beneficial procedures and told me if her family didn't have insurance, finding the money to cover the cost would be

very difficult. But she would rather scrape her pennies together and make sacrifices on her own to pay for her son's health care rather than have someone else decide treatment on his behalf.

We need to preserve the doctor-patient relationship that Melissa and millions of Americans have learned to depend on. This allows patients to make choices that suit their individual requirements, not Washington bureaucrats. Politicians making decisions about our health care needs is a prescription for disaster. Instead of taking away health care choices, we need to be offering more opportunities for patients.

We need patient-centered health care that allows them to get the treatments and the care that they need when they need it. The Obama prescription will deny patients treatments and make them wait to get the treatments that they are allowed to receive. Recently my mother needed to have the battery changed in her pacemaker. My mom is 88 years old. She is doing very well and is a wise and caring mother, grandmother and great-grandmother to her family. With government-run health care, after taking \$500 billion from the Medicare program to help pay for the new plan, it's not a given that she would have gotten the treatment when she needed it at the proper time. This is not the standard of care that I want; it's not the standard of care Melissa wants; and it's not the standard of care 90 percent of my constituents, who have taken my online survey about government-run health care, want.

We need a plan that reduces health care costs, expands access and increases the quality of care. Unfortunately the 1,018-page Obama proposal does not achieve these goals. We need to be asking some tough questions. We need to be asking the President, we need to be asking the authors of this plan such things as, Will this allow illegal immigrants, illegal aliens access to health care? There's nothing in the bill that says no. We need to ask about the elderly, people who in the past have enjoyed access to cataract surgery to restore their vision, access to artificial hips, artificial knees to increase their mobility in a timely fashion. Will this plan allow that sort of care to continue? Those are the things that we need to be working on, and certainly to try to cram this down the American public's throat in 2 weeks is not workable. Luckily we still have time to get this right. Let's work together and make patient care the top priority of our reform.

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. FORBES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PAULSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### THE COST AND DANGERS OF THE GOVERNMENT TAKEOVER OF OUR HEALTH CARE SYSTEM

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

Mr. SCALISE. Mr. Speaker, today in the Energy and Commerce Committee we started having hearings on President Obama and Speaker PELOSI's bill, the proposal to create a government takeover of our health care system. I think the components of this bill and some of the things that have been talked about need to be discussed here on this House floor because the bill itself will actually lead to rationing of health care for Americans across this country. The bill will absolutely raise taxes on every American in this country and every small business in this country. In fact, there are over \$580 billion in new taxes in this bill. This bill was just filed earlier this week. The Congressional Budget Office hasn't even been able to do a full assessment of it. There was a meeting held yesterday in the Energy and Commerce Committee with the CBO. Unfortunately the chairman decided that that meeting would be held in secret. He did not allow the media to come in. He didn't allow the public to have access through the Internet or through television to see what the head of the CBO had to say. You know, maybe if somebody supports this government takeover, I can see why they might want to try to hide the details from the public because the details that start to come out are showing the true cost to the American people and the true dangers of going into this government takeover of our health care system. I think the people ought to know what those details are. I think when you're talking about a bill this massive, a bill that is so enormous, probably one of the biggest transformations of government—and in an administration that has had many, many attempts to try to take

over different aspects of our lives, this may be the biggest one.

We have a chart right here that we've put together which actually shows the organizational structure of this new government takeover. If government is allowed to take over the health care system based on the bill that President Obama and the Speaker and her top lieutenants in this House and in the Senate have filed, this is the structure of what government-run health care would look like.

There are a number of points that I think are important to go through. You hear President Obama talking a lot about, if you have the health care you like, you get to keep it. Now that sounds great. I agree with that. The problem is, the bill that President Obama and Speaker PELOSI and others filed takes away your health care. It allows a government czar—and unfortunately they've created so many czars. The government is running the insurance companies. The government is running banks right now. The government is running car companies. And the government is not doing a real good job of it. And now the government wants to run the health care system in this country. If you look at this organizational chart, you will see a whole lot of Federal agencies interfering in the relationship between a patient and their doctor.

Now these are the people that are saying that the government won't tell you when you can go see your doctor. Everywhere in this organizational chart and everywhere in their thousand-plus page bill they're giving this new health care czar the ability and the power to interfere between the relationship of a patient and their doctor. If you like the health care plan you have, there's actual language in this bill that allows this health care czar that's created, it gives this government bureaucrat in Washington the power to tell your company, if you like your health care, the government can now take away, literally disqualify your company's health care plan from being eligible and force you onto this government-run plan. They have taxes that cover all different aspects of life. They tax businesses, \$583 billion in taxes on working people in this country. There's actually—and this was verified yesterday by the Congressional Budget Office—\$29 billion in new taxes on uninsured people. Now the real irony of that is, the real reason that they're bringing this bill—over 300 million Americans participate in health care today, and there is a number of uninsured people. Some people say the number is 45 million. Others have narrowed it down, when you remove the illegal aliens, when you remove people that just choose not to get health care who are eligible, the real number of uninsured people has been honed down to about 7 million people, and that's a number we should go address. Health care needs to be reformed, and there are a lot of bipartisan approaches to re-

form that system. But you reform something that's broke. You don't blow up the whole system that's working.

In America we've got probably the best medical care in the world. People who have government-run systems, like Canada, like England, the citizens that have the means actually come to America to get care because our system is so good, even with the flaws. So let's go address those flaws. But you don't set up a system like this, some Byzantine system of bureaucrats and czars that are going to tell you which doctor you can see, to take over our health care system. Unfortunately we have got a debate started; and hopefully the public gets involved in this because when you look at the taxes, literally \$29 billion of taxes on uninsured people when the bill was supposed to be designed to address the uninsured. When you look at small businesses and the impact on small businesses and middle-class families, in the bill they literally allow taxes on people making less than \$50,000. This is a bill that needs important debate. Hopefully people will look at the details, and we can defeat it.

#### CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-58)

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 and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2009.

The actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I

have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

BARACK OBAMA,  
THE WHITE HOUSE, JULY 16, 2009.

#### HEALTH CARE FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. My name is KEITH ELLISON; and I am appearing on behalf of the Progressive Caucus, which is again coming to the House floor to discuss a progressive vision for America, a vision of America that has a central focus of the American quality of life being better for all people, that has a central focus of the welfare of Americans being better than it was before. In the Progressive Caucus, Mr. Speaker, we have a set of values which say that yes, we can live in harmony with the planet Earth; yes, we can engage in activity that will allow all Americans to have health care; yes, we can have civil rights for all people; yes, America can be a party and a member in the global village in which we promote peace and in which we stand with nations who are struggling to emerge around the world.

The progressive vision for America, a progressive vision that says that the greatest points in our Nation's history were when we passed the law for civil rights for all people; a progressive vision where we said the Wagner Act, where workers will have rights, was a great moment in American history; a progressive vision where we put together the resources necessary to pull America out of the Great Depression and into a greater level of rights, a greater level of prosperity and a greater level of community.

Tonight we're talking about health care, and I hope to be joined by my colleague soon. But I just want to set out that this is the congressional progressive message; and if anybody wants to communicate with us, they can do so at [cpc.grijalva.house.gov](http://cpc.grijalva.house.gov). It is very important that folks know how to get in touch with us. Mr. Speaker, this is the progressive message where we come every week on the House floor to talk about a progressive vision. Health care is the topic. Health care is the issue for the American people today. Health care is what everybody is talking about here on Capitol Hill, and this is the progressive message where we talk about a progressive vision for America.

Now I'm using these boards to help illustrate a point; but the main concept here, as we talk about the progressive vision for America's health care, we want to start out with a central idea; and that is, care should be the watchword. We should be talking about care, not who pays, not who doesn't pay. Care. We should not be talking

about all the complicated mechanisms first. We'll get to that as it's time to talk about that and there will be a good and appropriate time to debate these more complicated issues.

But the first thing we start with, as we talk about a progressive vision, is care, health care. Care should be where we start. Care should be how we end. If we care for each other, as Americans, if we regard all Americans as essential and important, we will construct a health care system and bring forth health care reform which makes sense for everybody, which costs less than this system does now because this system is not driven by care. It's driven by something else, which I will get to in a moment. We also have to have in this health care reform package a public option. But when I use the word public option, what I really mean is a we're-all-in-this-together option. A public option is an option that says that, look, we will have a public option, together with private options, in which the public can say, look, I want to select that public option because it works for me and my family or my business, and that's what people can take advantage of. There will be private options in the system, in the exchange. But this health care reform starts with the idea of care and states that the public option, which will be included in this health care reform bill and is in the bill now, is really a we're-in-this-together option.

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That is what it is about. That is the point. That is what we are going for. And we will talk more about that later. But I think it is important that when people talk about a public option, we are talking about an option that is available for Americans to select which really says, we are not going to leave you out in the cold, you're not by yourself, this ownership society is not a you're-on-your-own society. In fact, it is a society in which we are all in this thing together. So, Mr. Speaker, as I said before, care is what drives our vision.

But the system, the status quo, has something else driving the vision. Health care reform means patients before profits. That is what health care reform means. Health care reform doesn't mean that there won't be profits. Of course, there will be. There will be private businesses on the exchange. There will be people making money. Doctors will continue to make good salaries, nurses as well; and other people who do good things for society will be compensated fairly, of course.

But the fact is we will not have these insurance companies that are not allowed to just charge anything they want and pay their CEOs anything they want. We will have something where patient care will be what is important in this health care reform system.

So, I want to talk tonight, Mr. Speaker, about exactly what health care reform must include. And so let

me just get to this board, and then I have a chart which will simplify it. Mr. Speaker, I believe there are folks who want to make this thing complicated. They want to make it hard to understand, and people just sort of switch off their minds and say, well, it is really complicated, so I don't get it, and they seem to be talking bad about it, so I am just not going to plug in.

I believe Americans really, really want health care reform. And I want them to know what this health care reform bill is talking about. As I said, a progressive vision is a vision that makes "care" the operative phrase in health care and puts patients before profits, although profits are not out of the picture. They are still around. But patient care is really what is driving the conversation.

A health care reform bill must include guaranteed eligibility. No American will be turned away from any insurance plan because of illness or preexisting condition. Mr. Speaker, how many Americans are at home right now who are checking over their bills, who are perhaps anxiety ridden or maybe even in tears because they have just been dropped or denied coverage because of a preexisting condition?

I told a story last week, Mr. Speaker, about a dear friend of mine who called me aside at a community forum I had on health care in my hometown of Minneapolis, Minnesota. She said to me with tears in her eyes that she had a dilemma. She didn't know what to do. Her sister and her mom had succumbed to breast cancer. She thinks she is at risk. She knows that if she goes to get the test to find out, then she will be presumed to have a preexisting condition and could be dropped. But if she doesn't, and she does have the early stages of breast cancer, she will not be getting the care that she needs. So she gets the test now, she can be dropped for having a preexisting condition. If she doesn't get the test now, her breast cancer could be advancing. This is the situation that so many Americans are in today, and it is wrong.

The health care reform we are talking about, guaranteed eligibility, no American will be turned away from any insurance plan because of illness or preexisting condition, meaning that insurance companies just can't insure the people who are well and the people who never make claims. They have to insure everybody, comprehensive benefits.

The new public plan, this is the you're-not-on-your-own plan, will cover all essential medical services including preventative, maternity, mental health and disease management programs. This is comprehensive benefits. This is different from some of those plans you get that is a good plan for health care only it doesn't cover anything, only it has a high deductible, high co-pay, high premium and doesn't offer any real coverage, and this is excluded, that is excluded, doesn't cover this, doesn't cover that. That is not the kind of plan we are talking about.

Comprehensive benefits, affordable premiums, co-pays and deductibles, as I just said they got a certain version of health care out there now that the private market has coughed up where they have high co-pays, high premiums, high deductibles, meaning if you go to the doctor, you got to pay a lot, you got to pay a lot out of your check every 2 weeks or every month when you get paid; and then if you need a procedure, you got to cough up a lot of your own personal money because they don't cover everything or even nearly everything.

So, participants will be charged fair premiums and minimal co-pays and deductibles for preventative services. So that means if you want to stay healthy by doing preventative health care, that option will be available to you.

Subsidies. Individuals and families who do not qualify for Medicaid or SCHIP but who still need assistance will receive income-related Federal subsidies and keep health insurance premiums affordable. So we are not going to leave anybody out. Even people who are the lower income scale and have to have health care, have to be able to go and see a doctor, have to be able to get preventative services; and this will be covered.

So health care reform, guaranteed eligibility, no exclusion for a pre-existing condition, comprehensive benefits, a good plan that covers things that you need, affordable premiums, co-pays and deductibles and subsidies for people who need them.

So this is a chart that we developed, Mr. Speaker, to try to make it simple for folks, because it is complicated. It is our job in Congress to try to boil this stuff down and make it digestible. And so we came up with this little chart to try to talk about what is going on. Let's just say, here is the path to health care for all. Up here at the top of the box, Mr. Speaker, you got every American.

What the plan will yield is basically three of these bubbles that you will fit into. One of them is employer-based insurance. You have heard President Obama say, if you like your health care, keep it. That is what that is. If you like your health care, keep it. It is exactly what you have now if you have employer-based health care, but it is going to cost less. There will be no more discrimination for preexisting conditions. There will be no discrimination for age or gender. And we will have a medical loss ratio of 85 percent because 85 percent of the premiums must go to patient care. So they won't be able to just stuff their pockets with those \$100 million salaries some of these health care insurance companies CEOs make.

This is a lot like we have now, only we will have improvement because of cost, because of the medical loss, what is known as the "medical loss ratio" and because of the banning of the exclusion for preexisting conditions.

Then also we have public programs that exist now, Medicare, Medicaid, SCHIP, still available to children, seniors and families below the poverty line. This will still be there. This is not going anywhere. We are going to have Medicare, we are going to have Medicaid, and we are going to have SCHIP. That is still there.

What is going to be new, Mr. Speaker, is a health care insurance exchange. This is going to be new. This bubble is going to be kind of new. And it is going to go into effect in a few months perhaps after we pass the bill, perhaps as much as 12 months; but it will be counted in months.

Who is eligible for the health care insurance exchange? Individuals and small businesses will be able to go into the exchange. And what will be on the exchange? Private insurance plans that people can purchase, and what you will have there is a public option.

Now, people who go into the health care exchange will be subsidized for up to 400 percent of the poverty level. That means if you are at the poverty level times four, you take that income you have at the poverty level times four, if you make 400 percent of the poverty level, meaning you make well over the poverty level but still you don't have enough to afford health care, you can receive some sort of subsidy to make sure that you can afford coverage.

Then, you can go into the exchange, and you might be able to pick your policy because the policies will be standardized, and you will be able to pick one, be it a public plan or a private plan. And you will be able to get your health care policy picking the one that you want, guaranteeing that you will have choice, guaranteeing that you will have options and you will be able to select based on your needs. We are going to revisit this chart in a moment, Mr. Speaker, because it is important to go back to it.

So I just wanted to say that tonight what we want to do with this Progressive hour is talk about helping folks to understand the health care reform plan, helping folks to understand what the public option is. As I said before, the public option should be understood. It is something that is going to help you, something that means that this is our commitment to each other, like Social Security is our commitment to each other, like other important public programs are a commitment to each other, our roads are a commitment to each other. It is what we all do together to make sure people can make it. This is what the public option represents.

So, Mr. Speaker, many in Congress, the House and Senate, believe that any significant health care reform package must include a robust public option. We have seen leaders, brave and courageous legislators like RUSS FEINGOLD in the Senate and BERNIE SANDERS and CHUCK SCHUMER in the Senate over in the other body talking about the im-

portance of a public option. But here in the House we have heard the same commitment from some great leaders like JOHN LEWIS, LOIS CAPPAS and Congresswoman PINGREE from Maine, who is new to this body, all making important commitments to support a public option, on both sides, of course. We heard the President talk about the public option as well.

So we have people in all three, in both Houses and in the President's Office, talking about the public option. We have talked a little bit about what it means. But let me just elaborate on that a little bit. What it means at its heart is it means giving the uninsured the option to enroll in a public health care plan that is sort of like Medicare. That is what it means at bottom, giving the uninsured the option, the choice, the choice to enroll in a public health care plan like Medicare. A public insurance option would compete. We are talking competition here, Mr. Speaker. We are not talking about not competing. We are talking about competing.

Under the system we have now, we don't have much competition. But with a public option, we will have some competition. And this public option will compete on a level playing field with private health insurers, and the uninsured individuals would get a chance to choose which plan is best for them.

If you look at the health care market today, and you go into a given area, everybody knows that one or two firms dominate in that particular area, maybe three. Sometimes you just really don't have any options at all, Mr. Speaker. And so we have a lack of insurance right now, a lack of a competition now; and what we need to do is get some real competition.

Why is having a public health care option important? There are many reasons, but here are a few. A broad number of research and a broad spectrum of research has confirmed that a public health insurance option is a key component of cost containment. To drive down the cost of health care, you need a public option, because what it does is it introduces more competition, lower administrative expenses and drives cost-saving innovation. Some folks don't know that our health insurance industry right now is exempt from antitrust legislation and doesn't really have to compete. But a public option will drive them to competition, which is a good thing.

Also, need for a public option, according to research from the Commonwealth Fund, the net administrative cost for Medicare and Medicaid are 5 and 8 percent respectively. These are plans, Medicare and Medicaid, which already drive reasonable cost down so that the folks who participate in these programs are not being charged for a bunch of stuff that they don't need. They are getting low administrative costs.

Now I just want to say that I have been joined now by one of my favorite



colleagues, DONNA EDWARDS, who by the way, is a pretty good softball player, that is an aside, but Congresswoman EDWARDS is here. She represents a district in Maryland. And let me just give her a chance to sort of jump in on this important conversation going on in Congress right now.

Congresswoman EDWARDS, how are you doing tonight? Let me yield to you.

Ms. EDWARDS of Maryland. Thank you for yielding. Good evening, Mr. ELLISON. It is good to be here with you this evening. And I just want to say a few words because I don't have a lot of time, and I know you're really holding the fort here talking about the importance of health care to all Americans, the importance of a public plan option that really covers all Americans, gives them a choice of their doctors and what do they want for their services.

I just want to say the U.S. health care system is really one of the most expensive systems in the world. We know that. We spend about \$2.2 trillion each year on health care services and products. At the same time, 46 million Americans are uninsured, and a whole bunch of others, 80 percent who have insurance, are actually from working families. They have insurance, but it is not enough, and it is not the right kind of coverage, and premiums are going up, and deductibles are going up. And it has become really an unaffordable system for American families.

Almost half of all personal bankruptcies are attributed to medical debt. I had that experience myself. I almost went bankrupt because I had a huge health care bill. I couldn't pay it. I got very, very sick, and I needed a choice. Fortunately, I was able to pay that off and then end up getting good insurance. But the reality is that when that happens, it can almost cripple a family. I don't want any other family to have to face the kind of choices I did about whether to take care of myself and my son or to pay for health care coverage.

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And, at the same time, we also know that sometimes people make the choices. Do I buy my medications? Do I go see my doctor when I'm sick, or do I wait till I'm really sick? Those are choices that are unacceptable.

And let's look at the practices of our insurers. I mean, you know what happens. An insurer will say to you something like, well, you know, you've been a victim of domestic violence, and so we're not going to cover that and the cost of that because it's a pre-existing illness. I bet a lot of people across the country don't know that there are health insurers that deny coverage because of a circumstance of domestic violence. It's hard to believe that, and yet it's true, because it's considered a pre-existing condition.

And so we need not just a public option, we need one that's robust. We need one that says to insurance compa-

nies, here are the dos and the don'ts. Let's take care of the American people, and let's give them some choices.

Eighty percent of Americans have health insurance, and so that means that most people that you run into in your schools, your communities, your neighborhoods, your workplaces have health insurance. But for so many people, it's completely inadequate to do the task.

I think again about another situation of an insurer where my son actually had a little bit of an accident. He went up, he came down on his head. He needed to have an MRI. We talked to the insurance company. And what did they say to us? You couldn't go to the 24-hour MRI center; you had to wait and get that coverage in an emergency room. And it turns out that the emergency room was more expensive than getting the same examination that was a critical examination ordered by a doctor in an MRI facility. And so these choices don't make sense for the American public.

And as I said, Mr. ELLISON, you know, premiums are going up. Premiums have gone up 114 percent from 1999 to 2007. And that's greatly outpacing incomes in this country. And so the high costs, what are they doing? They're crippling the American middle class. They're crippling working families, they're crippling businesses.

Most of the small business people I know actually want to be able to provide health care coverage, good health care coverage for their employees. But I'll tell you, if you're trying to provide health care coverage and you're suffering the cost of \$10,000 and \$20,000 per employee for health care, you can't stay in business like that. And so we want to give small business, all business, a helping hand with making sure that they can provide affordable and low-cost coverage to their employees.

We want to make sure that people who are unemployed and maybe uninsured or underinsured have coverage. We want to make sure that there's a standard set of benefits that everyone should enjoy so you get the advantage of preventive care, diagnostic treatments ordered by your physician.

We want the patient and the doctor to have control of their coverage, not the patient and the insurer, not the doctor and the insurer, nobody in between, not the government or anybody else in between, but the doctor and the patient. And then we want to make sure that doctors are paid so that they can make a viable practice, so that they can engage in the kind of primary and preventive care that we think is most important to preserving and protecting our health and our quality of health over a long time.

And so I'm excited, actually, about where we are right now. I mean, I am so heartened because I think we've learned a lot over the years. And this time the American people aren't just going to get a promise, they are going to get the kind of health care they de-

serve. And so we should all be both excited and proud to prepare to cast a vote for the American people, for small businesses, for working families, for the uninsured, for the underinsured, for all Americans. It is the most that we can do for the American public.

And I'll have to tell you, I cannot wait to cast my vote for a public plan option that is robust, that covers all Americans, that ensures what I call the three C's. You know, we want lower costs, we want quality care, and we want continuity of care. It shouldn't matter whether you have this job or that job or another job. You keep your health care coverage. And when we cast that vote for the American people, they're going to stand with us because it's the right thing to do.

And so it's so good to be here this evening in this House, in the People's House, saying that at last, on health care, we are going to do what's right by the American people.

And I yield back.

Mr. ELLISON. Will the gentle lady yield to a question, perhaps?

Congresswoman EDWARDS, we've been hearing a lot of rhetoric about this health care plan. This health care plan, which I agree with you, we need to be excited about it because this is a great and propitious moment in America. But we've been hearing detractors. We've been hearing this government-run health care, all this kind of stuff. Have you heard this kind of rhetoric before? And should anyone listen to it?

I yield to the gentle lady.

Ms. EDWARDS of Maryland. Well, I thank the gentleman. And I've heard the rhetoric before. But I tell you, it rings hollow on somebody who has not had health care and who's also had really good health care coverage. And so, you know, I think the detractors, we know who they are. They're all the vested interests who are making a boatload of money off of the American people while they don't have health care. And so we have to just stop that.

It's really a pretty simple formula. I think the American people really get that. I think the American people understand that. And we want quality care, and we want to lower cost for everyone, and we want to make sure that we engage in the social responsibility that we have for all of those who, at some time or another, might find themselves uninsured or underinsured.

And so the detractors actually don't have anything good to say, and so they want to try to kill our opportunity, and a meaningful opportunity for the American people for health care reform.

And I think that those of us who know what the problem is, who understand what the solution is, who believe that we have to have a public option that competes with the private insurers, we know that that kind of competition in the marketplace will lower cost. And so we've got to, you know, zone out the detractors and focus on delivering health care reform for the American people.



Mr. ELLISON. If the gentledady would yield, I hope the gentledady doesn't mind me asking her a few other questions.

My next question is, why do you think that it's been reported that the detractors to health care reform are spending up to \$1.2 million a day here to lobby Congress?

I'd yield to the gentledady. Why are they spending so much money?

Ms. EDWARDS of Maryland. Well, you know, I don't like this mix of money and politics. And what it says to me is that somebody with that skin in that game stands a lot to lose, and so that means that the detractors out there know that if the cost of doing business for them is to spend that \$1.2 million or \$3 million every day to fight against health care reform because they know that without reform they get to make billions of dollars off the backs of the American people. And so no more to that.

The American people are pretty smart about this. I know the people out in my congressional district, the Fourth Congressional District in Maryland, understand health care. Many of them work and they have health care coverage. But they know that they're being burdened by increased premiums and deductibles. They know that there are insurance companies and bean counters and people on a telephone who stand between them and their doctor and good medical care.

They know that they have family members, young people like my son, getting ready to come out of college, will lose his health care coverage that's covered by his parents and will be on his own. Those young people need to have health care coverage. We know that they don't believe that they're ever going to get sick or injured. But that's not true.

And so we have an opportunity here to fight all of those interests. And you know what I say? Stop advertising. You know, we don't need to advertise for good health care reform. We don't need to advertise for pharmaceuticals that benefit us if that's a decision that our doctors make. And yet billions of dollars are spent in that industry. Millions and millions of dollars spent in lobbying against reform. And so that is a clear message to the American people that those detractors do not stand on the side of health care reform.

Mr. ELLISON. I agree with the gentledady, and couldn't agree more. And I want to thank her for making the point she's made.

We've been joined by Congressman HANK JOHNSON from the great State of Georgia. And we're talking health care reform tonight. The Progressive Caucus offering a progressive vision to care for Americans. And we were just speaking a moment ago about how we need a robust public option; that we're excited about the possibility to pass health care for Americans. This is a 60-year debate. Some people go back to 1994. But we all know this debate goes back way before that.

This is an opportunity, equal to passing, in my view, civil rights legislation, equal to passing environmental protection legislation, equal to making a leap forward for the benefit and welfare of all Americans.

And I guess my question to you, and I don't want to tailor what you want to share with us tonight, Congressman, but I do just want to see if I could get your views on why, for example, the Washington Post reported that the Nation's largest insurers, hospitals, medical groups, have hired more than 350, 350 former government and staff members and retired Members of Congress in hopes of influencing colleagues in opposition to health care reform to the tune of about 1.4, I'm reading now, I was going from memory before, \$1.4 million a day. Why would they do such a thing, unless they thought that this was a reasonable cost of doing business?

Does the Congressman have any views?

I yield to the gentleman.

Mr. JOHNSON of Georgia. Thank you Congressman ELLISON. And I want to also recognize my great freshman colleague, when we came in—now we're all sophomores—Ms. DONNA EDWARDS, who's been a real champion on this, as you have, Mr. ELLISON.

And Mr. Speaker, I just want to respond. It is a civil rights issue. It's just not racial. It is a matter of demographics. It's a matter of who has insurance and who does not. And you'll find, looking at it, you'll find that most poor people and most, at this point, I would venture to argue, middle class people have no health insurance coverage.

And so the question is, after spending \$780 billion in a Wall Street bailout, do we have the will to handle and to address this civil rights issue that is so fundamental to our country?

And to me it's mind-boggling. We just heard reports of Goldman Sachs hitting the jackpot for \$3 billion in profits over the last quarter, of the taxpayers' money. And people want to know, well how much does this health care plan cost?

Well, I'm going to tell you, it's going to cost us a whole lot more if we do nothing, like my colleagues on the other side, if we do nothing, it's going to cost us a whole lot more. You know why? Because health care costs are going to continue to skyrocket through the roof.

In 2005, a study by Families USA and the Center for American Progress showed that the cost of treating the uninsured added \$330 to the average individual plan in Georgia, and \$900 for the average family plan. That's close to \$1,000, Mr. Speaker, every year. And high costs are what block access to health care because people don't have the insurance coverage to be able to become healthy individuals.

And certainly, for our economy, Mr. Speaker, we can't have a majority of the people in this country sick with

some kind of a chronic illness that, if left untreated, will kill them, and that, if there were preventive measures to keep those chronic diseases from happening, or if there were some treatment regimens to address and arrest these chronic diseases, then you would find that the American people would be ready to, our children would be ready to, go to school and learn and become great individuals who carry our economy into the 21st century. And that's simply one of the items that we're addressing here.

Are we going to just continue to do business as usual, tax cuts for the rich and famous and wealthy, as is advocated by my friends on the other side? Are we going to continue to do that?

We see where that has left us. We see where we are now, and we're in a bad situation.

□ 2030

And so we've got to take some important steps to address it, and people didn't—the same folks who supported the Wall Street bailout, now they're talking against our investing in the lives of people in this country who should be in a position to save us money by having—everyone having health care, that demand will drive down expenses in and of itself.

Mr. ELLISON. So I thank the gentleman.

If the gentleman yields back, I just want to do a very quick update for the folks who may have just tuned in. We're talking about health care reform tonight with the Progressive Caucus, and the health care reform must include guaranteed eligibility. That means no American will be turned away from any insurance plan because of an illness or preexisting condition.

The bill also includes comprehensive benefits. This is what we need to have. This is what the bill offers: affordable premiums, copays, and deductibles. Participants will be charged fair premiums, minimal copays, and subsidies of families who do not qualify for Medicaid or SCHIP but still need assistance.

What this bill calls for—and I think it's important, and I hope my colleagues agree—is to try to make this thing simple so that people can get a grip on it. The path to health care for all, under the proposed bill, what would happen is under these three bubbles, if you have employer-based health insurance now, you will be able to keep that, but you will have certain things that control costs, including no more discrimination for preexisting conditions, no discrimination for gender, for issues like that.

Also medical-loss ratio, 85 percent, so that at least 85 percent of the premiums must go to patient care. People who have public programs now such as SCHIP or Medicare or Medicaid can keep their program if they qualify. And there won't be much that they have to worry about. It will be pretty much how it is now.

But then there will be this exchange which is new. And who will qualify for the exchange? People who are the uninsured—individuals and small businesses. And they will be subsidized for up to 400 percent of the poverty level. And within this exchange will be a public plan, and there will be private plans which have standardized benefits which they will have to compete for and will drive down costs.

The fact is, it's not complicated. It's not that difficult. Of course, the bill has a lot of pages because there are a lot of things to consider. But the fact is that this is not a difficult thing, and we're going to be working to make sure people understand it.

I would also like to just mention that change is necessary. Change is necessary, and there will be some pay-fors. The fact is only 1.2 percent of American households will have to pay the American surcharge for health care reform. That leaves about 98 percent of American households who will not pay any surcharge.

And people who are blessed to be at that top, tip-top part of the income scale, I really believe, as good Americans who care about their fellow countrymen and -women, that they would not mind helping to cover the costs of health care. I think it's an act of patriotism, and I think it's a good act of social responsibility to say that if we, the top 1.2 percent, have been able to benefit from the massive tax cuts that have benefited this group of people over the last number of years, that now that the country needs health care insurance, now that it's not given up a substantial part of their income, that they would be able to contribute this.

But I think it's important to talk about the fact that under this bill, a family making up to \$350,000—which is a pretty good amount of money—in adjusted gross income will not owe any surcharge at all. And a family making \$500,000 a year in adjusted gross income will contribute about \$1,500 to help reduce cost and provide access to affordable health care for all.

The fact is it's important to try to keep on talking about what the bill calls for so people will understand it.

We've been very fortunate to be joined by JOHN HALL, who is out front on nearly every progressive issue. Let me welcome the gentleman and yield to him so he can get in this conversation.

Mr. HALL of New York. Thank you and your colleagues for spreading the word about this health care plan, which will include, for the first time in the United States, a public plan, a public option, a patient option, as some call it, so that all Americans will have access to some kind of coverage.

I just wanted to follow up on what you were just saying in terms of what a family of making, say, adjusted gross income of half a million dollars a year will be paying. It's important to recognize that the average American family is already paying an estimated \$1,100 a

year in extra premiums to cover those 47 to 50 million uninsured who walk into emergency rooms, walk into trauma centers with the flu or where the child is sick or with a sprained ankle, something that should be handled by primary care physicians. But because they don't have health insurance, they go to the ER instead, and those bills don't get paid. And the costs get spread over the rest of the population, and all of us wind up with higher premiums as a result. We're paying more than any other country in the world.

In fact, 16.2 percent of our GDP is going to pay for health care, but we're not getting the best results. We're not at the top in terms of lifespan. In terms of infant mortality, we're not even close to the top. And I think that it's also important to realize that, first of all, this plan is still being tweaked. The bill is still being worked on.

There are those who have questions about one aspect or another. I'm particularly, in my district, concerned that small businesses be protected as well as possible. Although many small businesses have come to me, including the chambers of commerce in my district have come to me and said the number one issue for their member businesses is health care; the cost is spiraling out of control, the cost of providing health care to their employees. They want to do it. They're just going to be broken by doing it.

But the other question I hear is, well, a couple of things. I hear some people say, and they've heard this from TV, from the ads that are running already against this, I don't want the government between me and my doctor. Well, neither do I. But I also don't want your insurance between you and your doctor, and that's the situation we have now.

People say, I don't want rationing. We already have rationing. People say, I want to have my choice of doctor. You don't. If you have an HMO, they give you a list of doctors, and if you're not in the system, you know, you wind up paying for yourself and filing for reimbursement. And good luck, it won't be the same rate if you do get it at all.

But the main myth that I would like to dispel is the idea that the government can't run a health care program well. This isn't going to be government-run health care. It's going to be a standard set of plans, the exchange into which any business or any individual can go and choose from among private choices, and one of those choices will be the public option.

But just think about our military, for instance. All of the many members of the military and folks I know who work at West Point, which is in my district, are covered by TRICARE. TRICARE is a single-payer, government-funded, one-source health care plan. Same goes—Medicare is another one, and the Veterans Administration. There are certainly problems with veterans getting into the system. Once they're in, they're very happy. Matter

of fact, don't talk to a veteran about taking away their VA care because most of them, once they get that card that's so portable—it goes anywhere in the country. Their records pop up instantly on computer.

So, there are several examples already of—my parents are quite happy with their Medicare coverage. They buy supplemental sometimes if they need it, and that option would be available under the bill that we're talking about.

But I mainly just wanted to thank you and add my voice to the chorus of those that are saying it's time for this change to happen for us to join the rest of the G-20, the rest of the industrialized, developed world in having some kind of universally available, accessible health care.

Mr. ELLISON. Now let's hear from the Congresswoman from Maryland, Ms. EDWARDS.

How do you react to these claims?

Ms. EDWARDS of Maryland. I thank the gentleman.

I was listening to my colleagues, Mr. HALL and Mr. JOHNSON, and I want to say particularly something about that the critics charge that we don't want government running health care and government is going to choose your doctor.

I grew up in the United States Air Force. My father was in the military. So when we were young children and had to get health care coverage, we called, made an appointment, got the tonsils checked, got whatever medication was needed and went home. We saw primary care physicians. It's a government-provided system.

My father on his retirement was in the VA system, got excellent coverage through the VA system. My brother retired from the United States Air Force, excellent service and care through the VA system. Those are government-provided systems. Medicare. Medicare is one of the most efficient health care systems that we have.

And so what are we talking about here?

The critics can say what they want, but they know that when it's Medicare or veterans' coverage or coverage through these systems that people get quality care, that it's low cost, that it's a very efficient system.

Now, do we need to make some changes and tweaks? Absolutely. And you know what? In this bill that we are going to be voting on, those tweaks and changes are made to Medicare, to reform it so that it actually saves taxpayers money.

So I just thank my colleagues for pointing out that while government can provide the mechanisms for health care, you still get to choose your doctor. Under a private system, you choose your doctor. Under the public system, you will choose your doctor, and then you can decide what works best for you. And that's the beauty of this.

For people who believe in the marketplace, they need to believe in a public plan option because the public plan

option is all about making the marketplace work for the American people, making it work for health care.

So I thank my colleagues because I think that we are going to do something very special for and with the American people, and at the end of the day, we will celebrate because all of us will have quality, affordable, and accessible health care.

And as I close, I want to say to the gentleman, as well, that quality and affordable and accessible health care can't be just for that top 1 percent. It has to be for the other 99 percent. And the same choice that I get here in the United States Congress for my health care where I can look at an array of plans and make a choice we want to deliver to all of the American people.

Mr. ELLISON. I thank the gentlelady for yielding back.

Let me now go to the gentleman again from Georgia. And I actually have a question I would like to pose to the gentleman, although the gentleman will talk about whatever he wants.

And the question that I would like to pose to the gentleman is: Is this thing that we're embarking on, this health care reform plan which includes the public option, historically, is this a small thing or is this a big deal? Is this a time for rejoicing? Is this a big moment in history that people should be excited about?

I yield to the gentleman.

Mr. JOHNSON of Georgia. Like I said earlier, to quote you, this is a civil rights issue, and 100 years from now people will be looking back and seeing what a fundamental change in the delivery of health care in this Nation was accomplished by the 111th Congress.

And so we cannot continue as things have gone in the past—17.7 percent of Georgians do not have health insurance, and those that do, their premiums have increased 88 percent since the year 2000. This is a big number that cannot be sustained, Congressman ELLISON, and we just simply must do what is right. And I will feel proud about being on the right side of this issue, along with my fellow Members of the Congressional Black Caucus.

You know, we've got rising bankruptcies across the Nation; 62 percent of those involve medical bills that have resulted from a catastrophic illness or even just—not even catastrophic, but an illness, and more people going into bankruptcy because of this. Bankruptcy courts are overwhelmed with new bankruptcies.

I would like to also address this issue of small businesses. As small business is defined by the broadest definition, which means basically any individual with as little as \$1 of small business income, those people will not be impacted by a health care surcharge whatsoever. In fact, 96 percent of small businesses will not have to pay any surcharge at all, and those that make basically \$250,000 or less, they won't pay anything.

□ 2045

If you make over \$250,000 in payroll, then you would have, I believe it's \$500, those employers who don't offer health insurance would have to pay about \$500 per year, and it goes on up. The folks that make \$1 million or more would sustain a responsibility of—it's close to \$1 million a year, like \$900,000 a year. If you have payroll, you're going to pay that much.

And so those are the same folks who got the tax breaks back in 2001, a cut in their capital gains taxes with more spending in this Congress by my colleagues on the other side of the aisle which caused the humongous deficits that we are experiencing today, and we have nothing to show for them except for the people suffering.

Mr. ELLISON. I want to thank the gentleman. Again, this is the Progressive Caucus coming with our weekly progressive message on the floor tonight with three progressive leaders who have been speaking up for health care reform.

Let me turn now to Congressman HALL for a moment. We've only got about 10 minutes left. So I'd like to see the three colleagues share this time equally, and I don't need much time to close, but I'd like the public to hear, Mr. Speaker, from these three leaders in our Congress, and I guess I will just hand it right on over to Congressman HALL.

Mr. HALL of New York. Thank you, Congressman ELLISON, and I'll just tell you a brief story about my mother who was on a trip to the Slovak Republic with my dad and my brother, the priest, going back to see her great grandparents' hometown. And she's a very friendly person, talkative, and as she was leaving a restaurant one night, she turned around to say good-bye and thanks in Slovak—by the way, the language came back to her when she was there—and she tripped and fell down the stairs of this restaurant and broke her right femur just below the hip. And it was too much pain for her to get on the airplane and fly back to the United States and have her leg repaired here.

So she went into a hospital in a little town in what was Czechoslovakia back when her relatives lived there and now is the Slovak Republic, a post-Soviet country that we think of as a backward nation. Probably most Americans who think of the Slovak Republic think of a backward nation.

She went in the hospital, spent 2 weeks, had pins put in through the marrow of her leg to hold the bones in alignment, plate put in the side of it, screws put in. It's an elaborate operation. Spent 2 weeks in the hospital, and at the end of that time, my father went down to the office of the hospital and asked if he could pay the bill because they were leaving to get on the plane to go home. And the administrator said, What bill? Send us a postcard, tell her to do her exercises, and have a good trip.

Now, I'm not sure that we're going to be able to do that, certainly not for,

you know, every visitor to this country, but we ought to certainly try to do that for our own people, for those who can't afford it. For people who can afford it, they can pay for it. The people who can afford the insurance, they can buy it. For those who can't afford it because they're living at or below the poverty level, then we have found ways and are still addressing ways to fund that.

But for the first time in this country we will do what Israel, Canada, the Slovak Republic, Sweden, Holland, France, Taiwan, you can read on the list of all our allies and all of the industrialized developed countries in the world what they do for their citizens and that is make sure that every one of them can go to bed at night and have that certainty, not worrying that they or their children might get sick or injured and not be covered by some kind of health care.

Mr. ELLISON. I want to thank the gentleman, and that was a very important story for us as we wind down, and now I turn to the gentlelady from Maryland, Congresswoman EDWARDS.

Ms. EDWARDS of Maryland. I thank the gentleman for yielding.

You know, each time Mr. HALL has spoken, he reminds me of something else, and I have to tell you, I, too, left my appendix in Spain in a clinic, but I didn't get a bill. Now, that is not what we're doing here, but we are doing something really important for the American people.

And I believe that the strongest health care reform that we can pass out of this Congress also embraces a robust public plan option that gives people choice, that's competitive in the marketplace, a bill that makes certain that we don't have exclusions for pre-existing conditions like domestic violence or any other so-called preexisting condition.

And so I think that, in order to meet the test for real reform, we have to have a system in which patients choose their doctor, doctors and patients choose their care, and insurers and government bureaucrats alike stay out of those decisions.

And so I say to the American public, we're ready to cast a vote for real reform, and so let's bring on the choice, let's bring on the competition, and let's bring on the care for patients.

Mr. ELLISON. I thank the gentlewoman, and let me yield to the gentleman from Georgia.

Mr. JOHNSON of Georgia. I thank Congressman ELLISON.

We're having or they are having a TEA party outside one of my district offices on Friday, and I would venture to speculate that many of those people who will come don't have health insurance or recently lost their health insurance and they are frustrated. They feel like this is going to cost them some money, but actually, when you stop and think about it, some folks have only the choice of going into the emergency room when their illness becomes so dire that the family makes

them come, and that's the only health care that they have.

But with this bill, with a strong public option, those folks will be able to choose whether or not to be enrolled in that program or not. And if so, then they will get coverage for their medical throughout their lives. And that's exactly what we need in this country because this plan that would enable a public option will keep the insurance companies honest because it will be competitive, and so we're talking about lowering the cost of health care, taking some of that 88 percent of health insurance, rising cost, off the backs of the middle class.

Mr. ELLISON. Well, let me thank the gentleman, and let me remind everybody that this is the Progressive message, the Progressive Caucus coming together; and I just want to leave us with this.

Mary from Minneapolis says, My daughter needed her wisdom teeth out. At the time with insurance we were told to pay \$375 and we did. Then we got billed over a thousand. Resubmitted, eventually the amount was reduced to 750. In the meantime, my husband had no paycheck.

Her second story was, she had calcium deposits in her back which make it difficult for her to walk, and yet she's having to delay her treatment until such time that it gets to be an emergency.

There are health care nightmare stories all across America. This Democratic Caucus is hearing the cries of the American people and bringing forth reform, with a bill that includes a robust public option, will stop people being dropped and denied for pre-existing conditions; and we hope, Mr. Speaker, that people all over America talk about the fact that hope is on the way, change is on the way.

And I'm looking forward to pushing green on this bill, just like my colleague from Maryland talked about, feeling good about this change that's coming. Not that we don't have some tweaks to do, but, hey look, any tweak is nothing compared to the hope that this bill represents to the American people.

So, Mr. Speaker, I want to thank you and the Congress.

#### LIFE AND THE HEALTH CARE REFORM BILL

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Louisiana (Mr. FLEMING) is recognized for 60 minutes as the designee of the minority leader.

Mr. FLEMING. Mr. Speaker, we're going to be spending the next hour, I and my colleagues are going to be talking about issues that are really on the forefront right now of debate.

We've been talking for weeks and will continue to talk about health care reform; but as these bills are rolling out of committee, we're learning new facts

that are, I think, disconcerting to many of us, particularly those of us who are of the pro-life persuasion. So we're going to be talking this evening about the subject of life. We're going to be talking about abortions, preventing abortions, the up and down and the frequency of abortions. We may even get into end-of-life issues because all of these are relevant, of course, to what's going on with the health care debate today in Washington.

I want to start out with the first slide and notice it says from 1973 until the Hyde amendment was passed in 1976, Federal taxpayers were paying for 300,000 abortions per year, even though abortion was never mentioned in the original Medicaid statute. Think about that. There was no provision for abortions to be paid for under the Medicaid statutes, and yet 300,000 abortions per year were being provided, all at taxpayers' expense. How can this happen? How can this happen in America where something is being paid for, something that is unconscionable for, at least today, over 50 percent of Americans, and yet it's paid for by taxpayers?

You know, it's interesting in the abortion debate, some of us are definitely against abortions. We call ourselves pro-lifers. There are those who are in favor of abortions. They, of course, call themselves pro-choice. But the interesting thing about this matter, many of those who call themselves pro-choice actually say that they would like to see fewer abortions, perhaps even no abortions if it could be done, even though they would prefer that there not be a law against that. In fact, a recent study showed that 69 percent of Americans are against taxpayer-funded abortions.

So you have many different issues here. You have whether or not there should be abortions in the first place. You have the issue of those who even want to leave it to the mother would rather not see abortions, and then many Americans who really see no problem with the taking of life, don't want to have to pay for it, at least not through their taxes, of course.

But you know, it's very interesting that, again, from 1973 until the Hyde amendment was passed, there were 300,000 abortions per year. In 1976, something very interesting happened. The Hyde amendment was attached to an appropriations bill, and it prevented any further taxpayer funding of abortions except in the unusual case such as rape, incest, the health of the mother, of course; and we've seen a tremendous dip in the number of abortions. And, again, this slide illustrates the fact I mentioned a moment ago, 69 percent of Americans oppose taxpayer funding for abortions. That's a vast, vast majority of Americans.

We go to slide three. Abortion advocates are using health care reform to advance a hidden agenda. And here's a quote from Wendy Chavkin, who's former board chair of Physicians for Reproductive Health and Choice, obvi-

ously a pro-abortion advocate. She says, Public option—and that's referring to the current bills that are before us today, that is, the option of choosing a public plan, a government-run health care system—public option is key to the health reform, and using medical standard of care in language, instead of listing reproductive services that will siphon off votes, is key to this.

□ 2100

And what is she referring to? Well, if we talk about reproductive care, that of course implies reproductive services, including abortions.

Well, if we just leave it to the medical standard of care and let someone else define that standard of care, then what we really end up with is a standard of care out there that can be dictated to all that means, of course, abortion services.

So, really, what are we getting to in this entire debate and discussion? We're going to be getting into the weeds here in just a moment with my colleagues. But the bottom line is that if, according to the courts and according to the rules that can be provided by the administration, if abortion is not explicitly excluded under taxpayer funding, under Medicaid, any kind of single-payer, government-run health plan, if it is not specifically excluded, then it is included. Let me repeat that. If it is not explicitly excluded, it is included.

What does that mean? It means that it is a de facto mandate. The courts over and over have judged that if Congress does not say it's not to be paid for, it is considered a standard of care and therefore will be covered.

Again, I want to give you another quote here from the National Abortion Federation, which, "supports health care reform as a way to increase access to comprehensive reproductive health care, including abortion care for all women."

So, you see, the pro-abortion people are using this to advance their own goals, and that is to get the number of abortions back up again. I don't understand how that is in any way a desirable goal, but it's obvious they're doing that.

So what we're seeing here is a history that the more accessible abortions are—that is the easier they can be provided, and certainly for free without any costs—the fewer barriers there are, the more abortions there are going to be.

Now I have a quote from Barack Obama, our President. He says, Well, look, in my mind, reproductive care is essential care, basic care. So it is at the center, the heart of the plan that I propose. Insurers are going to have to abide by the same rules in terms of providing comprehensive care, including reproductive care that's going to be absolutely vital.

It's very clear where our President is going with this. Again, between the judicial branch and the executive

branch—the judicial branch, of course, in courts—again and again saying if Congress does not exclude it, it is included, and then a President who feels very strongly that it should be included, then it's going to be there unless we do our job and we amend this bill and exclude it. It has been attempted on the Senate side and failed. And certainly we're going to try.

This bill, of course, equals the largest expansion of taxpayer-funded abortion in history. In fact, I would say that it stands to increase the number of abortions greater than any time in history since *Roe v. Wade*. So we're really on the edge of another giant leap in terms of abortions.

I'm going to end my originating comments here with this, and that is many of you may recall when our President was asked, When does life begin? And what was his response to that? He said, as a candidate for the President of the United States, he said, Well, that's above my pay grade.

Well, I ask rhetorically, What is a higher pay grade than being the President of the United States? If he can't decide when life begins, then who do we go to? And that's going to be perhaps a matter of debate tonight.

I'm a physician. I can say very clearly and without hesitation that life begins at conception. It's a biological truth. It's biological fact. There's no way to argue around that. Many have tried. Some say that, Well, it's at the point of viability. But that, of course, is a moving target. Babies are surviving younger and younger in gestation.

So, as we go forward in the debate tonight, we certainly want to include all these issues relative to abortion.

My colleague JOE PITTS, Congressman PITTS, who has been at the forefront of the abortion debate for many years, really brings a lot of experience to us tonight. I want to recognize the gentleman and certainly give him the opportunity to use as much time as he may desire.

Mr. PITTS. I thank the gentleman. I appreciate your overview and scheduling this hour over this so-called health reform and the abortion connection because this health care reform plan contains a hidden abortion mandate that the American people don't even realize is there.

It will mean that health care insurers will be forced to cover abortions. It will mean that taxpayer money will be used to subsidize abortions. Both a mandate and a subsidy against the moral objections of millions of pro-life Americans under the proposed health care reform bill which we're considering now in the Energy and Commerce Committee, on which I sit. And we began opening statements today. We will begin markup tomorrow. And it will continue next week for 3 more days.

Virtually under this bill every individual would be required to have health care that meets what they call minimum benefit standards.

Now, the bill does not design these minimum benefit standards, but instead it establishes a new government health board called the Health Benefits Advisory Committee. This committee is chaired by the Surgeon General and, in concert with the Secretary of Health and Human Services, will issue binding decrees on what is and is not considered a minimum Federal benefit standard.

There is absolutely no doubt, as the gentleman from Louisiana stated, that this process will result in mandated coverage of abortion, along with Federal subsidies for such coverage, unless Congress explicitly excludes abortion services.

When talking about health care reform, the gentleman mentioned President Obama himself stated that reproductive care is essential care, basic care. And Secretary Clinton just recently clarified that, "Productive health includes access to abortion."

History has demonstrated, as he pointed out, that unless abortion is explicitly excluded, administrative agencies and the courts will mandate it. We have seen this time and time again. The Federal Medicaid statute was silent on the issue of abortion, but the administration and the courts deemed abortion on demand to be mandated coverage. And, as a result, over 300,000 abortions a year were paid for with taxpayer funds before it was stopped.

In 1979, Congressman Henry Hyde asked the Indian Health Services where they found their authority to pay for abortions. They responded, "We would have no basis for refusing to pay for abortions." In both of these cases, explicit exclusions had to be added to ensure that taxpayers would not have to continue to pay for abortions.

And so every year when Labor and HHS that covers Medicaid is adopted, we have to adopt the Hyde amendment. It's an annual event.

Under this bill, any individual who does not have a plan that meets the minimum benefit standards, they will be forced to pay an additional 2½ percent penalty. Tax penalty. Any employer who does not provide coverage to his employees that meets these standards will pay up to an additional 8 percent tax penalty.

And so that means all premium payers and taxpayers in America who do not want a plan that pays for abortion will be penalized for it. In addition to mandating this coverage for abortion, the bill will also provide massive subsidies for abortion.

The bill both authorizes and appropriates funding for premium subsidies. So we won't have to appropriate money in the future if we pass this bill. And without explicit language to clarify that taxpayer dollars cannot and should not fund abortion, massive subsidies for premiums and cost-sharing will be used to pay for abortions against the moral objections of, as I have said, millions of pro-life Americans.

The issue here is simple: Americans should not be forced to have their tax dollars pay for abortion. And that's why I'm going to offer amendments in the Energy and Commerce Committee in the markup to eliminate the mandate, to eliminate the subsidies, and also to keep the bill from preempting State laws.

This bill is basically an end run to establish FOCA—Freedom of Choice Act. All the pro-life community knows what that is. This bill would preempt all State laws that would interfere with this bill and access to abortion.

We should not be forced to be unwitting participants as the abortion industry uses this law to mainstream the destruction of human life into Americans' health care industry. Health care is about saving and nurturing life, not about taking life. Abortion is not health care. And this bill seeks to establish that.

The majority of Americans, as was pointed out, do not support public funding for abortion, use of their taxpayers dollars for abortion, and they should not have this abortion coverage forcefully thrust upon them.

And so with that, I thank the gentleman for scheduling this hour. It's very important that we alert the public as to what is coming down the pike in the next couple of weeks so they can get involved and express their views to their Members so that they reflect their views here on the floor.

Mr. FLEMING. If the gentleman would allow, I'd like to ask a question. Congressman PITTS, are you saying then that perhaps the other side of the aisle, the pro-choice or the pro-abortion folks, are really piggybacking onto a bill that has nothing to do with abortion in order to reach their goals, their aims that they perhaps have been trying to attempt for many years?

Mr. PITTS. They know, in response to the gentleman, they know that if the bill is silent on the issue of abortion, they will control who's appointed to the Benefits Advisory Committee. And they have expressed their intent, from the President on down to all the organizations who have lobbied for this health care bill, that they intend that abortion will be a basic essential service.

And so they're relying on that advisory committee, on the Secretary of Health and Human Services, on the courts, on the administrators to guarantee that this will be provided. Friends, this is the big battle for our time. This is the greatest civil rights issue of our generation. And if we lose this battle, it's over.

Now is the time for all citizens to weigh in if they don't want their tax dollars used to set up this massive abortion scheme that's coming through this bill.

Mr. FLEMING. Well, I thank the gentleman for his comments and certainly will be happy to discuss this further as we go along this evening.

Again, I want to underscore and emphasize the comments here that, as the

gentleman says, abortion is not health care. In fact, I would say the taking of innocent life is not health care. In fact, as a physician I have a sworn honor not to take life, of course unnecessarily, and certainly innocent life; only to do so if it of course protects other life, such as in the case of perhaps an ectopic pregnancy, if you will, or a mother who's bleeding to death. When there's no viability of the fetus or the embryo to begin with, that's a life-saving measure.

But elective abortion—that is what this is. That is not health care. That is taking innocent life. And there is no way—in as many ways as we have tried to debate this, no one has ever been able to come up with a solid response to that argument that killing the unborn baby at any stage in life beyond conception is and always will be the taking of innocent life.

□ 2115

Well, this is an extremely interesting debate. I want to turn to my friend from the Corn State of Iowa, STEVE KING, Congressman KING. I know he is itching to add some very important comments, so I yield to my friend.

Mr. KING of Iowa. I thank the gentleman, the doctor from Louisiana, for organizing this Special Order this evening, and I thank my colleagues who have come to the floor to stand up for life and to make this argument, Mr. Speaker, before the American people tonight here on the floor of the House of Representatives.

I think, first and foremost, Dr. FLEMING made the point of this profound question, of this question about: When does life begin? It's a question that I will not hear answered from over here on this side of the aisle where we find so many people who are promoting the idea of compelling all Americans, including pro-life Americans, to fund abortions in this country under all circumstances and also in foreign lands. Many of those votes have gone up on this floor.

I'll lay out how I deal with this from time to time when I've gone into a school auditorium to visit with students and when I've had the principal hand me the cordless microphone and say, 'They're yours for 50 minutes or for whatever time there might be.'

In that conversation, I'll ask them to ask themselves two questions. I'll say, 'You're young people, and you're establishing your principles and your values for life, and these are profound questions that you'll be asked. So the first question I'll ask is:

Is all human life sacred in all of its forms? Do you believe in the sanctity of human life?

They'll look at each other a little bit. Some will understand it instantly, and some of them won't understand it at all, and for others, it will soak in a little bit. Then I explain it:

Is your life sacred? Is the life of the person next to you sacred? Are the lives of your families, of your brothers,

of your sisters, of your parents, of your aunts and your uncles, of the people in your classes, and of your closest friends sacred? Do you believe in the sanctity of human life?

They come to a unanimous position. They look around and say yes. They realize that their families, their friends, their neighbors—that every human life on this planet is a sacred, unique creation from God. When they come to that conclusion—and it's always unanimous in the gymnasium or in the auditorium or wherever it might be—then I ask them:

Now that you've answered the first question of whether you believe in the sanctity of human life and now that you've all said "yes" and "amen," the next question then is: At what instant does life begin?

Dr. FLEMING has said, and I agree, that life begins at the instant of conception and that you have to choose an instant because, otherwise, it's a moving target, and otherwise, it's guesswork with sacred human life. So it's throughout that 9 months of gestation, and it came to me this way:

When my first son was born, my first child, I held him in my arms, and I just looked upon a miracle, and I thought, How could anyone take this child's life at this moment, at this moment shortly after his birth? But then I asked myself the question, What is unique about this? What would be different about his life the moment before he was born? He's still a child. He's still a unique creature from God. So I just quickly rationalized back through that period of time of those 9 months that he'd been forming, and there is no instant there that you could pick as the time and say, well, he was a human being, a sacred human being at this point, but not a moment earlier. So you have to choose an instant that life begins, and the only instant that exists in the whole process is at fertilization, conception.

So I asked those students then another question, which was: What if someone walked by the door to this gymnasium, which was full of these students, and stuck a gun through the door and looked the other way away from them and pulled the trigger and ran down the hallway and the security people chased him down and captured him outside and cuffed him? Now you'd all be safe except for what might have happened.

Did he kill somebody or didn't he?

They looked at each other, and they said, Well, we don't know. I said, That's my point, but if there is a dead body in the gymnasium, he killed somebody. Whether he knows or whether you know, it's still a fact, and he's still guilty of murder, of premeditated murder.

So it isn't a matter of saying, Well, I don't know for sure, so I'm just going to go ahead and err and have an abortion. It's a matter of that precise line and of thinking of that precise moral question. I'm not casting aspersions or

blame or guilt on anyone. I'm just asking young people to think about this. I'm asking adults to think about this. I have never found anyone who I've debated this issue with—and there have been many—who can respond to those questions. If they're asked the first question—is human life sacred in all of its forms?—and if they say "yes," as we all do, then there is no escaping the fact that that human life begins at the instant of conception. That is at the core of this debate.

Here we have a Congress that seems to have political power and support and campaign contributions that flow into the coffers of, at this point, a majority of the Members in the House of Representatives. I've watched Members gravitate towards their power base and put up the votes that flatter the people who show up at their fund-raising events.

I will never forget the night we had the vote here in early 2007 on the Mexico City language. The gentleman from New Jersey, whom we'll hear from in a moment, offered that amendment. I was over about that far back, and as CHRIS SMITH said, We won the debate and we lost the vote. Over on this side, there were 30 or so who were jumping up and down, clapping, cheering and hugging each other. If I'd been closer, I could have told you whether they'd had tears of joy, but they were elated that they had defeated our effort to block Federal funding for abortions in foreign lands.

I looked at that, and I thought, How could anyone have it in his heart to exhibit such joy at funding abortions and at the end of life of innocent babies in foreign lands? First, I don't think that was their joy. Tonight, I did. As I think it over, no, it was more that they believed that they had landed a blow against the political opinions of the people here of most of us on this side of the aisle and of about a good 30 profilers on the other side of the aisle. Political opinions? These are profound, deeply held moral convictions that are tied and rooted in our religions as well. That's what this discussion and this debate are about.

When I see language that comes out that sets up, essentially, a mandatory national health care plan that has no exemption in for abortion or for the funding of abortion, if it's not an explicit exclusion, as the gentleman said, then we know by deep and long experience that there will be federally funded abortions.

By the way, I don't believe there's a conscience clause in all of these hundreds of pages in the bill either, and President Obama would not allow a conscience clause. He has opposed that along the way. He has appointed as his Office of Legal Counsel a young lady who has been a strong advocate for abortion and who has argued a number of cases for the National Abortion Rights Action League. It looks like the Senate is poised to confirm a justice to the Supreme Court who has a fairly



significant record in advocating for or in coming down with decisions that enable more and more abortions.

We need to draw a bright moral line. Laws that we pass in this Congress are laws that are rooted in the moral foundation of our people, and if we see that 51 percent of the people in America characterize themselves as pro-life—and that's the number that we're looking at here tonight—and if you slice and dice that and if you go on up the line and if you define "pro-life" as, maybe, someone who makes an exception for the life of the mother and then as someone who makes exceptions for rape and for incest and maybe as someone who makes an exception and says we should not do partial birth abortion, you get almost up to 100 percent. Hardly anybody believes that you should take a baby who is almost born and draw their brains out while they're struggling for life. We put an end to that in this Congress, and it was a struggle to do so, and it was twice before the United States Supreme Court.

I've seen numbers that take us all on up into the 70th and higher percentile of self-professed pro-life people, depending on how you define it. Yet when we have 69 percent of the people in this country that argue you should not use taxpayers' dollars to fund abortions—and certainly I'm among those, and I think we're unanimous in that—that is big debate. It's a profound debate. It goes to the heart of the moral core of the people of the United States of America. I am grateful that the gentleman from Louisiana, who has demonstrated a lifetime as a practitioner in the health care industry and who understands this clearly, has brought this issue to the floor, and I stand united with you.

I yield back.

Mr. FLEMING. Mr. PITTS.

Mr. PITTS. I want just to highlight something that the gentleman from Iowa said. I think this is really a good way to explain it.

When does a baby's life have value?

Now, we know no one in this Congress would kill a 1-month-old baby or a 2-week-old baby, but if you could make life a line and put that dividing line at birth, what makes a baby that is 2 weeks old any more valuable than a baby who is 2 weeks before birth? What makes a 1-month-old baby any more valuable than one who is a month before birth? What makes a 3-month-old baby more valuable than a 3-month premature baby? If you go back on that line, when on that line does this baby's life begin to have value?

Those of us who hold the sanctity of life, I think, would believe that, from the moment of conception, as a little embryo, that that small, tiny human being has value. We know that its blood type is different than its mother's. It couldn't receive a blood transfusion from its mother. It probably couldn't receive a skin graft from its mother. In fact, by about 9 to 10 weeks, 11 weeks, which is when most abortions

are done, that little baby has its fingerprints that are completely unique from any other individual's ever born. It has dream patterns on its brain waves. It sucks its thumb. If you put a light intrauterine, it will hold up its hand and will turn its head. It feels pain. It is a little, unique individual in a little life support system that is not very big, but it is certainly just as valuable as any other baby. That's why we speak up for these little ones who can't speak for themselves.

They are subject to the most gruesome, horrific procedure known to mankind. I remember the chairwoman of the Feminists for Life speaking to a group of us. She said abortion is the most violent form of death known to mankind and that abortion always has two victims—one dead, one wounded. One is the baby and one is the mother. She said an abortion breaks a woman's heart, and there are a lot of people who have suffered from this, and we need to do something about that.

I thought your illustration was really right on. It's a good way of illustrating why we're speaking up tonight for these little unborn children and for their moms.

I yield back.

Mr. FLEMING. Reclaiming my time, before I go to the gentlelady, I wanted to follow up on that, on the perspective of having unique fingerprints, for instance.

You know, at the moment of conception, that baby has a DNA pattern that is unique unto history. No one has ever had the same DNA pattern. No one ever will have the same DNA pattern, and that does make that a unique human being, but here is something else to ponder, I think:

Why is it that we think so differently about the born child versus the unborn child when there may only be a few days' difference? I've thought about this and have pondered this. It is a unique capability that human beings have, which is to dehumanize. We have the ability to dehumanize other human beings. I can give you some great examples.

Look at Nazi Germany. Millions of Jews and Poles and others were exterminated because they were not thought to be truly human, but a human cannot do this to his own species unless he thinks one is a sub-human or a nonhuman. Look, of course, at the days of slavery. How could we have the Founding Fathers of our country think in terms of freedom for all and yet enslave our fellow man? The only way to do it is to think of those people as not being human.

That is the reason that people today can abort children, even to the point of partial late-term abortion, which is to think of them as nonhumans, and I think that's something that we really have to reassess in our lives—certainly our religious values. My values as a Christian suggest that a life is a life. Think of all the George Washingtons and the Abraham Lincolns and the Ein-

steins who are being aborted every day, people who could add so much to our future.

Anyway, we have a lot to cover, and I want to thank the gentlelady from North Carolina, VIRGINIA FOXX. She is about the most hardworking Congressperson I know up here, and I always like to turn to her for valuable advice on things, so I yield to the gentlelady.

□ 2130

Ms. FOXX. Thank you, Dr. FLEMING. I appreciate you organizing this Special Order tonight and the comments of my colleagues from Pennsylvania. My colleague from Iowa and you have both been very eloquent tonight. I won't try to add a lot to the really terrific comments that you all have made, but I did want to come and lend my support to this Special Order tonight and say that I certainly share with you the horror of the fact that this bill is going to be the largest expansion of taxpayer-funded abortion in history. We spoke out against it in the Rules Committee. We've been speaking out against it for days but to no avail. And I was thinking also about what you were saying a few minutes ago about dehumanizing. I think that one of the big concerns that I have and that many people are having in the debate that we've been having with health care funding and with the attempt by the Obama administration and Speaker PELOSI to turn our health care in this country upside down, the greatest health care system in the world, to turn it upside down and have it be given over to government control is the great fear that many of us have about rationing care and the fact that we are concerned that the attitude toward abortion, which has permeated our colleagues on the other side, is going to be extended to other people in our culture, particularly to the elderly. And I agree with you. It doesn't take much to go from not recognizing the humanity of an unborn child to not recognizing the humanity of someone with a handicap or a challenge, a physical challenge, to not recognizing the worth of an older human being. I think that is a great fear that many of us have in our country.

I was thinking about the rules process. Being the newest member of the Rules Committee and going through the appropriations process for the first time, we have been protesting for the last 3 weeks the way the majority has handled rules and the way it's handled amendments. We have been closed out from being able to offer amendments that would put folks on the record for how they feel, not just about this issue, which I think is by far one of the most important issues we're dealing with in this Congress, but on lots of them. Today we had 11 amendments from our colleague JEFF FLAKE. I voted for every single one of those amendments because it cut pork-barrel spending and earmarks. However, the argument from our colleagues on the other side is that



there isn't enough time to have an open rules process because they want to get through appropriations right away; and yet if we had an open rules process, we could have put some of the amendments that have been put together by you, Congressman PITTS and others—one dealing with access to abortion, for example. Again, we know that this bill that you have been talking about is going to require abortion clinics in communities that don't want abortion clinics. We know that 85 percent of communities in this country do not have them, yet this bill is going to mean that there are going to have to be abortion clinics or abortion providers made available in those communities; and the reason we were told that we couldn't offer these amendments to try to stop these things was because there wasn't enough time.

The other point I would like to make is, this afternoon the Rules Committee met; and we are going to deal with a bill that is not at all needed right now. But it's going to deal with opening up more Federal lands to wild horses and donkeys. Yet we are passing legislation that is going to result in the deaths of millions of unborn children. People are saying to me, What has happened to our country? I am frightened to death for our country and the direction in which it is going. And I think there are very few things that will point out the inconsistencies in the way people around here talk about things and what they actually do than to say, We took up the time in the Rules Committee today; and we're going to have on the floor tomorrow a rule which is going to deal with that issue about wild horses and wild donkeys; and yet we don't have the time to debate whether or not we want to take money from people who are strongly morally opposed to abortion and allow abortions to be done with our taxpayer money. So I believe the American people are waking up. I just hope they come out with a strong voice and say, This is not what I want my country to be doing.

Mr. FLEMING. I thank the gentleman for those comments. Of course very adroit, to the point, essential and important; and it also speaks to the process that we're going through in which these really weighty debates, weighty issues are being ignored and much more trivial issues are focused on here in this body. Again, we're talking this evening about the pro-life issues and the potential, if this bill passes, the ObamaCare, the single-payer health care reform plan that's coming out of the House and the Senate as well and the fact that just simply by not addressing the issue of taxpayer-funded abortions is actually allowing for them and providing for them through what is really a de facto mandate process.

With that, I want to recognize my friend CHRIS SMITH from New Jersey. Congressman SMITH has taken a point on pro-life issues so often. We have so much, of course, to thank him for in

this respect. And with that, I yield to the gentleman.

Mr. SMITH of New Jersey. Dr. FLEMING, thank you very much for your leadership. It is so reassuring in so many ways having a distinguished medical doctor like yourself leading the fight, as you have done so ably, and to have some of our other docs who are speaking out so eloquently on behalf of the most fundamental human right of all, and that is the right to life. I find it appalling—and I know you do and our colleagues who are here tonight—that unborn children and the preciousness and the innate value of their lives is so easily cast aside by this Congress, regrettably by the abortion President, President Obama, who has systematically, since he has taken office, through policy reversal, through policy reinterpretation and through legislative proposals that he has made, including one that passed today that will force taxpayers to pay for abortion on demand in the District of Columbia. And we know when that happens, there will be more abortions, and the tragedy of that is beyond words. Young boys and girls who will never taste the sunshine, never see the light of day, never enjoy the everyday happiness, joy and challenges that all of us face. Their lives will have been snuffed out, killed in a very—as JOE PITTS just said a moment ago—a violent procedure, as you know so well as a medical doctor, of dismembering a child. I hope the American people finally at long last rip away the facade, the veil of secrecy that has so enveloped the abortion issue all of these years, whereby children are hacked to death by the abortionist, poisoned, as you know so well, with chemical poisons that effectuate the death of a fragile innocent body, a little child who wants to live and yet he's killed.

Mr. FLEMING. If I might reclaim just for a moment, if the gentleman will yield. In the late-term abortions—I've never seen one, but my understanding is that a trocar is inserted into the womb, into the skull of the baby, and the brains are sucked out, among many other things. Here we are concerned about waterboarding, and yet these kinds of techniques are done on our innocent children.

Mr. SMITH of New Jersey. I would also point out that this Congress almost 4 years ago passed legislation, got 250 votes in favor of legislation that I offered, cosponsored by Mr. PITTS and many other colleagues, that basically said that unborn children feel pain. The evidence is overwhelming, at least from the 20th week on and probably before. And while this hacking maneuver, the D&E abortion is occurring, the child in that first few minutes of that gruesome, brutal decapitation—but it starts with arms and legs—suffers and feels excruciating pain. And as Dr. Sunny Anand has said, who is one of the pioneers in anesthesia for unborn children for benign reasons, surgeries and fixing children or at least helping

to ameliorate spina bifida and other problems, you have to give anesthesia to these children or they feel it. Well, the abortionist has no such concerns and brutally kills the child.

□ 2140

Let me just say a couple of points, and again, we have got to ask the questions, and Americans really have to ask the question, why the rush to enact Mr. Obama's exceedingly expensive, complex and potentially ruinous restructuring plan without the benefit of comprehensive hearings on it and a thorough vetting of the actual bill text, rushing right to a markup before the Americans can look at it and decide what are the consequences, short, intermediate and long term to the legislation?

ObamaCare, as we now are seeing so clearly, is the greatest threat ever to the lives and the well-being of unborn children since Roe v. Wade itself legalized abortion right up to the moment of birth. We have made serious, modest but serious, attempts that have passed at the State and Federal level to mitigate abortions' reach by denying Federal funding, by putting in things like women's right-to-know laws, parental notification, waiting periods, all of which have lessened and reduced the number of abortions. All of that is at risk right now with this ObamaCare recommendation.

Despite Mr. Obama's oft-repeated statement that he wants to reduce abortion, just last week he told that to the Pope, a couple weeks before that to a big audience at Notre Dame University, and he says it over and over again. Well, words should have meaning. They should have consequences and actions should comport with those words. And in this case, they are diametrically opposed. He says one thing and does precisely the opposite.

The ugly truth is that if his so-called health care reform care bill, if enacted, will lead to millions of additional deaths to children and millions of mothers will be wounded. Even the pro-abortion Guttmacher Institute has found that between 20 and 35 percent of Medicare-eligible women who would choose abortion carry their pregnancies to term when public funding is not available.

I remember when Henry Hyde was told, and it was like a revelation, the great Henry Hyde, the human rights leader, the finest orator perhaps ever in the history of this institution and the Hyde amendment author that proscribes Federal funding for abortion in the Medicaid program, when he learned that, by this extrapolation, that it was really true that millions of kids had survived because of his legislative leadership, and JIM OBERSTAR who was there that day and helped craft that legislation of the Hyde amendment in the 1970s, Henry Hyde had a big tear in his eye, knowing that there were kids walking all across America, now some of those kids, young adults, having

their own children because the money wasn't there to facilitate their violent death.

Henry Hyde and all of us who have been part of this know that because of these efforts, uphill as they are, children will survive, and mothers will avert this irreversible decision. ObamaCare opens the spigot of public funding and does more to facilitate abortion than any action since Roe, and this is the big issue. And I hope every American realizes, despite all of the cheap sophistry that is being thrown about here, what is at the core of this is an abortion promotion and the facilitation of it and spending for it.

Despite the fact that a majority of Americans don't want to fund abortion, and every poll shows that, the Obama-Dingell-Kennedy bill will force every taxpayer and premium payer in the United States to pay for and facilitate every abortion in the country.

ObamaCare will absolutely mandate abortion on demand, even in private insurance plans, which will lead to many more abortions. On April 2, Secretary Sebelius admitted that most private plans "do not cover abortion services except in certain instances." That radically changes under ObamaCare. The legislation vests new, and you have gotten into this, Doctor, new huge, sweeping powers into an Obama-appointed committee that will be crafted after the legislation is signed into law, establishing essential health benefits all plans must include.

That is the dirty little secret about this bill. They are waiting until after it is all inked and signed by the President, and then these so-called experts will say, this is what every minimum plan needs to have in it, and we have no doubt whatsoever that abortion will be in the mainstay of what they provide.

NARAL's president has said, If indeed we can advance a panel or commission, then I'm very optimistic about reproductive health being part of the entire package. In 2007, Mr. Obama told Planned Parenthood, Reproductive care is essential care, we are absolutely in favor of reproductive care. But then as Hillary Clinton said in response to a question I posed at the Foreign Affairs Committee, she said, of course, reproductive health includes access to abortion.

So they use word games to cloak and stealth it. But the bottom line is that what they are talking about is abortion on demand.

Pro-abortion organizations believe they are on the verge of the biggest expansion of abortion ever. The president of the Religious Coalition for Reproductive Choice said, Let there be no mistake, basic health care includes abortion service.

ObamaCare will also exponentially expand the number of abortion mills in this country by requiring that any insurance provider contract with essential community providers. And guess

what? Planned Parenthood, which itself does over 300,000 abortions every year, a staggering loss of children's lives, many of those children are from adolescents, young minor girls who get abortions there, often without parental notification or consent, on June 17 billed itself in a media blitz as essential community health care providers.

So they will be integrated with the health care insurance companies and a number of clinics which have dwindled and gone down over the years, as well as doctors willing to commit these grizzly acts will grow because there will be a mandate from Uncle Sam, from the White House and from this Congress if this is allowed to happen.

So I just want to say to my colleagues one last thing. In the early 1980s I was the prime sponsor of the Federal funding ban under the Federal Employees Health Benefits Program. We had a very big floor fight in this battle. We won it. President Reagan signed it into law, and the government plan that I'm in, and I suspect all of you are in, and many government employees, if not all, but most, all of a sudden did not provide for abortions.

In the first year, when President Clinton had his Presidency, and the Democrats controlled the House and the Senate, we lost that rider in the Treasury-Postal appropriations bill. The Clinton administration swung into action and ordered all of the insurance companies to carry abortion. There was no language in the bill, no pro-life language, no pro-abortion language, no language, but that meant they could order, just like they did with the Hyde amendment under President Carter in the 1970s that necessitated the Hyde amendment in the first place.

So let me say to my colleagues on the Democratic side, and perhaps those on the Republican side who haven't really gotten it yet, if there is no language in here proscribing abortion, explicit language, it will be there. The Benefits Advisory Committee will order it, and as we have found with public funding, no language equals abortion subsidization, which leads to a significant skyrocketing of abortions in this country.

We want fewer abortions. We want to affirm life and love them both, mother and child. So I thank you, Dr. FLEMING, for giving us this opportunity to hopefully alert the American people that the abortion industry is looking really, in a very quick way, in a hurry-up offense, to take the most offensive acts against children, innocent children, and with their taxpayer dollars, yours and mine.

I yield back, Dr. FLEMING.

Mr. FLEMING. Well, thank you to the gentleman, Mr. SMITH, from New Jersey, for your truly passionate, eloquent statements. It is obvious, Congressman, that you have a deep passion that sits on your heart very heavily. And it is one of the things that is deeply distressing for you and for many of us here in this body.

Just to reframe, again, what our discussion is and what we are really talking about, we are not really debating abortion. That has been debated endlessly, and everyone knows where we are. What we are debating is a tremendous Federal expansion of abortions that will occur with this bill. Why? Not because there is a single word, no language at all that says there must be, but simply from an absence of language. And what that means is, and it is because of the courts and the administration, it is just the way the law works around here, but just suffice it to say if it doesn't exclude it, it includes it. And that means that you, the taxpayer, and those paying premiums, will be paying for the abortions of others, whether you like it or not.

We are also represented tonight by another New Jersey Congressperson, Congresslady SCHMIDT, who has probably run more marathons than the rest of the body put together. And obviously her physique reflects that fact. So she has a lot to bring to us when it comes to the discussion of health, and we are really anxious to hear about that. So with that, I would like to yield to the gentlelady.

Mrs. SCHMIDT. Thank you, Dr. FLEMING.

I am actually not from New Jersey, but my husband was raised there. I'm from Ohio. And I'm very proud of that because I'm from the area where the right-to-life movement was actually born under the direction of Dr. Jack and Barbara Wilke. I'm also the Chair of the Congressional Women's Pro-Life Caucus, and I truly believe that our movement is at its best when we speak for those populations that are most vulnerable. We all believe that human life is sacred, and we are the female voices for the fight for life here in Congress.

□ 2150

Our movement has made great strides in creating a culture of life. A recent Gallup poll shows that a majority of Americans do consider themselves pro-life. And a recent Zogby poll said that 69 percent of respondents support the Hyde amendment to prevent taxpayer dollars from funding abortions under Medicaid. Most Americans, I truly believe, feel that abortion should be rare and we should be looking for ways to reduce the number of abortions performed.

Unfortunately, the massive health care bill that this House is considering seeks to take us in the opposite direction. Unless amended, this bill will mandate abortion coverage for nearly every insurance plan in America, because—as has been stated before and I'll state it again—if abortion mandates are not specifically excluded, the courts will rule that they must be included.

The coming days and weeks are the most important, I believe, for the pro-life movement since Roe v. Wade. As

our Congress, this body, takes up comprehensive health care reform, I believe we the pro-life group in this body must mobilize and ensure that our voices are heard so that our Nation's voices are heard. Because if we don't act, every American will be forced to pay for these services, whether through their premiums or taxes. Abortion rates have fallen over the last 30 years, but if we fail to act, I wholeheartedly believe we will see abortion rates skyrocket.

Health care, you know, Dr. FLEMING, and you know this all too well—you took that oath—is about saving lives. It's about providing our help, our love, our compassion, our prayers to the young women who need it. Health care reform should be about finding ways to do that better, not mandating coverage that we all agree will not do that. We should be doing things to make abortion rare. After all, everyone, including that unborn child, deserves the right to life.

Dr. FLEMING, thank you so much for bringing this to the attention of this body and of the American people. You are a great American and hopefully you will save a life because of this action.

Mr. FLEMING. I thank the gentlelady for yielding back, and I apologize, from Ohio instead of New Jersey. I'm getting my Schmidts and my Smiths mixed up this evening. Briefly in the final moments, I want to pitch back to Mr. SMITH from New Jersey.

Mr. SMITH of New Jersey. Dr. FLEMING, thank you and say to my friend from Ohio, thank you for that extraordinarily eloquent statement, as usual.

Mrs. SCHMIDT. Thank you very much.

Mr. SMITH of New Jersey. Let me just make a couple of points, Doctor. The abortion industry is seeking a bailout. This is the abortion bailout bill and it needs to be seen as that. The number of abortions are going down because of ultrasound and because of educational efforts. This would mandate private insurers to cover abortion—and public as well—expand venues, the killing centers, to do abortions.

But there's something that I would like your take on. The former director of the National Abortion Federation has said that the number of abortions are going down, also, because there are physicians who either can't or won't perform this, quote, essential service in her view. The American Medical News reported that abortion is a matter of choice in this country, not only for women but for physicians as well. All over the country most physicians are choosing not to do it. The San Francisco Chronicle has said those who run abortion clinics, even in large cities, say that recruiting doctors is now their most serious problem. To which we say, thank God that doctors are doing what the Hippocratic oath has told them and admonished them to do.

I would like your take on that.

Mr. FLEMING. I appreciate that. We're going to be running out of time

and I'm going to give you a brief response to that. When I was in the Navy, I had a friend who was an OB-GYN who specifically refused to do abortions. He said it was against his conscience. He retired and went into the local town nearby to go into practice and his practice began a little slow and soon within months he became the most prolific abortionist in town.

So in answer to your question, the reason why so many people, or those who have done it in the past have done it, it's obvious. It's money. It's a very lucrative trade. But on the other hand in the medical communities, in the communities at large, there's been tremendous social pressure against that. As a result, I think many have decided it isn't worth the money.

This has been a wonderful hour. I do thank my colleagues for visiting and adding so many wonderful comments. We could spend another couple of hours on this.

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

#### CLEAN ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. BOCCIERI) is recognized for 60 minutes.

Mr. BOCCIERI. Thank you, Mr. Speaker.

It's an honor to be in this Chamber, in this body, to talk about an issue that is so important to our country. I'm so happy to be joined by my colleague Steve Driehaus from Cincinnati, a fellow Ohioan, and my good friend and neighbor in the Longworth Building, TOM PERRIELLO from Virginia.

Tonight we're going to have a very spirited dialogue about clean energy and about the American Clean Energy and Security Act that passed this Chamber and the necessity of enacting this legislation very soon as it pertains to our national security.

With that, let me begin by suggesting this, my friends. In this Congress, we were elected to represent the people of Ohio and Virginia collectively here with my colleagues, but to represent the interests of the United States in much broader terms. And after having spent 15 years in the United States Air Force as a C-130 pilot flying all over the world, to 60 different nations, visiting places I never dreamed I would see, seeing people, meeting people I never dreamed I would meet and doing things that I never dreamed that I would do, it only takes one trip outside the borders of the United States to understand how good we have it here. And when you think about all the blessings that this country has been given in terms of the abundance of natural resources, in terms of the opportunity to write our own destiny, we are truly a blessed nation. And I say this because we find ourselves at a crossroads in our history as it pertains to energy.

Now we have 3 percent of the world's population but we consume nearly 40

percent of the world's natural resources. The United States has a very big demand, whether it's electricity, whether it's our dependence on foreign oil, or whether it's our overreliance on other fossil fuels that make this country very dependent on international geopolitical forces.

I've got to tell you, what specifically concerns me with respect to our energy policy is the fact that 60 percent of our oil comes from overseas. Sixty percent. And 40 percent comes from the Middle East, where we find our military engaged in two wars on two different fronts in a region that has an abundance of oil but a lack of democracy and a lack of attention to humanitarian interests and a democracy that works for the people.

So while we become very dependent on overseas supply of oil, we find ourselves now at a crossroads. We were elected, and we're freshman Members here, it's our first term serving in this august body, but I will tell you this, that we will be judged by two measures. We will be judged by action or inaction, and now is the time to take action for our national security, to create jobs in this country that cannot be outsourced and to make sure that we move away from our dependence on foreign oil. It's in this spirit that I look for a robust conversation about how this protects our national security.

I will yield to my colleague from Ohio.

□ 2200

Mr. DRIEHAUS. Thank you very much, Congressman BOCCIERI, and I would agree that this is about action versus inaction.

From 1994 until 2006, the Republican Party ruled the Congress. They ruled the House of Representatives, and they were at the root of the inaction. This energy crisis didn't sneak up on us. This health care crisis didn't sneak up on us. The housing bubble and the financial crisis didn't sneak up on us. We could have done something. We could have done something about our reliance on foreign energy. We could have done something about health care. We could have done something about the financial institutions. But my colleagues on the other side of the aisle, rather than act, they chose not to act. So I agree wholeheartedly that we will be judged on what we are willing to do for this country.

I have a couple of observations about the bill that we passed, and I have never seen so much information—misinformation, on a bill in my life as I saw on this one.

My colleagues on the other side of the aisle—who are chatting—were spreading rumors. They were spreading rumors about costs of \$4,000 a year in tax increases on the energy bill.

Now, I don't know about you, but I talked to my energy friends back home. I talked to my friends at Duke Power, and they suggested that the potential increases, if there are increases—and I would argue that those

increases are going to be offset by savings and they're going to be offset by job creation—but they were spreading misinformation about the cost of this bill; yet it went on and on and on and on.

And then they talked about the fact that no one had read the bill as they searched the Chamber for an amendment that sat right in front of them. Their leader came to the floor with the very amendment and went through page by page that he had earmarked, clearly having had time to read the bill.

The fact of the matter is we have been discussing our reliance upon foreign oil. We have been discussing energy for years.

Mr. KING of Iowa. Will the gentleman yield?

Mr. DRIEHAUS. No.

Mr. KING of Iowa. The gentleman made an allegation, and I would be very happy to respond to that. I appreciate it if the gentleman would yield.

Mr. DRIEHAUS. I'm talking about the misinformation.

Mr. KING of Iowa. That's what I hear, and that challenges the integrity of some of the Members. I asked the gentleman to kindly yield. It's a courtesy that's commonly offered.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOCCIERI) controls the time.

Mr. BOCCIERI. It is up to the gentleman from Cincinnati if he would yield.

Mr. DRIEHAUS. No, I won't yield. I have heard misinformation after misinformation come to this floor, and the American people deserve the truth. They deserve the truth.

PARLIAMENTARY INQUIRY

Mr. KING of Iowa. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio will suspend. The gentleman will state his parliamentary inquiry.

Mr. KING of Iowa. Mr. Speaker, is it inappropriate under the rules of the House to challenge the mendacity of any of the Members in this House?

Mr. DRIEHAUS. Mr. Speaker, point of clarification. I am challenging the facts.

Mr. KING of Iowa. Mr. Speaker, I made a proper parliamentary inquiry.

The SPEAKER pro tempore. The gentleman's remarks did not target any individual Member.

Mr. KING of Iowa. I'm sorry, Mr. Speaker. I can't hear you.

The SPEAKER pro tempore. The gentleman's did not target any individual Member.

Mr. KING of Iowa. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. KING of Iowa. The gentlemen from Ohio alleged intentional misinformation on the part of members of my conference, and that, I believe, challenges the mendacity of Members of this Congress.

The SPEAKER pro tempore. The gentleman's remarks did not specify any individual Member.

Mr. KING of Iowa. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. KING of Iowa. Is it the ruling of the Chair that the gentleman from Ohio can challenge the mendacity of a Member provided he doesn't name them specifically?

The SPEAKER pro tempore. Members are reminded not to engage in personalities.

Mr. KING of Iowa. Mr. Speaker, I think everybody gets the message here.

The SPEAKER pro tempore. The gentleman from Ohio is recognized.

Mr. BOCCIERI. Mr. Speaker, I want to yield to the gentleman and my colleague from Cincinnati to finish his remarks.

Mr. DRIEHAUS. I will further clarify it for my colleagues on both sides of the aisle that I believe there was gross exaggeration engaged in on the debate with regard to energy. And the attempt wasn't to solve a problem. The attempt was to scare the American people. They scared the American people rather than addressing the problem, rather than taking on the problem. The attempt was to scare the American people, to scare the American people and suggest to them that this was some type of massive tax increase when, in fact, this is about the energy security of the United States of America. That's what this bill is about. And that's what we had the courage to do.

It is about the job creation for our State of Ohio. It is about job creation and clean energy and new energy jobs across the United States, and it is about ensuring the energy security for our children and future generations. And that's the courage that it took to pass this bill rather than letting it go, letting it go, taking the ostrich approach of sticking your head in the sand and ignoring the problem.

So I appreciate the opportunity to speak, Mr. BOCCIERI.

Mr. BOCCIERI. Thank you for those comments.

And there is very clearly misinformation out there. I have had a number of inquiries into my office, both here in Washington and back in the district in Ohio, that have clearly been misrepresented of what the bill actually stands for and what it actually means.

And with that, I will yield to my friend and colleague and neighbor in the Longworth Building, the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Thank you very much, Mr. BOCCIERI.

It's very easy to focus on the normal misinformation and all of the bad news that people expect from politics, but what we miss in that is this tremendous opportunity, the excitement of this moment. We are betting on America again. We're betting on innovation. We are better at this than any other country on Earth.

And the fact of the matter is I'm sick and tired of going to the gas pump and knowing that my hard-earned dollars are going to support petrol dictators overseas instead of American innovation back at home. Sometimes you have to put America ahead of Ahmadinejad, and this is one of those moments.

We can make a choice that America will be at the forefront of the clean energy economy. This is our time. Both parties, for the last couple of decades, have had a disastrous strategy on international trade and other things that have sold the middle class and the working class of this country down the road.

It is time to reinvest in America again, and the new energy economy is a big part of that. We are one of the only countries in history that have been funding both sides of a war. Under President Bush's Department of Defense in 2003, they wrote the risk of abrupt climate change should be elevated beyond a scientific debate to a U.S. national security concern.

We spent \$357 billion last year on foreign crude oil, 2.3 percent of our GDP. That's the bad news. But the good news is we are getting ahead on this now. And this bill helps create the incentives to reward success, to reward leadership instead of continuing to reward failure and reward the lack of innovation that we've seen in recent years.

And with your discretion, Mr. BOCCIERI, I would like to brag on south side Virginia for a second.

My part of the country has been hurting. We've had 20 percent unemployment in parts of my district. We've been hit hard by the exporting of manufacturing jobs, textile, furniture, tobacco farming. But we're now hearing phrases like "first in the Nation," "best in the Nation," moducraft homes, the first and best on energy-efficient modular homes.

Red Birch, a truck stop owner who turned his truck stop into the front lines of the freedom fight for energy independence by developing the first farm-to-fuel closed-loop system, not only is he keeping those dollars in America, he's keeping them in the community. When you go to that truck stop to buy a high cetane premium diesel fuel, 92 cents on every dollar stays in the community. Moducraft homes, Red Birch, Windy Acres, these are things to be proud of.

And let me mention one other thing, Mr. BOCCIERI. I don't care whether a good idea comes from the Democratic Party or the Republican Party. I only care that it's a good idea. And the fact is you wouldn't know it from this debate, but cap-and-trade was a Republican idea. The tradable permit scheme was invented and produced under the first President Bush in the effort to combat acid rain.

□ 2210

One of the most efficient and effective environmental laws ever created

under the leadership of Bill Riley at the EPA and the first President Bush, tradable permits were a smart Republican idea that said we can use the free market and capitalism to drive that innovative edge and that competition.

It's something that Senator MCCAIN and the former Senator Warner and others have supported as being the right mix of a national security solution using free-market strategies.

So this was a Republican idea that was good enough for this country until Democrats also supported it, and this is what Americans are sick of. They're sick of the idea that we're going to put scoring political points ahead of patriotism and problem-solving.

The fact is this was about putting the best ideas on the table to solve what is one of our leading national security threats, one of our leading economic threats, and get America right back on to the cutting edge.

It's a great thing that we've done. We've stood up to the special interest groups, and for once, in a few years, we're going to be able to start supporting an energy economy that's creating jobs right here in America and selling that technology all around the world.

Mr. BOCCIERI. I appreciate the gentleman from Virginia's comments, and he is exactly right on. A good idea doesn't have to be a Democrat or Republican idea. It's an American idea. And while we may disagree about some of the approaches, let's look at and revisit some of the comments of some of the leading leaders who ran for the Presidency last year and talked about how climate change and our dependence on foreign oil is a matter of national security.

Let's visit the Presidential candidate for the Republicans last year, JOHN MCCAIN, who I incidentally flew out of Baghdad, is a man of honor and integrity, and this is what he has to say: It's cap-and-trade. There will be incentives for people to reduce greenhouse gas emissions. It's a free-market approach. Let me repeat that: it's a free-market approach. The Europeans are doing it. We did it in the case of acid rain. Look, if we do that, we will stimulate green technologies. This will be a profit-making business, and it won't cost the American taxpayer. It won't cost the American taxpayer. JOE LIEBERMAN and I introduced a cap-and-trade proposal several years ago which would reduce greenhouse gases with a gradual reduction. We did the same thing with acid rain. This works. It works.

Mr. DRIEHAUS. Will the gentleman yield?

Mr. BOCCIERI. I will.

Mr. DRIEHAUS. This goes back to the question of action versus inaction, and the question is, if you don't embark down this road, if you don't address the energy crisis, if you don't work toward a system of cap-and-trade, what's the alternative? And the alternative is simply this:

The EPA comes out with rules cracking down on utilities and emitters of

carbon, which would in fact be a massive tax, a massive government mandate on utilities and manufacturers, killing jobs, raising rates for businesses, raising rates for residential consumers. Instead, the choice we made, the choice for action was about using a free-market approach to incentivize job creation, to incentivize creativity, just like we did with telecommunications.

We now have the opportunity to do the same with energy. We believe in the American economy. We believe in the innovation that can be released through the use of a free-market system like cap-and-trade. That's why we went down this road, and that's why we chose to act.

Mr. BOCCIERI. Let me just expound on the gentleman's remarks there.

I believe that this truly is about our national security, and I'm going to go over some facts here in just a moment. But back to revisiting what some of our colleagues have said running for President. Mike Huckabee really summed it up best when he said, A nation that cannot feed itself, that cannot fuel itself or produce the weapons to fight for itself is a nation forever enslaved.

And he further added, So it's critical that for our own interests economically and from a point on national security we commit to becoming energy independent, and we commit to doing it within a decade. Within a decade. We went to the Moon in less. We can do this in less than a decade. We have to take responsibility in our own house before we can expect others to do the same in theirs. It goes back to my basic concept of leadership. Leaders don't ask others to do what they are unwilling to do themselves.

This gentleman was right on with his remarks. I yield to the gentleman from Virginia.

Mr. PERRIELLO. Well, you know, Mr. Huckabee is a great man of faith, and I was meeting with a number of evangelical leaders today, and they were talking about the frustration they've had with some people in the pews about the seriousness of this issue. And they say, you know, some people get so caught up on whether climate change is a partisan issue, whether this is about some Democratic conspiracy theory to tax or whether it's some Republican denial of scientific evidence.

And the evangelical leaders were saying to me that do you realize over the next 10 years 250 million of God's children in Africa could be denied access to water because of the effects of climate? How willing are we to roll the dice on this uncertainty to do nothing, to accept inaction when we know that our national security demands it, when we know that our innovation and our job creation demands it, when we know that our conscience demands it, when so many of those who had nothing to do with creating the problem, the most vulnerable amongst us, 250 million in

Africa alone could be denied that access to water?

Mike Huckabee has been a leader on this. He's talked about the importance of climate, as has JOHN MCCAIN, as has Sarah Palin and others.

The reality is, we all know how important this is, but somehow in this body here we can get lost in scoring political points for the next election instead of doing what's right for our country and for our economy. You served in uniform, and we appreciate that service, and once again, here we're doing what we need to do to keep this country safe and to keep it strong.

Mr. BOCCIERI. I cannot agree with my gentleman and neighbor as he so eloquently suggested that this is about the faith that we have in our own innovation, the faith that we have in our own country and our own people to come up with ideas that can make our country stronger in the long run. And let me revisit some of what our faith leaders have said.

Billy Graham said that the growing possibility of destroying ourselves in the world with our own neglect and excess is tragic and very real.

Pope Benedict said, The brutal consumption of creation begins where God is not. I think, therefore, that true and effective initiatives to prevent the waste and destruction of creation can start only where creation is considered as beginning with God. Particularly, attention must be paid to the fact that the poorest countries are likely to pay the heaviest price for ecological deterioration.

Pat Robertson said, I have not been one who believed in global warming, but I tell you, they are making a convert out of me. It is getting hotter and the ice caps are melting and there is a buildup of carbon dioxide in the air. We really need to address the burning of fossil fuels because if we are contributing to the destruction of the planet, we need to do something about it.

Dr. Rick Warren, author of "The Purpose Driven Life" said, We cannot be all that God wants us to be without caring about the Earth.

Now, our faith leaders are telling us, our national security folks who are in charge and responsible for our national security are saying it, the Congress has spoken, that this is a matter of national security, creating jobs here at home, jobs that cannot be outsourced and moving away from our dependence on foreign oil.

Let me touch on just a few points before I yield back to my friends.

Eighty percent of the world's reserves of oil are in the hands of governments and their respective national oil companies. Sixteen of the world's 20 largest oil companies are state-owned. We import 60 percent of the world's oil. We know that we're going to, with the Senate version of this bill, we're expanding exploration and drilling right here in America in the Gulf of Mexico, knowing that that's not going to be enough to sustain our 20 million barrels that we consume every day. We

only have 3 percent of the world's oil reserves, but we can consume 25 percent of the world's oil. It is very clear that we have to move away from our dependence on oil.

One last point before I yield to my colleague from Ohio. The largest consumer of oil in this country, the largest consumer of oil in this country is not the American. It's the Department of Defense. The United States Department of Defense consumes more oil than some countries overseas. In fact, it consumes more oil than Greece in 1 year. So our Nation is dependent on 60 percent of that oil coming from overseas sources, from Venezuela, from Mexico, from Saudi Arabia in particular, which is one of our largest producers and suppliers of oil, and this makes our country and puts our country in a compromising position.

I yield to the gentleman from Ohio.

□ 2220

Mr. DRIEHAUS. I appreciate that, Congressman. I think it begs the question: Do we want the future of this country dependent upon the innovation of the American worker; do we want the future dependent upon green energy and new technologies that will be driven by the American people; or do we want to rely upon and depend upon the sheikhs in Saudi Arabia, as we do today and as we have in the past?

Our dependency is growing, not declining. This bill provides us an opportunity for a future, a destiny controlled by Americans, controlled by the American worker, and unleashing the innovation of the American worker.

I was dismayed during this debate when I heard critics suggest that maybe we shouldn't go first. Maybe shouldn't lead. That we should wait for others—maybe developing countries, maybe others in Asia to lead before we move forward. I don't know when we became a Nation of followers. I am not of that belief.

I believe the United States of America has led time and time again for this vote on issues of freedom, on issues of democracy, on issues of economic innovation. And we should be the leaders on new technology when it comes to energy. We need to lead and we should set an example for the globe.

I am not one to follow the examples of countries on the other side of the world suggesting to us what we should be doing on our energy policy. We should be leaders. And we need to restore our place as leaders when it comes to energy.

Mr. BOCCIERI. I couldn't agree with the gentleman from Ohio more. I think that he speaks with passion and conviction about what this means and what stake we have in making certain that we move away from our dependence or foreign oil.

I yield to the gentleman from Virginia.

Mr. PERRIELLO. I think the gentleman from Ohio makes a great point. These people aren't climate skeptics, they're America skeptics.

We all come from manufacturing areas in this country that led the world. And we sat by while both parties let that manufacturing go overseas.

We have a chance to be the first to craft carbon capture and sequestration technology. We have a chance to lead on nuclear and lead on biofuels and bio refineries. And this isn't just about switching from one fuel to other. It's: Who's going to make those wind turbines? Who's going to make those batteries for those hybrid cars that could free us from this dependence on foreign oil? Who's going to make those?

Do you want to buy them from China or do you want to sell them to China as they are building what will become the biggest auto consumer market in the world.

I want to build them here. And those climate skeptics or America skeptics want to sit on the sidelines and let all that technology and let all that manufacturing happen overseas. We are better than that. We can lead. We can do this better than anyone else. We can out-innovate. We are better entrepreneurs. We will do that.

But we don't do it by sitting on the sidelines. We don't do it by making easy choices and waiting for others to lead. We do it by putting solutions above special interests, by putting this country first—even if it means an unpopular vote, and going out and explaining to the American people that this is why this is going to be great for our country and great for our region.

I am proud that we have put ourselves back in a position to lead. That's what the American people deserve. I yield back.

Mr. BOCCIERI. I couldn't agree with you more, Congressman PERRIELLO.

Before I yield to my good friend from northeast Ohio, Congressman RYAN, who's joined us tonight, let me just revisit two more of these quotes from our colleagues who ran for President and suggested that American innovation, American entrepreneurship, and American ideas are stronger than our dependence on oil overseas.

Mr. Giuliani, a fellow Italian, he said, We need to expand the use of hybrid vehicles, clean coal, carbon sequestration. We have more coal reserves in the United States than they have oil reserves in Saudi Arabia. This should be a major national project. This is a matter of our national security.

We went on: Mitt Romney said, There are multiple reasons for us to say we want to be less dependent on foreign energy and to develop our own sources. That's the real key. Of course, additional sources of energy here, as well as more efficient use of energy. This will allow the world to have less oil being drawn out from the various sources it comes without dropping the prices to a high level. It will keep people, some of whom are unsavory characters, from having an influence on our foreign policy.

RON PAUL, who we serve with here in this Chamber, said, True Conservatives

and Libertarians have no right to pollute their neighbor's property. You have no right to pollute your neighbor's air, water, or anything, and this would all contribute to protection of all air and water.

Mr. Gingrich said, The concept of reducing the amount of carbon emissions over the next 50 years is a totally sound concept.

These are not Democrats saying this. These are Republicans who are standing with us tonight in spirit, I know, saying that this is about our national security, saying that this is about geopolitical balance, and this is about creating jobs here in our country.

I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. I appreciate it. I want to take off on what the gentleman from Virginia was saying. I was reading an article the other day. In China, 400,000 people a year die from air pollution. And if you look at the history of China, you will see that they have periods where there is a very tumultuous uprising within the country. And if you can read the tea leaves here, you will see that at some point China and the people of China will demand clean air. There's no question about it. And they're using dirty coal. I mean, it's dirty. And those of us who have been there recognize—with the Olympics especially—how many months ahead of time they had to stop letting people drive cars into the city and everything else.

So the point that the gentleman from Virginia was making is that this is an opportunity for us. And some people say, Well, China and India aren't going to do this, so why are we going to do it? Let them not do it. Let us jump ahead. My goodness gracious, it would be like saying, you know, the Soviet Union is not going to continue their space program back in the Sixties. Great. We'll jump ahead of you.

That's basically what we have here. And we have an opportunity to seize this moment and then begin to develop this technology, invest this money, get our manufacturing going here in the United States, and export—things we have been talking about in our district for a long time.

When are we going to manufacture? When are Americans going to make things again? When are we going to export? This is the opportunity. And the same people that call on the talk radio that say, When are we going to make things again, are the same people that are against the cap-and-trade bill because the dots aren't connected here.

This is the opportunity. Take the \$700 billion that we're shifting abroad, focus it on the United States, revitalize manufacturing, and export this stuff, because China at some point is going to recognize they're wasting a lot of energy, their people aren't as healthy, their people are dying because of this, and they're going to want them to be healthy. So that's one point I wanted to make.

The other point I want to make is, Congressman BOCCIERI and I, Mr.



Speaker, were on a radio show a few days ago and a gentleman called in who had some business issues, other issues, but he says, I like the alternative energy stuff.

So I asked him what he did. He makes the technology, manufactures the products that go into the scrubbers that go into the power plant and go into the steel mills to keep the air clean.

And here is a businessman in Youngstown, Ohio, who had, I think he said, 70 employees, who's manufacturing these scrubbers that were a result of the Clean Air Act. Because of the Clean Air Act, there's someone in Youngstown making these products.

I think it's important for us to let everyone know this is opportunity for us. These are jobs that are going to be revitalizing communities in all of our districts.

Mr. DRIEHAUS. Just to back up the gentleman's point, China is moving down that road. They're not waiting. The week after the vote, Jim Rogers, the CEO of Duke Energy, went to China. And he went to China to check out the carbon sequestration that they're currently employing on new Chinese coal-burning power plants. Because the Chinese aren't waiting. The Chinese are moving ahead with new technology.

So we have a choice. We have an opportunity. Do we want to continue with business as usual and just sit still as China moves forward, or do we want to be at the cutting edge, do we want to be leading when it comes to new energy technology?

This is an opportunity. We need to seize that opportunity. And this legislation allows the free market to do that. So that's what this is about. This is about creating jobs and creating an economic future for the United States.

Mr. PERRIELLO. In many ways, if I may, it's also a chance to reward the people who are already innovative. In my district, I have poultry farmers coming who want to turn the waste into energy; not only energy, but produce a low-sulfur fertilizer that's even better for our aquifers and our Bay.

I have dairy farmers who want to take the manure from their farms and turn that into energy. What's stopping them? We aren't on the cutting edge of smart-grid technology. We don't have the technology in place, and we don't have the incentives that this provides.

What this does is give a profit motive to people for doing the right thing. I think we have had far too much in our financial system and elsewhere of rewarding people for failure, rewarding people for irresponsibility. For once, we have a system that's going to reward everyone, from the homeowner to the capitalist, for doing the right thing.

□ 2230

Again, I know I'm surrounded by folks from Ohio, but I can't say enough about the people—

Mr. RYAN of Ohio. You're so lucky. Do you have any idea how lucky you are?

Mr. PERRIELLO. Hey, you know, my grandparents grew up outside of Toledo, Ohio, in Sylvania, but we're from Virginia, and I will tell you that we have farmers ready to do this. Like you all, we have a lot of manufacturing plants that have shut down. We have hardworking people who are ready to go to work, and they would love nothing more than to have a job and to have a job that's making this country safe, that's keeping our country safe. Now you've done that in uniform. This is a chance for every worker to be part of that effort of national security, and we're fired up to do it.

Mr. BOCCIERI. People are asking, What does this mean for the average consumer? What does this mean for the average Ohioan and Virginian? This is what it's going to mean: When you roll into a fuel station someday, you're going to have a choice between traditional gasoline, traditional oil. You're going to have a blended fuel that may be ethanol-based or cellulose-based. You may have an opportunity where you plug in your electric hybrid or where you drive by the gas station all together because you have a fuel cell that allows you to get 100 miles to the gallon.

Now, how is that for American innovation? How is that for opportunity? How is that for standing up for the innovation, entrepreneurship, and for the longevity of American ideas and thinking? That's what this bill does, and that's what this idea is. It's of moving away from our foreign dependence and reliance on overseas oil to make our economy drive.

Let me just say this: In my district, we are researching fuel cell technology. We are very close to having some sort of prototype ready to go. They're researching this with the Department of Defense at Stark State Technical College, Community College. We have the opportunity there to be leaders in Ohio. We also have the opportunity to do research at the Ohio State Agriculture Research and Development Center. That is in Wayne County, in my congressional district, that right now is using anaerobic digesters like you were talking about. Imagine this: I know Congressman RYAN—whose birthday it is today. Happy birthday.

Mr. RYAN of Ohio. What does that have to do with anaerobic digesters?

Mr. BOCCIERI. You may be too young to remember.

It was when I was standing in line with my father, waiting for oil in the 1970s. I remember seeing that movie *Back to the Future*. The professor comes in. He has a DeLorean, and he opens up the trash can and starts jamming in waste—garbage—into his DeLorean to fuel his engine. Now think about this: What they're doing at this research center is taking sewage sludge. They're taking manure from dairy farms, and they're adding 20 per-

cent biomass—a busted up watermelon from the supermarket, cooking grease from the local restaurant. Just by adding that 20 percent biomass, they're increasing the BTUs by 50 percent of that compressed natural gas. They're actually selling it back to the grid.

This German CEO who was doing this research, Schmack Industries, suggested this: He said, You Americans are doing in 2 years what it took Germany 20 years to do, and we have 3,800 of these anaerobic digesters that are actually producing energy—compressed natural gases that light our cities.

The city of Canton is getting ready to—or is thinking about building an incinerator for its sewage sludge. Could you imagine if they turned that into renewable energy and if they actually created compressed natural gas and sold it to the utility or if they heated some homes or if they turned on some lights in the city? This is the type of innovation that has driven America to be one of the great producers of wealth that we are.

Mr. RYAN of Ohio. If the gentleman would yield.

Mr. BOCCIERI. Sure.

Mr. RYAN of Ohio. I don't know if anyone followed when Barack Obama was in Russia, but there was a deal made and struck where—Exxon is, obviously, doing business there, and they are opening up a refinery somewhere in New England to process the oil coming back from Russia.

So this is what we're trying to get away from. This is what this energy bill is all about. We can't get in the position where, yeah, it may be over the next 5 to 10 years where this is something that needs to happen for the transition. This is an example of the road we don't want to go down, the road relying on Vladimir Putin's Russia for oil for the United States. You know, the American people don't want that. That's not good geopolitics. That's not good for our manufacturing base. That's not good for a variety of reasons that are all pretty obvious to anybody who has blood running through their heads right now. You know, this is pretty basic stuff here. We don't want to rely on Russia for our oil.

The other point is, whether it's in Cincinnati, in Virginia, in Canton, in Akron or in Youngstown, we have these manufacturing facilities that are just sitting here. In my district, there's a company called Parker-Hannifin. It's a big company in Cleveland and in Youngstown. They have 1,000 workers, steelworkers. They make the hydraulics that go into the back of, you know, waste management—you know, garbage trucks. They do the hydraulics. These same hydraulics go into windmills.

We have a specialty steel company called Thomas Steel, in Warren, that has about 300 workers. They make a decent wage. Their specialty steel goes in the solar panels. We have a company called Roth Brothers in the Youngstown area. There's a new wind cube



that you can put on top of big buildings in downtown areas that will generate wind. You plug it right into the building, right into the grid, to generate energy that can turn and face the wind and that can really harness all of the wind no matter what the direction change. This is right in Youngstown. They said, If this wind cube takes off, we'll hire 100 people like that.

So we have it here. It's not so much new business—although, there will be a piece of that. It's also about the businesses that we already have, those that can grow and that can manufacture. They're good-paying jobs. They're steelworkers. You know, they're people who can make some money and who can revitalize the middle class again.

Mr. BOCCIERI. Let's address something that's important to all of our States—to both of our States that we're discussing here presently. It's the use of coal. We've heard a lot of talk from those, at least from the detractors of this bill who have now somehow fallen off their plateau of suggesting that this is about national security, who are suggesting that coal-intensive States are going to be disproportionately hurt. That is completely false.

We have worked together to make sure that coal, which is the most abundant and cheapest source of energy that we have in this country, is going to be used for a long, long time. Right now in Ohio, we are investing in some very, very awesome opportunities for job creation. The company Babcock & Wilcox is researching right now using pure oxygen and pulverized coal and mixing it in these huge burners to make near zero emission burners. They capture this carbon, and then they inject it back into the wells, into the very wells from which we're drilling for oil, to push out those last remaining drops of oil.

I have a chart here—and I'm not going to get into the technical parts of it—but those scientists who may be watching and listening to us tonight can refer to this because it is very important that we understand that we will continue to use coal. This is carbon capture sequestration. The bill provides \$180 billion for this type of innovative research that is going to be the next generation of coal use.

In the 1940s, when the United States of America bombed the Ploesti Romania oil fields, we essentially cut off the oil for Germany. What did they do? They quickly transitioned to a synthetic fuel, which is a derivative of coal. We're testing this right now at the Wright-Patterson Air Force Base in Ohio. We're testing blended fuels on our military aircraft. We're testing the new fuels that are going to drive the innovation of tomorrow and that are going to make our country stronger.

I yield to the gentleman from Virginia.

□ 2240

Mr. PERRIELLO. I wanted to pick up on something that Congressman RYAN

said which is to cull out what I call paper tiger patriotism, this ability to talk tough about Chavez, Ahmadinejad and Putin until you actually have to do something about it. It's one thing to give speeches against these guys on the floor, but then to not have the guts to vote for the very policies that will cut them off at the knees. Here we are at one of the most crucial moments in Iran's history, where we have people risking their lives in the streets of Tehran; and then people in this body will stand up and vote for the very policies that keep a petro-dictator in place. This is about crushing that paper tiger patriotism and putting in its place the courage that American people deserve because we do, in our core, have it in us to lead in all of these areas.

This is an unprecedented renaissance for clean coal technology. It's the first bill in a generation that actually opens up opportunities for nuclear at the same time that we see wind, solar and biofuel. But we also know that the cheapest energy is the energy you never have to buy in the first place because of energy efficiency technologies. And that's what we can see through smart grid technology, through the advanced battery manufacturing. This is our chance to crack that technology for the whole world in the same way we did when we had the guts to go to the Moon.

This really is one of those moments. And I go back to the point where you started, Mr. BOCCIERI, which is, why was this idea good enough for Republicans when it was their idea but as soon as we started to support it, they ran away from it as cap-and-trade? Cap-and-trade was something the Republicans should be proud to have come up with. The first President Bush was a great conservationist, a true conservative, who understood the challenge of acid rain, the challenge of the Earth's summit and other things, that this was a time for America's leadership heading into the 21st century. We need to focus on, what are the ideas that keep us safe and keep us strong, not what are the ideas that score us points for the next election cycle. I think all of us came in and changed elections because people were sick and tired of that. These are the kinds of solutions the American people deserve.

Mr. BOCCIERI. You are right. Mr. Speaker, I will remind the folks listening tonight that Teddy Roosevelt said that the welfare of each of us is dependent upon the welfare of all of us and that in a moment of decision, the worst thing that we can do is nothing. What is the cost of doing nothing? We're going to continue to be dependent on foreign oil. Maybe it rises from 60 percent to 80 percent. Maybe we don't create the jobs that we need to right here in our country that can't be outsourced, like a nuclear reactor. Congressman RYAN always talks about the 8,000 manufactured components that go into making a windmill. You

know, these are the types of jobs and the types of innovation that makes our country stronger.

Mr. DRIEHAUS. I will just go back to the analogy of telecommunications. If you remember, it wasn't more than a decade or two ago when you were paying exorbitant rates on your long distance bills; there were a very limited number of channels on TV. And then through the Telecommunications Act, we made sure that we allowed for innovation and competition. We allowed for the cable companies and the telephone companies to use those same broadband lines. We required that to happen. And now today broadband is across the country. We have the potential today to unleash that same type of innovation that was unthought of 20 years ago in telecommunications; but we all know it today, as people send IMs, as people e-mail each other—that wasn't thought about 20 years ago—the hundreds of TV stations that you get on cable TV. I don't think we can begin to imagine the innovation that we are going to see over the next several decades in the field of energy because of the steps of this House, because of the steps of this Congress, the courage to move us from the status quo toward energy security for the future and unleashing the innovative nature of the American people.

Mr. RYAN of Ohio. If the gentleman would yield, if you just think about the history of this country—and I don't want to get corny—but there has never been a scenario where we have said as a country, we want to do something, and it's not happened. I mean, let's be honest. Because of the system of government that we have, because of all the DNA that happens to be in our great country, because of people having the courage to get on a boat with no money, and all that DNA, all that courage that it took to get here is here now; and it's been replicating itself. There is something special about whether it's World War II or it's storming the beaches of Normandy or it's going to the Moon or it's getting out of the Depression or it's that we need to be educated or the number of patents that we get. Whatever it may be, we have the ability to do this. And I think when you look at this policy in particular, the energy policy, the more I read about it, the more I like it. And when people say, Well, how is it going to work? I get excited about explaining it to them because here we are in northeast Ohio where we have all this manufacturing, and it has been dead for 30 years. We've not had any opportunities coming down the pike, like clean energy, in 30 years. This is something that is so exciting for so many people because they recognize that—I think it's 400 tons of steel that go into a windmill or 8,000 component parts that go into a windmill, and the Midwest being the Saudi Arabia of wind, and the Southwest being the Saudi Arabia of solar. My goodness gracious, what an opportunity. We can't let this

slide by. We capture it. We take advantage of it. We make it work for us. That's what we do as Americans, and this is an opportunity for us to do that and to grow all of these companies. Putin, be gone. Chavez, be gone. Middle East sheiks, be gone. We're going to take care of our own business here.

Mr. BOCCIERI. Let's revisit the three pillars of this legislation. Number one, create jobs in our country that cannot be outsourced; number two, that it's about national security, moving away from our dependence on foreign oil and other energy sources; making sure that we have those homegrown energy jobs right here in our country. Those are the three pillars of this legislation. When we think about the two largest countries that market natural gas, it is Iran and Russia, when if we invested in the technology that we recently just talked about, anaerobic digesters and the like, we talk about these different opportunities, we can actually create natural gas and harvest natural gas from our part of the country. This is important that we understand that moving away from dependence on imported sources of energy is going to make our country stronger.

So national security, creating jobs, moving away from our dependence on foreign oil, that's what this legislation is about. That's what this opportunity is about. And I believe in the innovation and entrepreneurship of Americans. I believe in our success as a country when we challenge each other to think outside of the box, to move ahead. And if we just allow ourselves to be bogged down by the fear of the past and bogged down by those detractors who are now saying, this is not the right time—well, when is the right time? When is the right time, when we have 80 percent of our oil coming from overseas? When is the right time, when energy costs are through the roof? Now is the time because our country can make these investments and create jobs here.

Mr. RYAN of Ohio. I would just like to say, I don't think anybody here is anti-nuclear. I think we all recognize how important this is as a part of our portfolio. There is no one here who is against coal. We represent Virginia and Ohio and think it's a good way to do it. That's why there's \$180 billion in here to figure out how to make it clean and make it work for us. We're not saying that there's only one specific way to do this. We recognize you may need to drill a little bit, you may need to take advantage of nuclear and coal and all this. But look at the advantage. We have \$700 billion going to these other countries that could be coming here, revitalizing the United States of America, and I think that's important for us to remember.

And lastly, because I think we're winding down, and I want these guys who are a lot smarter than me to be able to talk, our friends on the other side, who have been so critical, had control of this government, had control

of the House, had control of the Senate, had control of the White House. Their energy policy was nonexistent. It was more subsidies for oil companies, more subsidies for the big power companies, and got us to where we are today. Which means over the last 8 years, an increase of \$1,100 just in gas prices for the average family. And the same group of people who thought that cutting taxes for the top 1 percent was somehow going to be to the benefit of all hasn't worked. We've got two wars going on, and a war our friend has served in here. That's \$1 trillion dollars, \$3 trillion when you factor in the costs of the veterans' health care. That's not a good energy policy of us having to go over, getting into the middle of the desert and getting ourselves in this sticky web of politics in the Middle East. Why are we doing that?

□ 2250

We don't have to do that anymore. And that is what is at the heart of this bill, and I think that is the magic of this bill, rely on the innovation, the spirit of the American people and reduce our dependency on all those other countries.

Mr. BOCCIERI. I agree with you, Congressman RYAN, and this is the time to do it. We have about 6 minutes remaining. I would like to yield each of the gentlemen at least a minute or two.

Happy birthday, Congressman RYAN.

Mr. PERRIELLO. First of all, your reference to back to the future, he also says that where we are going, we don't need roads. And as a member of the Transportation and Infrastructure Committee, I have to take issue with that. But otherwise, I support the amendment.

On a serious note, every one of us here, I believe, is also a supporter of the Second Amendment. We are pro-freedom people. And what you described before is about the freedom for me to go to the gas pump without having to support petro-dictators because of that decision. It is the ability to buy a car with a battery that is manufactured here in the United States. That is the kind of freedom that we believe in.

This is also about honor and integrity. And part of integrity means being true to your word. I just want to say that I think this is about rising above partisanship in the way that you said. Sarah Palin wrote an op-ed recently bashing the cap-and-trade bill. But there is a quote from her in the campaign where she was asked, Do you support capping carbon emissions? And she said, I do, I do. You have a quote from JOHN MCCAIN. These are leaders. These are leaders who understood when they were ready to lead that this is what it looked like.

It looked like taking on the biggest national security challenges we face and doing so using the free market and the innovation that makes America

great. If those ideas made sense then, they need to make sense now when you have to make the tough votes to do what is right for our country.

I think it is a very exciting time for America. It is an exciting time for south side Virginia. I believe we are on the cusp of a great, new economic revolution, full of innovation that is going to bring those jobs back to the United States. I'm proud to be part of it. I think we will look back on this and be very, very proud.

Mr. BOCCIERI. So let me get this straight. This is about jobs that can't be outsourced, about our national security and moving away from our dependence on foreign oil. JOHN MCCAIN said it. He said it. He was introduced to a cap-and-trade bill three times. Three times, he said it is a free-market approach that will stimulate green technologies, a free-market approach. And he said that this is a matter of our national security. That is what this legislation is about.

It is so important that we enact this very soon so that we can move away from our dependence on these foreign sources of energy.

I will yield to the gentleman from Ohio.

Mr. DRIEHAUS. I appreciate the opportunity, Congressman BOCCIERI, to be here tonight with you. And I think there is a reason that you see four relatively young Members of Congress standing here talking about the future of energy in the United States. We all have a vested interest in this. We all understand how important this issue is for our future and the future of our kids.

We sat on the sidelines for far too long, as the other side did nothing, as Congressman RYAN explained. They had an opportunity to act when it came to energy policy, creative energy policy that would move us forward into the next generation, but they failed to do it. We have been elected to take responsibility and to move forward on critical issues that are impacting our families today and will impact them in the future. That is what we are doing on financial services. That is what we are doing on energy. That is what we are doing on health care.

On energy, this bill takes us down that road for ensuring a future of prosperity for our children. It is the right thing to do for the country today. It is the right thing to do for our children tomorrow.

Mr. BOCCIERI. Well, let me just wrap by saying this: this is about jobs in our country that can't be outsourced. It is about our national security. And it is about moving away from our dependence on foreign oil.

We have set up a free-market approach, one that is supported by both, or was supported by both, Democrats and Republicans before we introduced it and passed it, but one that is a free-market approach with no taxes that invests in regional opportunities for States like Ohio and Virginia to make

certain that we have an energy policy that works for this country.

I flew wounded and fallen soldiers out of Baghdad. And it is very clear that we have two fronts over in the Middle East, in Afghanistan and Iraq and a much broader region because of the oil that that area produces. This is about making our Nation stronger. We have to do this now. The Department of Defense realizes this, and that is why they are testing alternative fuels. We can make that innovation. We believe in the American people. That is what this bill is about.

Mr. RYAN of Ohio. I just want to add, the answer that our friends on the other side have given when we said, increase the Pell Grant, no; increase minimum wage, no; change the energy policy, no; change health care policy, no; add a stimulus bill that is going to keep people working, no.

That is not leadership, and this is bold stuff that we are trying to do. We are trying to lead the country. At the end of the day, that is going to pay off for everyone. I yield back.

Mr. BOCCIERI. You're exactly right, Congressman RYAN. We are going to be judged by two measures in this Congress, two measures, by action or inaction. And I am so happy that we had this opportunity to speak tonight on clean energy and our national security.

#### SETTING THE RECORD STRAIGHT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized here on the floor of the House. I would remark that the common courtesy here is to yield. And I'm happy to yield to the gentlemen who are here if we could carry on this dialogue with or without that particular yielding. I know it is only four to one, so it would be an interesting engagement that could take place.

I have to correct a few things on the RECORD. One of them is, as the gentleman from Ohio challenged the mendacity of the Republicans, who had said that there is a \$4,000 increase on a payroll, that is exactly the number you get if the payroll is \$50,000 and you tax it at 8 percent. That is in the bill, Mr. Speaker, and that is a precise number, and that is what I sought to offer that could have been injected in for an open dialogue.

But we do deal with the facts. It is hard to get those facts when you have a bill that is drafted and a bill that has to be drafted to match a CBO number. The Congressional Budget Office came out with an estimate of a \$1 trillion health care plan, and we found out that the Congressional Budget Office came out with that number without having read the bill, Mr. Speaker.

So we are poised to go down a path by tying a blindfold around our eyes and charging off into the abyss of so-

cialized medicine with a \$1 trillion price tag, a little less than that, that is slapped upon a bill that nobody has yet, well, I suppose some now have completely read, but the Congressional Budget Office did an estimate on the cost of this socialized medicine policy over the telephone with the staff of the committee of the Democrats, not even a bipartisan staff.

And that is how we make policy in the United States of America? And it is adequate to stand here on the floor and utter platitudes about what your political philosophy might be?

I think it is interesting that I get to hear the quotes from Republicans, JOHN MCCAIN, on cap-and-trade. Well, I can think of the time pretty recently that would have been after this particular quote that we saw a few moments ago, the time I most emphatically agreed with JOHN MCCAIN, and that is when he said that President Obama has more czars than the Romanovs. That was something that I think illustrated part of the big picture that we should be talking about.

This is a government that is out of control. It is overreaching. It is creating the nationalization of industry after industry in this country. It is breathtaking, the scope of the reach of this White House that is supported by the Democrats in the House and in the Senate. And who would have thought—let's just say if we just roll back in our memory and our mind's eye back to election day in November of 2008, what if somebody would have said, now you're ready to go to the polls, think about what you're going to do. Because if you elect President Obama, he is going to go in and nationalize three huge investment banks, the large insurance company, AIG, Fannie Mae and Freddie Mac, General Motors and Chrysler. All of these huge eight entities all wrapped up together will all be controlled, if not controlling interest, in the hands of and in control of the White House.

Then he is going to manage those by appointing 32 czars, and this will be hundreds of billions of dollars. And the idea will be that the economic stimulus plan is going to be FDR's New Deal on steroids.

□ 2300

And now, never mind that if one goes back and reads the data from the 1930s from that Great Depression—there was nothing great about what people had to go through during that decade of the 1930s. But if one goes back and reads the data and tries to index it back to the actions of the New Deal and this Keynesian economics of borrowing money and trying to actually replace private sector jobs with government jobs is what was going on in the New Deal—the CCC camps, the WPA, and the list of these acronyms went on. But what it did was it created a lot of debt, and it delayed the recovery that would have come from the private sector of the economy. It competed directly with the private sector.

One of those examples would be the Tennessee Valley Association where there was private-sector investment that was prepared to go in and develop just what the TVA turned out to be. And FDR went in and stomped on the private sector and grew a government instead.

This is what was the model for President Obama.

So he set forth—and he told us on a day on or about February 10, 2009, he said that FDR didn't go far enough, that he lost his nerve. He got worried about spending too much money. If he hadn't gotten worried about spending too much money, the economy would have recovered. But he didn't spend enough money and, therefore, along came World War II first and became the largest stimulus plan ever.

I don't take issue with the last part of that statement. I just take issue with the prediction that the New Deal would have worked if FDR would have spent a lot more money.

This President hasn't lost his nerve. He is spending a lot more money. And if there is any doubt in anybody's mind about whether Keynesian economics and spending borrowed money to dump it in and grow government at a time of economic crisis actually heals up the economy—there isn't any doubt in my mind because I've read the data. In fact, I went through every newspaper from the crash of the stock market in 1929 until the Japanese attacked Pearl Harbor on December 7, 1941, reading for the economic news so I could understand what people were living through during those days of the stock market crash and the deep, long trough of the Great Depression and then the shock of the attack on Pearl Harbor that launched us into a world war.

I wanted to understand what that was like for the people that lived during that period of time. But I couldn't find evidence that the New Deal was a good deal on any kind of a broad scale, small little place as it was. It bought some friends, sure, but I couldn't find evidence that the New Deal worked. And economists that have gone back and studied that era can't show you the data that indicates the New Deal worked.

But if anybody wonders, they can study this era 25 years from now when it will be clear—there won't be any question about, no more arguments can be brought up. No future President will be able to say of President Obama, Well, his stimulus plan would have worked but he just lost his nerve and didn't spend enough money.

This President has not lost his nerve. He has spent way too much money, and he has nationalized eight huge entities. He's landed blow after blow against the private sector, the free-market economy that is the engine that drives this economy, and it sets the economy for the world, blow after blow.

And they'll look back at this and they will say, \$700 billion in TARP, \$787 billion in the stimulus plan, untold

hundreds of billions of dollars shoveled out the door of the U.S. Treasury to prop up businesses that don't necessarily go through the appropriations process here in Congress, the blank check of Tim Geithner is being spent. And all of that going on, and this President has the audacity—remember, he wrote a book with “audacity” in the title. This is a President with a lot of audacity. And the audacity now to float the trial balloon to call for another economic stimulus plan when this one is only partly spent and less than half of it—and we don't really know what those numbers are. It's being trickled out and it doesn't impact on our economy, and sometimes strung out over a number of years.

But yet it was an act of desperation to get it before this Congress and pass it quickly because they had to have it to save us from a financial meltdown. But they didn't really use the bill in the fashion they said. Neither did they use the TARP bill in the fashion that they said.

And so this urgency to prevent a meltdown was more what I see in the pattern of legislation brought through this Congress. It's the urgency of bringing this thing through this Congress before the American people figure out what's going on, pass it quickly and get it out of the way so it comes out of the public eye. And while that's going on, load up another one, put another round in the chamber and fire another one down through the floor of the House of Representatives and on over to the Senate, another destructive missile that brings down the economy in this country, the culture in this country, the spirit of the people in this country. This has been an all-out assault on Americanism that I have seen in the months that we have had here.

The statements made on this floor that need to be corrected, other than the erroneous statement that a Republican had made a—just implied at least a willful misstatement. This President's plan and the health care, health insurance plan that's being debated in this Congress today and tomorrow, has in it an 8 percent tax on payroll, on the employer, on the employer's payroll, if he doesn't provide health insurance for his employees.

So, an 8 percent tax. When you just think about how that works, let's just say there is an employee that's making \$50,000 a year and there is not a health insurance policy. You can talk about the question of whether that's right or wrong. But in any case, there is not a health insurance policy.

Under the Obama plan, there would be an 8 percent tax on that payroll, 8 percent of \$50,000 is \$4,000, precisely the number that the gentleman from Ohio objected to applies perfectly to a \$50,000 payroll, which is not that unusual in the United States, and it's becoming far and far more common.

So to take issue with a statement that's clearly factual I believe is misinformation itself.

And the argument that we are sending—the other gentleman from Ohio, Mr. RYAN, said that \$700 billion is going to those other countries. And the real number—and he's referring to the importing of petroleum products from foreign countries. And there were statements made last year that we were sending \$700 billion to foreign countries to buy their petroleum.

Well, those statements that were going out over the media caused me to be curious enough that I actually ran the numbers to find out, and the real number is this: that over that period of time, over—this was the middle of last summer in about July, and in fact July 11 would be the date that this statement was initially made. The actual moneys expended to purchase imported petroleum, that's natural gas and oil and other products that come from oil wells, in their entirety, the actual money that we sent overseas during that period of time from July 11 of 2009 to a year prior to that, that 12-month period of time, was \$332 billion, Mr. Speaker. Not \$700 billion. \$332 billion.

But we know July 11 was also the peak day for the highest price for oil and gas. That's when our gas hit the highest price at the pumps, and that's about the same time that crude oil by the barrel hit the highest price.

So one could then, last July 11, a year ago July 11, extrapolate what we would import if we imported the same number of gallons: \$700 billion. If you work it out and take the gallons and multiply it times the highest prices we had, which was on July 11 of 2008, and carry that forward, you come with a number projected of \$726 billion. But we never imported \$726 billion because the oil prices plummeted some weeks after that and we saw our gas prices go from \$4 and change a gallon and they dropped to nearly \$2 a gallon in a short period of time. That was moving up to the election in November.

So at this point, if you look at the most recent data, the number hasn't quite reached \$400 billion in the amount of imported petroleum that we have paid for.

It's still too much, Mr. Speaker, and we can be independent with our energy. And we should work in that direction and build the infrastructure that allows us to be independent. But we should also do it on real data and real facts.

And as the other gentleman spoke about two wars going on—this is pretty interesting to me—the lament is still there that we're engaged in two wars. These are conflicts that were—let me say this: Afghanistan was certainly thrust upon us. And the Iraq situation is this: President Obama was elected—at least in part—because he aggressively criticized President Bush for going into Iraq and for not having an exit strategy.

Well, Mr. Speaker, this House needs to know and the American people need to know that Bush had an exit strategy. It was a strategy that said we're

going to provide victory and we're going to establish a stable government in Iraq that reflects the will of the Iraqi people. That's what's been achieved there. It really can't be argued today, Mr. Speaker, as to whether who won the war in Iraq. Al Qaeda is defeated in Iraq. They can't mount a military operation that's there.

□ 2310

American deaths in Iraq, as sad as they are, and every one of them is an individual tragedy and every one of them is an honorable patriot, and we need to keep them all in our prayers, as well as their families. It's been a high sacrifice, but it's also been a noble endeavor, and those that we have lost in Iraq in the last year through accidents have been almost exactly equal in number to those that we have lost to combat, which says that a soldier, sailor, airman, marine that's serving in Iraq today has roughly an equal risk of being injured or killed in the rollover of a Humvee on one of the Iraqi roads as they do at the hands of the enemy. And those numbers are getting—it's looking better and better each week that goes by, more stability in Iraq.

And the exit strategy that President Bush devised in Iraq was what I said: win the war; establish a stable, moderate government in Iraq that reflects the will of the people. And so when we listened to the criticism that came from the other side of the aisle here and when Speaker PELOSI first was sworn in and received the gavel as Speaker of the House of Representatives, that was the 110th Congress. We're in the 111th now. That took place in January of 2007.

From that moment on, there commenced a series of votes here on the floor of the House that were designed to unfund, underfund or undermine our troops in Iraq. They, had they passed, and some of them singularly, but many of them in their aggregate portion would have brought about a defeat in Iraq as opposed to the victory that's been achieved.

That's what's taken place in this Congress, efforts that undermine our troops. Still, our troops prevailed and still President Bush had the will to order the surge, and still after the surge was executed to the fashion that it brought about the result we see today. President Bush negotiated this so that we could not be giving up a victory that has been so costly and so nobly earned.

And I did look him in the eye on this subject matter, and I know that he was preparing this country to sustain the victory that was being achieved at the time. And President Bush negotiated the SOFA agreement, the status of forces agreement, and it was signed last fall. The Bush status of forces agreement was signed last fall, and we find ourselves in the ironic situation today, Mr. Speaker, of having a President of the United States who was elected, at least in part, for criticizing

his predecessor for not having an exit strategy in Iraq.

But President Bush had an exit strategy, and it's on paper and the irony is President Obama is executing President Bush's exit strategy to the letter of the SOFA agreement. It's on paper. It's there. It's a matter of fact and a matter of action, and it can't be argued. It's just simply ignored because these are the people over here that wouldn't acknowledge that President Bush could do good unless they could put a quote up there that they might think would support their cause.

So the quotes from JOHN MCCAIN come up in the same way. They criticized JOHN MCCAIN all last fall. Now they put his quote up here on the floor and they argue, why don't Republicans listen to JOHN MCCAIN. Well, Democrats wouldn't listen to JOHN MCCAIN. If they had, they would have voted for him and we'd have a different situation in the world today.

Let's see, the Tehran situation and the nuclear endeavor of the Iranians is another thing that just befuddles me. As I listened to the debate in the previous hour, how it is that they're arguing that we have, let me see, we're on the cusp, as the gentleman from Virginia said, we're on the cusp of a great economic revolution. This economic revolution, the green revolution, I guess, all of these green jobs that are going to be created because they passed cap-and-tax on the American people out of the House of Representatives.

And we think they're going to get their jobs back after the next election. The American people know better than this. They understand that when you call it cap-and-trade that it is truly cap-and-tax. What they do is cap the amount of energy that you're able to access in the United States and identify which forms you can and can't have, and they tax the living daylight out of what you do get.

All energy in America will be more costly because of cap-and-tax that passed out of this House, and how anybody can think that we're on the cusp of a great economic revolution because we're taxing energy is way beyond me.

The basic principles of business are things that I had to learn when I started a business, Mr. Speaker. And so just think of this as a legal pad, and you sit down with a little calculator and you draw a line through the middle of the paper, top to bottom. On one side, you list all of your expenses. On the other side, you list your income. You add up your expenses and you add up your income. You take the total income and you subtract the total expenses, and that's your profit. Probably never heard that described here on the floor of the House before, that simple accounting principle of total income minus total expenses is profit. On some of your expenses, of course, are taxes and the overhead and the things that people don't think about that people in business have to do.

So if any business that you have, if you're running a flower shop, a barber-

shop, an ethanol plant, if you're manufacturing wind generators, if you're running a gas station, if you have an operation with a dozen carpenters working out of there with hammers and wheelbarrows, all of these things going on, this energy tax is going to make your business—it's going to cost you more.

So over on that column on the pad that you write down on your business expenses, when you see that they have passed cap-and-tax on you and you look at the cost of your electricity and your heating gas—and let's see, the natural gas you might use in your manufacturing and your diesel fuel you put into your trucks and your heavy equipment and the fuel oil that you might heat with and the cost of the coal that might be generating the electricity, all of those things add up, and they're all part of the expenses of a business. And so if energy gets more expensive, so does the cost of running your business get more expensive; and the more energy intensive it is, the higher the increase as a percentage of your overall expenses and the harder it is to find some profit on the other side.

And we are on the cusp of a great economic revolution because this Congress can increase the cost of our energy? It takes energy to do anything that we want to do. It takes energy to heat a cup of coffee. I go over to my office and push the button and make a pot of coffee, they're burning natural gas to generate some electricity to create enough heat that I can have a cup of coffee. It was coal, but Speaker PELOSI switched that around in our power plant here, and because there was a real concern that the coal that was burning was putting carbon dioxide up into the atmosphere and contributing to global warming and she became Speaker, she concluded that we would get away from that and we were going to be a carbon neutral Capitol complex.

So Speaker PELOSI ordered that the power plant be converted over from coal to natural gas, and so that was done. And some reports show that it doubled the cost of our energy, and I haven't actually analyzed the numbers. I have to take that at face value. It's a summary report. It may or may not have been doubled. It could have been more or less. But the cost of our energy went up, we do know that; and still the calculation was that we were putting too many tons of CO<sub>2</sub> in the air annually.

So the Speaker, being true to her commitment to saving the planet, true to her commitment, she then went on the board of trade to purchase some carbon credits. These would be like, well, selling intentions I guess, or indulgences is a better word for it. So you could go on the board and buy carbon credits and they're indulgences for the carbon CO<sub>2</sub> you put into the atmosphere, and it's supposed to be offset by somebody else's behavior because you've reached your limit of being able

to limit the CO<sub>2</sub> emissions you have here.

So I tracked that; \$89,000 spent on the board of trade to pay indulgences for the CO<sub>2</sub> emissions that take care of this Capitol Building, and somebody had to go sequester some carbon that they weren't sequestering before, change their behavior to help the planet. This is the equation. Some of the money went to no-till farmers in North Dakota, farmers union farmers. In fact, I think that was the exchange that was used. Now, we don't have any evidence that these farmers just started a no-till because they got a check that was a contribution to encourage them to do that.

□ 2320

It's more likely they were with no-till farmers and they were just simply rewarded for something they were doing anyway. So we can't determine that there was any carbon that was sequestered out of that behavior.

And then the balance of the money went to a coal-fired generating plant in Chillicothe, Iowa. Now that's a curious thing, Mr. Speaker. Think about how this works, that the Speaker of the House concludes that there is too much CO<sub>2</sub> emitting in the atmosphere because of the coal-fired power plant that feeds this Capitol complex, and so she switches it over to natural gas because there's less emissions from natural gas.

At the time, she said that because natural gas is not a hydrocarbon. Well, that didn't last but a day or so, and she finally discovered it was.

So I'm not quibbling with her lack of technical understanding of how this works. Her conviction is clear; her understanding is not. The power plant was converted from coal to gas, and then still the emissions of CO<sub>2</sub> continued, and we had to get to this zero emissions because we were going to be a model for the country.

So that money went to Chicago, \$89,000, and they brokered it through the exchange and paid some no-till farmers in North Dakota and the balance of the money went to Chillicothe, where we're really interested to find out what happens at a coal-fired generating plant that you can pay them to sequester some carbon, or let's say diminish the effect of carbon in the atmosphere.

So I went to visit that plant. It's a well-run plant run by good people. It's an outstanding company. I've met with their CEO and had engaging conversations. When I visited that day, I stood in the shed that had big bails of switchgrass in it. And there was expensive equipment that was in there that was designed to pick up and put these big round bales—these are 1,500-pound bales—so that high in diameter, 7 feet or so in diameter.

And there was designed—I didn't see this actually happen: Put them on a conveyer belt, run them through a hammer mill, blow them out through a tube, and blend this ground-up

switchgrass in with the coal that they were using to generate electricity.

That was the plan. And what I saw was—well, switchgrass hay that had sat there for 2 years—and nobody had burned any switchgrass in 2 years. They had tried it, experimented with it. They didn't have any data on what they'd learned from burning the switchgrass. But, in any case, they stopped doing it so it must not have been a particularly lucrative endeavor.

But they got a check cut by the taxpayers and signed by Speaker PELOSI—this is figuratively, we understand—because they had diminished the CO<sub>2</sub> in the atmosphere sometime a couple years earlier.

That's what cap-and-trade is. That's brokering these imaginary credits that don't create anything exception imaginary sequestration of carbon, which in somebody's imagination turns a thermostat down on planet Earth.

And of the people that advocate this, the aggressive, vocal proponents of cap-and-tax that think the Earth is going to be destroyed if we don't go through with their legislation, not one of them can explain the science. Not one of them can debate the science on the floor of the House. I'd be happy to do that. I have offered that many times. If somebody is convicted on the science and they want to come down, I'd be happy to yield. Schedule some Special Orders from now until the cows come home so we can talk about this science. But it is an embarrassment, the science that's underneath this.

I don't take so much issue with the science as I do with the economics. They're wrong on the science. They're completely wrong on the economics. And people that can get it that wrong, it should be no surprise they could get it so wrong when it comes to a health care plan.

But here's a couple of things I want to run through as I observe the gentleman from Texas has arrived to lend a hand with this endeavor.

What do I have that's entertaining here? Let me just pull this one out. There's so much material in this Congress, it's amazing that one can get this done in a few short hours of Special Orders.

This mouse has been kind of hard to hold down. He stands on his head once in a while.

This is, Mr. Speaker, the saltwater marsh harvest mouse. He has been decreed to be a species that needs special help from the taxpayers of America. We need to have a stimulus plan that's going to jump us out of the deep hole we're in. So, of all the places that we could put money to grow this economy, where could it do the most good?

I allege, and others alleged back during this process of the stimulus plan, that Speaker PELOSI had set up an earmark in there of \$32 million. Well, the allegations came back. No, that's not true. That can't be. There isn't any earmark there. The Speaker wouldn't do that. There's a statement that was

put out by the Speaker's Office that said no.

So what we really end up with now is, we find out yes, it is in there; it's just not \$32 million. It's \$16.1 million. The saltwater marsh harvest mouse.

This little pet project right here, this cute little guy, has finally arrived to get his particularly special earmark.

And if we look at what Speaker PELOSI said, she said, I don't want to have legislation that is used as an engine for people to put on things that are not going to do what we are setting out to do, which is to turn this economy around.

I don't think I want to read the rest of that.

You're going to turn the economy around by dumping \$16.1 million into the salt water marsh harvest mouse, this pet project that everybody promised that I made this up. It wasn't in the bill. Now it's there and no one can refute it, this cute little earmark.

So think of this little guy here. The least they could do is just notch his ear a little and put an earmark in that little pet project, that salt water marsh harvest mouse. It's going to get \$16.1 million taxpayer dollars.

That's not as wise an investment as the \$89 million that was wasted buying the carbon credits to be the little microcosm model of what they're doing with the cap-and-tax bill on us. We've got a great big model on what they're going to do to us, all Americans, on this socialized medicine plan that looks to me like it took HillaryCare and wrote in large, in Technicolor, and in 3D.

So, as I take a deep breath, I'd be very happy to yield to my good friend, the judge from Texas, Judge GOHMERT, so much time as he may consume. I know he will use it wisely.

Mr. GOHMERT. Well, in this body, wise is such a relative term. I appreciate my friend yielding. But wisdom seems to be in short supply. I may not have it, but I know it when I see it. I'm not seeing it being utilized in this House, in this Congress these days—not with the salt water harvest mouse.

And I come bearing news. Of course, my friend from Iowa knows, Mr. Speaker knows, there are 14.7 million jobless Americans right now. If it weren't for the suffering that's going on right now in America, some of the things we were doing would just be comical.

But we just had a job fair. I had a couple in my district. On the one hand, when you have a function and lots of people come, you're really excited people turn out. This is great. But when you realize each one of these represents somebody who has lost a job and they're hurting and their family is hurting, it breaks your heart.

Then, when I saw cars line up for blocks, people coming to a job fair, looking for jobs, from people who do manual labor to airline pilots to engineers, I mean just the full spectrum looking for jobs, it breaks your heart because you know they're hurting, you know they're suffering.

There are 14.7 million jobless Americans right now. The unemployment rate now climbing up over 9½ percent. We have got a trillion-dollar deficit, we find out this week. And there are some indications that we haven't gotten a report recently as we should have from the OMB because maybe somebody is trying to stifle it because it may be that we're way over a trillion-dollar deficit.

We already set the record this year under this President and this Speaker with the kind of deficit that's been run. We know that there's been 2 million jobs lost since President Obama's stimulus package.

I know people here will recall we weren't given a chance to read the stimulus bill because we were told that if we waited another day, more people would lose their jobs. So you guys can't read the stimulus bill. Some of us wanted to.

Some of us, like me, read the bailout bill. And that's why we knew this was not something, no matter what kind of pressure was brought to bear, not something we could vote for. But we couldn't read the stimulus bill because everyday people were losing their jobs.

□ 2330

So you can't read it. Just pass it because we were told that this will start working immediately. So it was rushed through, passed through this House without our doing any kind of diligence, much less due diligence. Then the President sat on it for 4 days until he went to Colorado to have a photo-op to sign it.

What happened to all of those people who would have lost their jobs every day if we had taken the time to read the stimulus bill?

Now we hear much later, well, nobody expected it to work immediately. Well, that's what you said. You said it was going to work immediately. In fact, the President said, not only was it going to go to work immediately, but we've heard just in recent days that it has done its job. Now we find out it hasn't done its job. People are still losing their jobs every day. So 2 million jobs have been lost since that stimulus was passed, the stimulus that we were not allowed a chance to read or to amend. It was not done properly.

Mr. KING of Iowa. If the gentleman will briefly yield.

Mr. GOHMERT. Certainly.

Mr. KING of Iowa. Reclaiming my time, there is also a number out there of about 6.8 million people who no longer qualify for unemployment who are still looking for jobs. So, of that 14.7 million, we can add another 6.8 million to that. The number is well over 20 million people who are looking for work in the United States of America. The direction is going the wrong way.

I'd again yield to the gentleman.

Mr. GOHMERT. I appreciate the gentleman's comment and for yielding back, but I come bearing news.



I believe my friend from Iowa, Mr. Speaker, has seen the schedule for tomorrow. We got that tonight. Well, the schedule has a bill on it that is going to be taken up. Let's see. I'm looking for the formal name of the bill, but basically, it's welfare for wild horses. We're going to vote on that tomorrow.

We've got people who are losing their jobs every day—devastating households, devastating people—and the bill coming to the floor tomorrow is welfare for wild horses. That's why I say, if it weren't for how serious this is in knowing that real Americans are out there hurting and are having problems with their own habitat, this would be comical. You're going to spend \$700 million on welfare for wild horses. In fairness, there's an even late-breaking report that says, well, actually, we're thinking, by the time the smoke clears and by the time all is said and done, it may only be as much as \$2 million in welfare for wild horses. This is what's in the bill.

We will conduct a wild horse census every 2 years. Yes, the Constitution requires that we have a census for people every 10 years, but in the wisdom of this body or lack thereof, depending on your perspective, we've decided we need a 2-year census to deal with the wild horses.

This bill will also provide enhanced contraception. Now there will be a fun job. We were told by this administration that there were going to be green jobs. I don't know if that will be a green job or just what color it will be, but we're going to provide enhanced contraception. That's in the bill, enhanced contraception, and there will be birth control for the wild horses.

Mr. KING of Iowa. Reclaiming my time, I just can't go on further with this thought process until you can go into a little more detail on what that means. I am totally confused on that legal language in the bill.

I would yield to the gentleman from Texas.

Mr. GOHMERT. Well, "enhanced contraception" means we're going to help the horses control the process by which little horses are created. I know it's late, you know, 11:35 here on the east coast, but there could be little children watching out in California, and I'd rather not get more descriptive on the process of how those wild horses are created and on how this enhanced contraception will keep them from creating little wild horses.

Mr. KING of Iowa. Reclaiming my time, would there be a reason why just regular contraception wouldn't be adequate?

I would yield.

Mr. GOHMERT. As my friend from Iowa knows, we don't do things halfway in this Congress. If we're going to provide contraception for wild horses, it will be enhanced. That's what we want to do.

Mr. KING of Iowa. Being from Texas, the gentleman has "enhanced everything" in Texas. Do they have enhanced contraception in Texas?

Mr. GOHMERT. I was not aware of us in Texas having enhanced contraception, certainly not for wild horses.

It doesn't stop there. It will be interesting to find out from the studies how many green-, brown-, whatever colored jobs these will be that will be created to help the horses with their little contraception issues.

In addition, we are going to provide an additional 19 million acres of public and private land for wild horses, and we're going to have \$5 million within the bill for repairing horse damage to the land. So that will be interesting.

Then also, before any Americans can adopt these wild horses, there are millions in this bill to allow for the home inspections of potential homes that may wish to adopt these wild horses. If you want a wild horse, we're not going to trust you to have a wild horse until we do a home inspection to allow us to check on you. You have to let Big Brother come into your home to see if yours is a fit place for these wild horses.

Now, the thing that really gets me here—again, if it weren't so serious and if people weren't losing their jobs as we speak and if there weren't people hurting, this would be comical. I do know I'll get some nasty letters from people: How could you seem so insensitive about the wild horses and about their needs for enhanced contraception?

The fact is that this is going to be voted on tomorrow. It will be debated on the floor. We haven't been allowed to read, to amend or to deal with some of the most pressing issues in this country with habitats for Americans. Americans are losing their habitats right and left in this country as they lose their jobs, and we're worried about the wild horses.

The thing that came to my mind for people, Mr. Speaker, who may be listening is: when you get on an airplane, one of the first things they do is walk you through the safety instructions. One of the things they tell you is, in the event of an emergency and in the event of a loss of cabin pressure, an oxygen mask will drop down for each passenger. Then they tell you to put your own mask on first. You may have a small child, and you may want to first put it on your child, but unless you put your own mask on first, you may not be able to help the child. Put your own mask on first. Save yourself, and then you'll be able to save others around you.

□ 2340

So I thought about that example with application to what's been going on in Congress. You know, if we do not save Americans, save their jobs, save their habitats, then how in the world will there be an American government left to help the wild horses? You want to help the environment, you want to help wild horses? Save the country first. Once the country is saved, then we can get around to saving the wild horses and helping them with enhanced

contraception. But until we save this country from bankruptcy and people from losing their homes, we are not going to be able to help anybody, not the wild horses and not their enhanced contraception needs. Those wild horses will be devastated when this country goes bankrupt, and we can't help anybody, much less a wild horse.

Mr. KING of Iowa. Reclaiming my time, and I'm adding to the cause here. There are some things that need to be known about the wild horses before we have the great wild horse debate here in Congress tomorrow. One is, I feel like it may not be a good idea to read these bills if it brings out this kind of thing, but we have to talk about it, and there is some data that we need to think about. That is, there's been a concerted effort to determine in a way that we couldn't sell any horses any longer in the United States of America that might end up on the dinner plate of somebody in Belgium or France. So what that does is, it took the price out of horses; and it took them from \$500, \$600 a head on down to them being essentially worthless. So the people that have horses that I know say, If you have three horses in your pasture, you'd better lock your gate because if you don't, you might have five in there tomorrow morning. People are dumping horses, turning them loose on the range. The population of horses are going up because there is not a market to cull those horses out of the herd to manage them. So you end up with hungry, starved horses wandering around; and it takes an act of Congress to deal with the horses because they wouldn't allow the horse owners to manage them. They took the asset value out of horses in a very large way. I did the math on this. I can't go back and memorize the whole formula; but I can tell you the conclusion of it, which would be extra horses are in this country because they have been barred from being sold and sent off for human use. Those numbers of horses, if you figure the half-life of a horse at about 10 years, it accumulates an extra million horses in America, a million horses running around here; and we're going to count them every 2 years, which seems really ridiculous to me. But if you calculate what a horse will eat and how many acres it takes to feed a horse—not everybody can have a horse. They don't have enough acres in order to do that—but it works out to be those extra million horses eat enough feed to consume what can be grown on enough acres that we could, instead, produce a billion gallons of ethanol on the acres that those million horses would be chewing the grass down to the nubbins on.

So it is going to be an interesting debate tomorrow. I think I had better go back and read the bill tonight myself. I find it an incredible piece of language that has been brought up. I've got myself vetted on—we've done horses. We've done the salt water marsh harvest mouse here, the \$16.1



million earmark for the Speaker to take care of her neighbors by San Francisco with these little earmark pet projects.

There is another project here that is a huge project, and that is this new health care plan that has emerged. I came prepared to talk about it a little bit. This big, huge health care plan that—it was too expensive when the first estimates came out, and so the Speaker was critical of the Congressional Budget Office's estimates, and those estimates miraculously were reduced somewhat, we think, because some language got changed in the bill. This \$1.5 trillion or so CBO estimate went down to just a little under \$1 trillion. Well, now we can afford this. You know, I always thought too, if I want to buy something, if I can get it down below \$1 trillion, it's not so bad. It is like buying a loaf of bread. If it's \$900-and-some billion, it isn't nearly as bad as \$1-plus trillion. So I find out that that CBO estimate, made by the Congressional Budget Office, these professionals that calculate the costs of the legislation, they usually either do it for committee Chairs first and somebody else over months and months, if you can get it done. But the Congressional Budget Office had not read the bill either. We have a score on this massive growth of bureaucracy that takes over one-sixth or one-seventh of our economy, and the costs that are projected from it that come from the nonpartisan, highly professional Congressional Budget Office come out of there not with them reading the bill and analyzing it and a putting formulas in place that can be tracked back, but by being on the telephone with the Democrat committee staff to negotiate down to a number that would be low enough that they think they could fund the bill and sell it. We think that this bill is going to cost two or three or more times higher than the estimate that's there. But the part that hits me the hardest and the most is this piece down here.

Now when you look at this flow chart, all of these that are white are existing bureaucracies. The colored ones are newly created by the bill that are linked in with existing bureaucracies. There is much to be said about each one of these because they are huge and intimidating. But this one here is the one I would ask, Mr. Speaker, that the American people focus on. These are the traditional health insurance plans. They exist. And there's some number I saw the other day, it was around 1,300 different companies selling health insurance in America. That's a lot of competition. Those that survive the insurance czar—I don't know if he actually exists today, but there are 32 of them, and it doesn't take long to create another one—these existing insurance companies that have 70 percent of the people pleased with the health care plan that they have, these qualified health benefit plans would be the plans that are approved

by Obama's insurance czar. So we wouldn't have the same competition that we have today, not the same policies we have today. We would only have the policies that are permitted under the bill, policies that would require that they fund abortion, policies that would require mental health, policies that would require little or no deductible and little or no copayment plan because they have to be written in such a way that the newly created government plan, this public health plan over here in the second purple circle, that the government could compete. So what we would have would be all of these private plans here that exist today. When President Obama says, "If you like your current plan, don't worry. You get to keep it," well, you get to keep it for a little while; but if it doesn't exist any longer or if it changes because the government has said that these insurance companies can't write their preferred policy in the way they want, but they have to write it the way the insurance czar says it would be written, or if we subsidize this insurance plan over here, the newly created public health plan, if the government subsidizes that, the premiums will be lower than they will be in the private sector. The premiums won't reflect the risk, but it will push out and crowd out and kill the private insurance market. It's just a fact that that's what happens, Mr. Speaker. I can give the clearest example of how this will and can work. There was a time when people bought flood insurance in this country from a private provider, insurance companies created, in part, for the purposes of that property and casualty insurance. So if your home was flooded, you could be compensated, and you would pay the premium according to the risk. The government decided to get into the flood insurance business. Now they're in the flood insurance business. They sell flood insurance. They actually require you to buy flood insurance in some cases before you can get a mortgage on a property. The flood insurance program that exists now has a couple of unique things about it. First, it has crowded out all of the private sector. As near as I can determine, there is not a single company in America that's selling flood insurance. I asked the question today at a conference, What if I want to start out a company and sell flood insurance to the people that are out there in the lowlands that need that coverage? I asked the question rhetorically; and I got the answer, There is no prohibition towards starting a flood insurance company or an existing company from expanding their services into flood insurance. The prohibition is, the Federal Government is in the business. They have cornered 100 percent of the market. There isn't anybody competing against them, and we know that government can't do anything as efficiently as the private sector can—or hardly anything. So the circumstances are this: The flood in-

surance account is \$18 billion in the red. That's a deficit that comes out of the taxpayers, and that represents how much below the cost of doing business the flood insurance is. That's what government does. So if we can have a viable and relatively healthy flood insurance program in the private sector that existed years ago and the Federal Government comes in and competes directly, like it did with crop insurance too, by the way, they crowd out the private providers, and they put in the government program, and pretty soon there's nobody there but government.

□ 2350

That is what will happen here. And if anybody thinks that the President's promise that if they like their insurance plan, their health care plan, they get to keep it, they just don't lose it the day the bill is signed. And they won't get to make that decision because the insurance company may have to fold up and sack up their bats that day or a month or a year later.

Even those private providers that will last for a while will still have to adjust their premiums accordingly. And when they do that, they won't be able to compete with the federally subsidized plan, and you will see employers that will drop the private carrier here and adopt the public plan here because it will be cheaper.

We saw Walmart take a position this past weekend that they supported an employer-mandated health insurance plan. Now, it doesn't necessarily mean they support this monstrosity here. But is President Obama going to tell Walmart thanks for the support of the concept that he is promoting, but you can't sign up on the public plan because some of your employees might want to keep the policy they have?

The President can't make that promise, and we ought to know it, just like he couldn't promise that he was going to create or save X million jobs. The language about "saving" always was the word that let him slip away. You can never prove that somebody saved 3.5 million new jobs unless you get down below 3.5 million existing jobs, then he didn't save the 3.5 million anymore. This is a big crux in this problem.

Also there is a tax that goes on the payroll of 8 percent. I spoke about that earlier. We need to understand what is in here and what this does. It tears asunder the private sector and replaces it with a public sector. It is socialized medicine. It is HillaryCare writ large.

I will be happy to yield to the gentleman from Texas if he is in a position to vent himself a little further in the next 5 minutes.

Mr. GOHMERT. Absolutely, and I do appreciate my friend for yielding.

The takeover of health care by the government will be not just figuratively, but literally, a death knell for so many in America, because the only way socialized medicine has been able to work ever is by putting people on

lists, rationing health care, having more general practitioners, getting rid of so many specialists that have made such great strides forward, and then people dying on the list waiting to get health care.

That is where we are headed. And it breaks my heart to know so clearly where this goes and what will happen.

The way that some of this is being pushed is with class envy and creating this friction among Americans that used to be so much the antithesis of what being an American was. But that has been fracturing America. We are Americans. We need to get rid of being hyphenated Americans and go back to being Americans.

Mark Levin was here on the Hill earlier today, and in his great book, "Liberty and Tyranny," he has a quote from Ronald Reagan. And it has so much application today. He said, and this was a quote from Reagan, "How can limited government and fiscal restraint be equated with lack of compassion for the poor? How can a tax break that puts a little more money in the weekly paychecks of working people be seen as an attack on the needy? Since when do we in America believe that our society is made up of two diametrically opposed classes—one rich, one poor—both in a permanent state of conflict and neither able to get ahead except at the expense of the other? Since when do we in America accept this alien and discredited theory of social and class warfare? Since when do we in America endorse the politics of envy and division?"

That is what is being driven here. And as my friend knows, some months back I said instead of throwing money at Goldman Sachs, AIG and that kind of thing, how about letting people keep a little of their own money in their own paychecks, let them have their own withholding back for even a couple of months, and you'll see stimulus that was never seen. That wasn't listened to by this administration or this House majority. And we are paying a severe price. And I yield back.

Mr. KING of Iowa. I thank the gentleman from Texas, and I thank the Speaker for his indulgence this evening and for recognizing us. I just point out that we disagree with the philosophy that is being driven by the White House. We are free-market people that believe in constitutional rights and the spirit of the American people. We will emerge triumphant, however long it takes.

I thank you, Mr. Speaker, and I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for today until July 22 at 2 p.m. on account of official business in district.

Mr. PENCE (at the request of Mr. BOEHNER) for today on account of the funeral of a close personal friend.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today until 3 p.m. on account of a family medical emergency.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SESTAK) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, 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. POE of Texas, for 5 minutes, July 23.

Mr. JONES, for 5 minutes, July 23.

Mr. MCCOTTER, for 5 minutes, July 17.

Mr. BOOZMAN, for 5 minutes, today.

Mr. PAULSEN, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, July 17.

Mr. SCALISE, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. WATSON, for 5 minutes, today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 509. An act to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes; to the Committee on Veterans' Affairs.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Friday, July 17, 2009, at 9 a.m.

#### OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign

and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

JUDY CHU, California, Thirty-Second.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

2674. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010 entitled, "Authority to Extend Eligibility for Enrollment in Department of Defense Elementary and Secondary Schools to Certain Additional Categories of Dependents"; to the Committee on Armed Services.

2675. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010 entitled, "Air Force Academy Athletic Association"; to the Committee on Armed Services.

2676. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010 entitled, "Authority to Order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to Active Duty to Provide Assistance in Response to a Major Disaster or Emergency"; to the Committee on Armed Services.

2677. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010 entitled, "Authority to Order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to Active Duty to Provide Assistance in Response to a Major Disaster or Emergency"; to the Committee on Armed Services.

2678. A letter from the Secretary, Department of Defense, transmitting a quarterly report on withdrawals or diversions of equipment from Reserve component units for the period of January 1, 2009 through March 31, 2009, pursuant to Public Law 109-364, section 349; to the Committee on Armed Services.

2679. A letter from the Deputy Chief of Staff, Department of the Army, transmitting the Department's annual report on recruiting incentives for fiscal year 2008, pursuant to Public Law 109-163, section 681; to the Committee on Armed Services.

2680. A letter from the Secretary, Department of Commerce, transmitting the annual report on the Emergency Steel Loan Guarantee Program for fiscal year 2008, as required by Section 101(i) of Chapter 1 of Pub. L. 106-51; to the Committee on Financial Services.

2681. A letter from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Department's fourth annual Homeless Assessment

Report for 2008; to the Committee on Financial Services.

2682. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the President's bimonthly report on progress toward a negotiated solution of the Cyprus question covering the period April 1, 2009 through May 31, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

2683. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective May 24, 2009, the 15% Danger Pay Allowance for USG personnel serving in Banja Luka and Other, Bosnia-Herzegovina, has been eliminated based on improved conditions, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

2684. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2685. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Russia, Sweden, Hong Kong and Kazakhstan (Transmittal No. DDTC 038-09); to the Committee on Foreign Affairs.

2686. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing a possible unauthorized end-use of U.S. defense articles by the Government of Egypt; to the Committee on Foreign Affairs.

2687. A letter from the Architect of the Capitol, transmitting the Semiannual Report for the period October 1, 2008 through March 31, 2009 prepared by the Office of Inspector General of the AOC; to the Committee on Oversight and Government Reform.

2688. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2689. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting response to the report to Congress from the Office of the Inspector General of the Corporation; to the Committee on Oversight and Government Reform.

2690. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements — Costa Rica and Peru (DFARS Case 2008-D046) (RIN: 0750-AG31) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2691. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Authority's fiscal year 2008 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2692. 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.

2693. A letter from the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2694. A letter from the Office of the Inspector General, transmitting copy of the final report on the Architect of the Capitol (AOC) Network Penetration Test (Report No. 09-AOC-13); to the Committee on House Administration.

2695. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on applications for delayed-notice search warrants and extensions during fiscal year 2008, pursuant to 18 U.S.C. 3103a(d); to the Committee on the Judiciary.

2696. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Standard Oil Development Company, Linden, New Jersey, to be added to the Special Exposure Cohort (SEC), pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

2697. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Santa Susana Field Laboratory-Area IV, to be added to the Special Exposure Cohort (SEC), pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

2698. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1839-DR for the State of Tennessee, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

2699. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1837-DR for the State of Mississippi, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

2700. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1838-DR for the State of West Virginia, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

2701. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority, pursuant to Public Law 111-8, section 7040(d); jointly to the Committees on Foreign Affairs and Appropriations.

2702. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1833-DR for the State of Georgia, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

2703. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1836-DR for the State of Alabama, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

2704. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1834-DR for the State of Arkansas, pursuant to Public Law 110-329, section 539;

jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

2705. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1835-DR for the State of Alabama, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 1196. A bill to authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives (Rept. 111-210). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 1604. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; with an amendment (Rept. 111-211). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN. Committee on Rules. House Resolution 653. Resolution providing for the consideration of the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes (Rept. 111-212). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HODES:

H.R. 3230. A bill to establish within the National Science Foundation the Innovation Inspiration school grant program, and for other purposes; to the Committee on Science and Technology.

By Ms. ROS-LEHTINEN (for herself,

Mr. GARRETT of New Jersey, Mr. PENCE, Mr. MCCOTTER, Mr. HOEKSTRA, Mr. BACHUS, Mr. BUYER, Mr. YOUNG of Alaska, Mr. PRICE of Georgia, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROYCE, Mr. ROHRBACHER, Mr. HENSARLING, Mrs. MYRICK, Mr. WOLF, Mrs. BLACKBURN, Mr. KIRK, Mr. LINDER, Mr. LOBIONDO, Mr. TERRY, Mr. PLATTS, Mr. SHUSTER, Mr. BISHOP of Utah, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. NUNES, Mr. MCHENRY, Mrs. BACHMANN, Mr. BUCHANAN, Mr. LAMBORN, and Mr. BROUN of Georgia);

H.R. 3231. A bill to refund United States taxpayer dollars expended on the Durban Review Conference, and for other purposes; to the Committee on Foreign Affairs.

By Ms. KILROY (for herself, Mr. SHERMAN, Ms. SUTTON, Ms. FUDGE, Mr. BOCCIERI, Ms. SPEIER, and Mr. GRAYSON):

H.R. 3232. A bill to amend the Emergency Economic Stabilization Act of 2008 to require

certain warrants held by the Secretary of the Treasury to be sold at public auction upon the repayment of the associated assistance provided under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mrs. LUMMIS (for herself and Mrs. KIRKPATRICK of Arizona):

H.R. 3233. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit the annual cost of appropriation earmarks and to make them more predictable, equitable, and transparent; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3234. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Education and Labor, 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. SCHAUER:

H.R. 3235. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the use of ethanol in tetra ethyl ortho silicate (TEOS) production; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 3236. A bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes; to the Committee on Homeland Security.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 3237. A bill to enact certain laws relating to National and Commercial Space Programs as title 51, United States Code, "National and Commercial Space Programs"; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. HINOJOSA):

H.R. 3238. A bill to increase access to adult education to provide for economic growth; to the Committee on Education and Labor, 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 Mrs. KIRKPATRICK of Arizona (for herself and Ms. LORETTA SANCHEZ of California):

H.R. 3239. A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. POE of Texas, Mr. MOLLOHAN, Mr. SENSENBRENNER, Mr. WOLF, Mr. INGLIS, Ms. LORETTA SANCHEZ of California, and Mr. FORTENBERRY):

H.R. 3240. A bill to ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children ab-

ducted to other countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 3241. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and Labor.

By Mrs. MALONEY (for herself, Mr. MURPHY of Connecticut, and Ms. BALDWIN):

H.R. 3242. A bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. SARBANES (for himself and Mr. GALLEGLY):

H.R. 3243. A bill to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay; to the Committee on Oversight and Government Reform.

By Mr. SCHIFF:

H.R. 3244. A bill to amend title 18, United States Code, to establish the transfer of any nuclear weapon, device, material, or technology to terrorists as a crime against humanity; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. CONYERS, Mr. RANGEL, Mr. NADLER of New York, Ms. ZOE LOFGREN of California, Mr. PIERLUISI, Mr. WEINER, Mr. COHEN, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. GRIJALVA, Mr. PAUL, Mr. MORAN of Virginia, Ms. NORTON, and Mr. QUIGLEY):

H.R. 3245. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act regarding penalties for cocaine offenses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut:

H. Res. 651. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. LARSEN of Washington (for himself, Mr. INSLEE, Mr. DICKS, Mr. BAIRD, Mr. HASTINGS of Washington, Mrs. McMORRIS RODGERS, Mr. REICHERT, Mr. SMITH of Washington, Mr. McDERMOTT, and Mr. REHBERG):

H. Res. 652. A resolution recognizing the 150th anniversary of the Pig War crisis; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. HOYER, Mr. WEXLER, Mr. FALOMAVAEGA, Mr. ISSA, Mr. CARSON of Indiana, Mr. McMAHON, Mr. DINGELL, Mr. BUTTERFIELD, Mr. MEEKS of

New York, Mr. PAYNE, Mr. CLYBURN, Ms. WATSON, Ms. WASSERMAN SCHULTZ, Mr. TANNER, Ms. LORETTA SANCHEZ of California, Mr. MEEK of Florida, and Ms. ROS-LEHTINEN):

H. Res. 654. A resolution honoring the Organization for Security and Cooperation in Europe Mediterranean Partners for Cooperation and for other purposes; to the Committee on Foreign Affairs.

By Mr. LUJAN (for himself, Mr. TEAGUE, and Mr. HEINRICH):

H. Res. 655. A resolution recognizing the historical significance of the city of Santa Fe; to the Committee on Oversight and Government Reform.

By Mr. WITTMAN:

H. Res. 656. A resolution supporting the goals and ideals of "National Inflammatory Skin Disease Awareness Month"; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 4 of rule XXII,

116. The SPEAKER presented a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution 15 EXPRESSING SUPPORT FOR THE DECISION BY THE UNITED STATES FISH AND WILDLIFE SERVICE TO DELIST THE GRAY WOLF AND URGING THE MONTANA DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO DEFEND THE DECISION TO DELIST THE GRAY WOLF AGAINST ANY LEGAL CHALLENGE; to the Committee on Natural Resources.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. JACKSON-LEE of Texas.  
 H.R. 39: Mr. OLVER and Mr. BLUMENAUER.  
 H.R. 48: Mr. MCCOTTER.  
 H.R. 147: Mr. KUCINICH and Mr. MURPHY of Connecticut.  
 H.R. 197: Mr. BURGESS and Mr. GRIFFITH.  
 H.R. 442: Mr. SULLIVAN and Mr. BLUNT.  
 H.R. 444: Mrs. MCCARTHY of New York, Ms. HIRONO, Mr. ACKERMAN, and Mr. SALAZAR.  
 H.R. 564: Mr. HONDA and Ms. ESHOO.  
 H.R. 610: Mr. GRAYSON.  
 H.R. 682: Mr. THOMPSON of California.  
 H.R. 690: Mr. PASCARELL.  
 H.R. 836: Mr. PAULSEN, Ms. MATSUI, Mr. KLINE of Minnesota, and Mr. LEWIS of California.  
 H.R. 855: Mr. WALZ, Mr. RADANOVICH, and Mr. GRAYSON.  
 H.R. 1020: Mr. CLEAVER.  
 H.R. 1034: Mr. LEE of New York and Mr. JONES.  
 H.R. 1058: Mr. GERLACH.  
 H.R. 1067: Mr. BONNER.  
 H.R. 1074: Mr. HOEKSTRA, Mr. SULLIVAN, and Mr. AUSTRIA.  
 H.R. 1101: Mr. FILNER.  
 H.R. 1103: Mr. GRAYSON.  
 H.R. 1132: Mr. ROGERS of Michigan, Mr. CHANDLER, Ms. PINGREE of Maine, Mr. BOCCIERI, Mr. STUPAK, Mr. FLEMING, Mr. LATTA, Mrs. McMORRIS RODGERS, and Mr. BISHOP of Utah.  
 H.R. 1158: Ms. MATSUI.  
 H.R. 1250: Mr. SHIMKUS, Mr. KIRK, Mr. DRIEHAUS, Mr. PAUL, Mrs. MYRICK, and Mr. DAVIS of Alabama.  
 H.R. 1255: Mr. McCAUL.  
 H.R. 1351: Mr. LARSEN of Washington and Mrs. McMORRIS RODGERS.  
 H.R. 1441: Mr. CLEAVER and Mr. PASTOR of Arizona.  
 H.R. 1458: Mr. MAFFEI and Mr. SCALISE.

- H.R. 1468: Mr. CARTER, Mr. MARCHANT, Mr. OLSON, and Mr. CONAWAY.  
H.R. 1479: Mr. PAYNE.  
H.R. 1520: Ms. BALDWIN.  
H.R. 1522: Mr. CONNOLLY of Virginia and Mr. MURPHY of Connecticut.  
H.R. 1547: Mr. BACHUS and Mr. GOODLATTE.  
H.R. 1548: Mr. CAMPBELL.  
H.R. 1618: Ms. SCHWARTZ and Mr. HEINRICH.  
H.R. 1621: Mr. TIAHRT.  
H.R. 1639: Mr. FILNER and Mr. BISHOP of New York.  
H.R. 1798: Mr. PAUL.  
H.R. 1826: Mr. KIND.  
H.R. 1829: Ms. MCCOLLUM and Mr. ABERCROMBIE.  
H.R. 1831: Mr. TIAHRT, Mr. INSLEE, Mr. TIBERI, Mr. COLE, and Mr. HEINRICH.  
H.R. 1887: Mr. RAHALL and Mr. MOORE of Kansas.  
H.R. 1894: Mr. GOHMERT.  
H.R. 1969: Mr. COBLE.  
H.R. 1977: Mr. GRAYSON.  
H.R. 2000: Mr. STARK, Mr. FILNER, Mr. DICKS, Mr. PASTOR of Arizona, and Mr. LARSEN of Washington.  
H.R. 2024: Mr. COHEN.  
H.R. 2030: Mr. WU, Mr. OLVER, and Mr. DRIEHAUS.  
H.R. 2035: Mr. CHILDERS.  
H.R. 2058: Mr. FRANK of Massachusetts.  
H.R. 2084: Mr. PASTOR of Arizona.  
H.R. 2124: Mr. GOODLATTE and Mr. KIND.  
H.R. 2129: Mr. PATRICK J. MURPHY of Pennsylvania.  
H.R. 2137: Mr. MCGOVERN, Mr. OLVER, and Mr. COHEN.  
H.R. 2176: Mr. ARCURI.  
H.R. 2181: Mr. GRIJALVA.  
H.R. 2213: Mrs. MALONEY.  
H.R. 2245: Mr. GALLEGLEY.  
H.R. 2296: Mr. BROUN of Georgia, Mr. HODES, Mr. HIGGINS, and Mr. SULLIVAN.  
H.R. 2328: Mr. TONKO and Mr. BARTLETT.  
H.R. 2350: Mr. HIMES and Mr. LATHAM.  
H.R. 2419: Mr. BLUMENAUER and Mr. CONNOLLY of Virginia.  
H.R. 2427: Mr. KUCINICH.  
H.R. 2447: Mr. MURPHY of New York.  
H.R. 2452: Mr. MEEK of Florida and Mr. FLEMING.  
H.R. 2474: Ms. WATERS and Ms. LEE of California.  
H.R. 2478: Mr. CARSON of Indiana.  
H.R. 2492: Mrs. MALONEY.  
H.R. 2499: Ms. DEGETTE.  
H.R. 2523: Mr. SALAZAR.  
H.R. 2529: Mr. BACHUS.  
H.R. 2553: Mr. ELLSWORTH.  
H.R. 2558: Mr. MCGOVERN and Mr. RYAN of Ohio.  
H.R. 2578: Mr. ISRAEL.  
H.R. 2648: Mr. HILL and Mr. VISCLOSKEY.  
H.R. 2681: Mr. PIERLUISI.  
H.R. 2698: Mr. BOREN and Mr. BRADY of Pennsylvania.  
H.R. 2699: Ms. JACKSON-LEE of Texas, and Mr. BRADY of Pennsylvania.  
H.R. 2733: Mr. KLEIN of Florida.  
H.R. 2743: Mr. BOUCHER, Mr. MORAN of Virginia, Mr. SNYDER, Mr. CARTER, Mr. TIERNY, Mr. CUMMINGS, Mrs. MILLER of Michigan, Mr. THOMPSON of California, Ms. DEGETTE, Mrs. BLACKBURN, Mr. CARDOZA, Ms. SCHAKOWSKY, Mr. ROSKAM, Mr. WALZ, Mr. POLIS of Colorado, and Mr. COHEN.  
H.R. 2773: Mr. PAYNE.  
H.R. 2891: Mr. FRANK of Massachusetts and Mr. WELCH.  
H.R. 2927: Mr. COBLE.  
H.R. 2941: Ms. VELÁZQUEZ and Mrs. DAVIS of California.  
H.R. 3003: Mr. SARBANES.  
H.R. 3017: Mr. LYNCH.  
H.R. 3018: Mr. POE of Texas.  
H.R. 3042: Mr. FARR and Mr. GRIJALVA.  
H.R. 3074: Ms. MCCOLLUM.  
H.R. 3076: Mr. CONYERS and Mr. ISRAEL.  
H.R. 3092: Mr. COHEN, Ms. MATSUI, and Mr. BERRY.  
H.R. 3094: Ms. JACKSON-LEE of Texas.  
H.R. 3167: Mr. HOEKSTRA, Ms. FALLIN, Mr. PENCE, Mr. CONAWAY, Mr. SHADEGG, Mr. ISSA, Mr. GINGREY of Georgia, Mr. FLAKE, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mrs. BACHMANN, Mr. PITTS, and Mr. GARRETT of New Jersey.  
H.R. 3173: Ms. BEAN and Mr. MCCOTTER.  
H.R. 3200: Mr. KILDEE.  
H.R. 3202: Ms. SCHAKOWSKY, Ms. EDWARDS of Maryland, and Mrs. NAPOLITANO.  
H.R. 3226: Mr. SMITH of Texas, Mr. BISHOP of Utah, Ms. GINNY BROWN-WAITE of Florida, Mr. COBLE, and Mr. BARTLETT.  
H.J. Res. 42: Mr. CASSIDY and Mr. HALL of Texas.  
H.J. Res. 56: Mr. CARSON of Indiana, Mr. GUTIERREZ, Mr. KIRK, Ms. ZOE LOFGREN of California, and Mr. SOUDER.  
H. Con. Res. 49: Mr. CASSIDY, Mr. HARPER, and Mr. MOLLOHAN.  
H. Con. Res. 51: Ms. FUDGE, Mr. LATOURETTE, Mr. PASCRELL, and Mr. PETERS.  
H. Con. Res. 70: Mr. TURNER.  
H. Con. Res. 87: Mr. KIRK and Mr. PETERSON.  
H. Con. Res. 128: Mr. THORNBERRY.  
H. Con. Res. 163: Ms. BORDALLO, Ms. NORTON, Ms. ZOE LOFGREN of California, Ms. CASTOR of Florida, and Ms. EDWARDS of Maryland.  
H. Res. 55: Mr. LATHAM.  
H. Res. 111: Ms. JACKSON-LEE of Texas.  
H. Res. 185: Mr. TURNER.  
H. Res. 199: Mr. TIBERI.  
H. Res. 288: Mr. INSLEE, Mrs. LUMMIS, and Mr. BROWN of South Carolina.  
H. Res. 397: Mr. HARPER.  
H. Res. 416: Mr. AL GREEN of Texas.  
H. Res. 459: Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FOSTER, Mr. GRAYSON, Mr. HELLER, Mr. HENSARLING, Mr. JORDAN of Ohio, Mr. LIPINSKI, Mr. MANZULLO, Mr. MCCARTHY of California, Mr. MCCAUL, Mr. MCHENRY, Mr. PAYNE, Mr. QUIGLEY, Ms. SCHAKOWSKY, Mr. SHUSTER, Mr. SESTAK, and Mr. SHIMKUS.  
H. Res. 487: Mr. STUPAK.  
H. Res. 512: Mr. HIGGINS.  
H. Res. 550: Mr. AL GREEN of Texas.  
H. Res. 557: Mr. KLINE of Minnesota.  
H. Res. 574: Mr. BAIRD.  
H. Res. 586: Mr. HONDA, Mr. MCGOVERN, Ms. BORDALLO, and Mr. CONYERS.  
H. Res. 593: Mr. BLUMENAUER, Mr. STARK, and Ms. SPEIER.  
H. Res. 599: Mr. CAPUANO, Mr. DELAUNT, Mr. OLVER, Mr. MCGOVERN, Ms. SHEA-POR-TER, and Mr. FRANK of Massachusetts.  
H. Res. 615: Mr. HUNTER, Mrs. BACHMANN, Mr. MCCAUL, Mr. CULBERSON, Mr. ROONEY, Mr. BROUN of Georgia, and Mr. STEARNS.  
H. Res. 619: Mr. PUTNAM and Mr. SMITH of Texas.  
H. Res. 630: Mr. JACKSON of Illinois and Ms. WATERS.  
H. Res. 639: Mr. COBLE.

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#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative NICK J. RAHALL II, or a designee, to H.R. 1018, the Restore Our American Mustangs Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

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#### 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. Res. 648: Mr. KAGEN.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, THURSDAY, JULY 16, 2009

No. 107

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our refuge and strength whose compassion encompasses humanity and whose mercy never fails, empower our Senators to be partners with You in Your redeeming purposes for this Earth. Remind them that the only greatness they will ever know is linked to Your transforming might. As they strive to please You, make them seekers after peace, justice, and freedom. Transform this storied Chamber of our legislative branch into a place of vision, a lighthouse of hope, and a source of solace for those battered by the raging floods of life. May the Members of this body become architects of a new order of peace and justice for the people of our world.

We pray in your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 16, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business today for 1 hour. The Republicans will control the first 30 minutes, and the majority will control the second 30 minutes.

Following that morning business, the Senate will resume consideration of the Defense bill. Today we have two matters that are pending. One is the F-22. In the bill there is a provision to provide an extra \$1.75 billion for more F-22s. Senators LEVIN and MCCAIN, the two managers of the bill, have offered an amendment to strike that. I would hope we can have a vote on that today. That has been pending for several days. In addition to that amendment, we will have a vote in the next 14 hours on the hate crime amendment to this legislation. We can either do it earlier today or after midnight tonight, but we are going to do it before we adjourn here today.

### HONORING THE CAPITOL POLICE

Mr. REID. Madam President, I have five children. As they have grown, we have moved on a number of occasions. But I have been able to keep, as one of my prized possessions and bring back memories of my younger days, a number of things. If you have children, as

the Presiding Officer knows, it is hard to keep things from being broken or misplaced. But I have a number of things I have been able to keep. One is the badge I wore when I was a Capitol policeman here on Capitol Hill. I still have that. It is in my conference room, and occasionally I will look up and see it. It reminds me of my days here in a different capacity as a police officer.

I came to Washington, DC, as a young man to get my law degree. I had a wife and a little baby. I worked from 3 to 11 every night except Sunday. I went to law school full time. But my time as a Capitol policeman was something I will always remember. We did not have the training the police officers have today. That is a gross understatement. We had very little training. But I carried my six-shooter and my uniform, of which I still have some pictures. I am very proud of that. I did not do anything dangerous. I have said here on the Senate floor before, the most dangerous thing I did was direct traffic. I say that because the old streetcar tracks caused the cars to bounce around, and you sometimes would wonder if they would get you because they were going fast up Constitution.

So having had little experience as a police officer, in the sense that we now see these police officers protecting us, I have a deep and genuine appreciation for the sacrifice the men and women who are Capitol police officers make. When I was a Capitol policeman—all men, no women. But now, all over the Capitol complex, there are hundreds of women who help protect us.

The reason I make this brief introduction is yesterday afternoon, our Capitol police once again did their jobs with great bravery and skill. Fortunately, this came at such an interesting time. Next week, a week from tomorrow, we are going to have a ceremony here in the Capitol, as we do every year—I believe this is the 11th year—where we recognize the bravery

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of two Capitol police officers who were killed, Officers Chestnut and Gibson.

Gibson I knew. We were on a Senate retreat in Virginia, and my wife became ill. Gibson is the man who ran with all of the paraphernalia to make sure she was going to be OK. He was profusely perspiring. I can still remember very clearly this wonderful hard-working man. He came to save my wife.

Well, these two officers were killed. In the process of their being murdered by a madman, we do not know how many people's lives were saved in the Capitol complex. But it was the impetus that caused us to complete this great Capitol Visitor Center that we have, in the sacrifice that they certainly did not intend to make but they did make because of their training and skill.

Yesterday, an armed man fled a traffic stop, driving erratically around Capitol Hill. We do not know all of the details, but we do know that he struck a parked car, we understand now a motorcycle and a police car, a Capitol police car, and he almost ran over two police officers.

But when he got out of the car, a block from where we are right now, he came with an Uzi-type weapon, semi-automatic weapon, and started firing at the police and anyone else around them.

Fortunately, the Capitol police officers stopped him before he had a chance to do any harm. He was shot numerous times as was required under the circumstances. But the interesting part about this is what did the police officers do when the firing stopped, when they could no longer hear the bullets. They immediately ran over and administered first aid to this domestic terrorist. They tried to save the life of a man who seconds earlier tried to take theirs.

I do not know how we define heroism, but I think that is a pretty good description. An investigation is, of course, underway. We do not know all of the details, nor can we know how many lives these officers saved yesterday. And we cannot sufficiently thank them for what they did. But on behalf of the entire Senate, we appreciate each of them. I admire what you do. Wherever we go on this Capitol complex, there are people looking over us. That is not the way it always was, but now with terrorism, with there being a war that is being waged against our great country, we have had to have all of these police officers protect not only us but all of the people who come here on a daily basis.

We have people whom we can see in uniform. We have people we do not know are police officers; they are in plain clothing. We deeply value the honorable work these men and women do for us every day, putting their lives on the line to protect people they do not know.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### HONORING THE CAPITOL POLICE

Mr. McCONNELL. Madam President, I join my colleague, the majority leader, in extending my appreciation this morning to our marvelous Capitol police force. We were reminded in a very vivid way yesterday that they are on constant alert and that they are in constant danger.

Fortunately, incidents such as the one that took place yesterday are rare. We are all glad for that. And we are glad we have such a professional, well-trained, and courageous group of men and women to keep us safe day in and day out. They are always ready. On behalf of the entire Senate family, I want to express my appreciation for their hard work and their courage in the line of duty.

#### HEALTH CARE WK VI, DAY IV

Mr. McCONNELL. Mr. President, for the past several weeks I have come down to the Senate floor just about every day we have been in session, and I have brought a simple message: Americans want health care reform, and both parties want to deliver that reform. What Americans do not want is a government takeover masked as a reform that leaves them paying more for less. And they don't want us to rush something as important and as personal as health care reform just to have something to brag about at a parade or a press conference.

So it was perplexing to hear the President say yesterday that the "status quo . . . is not an option." I cannot think of a single person in Washington who disagrees with that statement. No one is defending the status quo, no one. What we are defending is the right of the American people to know what they are getting into: the exact details and the cost.

That leads me to another distressing aspect of the administration's approach to this debate, the artificial timeline for reform. The President has said he wants to see a health care reform bill out of the Senate in 3 weeks and on his desk in October. His rationale seems to be the same as it was during the debate over the stimulus. The economy's in bad shape, so health care reform has to happen right away.

Certainly the two are connected. But the problem is that many of the Democrat proposals we have seen would not make the situation better, they would make it even worse. And due to our current financial situation, we need to be even more careful about how we spend our money, not less. We saw the consequences of carelessness on the stimulus bill. We rushed that, and Americans got burned. We must not make that mistake again.

But we can start with a point of real agreement: Americans want reform, but they want us to be careful.

An artificial deadline virtually guarantees a defective product—virtually guarantees a defective product. Look no further than the drafts coming out of the House and Senate this very week. Both of them are shot through with weaknesses and deficiencies typical of a rush job. First, they cost way too much. According to early estimates, the House bill would cost more than \$1 trillion over the next 10 years and yet—listen to this—it still wouldn't cover all the uninsured; \$1 trillion and it wouldn't cover all the uninsured. It includes a new tax on small business that could keep companies from hiring low-wage employees. It creates a new nationwide government-run health plan that could force millions off their current insurance. One of the worst parts is that advocates of the House bill want small businesses and seniors to pay for it; small businesses and seniors they want to pay for it. Businesses would pay through new taxes, seniors through cuts to Medicare, cuts that hospitals in my home State simply cannot sustain.

I have talked to the hospitals in Kentucky that are worried about the impact these Medicare cuts would have on the services Kentucky hospitals currently provide to seniors. I encourage all of my colleagues to talk to the people who care for patients day in and day out at hospitals in their own States and see what they have to say about this proposal. It may be a lot different than what some of the interest groups here in Washington are saying.

Small businesses are worried too. At a time when the unemployment rate is already approaching 10 percent, the new tax on small business will inevitably lead to even more job losses. Business groups across the country that have seen the details of the House bill are warning that it would certainly kill jobs. Under the House bill, taxes on some small businesses could rise as high as roughly 45 percent. Let me say that again: Taxes on small business up to 45 percent, meaning their tax rate would be about 30 percent higher than the rate for big corporations. So small businesses, which have created approximately two out of three new jobs over the past decade, get a bigger tax increase than big corporations. It is worth asking why small businesses, which created about two-thirds of the new jobs in this country over the last 10 years, get hit so hard under the House bill. Is it because they can't fight back as hard as big businesses? Either way, the House bill would lead to some small businesses paying higher taxes than big businesses, even though the U.S. corporate rate for all of our corporations is already one of the highest in the world.

The Senate bill is as bad. As currently written, the HELP Committee bill would increase the Federal deficit by at least \$645 billion, at least that

much. If we add all the Medicaid changes the HELP Committee anticipates, it increases the Federal deficit by more than \$1 trillion at a time when we are already spending about \$500 million a day on interest on the national debt so far this year—\$500 million a day in interest on the national debt so far this year. It too would kill jobs by requiring businesses to either insure all of their employees or pay a tax if they do not. It would levy a tax on those Americans who don't have or cannot afford health insurance. It also fails to reform malpractice laws. It spends billions of dollars on projects unrelated to the crisis at hand. It forces millions of Americans off of their current plans—forces millions of Americans off of their current plans—despite repeated assurances from the administration that it does not. And like the House bill, it creates a nationwide government plan that could lead to the same kind of denial, delay, and rationing of care that we see in other countries.

Health care reform is vital but it is not easy. If the House bill and the HELP bill are any indication, it is certainly not something that should be rushed. Both bills are too expensive, particularly for small businesses and seniors. They are too disruptive of the health care Americans currently have, and they are ineffective in addressing the health care problem in its entirety.

Americans have a right to expect that we will take enough time on this legislation not to make the same mistake we made on the stimulus. The House and Senate bills we have seen this week show we are not there yet, not even close. We need to slow down and let the American people see what they are getting into with these so-called reforms. We all want reform, but we want the right reform.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Tennessee.

#### HEALTH CARE REFORM

Mr. CORKER. Madam President, I rise to speak about where we find ourselves today. This is a momentous time in our country's history, as all of us in both bodies on both sides of the aisle find ourselves focused on the issue of health care reform. In the middle 1990s, I had the tremendous honor of serving the State of Tennessee in a position that allowed me to oversee the State's Medicaid Program and many other programs in our State that focused on the needs of many of the underserved. Since that time, I have been convinced that we, all of us, have a moral responsibility to do everything we can to ensure that Americans of all walks of life have the opportunity for affordable, quality private health insurance.

I have probably attended 50 meetings in the last 90 days working with others toward that end. I am convinced that there are at least 90 people in this body who share the goal of ensuring that Americans of all walks of life have the opportunity for affordable quality health care. It is my hope that we will end up with a bipartisan solution.

I have been disappointed in the results, though, of legislation that has come forward thus far. My sense is that the House of Representatives is promoting a bill that does not meet the mark. The HELP Committee just passed out, on a party-line vote, a bill that, again, does not meet the mark. What concerns me is there are so much that we could agree on, yet we tend to focus on what is out of bounds and does not take us to the place we would all like to be. It is to that end that I rise to talk about this issue.

All of us know that our country has seen unprecedented debt levels. The leader of the Senate Republicans just spoke about that issue. The President in some ways found himself in this place, but on the other hand, since being in office, he has accumulated debt on top of debt for future generations. All of us understand that our biggest obligations exist in entitlements, with Medicare and Social Security. Most of us thought, as we came into this Congress, that one of our major focuses would have to be to get entitlements under control so that while we are doing this unprecedented short-term spending, which I oppose, at least the world community would realize we are trying to tackle our long-term obligations so they would continue to buy our bonds in order that we could go on here in this country.

I hoped strongly we would focus on that, and last Congress we had a bipartisan bill, by the way, supported by Republicans and Democrats, to do that.

What has happened, though—and this is pretty unfathomable to me—is that during health care reform, what has been focused on is Medicare, which has a \$38 trillion unfunded liability, a program where the trustees have said that

it is insolvent and is going to go into the hole in a huge way in 8 years. What is being discussed in this body, and what has already been agreed to by many on the House side, is taking money from Medicare, a program which is insolvent, one that, instead of taking money from, we should be trying to make solvent, but we are taking money from that program to create a whole new set of entitlements that will add incredible amounts of debt to our country's balance sheet.

It is almost unfathomable to believe that people in this body would be looking to make a program that is insolvent even more insolvent by leveraging it to create another program.

For that reason, because I know the Finance Committee is in meetings, in small groups but also as a committee, to try to figure out a way to solve this health care problem—and it is my hope that they will do it in a way that makes sense, in a way that builds bipartisan support—I have delivered today to the majority leader a letter signed by 35 Senators making this body, making the President aware of the fact that we will not support further jeopardizing the Medicare Program by using it to leverage a new entitlement. It is my hope that in delivering this letter, while we have 35 signatures at this moment, there will be more added. While these are all Republican signatures, I actually think there are many on the other side of the aisle who question leveraging an insolvent program for a new program. I have delivered this letter in the hopes that the Finance Committee, the leadership on the Democratic side of the Senate, and the President will seek a solution that is different than taking money from this insolvent program that aids our seniors to create a new entitlement.

One of the most discouraging issues is, it is my understanding—and I hope I am wrong—that the folks who are talking about using Medicare money to create a new entitlement are not even dealing with SGR. Every 18 months, we sit down and discuss the doc fix. Doctors all across the country call us wanting to make sure that their payments are not going to be cut by 21 percent this year. So each year we kick the can down the road and solve that for a year, year and a half, because of budgetary constraints. It is my understanding that what is being discussed at this moment is taking money from Medicare, leveraging a new program which will add increasing debt, and not solving that problem even during the 10-year budget window this legislation will deal with.

Again, I have attended every meeting I have been asked to. I went to the White House yesterday. I met with a bipartisan group last night. I believe that this country does need to figure out a way so that all Americans can access affordable quality health care. I know all Americans are concerned about the cost of health care. I stand here as one Senator committed to

doing that in the right way, but I also stand here with 35 other Senators saying that to do that and make another program that exists more insolvent is not acceptable. I oppose that. I hope that is not used to create a new entitlement.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ORDER OF PROCEDURE

Mr. NELSON of Nebraska. Madam President, I also ask unanimous consent that the Republican time be preserved.

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

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent to have about 6 minutes to address the body on national defense.

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

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. NELSON of Nebraska. Madam President, I wish to begin my comments on this year's national defense authorization by first thanking all the members of the Personnel Subcommittee. And I particularly would like to thank the subcommittee's ranking member, Senator LINDSEY GRAHAM. He and I have worked together for several years on this subcommittee, changing the chairmanship back and forth, and I have always found our time on the subcommittee is decidedly non-partisan, bipartisan, regardless of who currently chairs it.

All the Members of the Personnel Subcommittee strive to do what is right by servicemembers and their families, and any disagreements we have are minimal, and are always focused on how best to serve those who serve us.

The annual National Defense Authorization Act is one of the most important pieces of legislation that Congress passes every year. It provides authority for everything the Department of Defense does, from the ships and planes it buys, to the pay and compensation of servicemembers, to retirement and disability benefits. So I look forward to this year, once again, passing a Defense Authorization Act for the 48th year in a row.

As in past years, the committee has focused heavily on personnel issues, including taking care of the families of

servicemembers. There is an old axiom in the military that you recruit the soldier but you retain the family. So providing support to those families is more important now than ever before. I am happy with the bill, and I recommend it to my fellow Senators. I wish to emphasize that the committee also voted this bill out of committee unanimously.

The bill before us authorizes \$135.6 billion for military personnel, including pay, allowances, bonuses, death benefits, and permanent change of station moves. The bill contains many important provisions that will improve the quality of life of our men and women in uniform and their families.

First and foremost, the bill would authorize a 3.4-percent pay raise, which is half a percent higher than the increase in the Employment Cost Index and the administration's request and reauthorizes over 25 types of bonuses and special pays aimed at encouraging enlistment and reenlistment.

The bill also addresses the administration's request to increase the permanent end strengths of all the services over last year's authorization. The bill authorizes fiscal year 2010 end strengths of 547,400 for the Army; 202,100 for the Marine Corps; 331,700 for the Air Force; and 328,800 for the Navy. The Active Duty end strength of every service will increase over last year's levels. Moreover, the bill authorizes additional Army Active Duty end strength in fiscal years 2011 and 2012, if needed.

The bill also authorizes pay for travel and transportation expenses for Reserve component members to go home when training has been suspended at their temporary duty station. Operation Airlift, as we call it, came to my attention when members of the 110th Medical Battalion, based in Lincoln, NE, were stranded at Fort Lewis, WA, when training was suspended and the base was shut down for the holidays. Military rules prohibited using military funds to pay for their travel back to Nebraska until training resumed. This measure addresses this problem which has occurred in many other States and to many other reservists and guardsmen and demands that the military commands appropriately plan and schedule training exercises.

The bill also supports the continued provision of world-class health care to our servicemembers and their families, authorizing \$27.9 billion for the Defense Health Program.

The bill authorizes TRICARE standard coverage for National Guard and Reserve retirees previously in an uncovered so-called gray area. The TRICARE gray area retiree measure ensures nearly 225,226 eligible retirees nationwide will have the opportunity to purchase coverage under the military's TRICARE health care program.

In support of our increasing number of wounded warriors, the bill authorizes special compensation for caregivers for the time and assistance they

provide to servicemembers with combat-related catastrophic injuries or illnesses requiring assistance in everyday living. Additional support is provided through this bill which authorizes travel and transportation allowances for nonmedical attendants of very seriously wounded, ill or injured servicemembers.

To ensure we continue to increase the care of our wounded warriors, this bill requires the establishment of a task force to assess the effectiveness of the policies and programs to assist and support the care, management, and transition of recovering wounded, ill, and injured servicemembers.

To help resolve the dire shortage of physicians needed to care for the mental health of combat proven servicemembers, the bill authorizes the service Secretaries to add up to 25 officers each year as students at accredited schools of psychology for training leading to the degree of doctor of psychology in clinical psychology. In an effort to ensure our servicemembers get the mental health care they need and to help overcome the stigma associated with seeking mental health care, the bill requires person-to-person mental health assessments at designated intervals for servicemembers deployed in connection with contingency operations.

The bill also requires initiatives to increase the number of military and civilian behavioral health personnel at the Department of Defense.

Continuing our efforts to support wounded warriors and their families, the bill requires the Secretary of Defense to undertake a comprehensive assessment of the impacts of military deployment on dependent children of servicemembers, and a review of the mental health care and counseling services available to military children.

Finally, the bill authorizes \$45 million in impact aid to local school districts, including \$5 million for educational services for severely disabled children, and \$10 million for districts experiencing rapid increases in the number of students due to rebasing, activation of new military units or base realignment and closure.

These are just some of the highlights. There were over 60 legislative provisions affecting personnel policy, pay, end strength, health care, and family support. It is paramount we take care of our servicemembers by ensuring their pay and compensation is what it should be, and needs to be, to sustain the All-Volunteer Force and enable them to fight and win the Nation's wars and to take care of them and their families when they return home injured and wounded.

So, again, I would like to thank Senator GRAHAM and all the members of the Personnel Subcommittee of the Armed Services Committee. I look forward to working with our colleagues to pass this extremely important legislation as we continue the process of authorization of the parent bill.

With that, I conclude my remarks.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. LANDRIEU. Madam President, I understand we have up to 10 minutes each?

The ACTING PRESIDENT pro tempore. That is correct.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 1458 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### FOREIGN ADOPTED CHILDREN EQUALITY ACT

Ms. LANDRIEU. Madam President, I wish to speak for a moment about another bill Senator INHOFE and I introduced earlier: the Foreign Adopted Children Equality Act. This would make a small but important change in the way orphans are identified or classified when they are adopted overseas so that they can become automatic citizens.

I was very proud to work with Senator KENNEDY on this issue, with Senator Don Nickles from Oklahoma when he served in the body. We worked very hard to find a way, when families go overseas to adopt, once that adoption is final—we believe the active adoption itself puts that child in automatic custody of that parent. That parent, being an American citizen, should automatically be able to transfer that citizenship to that adopted child just as if you are born in the United States to an American citizen or you are born in the United States, you are an automatic American citizen; and most certainly if you are born overseas, but if your parents are citizens, you are an automatic citizen of the United States. You don't need any extra paperwork done on your behalf because we believe the act of adoption should be treated the same way as the act of birth. We believe this right should be transferred to orphan children adopted overseas.

Right now, there is a little bit of a glitch in the law that is not allowing this. This act would correct that.

I will finally end with one of my most wonderful memories of my time in the Senate, which was in Faneuil Hall in Boston with Senator KENNEDY and with Congressman DELAHUNT, when we, on one special day, were able to swear in as citizens of the United States thousands of children who had been waiting to become citizens, having been adopted by American families. That was a very proud moment of mine and something many of us worked on. But this bill will take that to a new level. When families travel overseas to

adopt, as my sister and many relatives and friends of Members of Congress took the opportunity to do, at the time the adoption is official in that country, the child becomes an automatic citizen of the United States, which is a great benefit.

As I grow older in my life, I realize what an extraordinary privilege it is to be a citizen of the United States of America. So as our families adopt, that citizenship will be automatically transferred to their adopted children.

So I thank you. Again, it is the Foreign Adopted Children Equality Act I am speaking about this morning and introducing for consideration of the body the Families for Orphans Act.

Thank you, Madam President. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CASEY. Madam President, I ask unanimous consent that I be recognized for 20 minutes in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. CASEY. Madam President, I rise to speak of two topics. The first is health care.

We had a significant development yesterday in the Health, Education, Labor, and Pensions Committee, of which I am a member, where we actually voted the bill out of the committee. It is the first time in many years that a major piece of health care legislation, other than major initiatives such as children's health insurance, has been voted out of the Senate committee.

We have a long way to go. We have the Senate Finance Committee working on this, the House is working on this, and President Obama has made this a major priority of his administration and I believe part of his economic recovery short-term and especially long-term. I commend two people for their work: Chairman DODD, working in place of our chairman, Senator KENNEDY. Between the two of them, they did a great job of leading this effort, not just in the course of some 60 hours of hearings and probably another 20 or more hours prior to the hearings—prior to the markup when we were offering amendments—but many months and weeks and, in the case of both of these Senators, years working on health care. I also commend the staffs, and my staff, especially Morna Murray, who did great work.

I say all that because it was a significant development. We know it is just

one chapter in a long book. We have a long way to go. I think it is significant that a bill is out of a committee and moving through the Senate.

I wish to focus in particular on a couple of aspects of the bill and then move to some reactions on the question of health care that we get from across Pennsylvania.

The bill itself has as its foundation this principle: The status quo is not only unacceptable, it is, in fact, unsustainable. We cannot continue to ignore the issue of health care. We have to act on it this year—not next year or the year after but this year, 2009—at long last tackling a problem the American people have been debating for decades now across the country. Now we have a President who is leading, with the opportunity to finally make progress.

The bill does a lot. First, as part of its foundation, it covers 97 percent of the American people. It is critical that we make that part of the final bill. Secondly, in terms of the overall impact of the bill, it will reduce costs, it will preserve choices, and it will, in fact, enhance quality. All of the issues we have talked about for years are now going to be part of this bill.

People have been frustrated by the unfairness of the failure of insurance companies to cover preexisting conditions. It is right there in the bill. Preexisting conditions, in the bill, will no longer be a bar to treatment and to the curing of disease and the treatment of individuals.

It also has as a foundation to it the question of what to do to preserve choice? The American people have a right to not only keep the health care they like, but also they should have a choice—if they don't like what they have or if they have no insurance at all, they ought to be given a choice. I believe part of that choice isn't just within the framework of private insurance, the insurance companies, but, in fact, a public option, preserving not just choice for the American people but also enhancing competition and bringing down costs. That is essential. Even as we are concerned about the almost 50 million Americans, including 5 million children, who don't have coverage, we have to make sure we are preserving that choice.

So reducing costs, preserving choice, and enhancing quality are very much a part of the bill that does change the status quo. At some point, people in Washington are going to have to join one team or the other—the status quo team, the "can't do it now, satisfied with the current system" team, or the side of changing the status quo, the side of reform, the team that is working with President Obama to at long last address the question of quality, the question of access, and the question of bringing down the cost of care for our families and our businesses. So they have to choose their team. In my judgment, there are two teams: the status quo team and the reform change team with President Obama.

I wish to highlight just two excerpts of letters I have received from constituents in Pennsylvania. I will read a sentence from each. Before I do that, I want to cite an element of one recent report. This is a recent report from Families USA. I will read one line to make this point:

. . . 44,230 more people are losing health care coverage each week.

That is 44,230 people, every single week, who are losing their health insurance. With that data staring us in the face—and you can point to other data in Pennsylvania and across the country—can anyone really make the argument that we should slow down and maybe not get this done this year, wait a little longer, a year, another 2 years? In fact, if you do that, you are talking about waiting 10 or 20 years. We cannot do that. We have to act with a sense of urgency and a sense of common purpose.

I will read two lines from two letters. One is from a gentleman in Pennsylvania and, secondly, a letter from another constituent of mine. They put this into sharp focus. This letter says, in part:

I, for one, find it impossible to understand how the Nation that sent men to the moon, invented atomic energy, and won the largest conflict in history [a reference to World War II] cannot provide the basic right to medical care to all, and most importantly, its neediest citizens.

That is a pretty wise summation of why we have to get this done this year.

Here is a brief line from another letter I received from a constituent in Pennsylvania. She speaks of the economic pressure she and so many families feel with the status quo, the current health care system:

I am only trying to keep my family from becoming another statistic.

Another statistic like 44,230 families losing their health care coverage every single week, a statistic like the number of families going into bankruptcy every week and every month because of one issue principally for many families—not all but many—the issue of health care.

I think we have to remember the wisdom and also the real-life experiences of the people who write to me, representing Pennsylvania, or any other State.

I have two more points.

The question is of premiums. There was a recent report that indicates that if we don't take action on the issue of health care reform, if we don't act now and finally, at long last deal with quality, cost, access, and preserving choice—this is a report by the New America Foundation, issued at the end of last year. It said:

In Pennsylvania, family health insurance with a price tag of \$26,879 in 2016 would consume 51.7 percent of the projected Pennsylvania median family income.

The national number is very similar to that. So if you look at it over a 10-year period or an 8-year period, what we are looking at here, if we don't

tackle this issue, is families in Pennsylvania and across the country will be paying half or more than half of their income for health care. That is the reality. That is why there is a sense of urgency and purpose and a resolute focus on this issue this year. We cannot sustain this. Our economy cannot continue to go in this direction. We have to begin to tackle it this year.

Finally, before I move to my second topic, is the issue of children. I have made, along with Senator DODD and so many others—this a central priority when we are doing health care reform. We are very happy this bill is moving forward, that health care is in sharp focus. One of the things we have to make sure of as we move through the process is that no children, especially poor children and those with special needs, come out of this worse off than they have been. One of my themes is “No child worse off.” Just four words: “No child worse off.” I add as a corollary: especially poor and special needs children.

Unfortunately, we have some ideas in Washington floating around that run contrary to that. I urge those who are ignoring the question of children, who are forgetting about the impact of this bill on children—and it is a very positive impact—to remember that line from Scripture where it says that “a faithful friend is a sturdy shelter.” We have a lot of people in Washington who do a lot of talking about being a friend of children, being advocates for children, and standing up for children. It is wonderful that they say that. But if we are going to prove ourselves to be a faithful friend to children by being that sturdy shelter that protects them, not only from the ravages of a bad economy, not only from the other horrors so many children face, but even protecting them from unintended consequences of health care legislation, if that is what we say we are going to do, we should prove it through the work we do in the bill.

I have a couple of points about that. One of the things I worked very hard on in the bill, working with Senator DODD, was to make sure that enrollment in care, either through the so-called gateway, which is part of the health care bill, or through Medicaid or CHIP, is done in a way that we are actively assisting—actively assisting—families to get them enrolled and not just saying: You are on your own and try to figure it out—actively seeking to help families, especially poor families, get enrolled.

I have worked with Senator DODD on a requirement that pediatric preventive care be included in the list of mandatory preventive services that insurance plans offer, with minimum cost-sharing requirements for families.

I have also worked with Senator DODD on ensuring that medical homes—which, as we know, is not a place but an approach to care, patient- and family-centered care that is comprehensive and coordinated; that is

what I mean by “medical home”—that there is a medical home as well for children. Pediatric medical homes for children are part of the bill.

Finally, we ensure the establishment of an oral health care prevention education campaign at the Centers for Disease Control focusing on preventive measures targeted toward children and pregnant women.

For all these reasons and more, we have to continue to focus on getting health care legislation passed at long last.

I was honored to be with the Presiding Officer yesterday at a discussion about preventive health care. That is a central part of this bill. I commend her work in this area. It is a central feature of this health care bill.

#### GLOBAL FOOD SECURITY

Mr. CASEY. Madam President, let me move to a second topic in the remaining time I have, in addition to health care, and that is actually a related issue, the issue of hunger and food security, but on the scale of the world, the international stage. I wish to speak briefly on the subject of a significant achievement from last week's G8 summit held in Italy.

The G8 leaders agreed to commit \$20 billion over the next 3 years to international agricultural development, of which the United States will pledge a minimum of \$3.5 billion over this period.

As the President, the White House, noted, that comprises more than doubling of current U.S. levels of agricultural development assistance and represents a dramatic shift in the way our government conceives of global food security.

For too long, the United States has relied on the traditional emergency aid model, a testament, of course, to the charity and generosity of the American people, but also an inefficient and often delayed response to hunger overseas.

A real investment in international agricultural development can help the developing world grow self-sufficient in agriculture and provide a livelihood for the significant share of the population that are small farmers across the world.

Everyone is familiar with the old saying: Give a man a fish and you feed him for today. Teach a man to fish, and you have fed him for a lifetime. We should bear that in mind when we think about this policy of global food security. That is exactly what the international community, led by the G8 and President Obama, is seeking to do, with an emphasis on several key principles, at least three: strategic coordination of assistance to ensure that aid is provided in a fashion that maximizes effectiveness and efficiency; investment in country-owned plans to provide genuine domestic ownership and inclusion of benchmarks and other standards of accountability; and a sustained commitment with follow-through at future summits to ensure

that the leading States are carrying through on their pledges.

This G8 initiative is a complement to the Global Food Security Act, introduced earlier this year by the ranking member of the Senate Foreign Relations Committee, Senator LUGAR, and myself. As of today, eight other Members have cosponsored the Global Food Security Act, and I was pleased that Secretary of State Clinton recently offered her general endorsement of this legislation.

This bill would achieve three major objectives. No. 1, enhance coordination within the U.S. Government so that USAID, the Agriculture Department, and other entities are not working at cross-purposes. We do that by establishing a new position, a special coordinator for food security, in the White House who would report directly to the President and would forge a comprehensive U.S. food security strategy.

No. 2, the bill expands U.S. investment in the agricultural productivity of developing nations so that nations facing escalating food prices can rely on emergency food assistance and instead take steps to expand their own crop production. A leading agricultural expert recently estimated that every dollar invested in agricultural R&D generates \$9 worth of food in the developing world.

I am grateful to Senator LUGAR for his bold proposal by the acronym HECTARE to establish a network of universities around the world to cooperate on agricultural research.

No. 3, the bill would modernize our system of emergency food assistance so that it is more flexible and can provide aid on short notice. We do this by authorizing a new \$500 million fund for U.S. emergency food assistance.

This bill has been worked on and marked up in the Foreign Relations Committee and reported out. I am working with Senator LUGAR to bring this legislation to the floor so the full Senate can take it up and pass it.

We should not wait—as I said about health care earlier—we should not wait for another massive food crisis such as the one that hit the world last summer, before taking action on this legislation. Global food security is not only a humanitarian issue, of course—and that is of immense proportions—but it is also a national and international security issue. Hunger breeds instability, and instability can set the stage for failed states.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. Madam President, I ask to speak in morning business.

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

#### ENGAGING THE ISSUES

Mr. DURBIN. Madam President, there are many things going on in the Capitol today. As a member of the Senate Judiciary Committee, I left the confirmation hearing of Judge Sonia Sotomayor, President Obama's nominee to the Supreme Court. I believe this is her fourth day of hearings before the committee. It appears we will be able to wrap up today or perhaps tomorrow.

I think she has done an extraordinarily good job. She comes to this nomination with a remarkable life story: rising from public housing in the Bronx, NY, losing her father when she was 9 years old, being raised by a determined and capable mother, a brother who became a doctor. She went on to law school after academic success in an Ivy League institution, and now has served for 17 years on the Federal bench.

We have many good witnesses before the Judiciary Committee, but I think she has set a high standard in terms of answering questions with a clear understanding of the law and a clear understanding of her responsibility if she is given this awesome assignment of serving on the highest Court in the land.

I cannot help but watch at these hearings as her family sits through hour after weary hour of Senators' questions. They are clearly in her corner and cheering her on; her mother, nodding in agreement when her daughter tells of their life story; others there in testimony to her wonderful life, her professional life as an attorney and judge.

I hope the Senate will bring her nomination before us in a timely fashion so that if she is approved—and I believe she will be approved by the Senate—she can cross the street to the U.S. Supreme Court and be there in September to make certain that the Court has a full complement of Justices to consider important cases.

At the same time on the floor, we have the Defense authorization bill, an annual exercise to authorize important expenditures for our national defense. There is a pending amendment relative to hate crimes, as to whether there will be a Federal cause of action against those who are guilty of physically assaulting and hurting people because of their sexual orientation, their gender, their race, their ethnic origin.

And, of course, there is another major debate underway about the future of health care in America. I have said that I think this debate over health care may be the biggest domestic undertaking of Congress in its history. In sheer numbers, the impact of this legislation will touch every single American immediately.

We have considered big issues in the past, issues such as Social Security,

but that was a program, when it was conceived and passed, that would affect senior citizens at a later date and only a few people initially. It was passed at a time when few people lived to be age 65, the qualifying age for Social Security. So it was an insurance policy for a small group of Americans. There was a payroll tax imposed on most workers in the country to pay for it.

Some 60 years later, President Lyndon Johnson considered the Medicare Program, another far-reaching program which today provides health insurance for 45 million Americans. It, too, is paid for primarily by a payroll tax, but it reached retirees. This debate on health care goes far beyond retirees. It affects all of us, every single one of us.

There have been so many things said about this debate. Some of the things that have been said at the outset are plain wrong. I was sent an e-mail by my brother who lives in California. I don't know the source of this e-mail, but it is one with wide subscription. It was loaded with mistakes and errors, suggesting that Members of Congress have some elite health care policies that pay for things ordinary Americans could never consider.

For the record, speaking for myself and most Members of Congress, we are under exactly the same health care plan as 8 million Federal employees and their families. But make no mistake, it is a good one. Because we have such a good bargaining pool, for over 40 years, private insurance companies have been anxious to get in and offer health insurance to not only Members of Congress but virtually every other Federal employee. It is a plan that engages us with private health insurance companies. My wife and I can choose from nine different private health insurance companies that offer coverage to residents of Illinois who are Federal employees. We can pick a plan that has limited coverage or one that has more coverage. My payroll deduction depends on the type of plan I choose.

The good news is once a year there is open enrollment. If I don't like the way I have been treated in the plan, I can move to a different company that might give me different benefits or better coverage. Every American should be so lucky as every Federal employee and Members of Congress. But we don't have an elite plan.

Other things that have been said are plain wrong. Members of Congress do not pay into Social Security. I can tell you when I was elected in 1982, in the House of Representatives, that was a fact. That was quickly changed within a year so that Members of Congress do pay into Social Security, as most Americans do today. These are all things that need to be set aside, and we need to get to the heart of the issue.

I listened as Republican Senators have come to the floor and talked about this health care debate. I cannot for the life of me understand how most of these Senators feel about the issue of health care.



The overwhelming majority of Americans believe we need to change the current system. If they have a good health insurance policy, they want to keep it, and the law we propose will allow them to do that, but there is a sense that the cost of health insurance is going up too fast and you can't earn enough money to keep up with it. Just over the last several years, the cost of health insurance premiums has risen three times faster than the wages of Americans. I have heard about it in Illinois; others have heard about it as well.

Those who want to keep the current system have to answer the most basic question: How will individuals and families and businesses be able to afford health insurance if we don't change? How can we deal with the deficits and debt that are being created by these inflated health care costs? The United States is the most expensive Nation in the world when it comes to health care. We spend, on average, per person more than twice as much as most other countries. Yet we don't have the medical results to point to which demonstrate that money is being well spent.

Some of the Republicans who have come to the floor—for instance, Senator McCONNELL from Kentucky, the Republican leader—talk about the failure of a plan in Maine, a public plan called—I may mispronounce this; I hope I don't—it looks like *Dirigo*. This *Dirigo* relied on private insurance with very few health insurance companies. Maine would benefit from the increased competition provided by a public option that we are talking about in the current national health care reform.

I think States across the Nation have done a good job in exploring creative innovations, but there are some limits as to what a State can do on its own, and many are financial. It is not realistic to expect them to solve health care problems State by State. States don't have the access to the financing levers that the Federal Government has. That makes sustainability difficult over the long term. And cost is difficult to control on a State basis. States don't have access to the Medicare Program, the largest buyer of health care in America. Medicare needs to be a leader in quality and cost control initiatives if we are going to make health care affordable. The States have tried to do their best, but without Federal leadership in addressing the skyrocketing costs of health care, the States are in an impossible position.

Health care reform isn't going to be easy, but we need to do it. Fortunately, we have a President—President Obama—who has said this is his highest priority. He is prepared to spend the political capital necessary to make this change, knowing it has been very difficult in the past.

What most Americans want to see is a system where you can walk in the doctor's office and not have to fill out the same form over and over and over

again; a system where doctors give the time to see their patients, can make the right diagnosis, and work through the questions that the patient might have; a system where patients aren't surprised by a medical bill they thought was covered under their insurance plan and ends up not being covered; a current system where doctors don't have to hassle with insurance companies for approval of medically necessary treatment; a system where you are not denied coverage because of an illness you had 5 years ago or because of your age; a system where health care is affordable; where it will cost less and cover more.

That is what 85 percent of the American people say they want out of this debate. This is what I would bet even the 77 percent of the American people who are satisfied with their health care today want to make sure is guaranteed in the future.

Some of my colleagues on the other side of the aisle seem to agree with the idea of the need for change, the need for health care reform. Some of them have focused on medical malpractice. I know a little about this. Before I was elected to Congress many years ago, I handled medical malpractice cases as an attorney in Springfield, IL. For a long time, I defended doctors and hospitals. And then, with a new practice, I was on the plaintiff side, representing the injured—the patients who were suing the doctors and hospitals. I have seen it from both sides of the table.

It is unfortunate when these lawsuits are filed. It is even more unfortunate when innocent people have become victims of medical negligence. There are an awful lot of them each year, and we need to do more to reduce the incidence of medical negligence. Many of these people just went to the doctor, did exactly what they were told, and ended up in a situation where their health was compromised and where they incurred massive health care costs because a mistake was made. Sometimes it is an innocent mistake, but other times, clear negligence and worse on the part of medical providers.

Don't get me wrong. I have the highest regard for the medical profession. And if it is my health or the health of someone in my family or someone I love, I want that doctor, the very best person there, to help, and I want to give them the benefit of the doubt; that they do not work miracles; they can only do the best they can, and I am prepared to accept that. In some cases, though, negligence happens. Malpractice occurs. Terrible things happen. And to close the courtroom doors to those who are injured and face a lifetime of pain, suffering, scars, limitations, disability, and health care costs is fundamentally unfair.

The Congressional Budget Office thinks that medical malpractice costs amount to less than 2 percent of health care spending. Government economists estimate that restricting all patients' rights to go to court would only lower

health care costs less than 1/2 of 1 percent. So when we talk about changing the health care system, of course let's have a conversation about patient safety and reducing the medical errors and making sure that doctors who are not guilty of malpractice don't face lawsuits that never should have been filed, but let's be honest about it. This is a very small part of the issue.

We also need to make sure that a public option is available. Health insurance companies are some of the most profitable companies in America. A public option will make sure there is an option, a choice, a voluntary alternative for every American to choose a public option plan, a plan that is a not-for-profit, government-oriented plan—such as Medicare—that doesn't have high administrative costs, doesn't take a profit out of what they are charging you, and doesn't have a lot of costs for marketing. That, to me, is a way to guarantee honesty and more competition.

We know if we fail to act that many millions of Americans will continue to have no health insurance, and others will find the cost of health insurance going up dramatically. The cost today is overwhelming for some Americans.

If you went to Wrigley Field last weekend to watch the Cards and Cubs play, there were about 41,000 people seated in the stands. It is a great rivalry, a terrific baseball rivalry that draws people from St. Louis and from Chicago and all points in between. If that attendance at the stadium was representative of America, 2,000 of those 4,000 people seated in the stands are currently paying health care costs of more than 25 percent of their income. That is a back-breaking number. And we have to understand that the costs keep going up, beyond the reach of a lot of good people who are trying hard to provide the most basic health care for their families.

I notice that my colleague is here from the State of Delaware, and I am going to yield in 1 moment, but I wish to say before I yield that we have a chance here. Some of the Members of the Senate are going to see these bills coming out of committees and say, this isn't the bill I would write; in fact, there are parts of this bill I don't like at all. I am sure that is the case for me, too. I know what I would like to write. But I understand the process too.

I also understand one other thing. This may be the last time in the political careers of every Senator on the floor that we can honestly take on this health care issue. If we don't do it in a bipartisan fashion, if we don't follow the guidance of those who are telling us this current system is unsustainable, there may never be another chance. I urge my colleagues, even if you disagree with some of the key elements of the bill coming out of one committee or the other, keep the process moving forward. Let us work together, debate the issues, vote on the

amendments, and keep the process moving forward. At the end of the day, if we end up emptyhanded, it will be a great loss for America. We will have to come back again under even worse circumstances, where there is a lot more suffering and a lot fewer people with good insurance in America.

Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BEGICH). Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid (for Leahy) amendment No. 1511, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes.

Reid (for Kennedy) amendment No. 1539 (to amendment No. 1511), to require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### IN PRAISE OF JEFFREY KNOX

Mr. KAUFMAN. Mr. President, last week, I spoke about the founding generation of Americans and the legacy they passed down to us of sacrifice and service above self. These are the values that constitute the foundation of our civil service, and it is these values that motivate our Federal employees. It is what drives each of them, each day, to perform the small miracles that make the American Government work. Without their dedicated efforts and important contributions, we could not have a government that is responsive and representative. That is the birthright the Founders left for us—that the people should be represented not only by officials they have elected but by civil servants entrusted to carry out the people's business.

In thinking about these ideas and about the Founders, I cannot help but think of those who risk their safety working as Federal law enforcement officers and prosecutors. One such Federal prosecutor is Jeffrey Knox. As an assistant U.S. Attorney from the Eastern District of New York's Violent

Crimes and Terrorism Division, Jeffrey is on the front line in both the war on crime and the war on terror.

At age 36, Jeffrey has already achieved distinction for prosecuting a number of important cases. He has become one of the Nation's preeminent prosecutors trying suspects in terrorism cases. In his role as head of the Violent Crimes and Terrorism Division, Jeffrey has been a leader in investigations of terror groups such as al-Qaida, Hamas, and LTTE. His colleagues have praised him for his roll-up-your-sleeves, get-your-hands-dirty philosophy, and he has traveled to dangerous hot spots in pursuit of evidence.

One of Jeffrey's landmark cases was the successful investigation, arrest, and indictment of four suspects who were charged with plotting to attack the fuel tanks at JFK Airport. The attack they had planned was intended to be as devastating as September 11. Jeffrey worked closely with the military, the intelligence community, foreign governments, and local law enforcement agencies in an 18-month-long investigation.

In another high-profile case, he successfully obtained the convictions of a group of conspirators who were attempting to deliver missiles and other weapons to the LTTE in Sri Lanka. He also worked to put behind bars an Iraqi translator who stole classified defense information and passed it to insurgents targeting our troops. Jeffrey has prosecuted violent street gangs in New York City as well.

What inspires me most about Jeffrey is that he did not start as a criminal prosecutor. Before September 11, he was a corporate lawyer on Wall Street. After that terrible day, Jeffrey was motivated to leave Wall Street and work in the Federal Government as an assistant U.S. attorney. When asked why he gave up such a lucrative position on Wall Street for a tough job prosecuting terrorists and gang members, Jeffrey said:

If you can put a dangerous individual behind bars so that individual will never have the ability to jeopardize another person's life again, then it's all worth it.

Jeffrey Knox is just one of many Federal prosecutors and law enforcement officials who risk their lives every day to keep Americans safe. The sacrifices they make all too often go unrecognized. I urge my colleagues to join me in honoring their service and sacrifices, and I join all Americans in thanking them for the important contribution they make to our Nation.

The PRESIDING OFFICER. The Senator from New York is recognized.

#### AMENDMENT NO. 1511

Mrs. GILLIBRAND. Mr. President, I rise today in support of the Matthew Shepard Hate Crimes Prevention Act of 2009. I am proud to join Senator KENNEDY as an original cosponsor of this important legislation. This legislation condemns the poisonous message that some human beings deserve to be victimized solely based on their sexual

orientation, gender, gender identity, or disability.

Hate crimes are serious and well-documented problems that remain inadequately prosecuted and recognized. Current Federal hate crimes law affords important protections against crimes motivated by a person's race, color, religion, or national origin. It fails to protect a significant number of Americans when victims are targeted based on their actual or perceived sexual orientation, gender, gender identity, or disability. This legislation will expand protection to these groups, ensuring that all Americans are afforded equal protection under the law.

In addition to recognizing and prosecuting all forms of hate crimes, we must also provide local law enforcement agencies with the requisite tools to successfully combat these heinous acts. This legislation provides significant support to local law enforcement agencies across the Nation, including critical technical, forensic, prosecutorial, and other assistance to State, local, and tribal law enforcement officials for hate crime investigations and prosecutions.

It is essential that we send the message that these crimes will not be condoned. When we fail to prosecute violence driven by hatred and protect Americans' human rights, we risk escalation of such activities.

New York State has recently had numerous examples of hate crimes that would be prosecuted under this legislation. Within 3 weeks, three communities in Queens and Long Island—within an hour's drive—have experienced violent hate crimes targeted at gay, lesbian, and transgender victims. In each instance, the victims were the targets of violent attacks while the assailants communicated homophobic slurs.

During one of the incidents in Queens, a transgender female was brutally attacked while walking to her home. As she walked down her residential block, she was repeatedly taunted by two men who only ended their taunting with homophobic slurs so they could focus on beating her with a metal belt buckle. Her anguished cries for help were met with laughter as the two men removed all of her clothing and left her naked and bleeding in the middle of the street.

Unfortunately, this case was not investigated as a hate crime because current law does not provide protection for gender identity. This victim, like many others around the Nation, was a target of violence because of who she was. This must end.

In 2007, there were 500 such incidents in New York State alone. This is a reflection of a larger national trend where we see that the number of documented hate crimes is on the rise. In 1991, the Federal Bureau of Investigation began collecting hate crimes statistics, and since then the number of reported crimes motivated by sexual orientation has more than tripled.

This legislation, which has received bipartisan support before, is supported by more than 300 civil rights, law enforcement, and civil and religious organizations in addition to the vast majority of the American people. It is important we ensure that all Americans and all States are covered under this comprehensive hate crimes legislation.

There is some concern this bill would impact the first amendment. It does not. The Matthew Shepard Hate Crimes Prevention Act of 2009 covers only violent acts or attempted violent acts that result in death or bodily injury. It does not prohibit or punish speech, expression, or association in any way. Thoughts and speech are explicitly protected in this bill. This bill is not infringing upon freedom of speech. It is about safeguarding Americans' human rights and equal justice.

As Dr. Martin Luther King once said, "injustice anywhere is the threat to justice everywhere."

I strongly believe freedom and equality are inalienable American rights and should not be ascribed based on gender or race, religion or sexual orientation or gender identity. This legislation is an important step toward expanding human dignity and respect for all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. HATCH. Mr. President, although I have been an active participant in the Judiciary Committee's Sotomayor confirmation hearings, I have followed with great interest the floor debate on continuing the production of the F-22A Raptor.

Unfortunately, over the years I have heard a number of incorrect assertions made about this aircraft, and I have tried to correct them. But after listening to this week's debate and reading misleading articles, especially in the Washington Post, about the F-22's performance and capabilities, I believe the Raptor's opponents have hit bottom—and have begun to dig.

Therefore, I would like to set the record straight about the F-22 and its extraordinary war-winning capabilities.

Fact No. 1: The F-22 is, and will continue to be, the preeminent fighter/bomber for the next 40 years.

The F-22 is the stealthiest aircraft flying today. Unlike the F-117 Night-hawk and the B-2 bomber the F-22s can be deployed on stealth flight operations not just at night, but 24 hours a day. This one-of-a-kind capability provides our combatant commanders with unprecedented flexibility to engage ground and air targets at a time of their choosing—thus denying any respite to the enemy.

The Raptor is equipped with supercruise engines that are unique because they do not need to go to after-burner to achieve supersonic flight. This provides the F-22 with a strategic advantage by enabling supersonic speeds to be maintained for a far greater length of time. By comparison, all other fighters require their engines to go to after-burner to achieve supersonic speeds, thus consuming a tremendous amount of fuel and greatly limiting their range.

The F-22 is the deadliest fighter flying today. During a recent military exercise in Alaska, the Raptor dispatched 144 adversaries versus the loss of only one aircraft.

Further advantage resides in the F-22's radar and avionics. When entering hostile airspace, the F-22's sensor-fused avionics can detect and engage enemy aircraft and surface threats far before an enemy can hope to engage the F-22. At the same time, its advanced sensors enable the F-22 to be a forward-surveillance platform capable of gathering crucial intelligence on the enemy.

Often overlooked, the F-22 is a very capable bomber. It can carry two GPS-guided, 1,000-pound joint direct attack munition bombs or eight small-diameter bombers.

Fact No. 2: The F-22 is not a Cold War dinosaur. It is designed to meet and eliminate the threats of today and tomorrow.

As the longest-serving member of the Senate Intelligence Committee, I know full well the greatest air threat of today and tomorrow is, and will continue to be, the advanced integrated air defense system.

Such a system is composed of two parts. The first component is advanced surface-to-air missile systems such as the Russian-made S-300, which has a range of over 100 miles. The second are highly maneuverable and sophisticated fighters like the Su-30, which have been sold to China and India. Coupled together, these anti-access systems make penetrating hostile airspace extremely difficult, if not deadly, for those aircraft lacking the F-22's advanced stealth technology and sustained supersonic speeds made possible by its supercruise engine. It is also important to remember the mainstays of our aerial fleet, the F-15, F-16 and F/A-18, are not stealth aircraft and are not equipped with supercruise engines.

Unfortunately, integrated air defense systems are relatively inexpensive, placing them within the purchasing potential of nations such as Iran with its seeming insistence on developing nuclear weapons.

The advanced integrated air defense system is exactly the threat the F-22 was designed to neutralize. In addition, the F-22 will almost simultaneously be able to turn its attention to other ground targets that threaten the national security of the U.S. and our allies.

In a related argument, some argue the United States should devote more

of its military resources toward bolstering its counterinsurgency capabilities.

This is a fair point. Unwisely, the United States did permit its counterinsurgency capabilities to atrophy after the Vietnam war. As events in Iraq and Afghanistan have shown, we continue to pay dearly for that error. However, as we reconstitute our ability to successfully prosecute counterinsurgency campaigns, we cannot make a similar mistake and undermine one of the fundamental foundations of our military strength: hegemony in the air.

Even Defense Secretary Robert Gates said this January, "Our military must be prepared for a full spectrum of operations, including the type of combat we're facing in Iraq and Afghanistan as well as large scale threats that we face from places like North Korea and Iran." I could not agree more, and the aircraft that will enable our Nation to decisively defeat our adversaries in the air is the F-22.

Mr. President, others point out the F-22 has not been deployed in support of our operations in Iraq and Afghanistan. This is true. However, there were recent plans to deploy the F-22 to the Persian Gulf. But according to the July 9, 2008, edition of the widely respected Defense News, the Pentagon overruled those plans, citing concerns about "strategic dislocation." This means the F-22 is hardly a dinosaur. It is a weapon that can change the balance of power in a region and deter our adversaries.

Fact No. 3: 187 F-22s is an insufficient number to meet the minimum requirements of our national military strategy.

Our Nation's military requirements are decided upon in detailed studies of the threats our Nation and its allies confront. These studies also recommend force structures to deter and, if necessary, defeat threats to our national security. Accordingly, the Department of Defense and the Air Force have conducted a number of studies to determine how many F-22s are required to meet our national military strategy.

I am unaware of any comprehensive study that has concluded F-22 production should cease at 187 aircraft. Specifically, unclassified excerpts from the Air Force's sustaining air dominance study stated "180 F-22s was not enough," and the Department of Defense TACAIR optimization study concluded the procurement of additional Raptors "was the best option." On April 16, these conclusions were reinforced by comments made by GEN Norton A. Schwartz, the Chief of Staff of the Air Force, after the F-22 procurement termination was announced. General Schwartz stated, "243 [Raptors] is the military requirement."

Opponents of the Raptor will most likely dispute this, pointing to comments made by General Cartwright during his July 9 testimony before the Senate Armed Services Committee.

During his testimony the general stated the decision to terminate production of the F-22 is supported by a "study in the Joint staff that we just completed and partnered with the Air Force." However, my staff has inquired about this study and was informed a recently completed comprehensive, analytic study does not exist.

No doubt, the Joint Staff has prepared some justification for F-22 termination. Yet I believe it is only natural to question the objectivity of any assessment which justifies previously reached decisions.

Unfortunately, yesterday, my suspicions about this so-called analysis were proven correct when Geoffrey Morrell, the Pentagon's press secretary, stated General Cartwright was referring to "not so much a study [as a] work product."

Therefore, I believe the Congress should place great significance on the June 9 letter by GEN John Corley, the commander of air combat command, who stated "at Air Combat Command we have a need for 381 F-22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed, asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F-22s puts execution of our current national military strategy at high risk in the near to mid-term. To my knowledge, there are no studies that demonstrate 187 F-22s are adequate to support our national military strategy."

I believe these are important words from the four-star general who is responsible for the Air Force command which is the primary provider of combat airpower to America's war-fighting commands.

Fact No. 4: The Washington Post article that alleged technical and maintenance difficulties of the F-22 was misleading and inaccurate.

In fact, the Air Force has written two rebuttals to this article. After viewing the first rebuttal, I found it striking the Air Force stated six of the points made in the article were false, four were misleading, and two were not true.

Specifically, the primary assertion made by the Post was the F-22 cost far more per hour to fly than the aircraft it is replacing, the F-15. However, this is misleading. Only when you include all of the one-time costs that are associated with a new military aircraft is this true. A far more accurate measurement is to compare variable flying hours. The F-22 costs \$19,750 per hour to fly versus \$17,465 for the F-15. The F-15 costs less to fly, but the 1960s-designed F-15 does not have nearly the capabilities of the F-22.

The article asserts the F-22 has only a 55-percent availability rate for "guarding U.S. airspace." This is misleading. Overall, the F-22 boasts a 70-percent availability rate, and that has been increasing every year over the past 4 years.

Finally, the article states the F-22 requires significant maintenance. This

is true. But the Post article misses the critical point: the F-22 is a stealth aircraft. Making an aircraft disappear from radar is not accomplished through magic. It is achieved through precise preparation and exacting attention to detail.

I believe we can all agree it is far better to expend man hours to prepare an airplane that will win wars than to buy replacement aircraft after they have been shot down, not to mention the moral cost of not exposing our pilots to unnecessary dangers.

Fact No. 5: The F-22's detractors argue erroneously that the Raptor's role can be filled by the F-35, also known as the Joint Strike Fighter. But the Raptor and the Joint Strike Fighter were designed to complement each other, not be substituted for each other. The F-22 is the NASCAR racer of this air-dominance team. Fast and unseen, the Raptor will punch a hole in an enemy's defenses, quickly dispatching any challenger in the air and striking at the most important ground targets. The Joint Strike Fighter is the rugged SUV of the team. Impressive, but not as maneuverable or capable of sustained supersonic speeds, the F-35 will exploit the hole opened by the F-22 and attack additional targets and directly support our ground forces. This is not to say the F-35 is not a highly capable stealthy aircraft. But the F-35's role is to supplement the F-22, not substitute for it. Only by utilizing the strengths of both aircraft do we ensure air dominance for the next 40 years.

Fact No. 6: Our allies recognize the critical capabilities of the F-22 and are eager to purchase the aircraft.

This is one of the most compelling reasons for purchasing additional numbers of F-22s. The Japanese and Australian governments have consistently approached our government about purchasing the Raptor for themselves. If the F-22 is such a boondoggle, why would these nations be willing to spend billions of dollars to purchase them. Australia already plans to purchase up to 100 F-35s. Why does it need the Raptor? Perhaps it is because these nations realize a number of the threats to their security can only be defeated using the F-22 Raptor.

In conclusion, we have an opportunity to ensure this and future generations continue to benefit from one of the foundations of our national security: the ability to defeat any air threat and strike any target anywhere in the world. The world is changing; threats are growing. Today we have an opportunity to ensure those air threats are met.

To be honest with you, our young men and women who fly deserve the very best equipment we can give to them, not equipment that is getting old, outmoded, and cannot do the job.

I hope my colleagues will join me in voting against the Levin-McCain amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JOHANNIS. I ask unanimous consent to speak for 10 minutes as in morning business.

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

(The remarks of Mr. JOHANNIS pertaining to the submission of S. Res. 212 are located in today's RECORD under "Submitted Resolutions").

Mr. JOHANNIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

#### HEALTH CARE REFORM

Mr. BROWN. Madam President, yesterday was a wonderful day for this institution but, more importantly, it was a spectacular day for hundreds of millions of Americans who are concerned about our health care system. The Health, Education, Labor, and Pensions Committee completed the markup of its health care reform legislation. The first rule of thumb was that if you are satisfied with the health insurance you have today, you can stay in it. The whole point of health reform is to reduce health care costs and expand access to quality care for all Americans.

Earlier this week, the HELP Committee had a historic opportunity to cut costs for millions of Americans by creating a commonsense pathway for generic versions of what are called biologic drugs. Biologic drugs are live cells, unlike the more old-fashioned but still very, very common chemical drugs that are made and that we have known of for many years. Biologic drugs treat cancer, Parkinson's, diabetes, arthritis, rheumatoid arthritis, Alzheimer's, and other serious conditions.

Earlier this week, the HELP Committee could have limited what are called around here exclusivity rights—better known as monopoly rights—could have limited monopoly rights for biologics to 7 years instead of enabling that monopoly for 12 years. Earlier this week in the committee, consumers lost and the biotech industry won. How can we improve access to health care if people cannot afford their biologic drugs? How can we reduce costs if we don't inject competition into the marketplace, if we grant monopolies and

block any competitors from coming in and competing for these drugs? During the debate, we heard a lot of numbers on how many years the big drug companies should have unchecked monopolies. We heard it should be 13 years or one of them was 13½ years or 12 years or 10 years. I wanted 5 years or maybe 7 years at the most.

Let me include some other numbers as we debate the minutia of health care reform. Let me include some other numbers that are too often yet sometimes deliberately overlooked.

Some 190,000 women will be diagnosed with breast cancer this year. Herceptin is the brand-name biologic that treats breast cancer. It costs \$48,000 a year. That is \$1,000 a week. If you are lucky enough to have insurance, you might get part of this paid for, but you probably have a 20 percent copay, so then it is \$200 a week. That is if you are lucky. If you are not so lucky, you simply can't afford it.

More than 1.3 million Americans live with rheumatoid arthritis. Remicade is the brand-name biologic that treats rheumatoid arthritis. It costs \$20,000 a year. If you are lucky enough to have insurance, you are probably paying a 20 percent copay. That would be \$4,000 a year just for the biologic drug for your treatment—not counting lost work, not counting paying doctors' bills, not counting trips to the hospital, not counting tests. That is \$4,000 a year for that drug, if you are lucky enough to have insurance.

This year, more than 148,000 people will be diagnosed with colon cancer. Avastin is the brand-name biologic that treats colon cancer and costs \$100,000 a year, which is \$2,000 a week. So if you are lucky enough to have insurance, you pay a copay of \$400 per week, which is an awful lot of money.

To put these numbers in perspective, the average annual household income in Ohio is \$46,000. So when you look at these drugs—one I mentioned, Herceptin, is \$1,000 a week; Remicade for rheumatoid arthritis is \$20,000 a year; Avastin for colon cancer is \$100,000 a year, \$2,000 a week—again, if you are lucky enough to have insurance, your 20-percent copay for that \$100,000 a year is \$20,000, and an average income in Ohio is \$46,000.

Brand-name biologics, these relatively new kinds of treatments, will make up 50 percent of the pharmaceutical market by the year 2020. The prices for most of these drugs are increasing far faster than inflation—far faster even than medical inflation—and we know that that is all about—about 9.3 percent each year. The price for biologic drugs for multiple sclerosis increased by 23 percent last year.

I remember about a dozen years ago, if you had a family member who was suffering from cancer, we were outraged and just so surprised and shocked and upset that Taxol, the chemical cancer drug, in those days cost \$4,000 a year. We thought that was outrageous, exorbitant, unaffordable, out of reach,

\$4,000 a year. But this cancer drug now is \$40,000 a year; Herceptin is more than \$40,000 a year. So where is the outrage now?

I understand drug companies need to protect their investment and their profit. However, many of these biologics that have been developed came initially from research that all of us as taxpayers funded. We appropriate every year about \$31 billion for the National Institutes of Health, something I fought for when I was in the House. I was part of the group that doubled funding for NIH, in those days, from about \$12 billion to \$25 billion a year. It was a wonderful investment. As we invest in these drugs, invest in this research that is the foundation for these drugs, it is a good thing. Then these companies, at their expense and at their risk, develop them into wonderful medicines and medication. But after building their foundation on taxpayer research, they are charging this much for these biologics, and even if you are lucky enough to have insurance, you simply can't afford them. So I want these drug companies to protect their investment and their profit, but we can't give companies open-ended protection from competition.

The committee voted earlier this week to grant 12 years of monopoly. Orphan drugs get a 7-year monopoly protection. Standard drugs, which have been wonderful for so many people in this country—very important, very complicated drugs; pretty much as complicated as these biologic drugs—get 5 years of monopoly protection. So orphan drugs get 7 years, standard drugs get 5 years. Other products on the market that have patents, as these do, and have those protections don't get additional monopoly protections. But this committee this week—I thought outrageously so—gave 12 years of monopoly protection. That is unacceptable to many of us. President Obama says it should be 7 years. The AARP says it should be 5 to 7 years.

The Federal Trade Commission reported that additional years of monopoly protection actually crimps innovation, that giving these extra years of monopoly protection actually hinders innovation. I would argue that this monopoly protection harms innovation because it discourages biotechs from searching for new revenues.

Let me give an example. If a drug company produces a biologic that can matter a lot in an important treatment and they got a 12-year monopoly protection and consider that the biologic might be administered by injection in a doctor's office; that those same scientists who have created that biologic that you inject, after 5 or 6 years, come up with a new way to do it, to take it by aerosol. Everybody I know would rather do that than stick a needle in their arm every day or so, however often they need the treatment. But do you know what. That new innovation is not going to come until the 12 years are up.

That is why the committee erred so extravagantly when it gave 12 years of monopoly protection to the drug industry. It hinders innovation. That means patients are going to keep getting the shot every day for 12 years. They will have to wait until the 12 years are up before they introduce the new aerosol way of administering this drug. If there had been for 4, 5, 6, or 7 years, they would have brought that new drug on the market much quicker.

The only argument that the biotechs' allies on the HELP Committee used was simple: This hurts innovation.

It only hurts their profits. It clearly doesn't help innovation. The only study put forward, other than a study from PhRMA, the big drug company lobbyist or study from biologic companies—and many are the same companies—other than their studies, the only one out there was a Federal Trade Commission study on this 12 years. What good are these biologics if nobody can afford them?

The Hatch-Waxman Act, which introduced generic versions of chemical drugs, has proved we can still lead the world in biologic innovation with competition from generics. Twenty-five years ago, the drug industry said the same line they are using now—that there is no way we will innovate, and this will put them out of business.

Patients in Akron, Bowling Green, Chillicothe, and Dayton understood that this law from 25 years ago worked to keep prices down. Those same people around my State, people in Xenia, Springfield, Mansfield, and Portsmouth need that same access to generic versions of these biologics.

The vote this week was not in the best interests of patients suffering from multiple sclerosis, arthritis, cancer, Alzheimer's or heart disease. It was not in the best interest of taxpayers. Who is paying the bill? Either people are paying out of their pockets—and most cannot afford it—and insurance companies are going to raise rates to employers and to patients or the taxpayers are going to pay for it. The beneficiaries are not patients. It hurts innovation. The beneficiaries are the drug executives and the biologic company executives. It is not in the best interest of taxpayers. An article in Roll Call today or yesterday pretty much said that biologic industry—they spent \$500,000 in ads in the last few days. The health care industry spends a million dollars a day lobbying, and they were rather successful in what they did.

I am proud to have been part of the historic health debate that passed a bill as good as we passed. I am also proud to have been part of this debate that continues to talk and educate the people on biologics.

Clearly, the fight for affordable generic drugs is not over. I will fight and do whatever is best for taxpayers and patients, and that means a continued effort to make this law work, as Hatch-Waxman worked for so many Americans.

I will fight for the breast cancer patient who has to spend \$1,000 a week for biologic Herceptin or the colon cancer patient who spends \$2,000 a week or the person with rheumatoid arthritis who spends \$2,000 a month for medicine they desperately need.

I applaud groups such as AARP that put families and consumers first. I look forward to working with Members in the House and Senate and the administration who are fighting for what is right.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MERKLEY. Madam President, I rise because of a document our forefathers signed 233 years ago, the Declaration of Independence. Specifically, the Declaration stated:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.

That simple phrase created the bedrock foundation for a nation founded under equality under the law, freedom from persecution, and the pursuit of happiness by our citizens—government by and for the people under the concept of quality and freedom from persecution.

It is an honor to rise to advocate for that philosophy.

I rise in strong support of the Leahy amendment that would amend the Department of Defense bill to include the Matthew Shepard Hate Crimes Prevention Act of 2009. First, I thank and acknowledge Senator KENNEDY for his strong decade-long commitment to this legislation. I extend my appreciation to Senator LEAHY for leading this effort in Senator KENNEDY's absence.

It has been more than 10 years since Matthew Shepard was brutally murdered simply because of his sexual orientation. It is long past time that we take action to strengthen the Federal Government's ability to investigate and prosecute hate crimes. There is no room in our society for these acts of prejudice. Hate crimes fragment and isolate our communities, and they tear at our collective spirit. They seek to terrorize our society through brutal violence against targeted individuals. The Matthew Shepard Hate Crimes Prevention Act is a critical step to protect those who are victimized simply for who they are.

Hate crimes legislation is not a new concept. In fact, the United States of America has had hate crime laws in place for 40 years. The Hate Crimes Act of 1969 was passed shortly after the assassination of Martin Luther King. That assassination motivated Congress to action.

That law says it is illegal to "willfully injure, intimidate or interfere with any person, or attempt to do so, by force or threat of force, because of that other person's race, color, religion or national origin."

That hate crimes law was passed by our parents' generation to address the hate crimes so evident through the assassination of Martin Luther King and so many other actions in the 1960s.

Now it is time for our generation to pass a hate crimes bill that will strengthen the work done by our forefathers 40 years ago and that will address new forms of hate crimes that have become far too prevalent in our society. We need to add provisions to prosecute those who commit violent acts based on gender, gender identity, disability, and sexual orientation.

Of the 7,624 single-bias incidents reported in 2007, more than 16 percent resulted from sexual orientation bias, indicating that members of the gay and lesbian community are victimized nearly six times more frequently than an average citizen.

Just this past spring, we experienced a terrible incident in my home State. In March, two men, Samson Deal and Kevin Petterson, were visiting the Oregon coast during their spring break. They wandered away from an evening campfire and ran into a group of four strangers who asked if they were gay and then called them derogatory names. Then these two men were beaten brutally and left unconscious on the beach. This was in the town of Seaside, a place I have visited many times in my life, a beach I have walked on many times in my life. Seaside police chief Bob Gross said the Seaside police have "had some hate crimes before, mostly threats, but have never dealt with anything this serious."

I am happy to report that Samson and Kevin lived through this incident, but many do not. The attack could have been worse. According to the National Coalition of Anti-Violence Programs, 2007 saw the greatest number of anti-LGBT murders in 8 years: 21 gay and transgender people were murdered in the United States in 2007—more than double the number of 2006.

Currently, only 11 States and the District of Columbia include laws covering gender-identity-based crimes. We must make sure gender identity is a protected characteristic included in this legislation.

But members of the gay community are not the only victims. We were all shocked last month when Stephen Johns, a guard at the Holocaust Museum, was shot and killed by a White supremacist. Recent numbers suggest hate crimes against individuals in the Hispanic community increased by a staggering 40 percent between 2003 and 2007.

According to a recent report from the Leadership Conference on Civil Rights Education Fund, in the nearly 20 years since the enactment of the Hate Crimes Statistics Act, the number of hate

crimes has hovered around 7,500 annually, nearly one every single hour. As if that figure is not high enough, it is well known that data collected on hate crimes almost certainly understates the true numbers because victims are often afraid to report these crimes or local authorities do not accurately report the incidents as hate crimes, which, unfortunately, means they do not get reported to the Federal Government.

What specifically is in this legislation? It gives the Department of Justice the power to investigate and prosecute bias-motivated violence.

It provides the Department of Justice with the ability to aid State and local jurisdictions.

It makes grants available to State and local communities to combat violent crimes.

It authorizes the Attorney General to provide technical, forensic, prosecutorial, and other assistance to State and local governments.

It authorizes grants from the Justice Department of up to \$100,000 for State, local, and tribal law enforcement officials who have incurred extraordinary expenses in the prosecution or investigation of hate crimes.

It authorizes the Treasury Department and Justice Department to increase personnel to better prevent and respond to allegations of hate crimes.

It requires the FBI to expand their statistic gathering so we can better understand the types and structures of hate crimes in the United States of America.

These provisions will strengthen the original facets of the legislation from 1969. That legislation, as I noted, addressed issues related to race, color, religion, or national origin. All of that is improved in this legislation.

In addition, we expand this legislation to address the hate crimes we now see so prevalent in the LGBT community as victims.

Our Constitution laid out a vision. We did not have complete equality under that vision in 1776. Indeed, it was a vision far ahead of its time. We have gradually worked toward it. We have extended our law to protect women, to include more folks to vote, to enable people to get rid of the racial boundaries that existed for voting, and so on. We have steadily sought to take strides toward that vision of equality under the law and the ability to pursue happiness without the fear of persecution. Today I am advocating that we take another important stride toward that vision our forefathers laid out before us.

Martin Luther King said the long arc of history bends toward justice, but it doesn't bend by itself. It is bent by citizens who say this is wrong, and we are going to do something about it. This great strengthening of the hate crimes legislation in the United States is a huge stride toward equality under the law and freedom from persecution.

I encourage all of my colleagues to join in taking this historic stride forward.



Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mrs. LINCOLN. Mr. President, today I rise to speak in support of five amendments that I have introduced to the bill before us, the National Defense Authorization bill for fiscal year 2010. Each amendment focuses on improving the benefits and care for the members of our Nation's National Guard and Reserve forces so that we can improve military readiness and strengthen our efforts to recruit and train quality men and women to serve.

I know each of us from our States recognizes the tremendous bravery, courage, and the dedication of our National Guard and reservists in each of our States. They are part of our community. They certainly, in many instances I know of from our seeing the deployments, are people of public service, but they are also people who are serving their communities. Whether they are firemen or police officers, maybe they are school principals, maybe they have small businesses that hire a tremendous number of people in those communities, they are hard-working Americans who also find time to serve their country. They are dedicated, they are brave, and we certainly know the critical role they play.

It is a reality that our military is relying increasingly upon our reserve components as an operational reserve, not just simply a strategic reserve. My amendments reflect that reality by taking needed steps to honor the increased service and invest in these men and women who give so much on our behalf. When duty called, they stepped up to the plate, and now it is time for Congress to do the same.

My first amendment is identical to the Selected Reserve Continuum of Care Act I introduced in May. This legislation will ensure that periodic health assessments for members of the Guard and Reserve are followed by government treatment to correct any medical or dental readiness deficiencies that are discovered at those screenings. We know we will begin to see these periodic health assessments, because they are mandatory beginning in September, and we need to make sure we follow up on these.

As an operational force serving frequent deployments overseas, these men and women require greater access to health care so they are able to achieve the readiness standards demanded by

current deployment cycles. Far too many men and women are declared nondeployable because they have not received the steady medical and dental care they need to maintain their readiness.

We have all heard the horror stories of the military simply pulling soldiers' teeth and sending them on to Iraq and Afghanistan because they don't have the time to provide adequate dental care to bring them up to the medical/dental readiness status necessary in order to be deployed.

Now that we are going to have mandatory assessment, there is no reason we would not want to provide them the medical care they need in order to meet that assessment. This is absolutely unacceptable, that we would not. And it is inexcusable. Considering the sacrifices we are asking them to make on our behalf, the least we can do is provide them the care they need to meet the readiness standards we have set. Pulling their teeth and rushing them to war is simply not going to get it done.

This practice itself has become so prevalent, we now have a name for these men and women. They are called pumpkin soldiers. How absolutely awful is that? It is awful that it is such a prevalent practice that it has a nickname.

Compounding this challenge is the fact that short-notice deployments occur regularly within the Reserve Forces. When men and women are declared nondeployable, it can cause disruption in the unit by requiring last-minute replacements from other units or requiring treatment periods that should be set aside for the predeployment preparation and training.

Last year, prior to the second deployment of the Arkansas National Guard's 39th Infantry Brigade Combat Team to Iraq, members from 11 units across our State were pulled to fill out the combat team. Some of these cross-leveled members had as little as 2 or 3 three weeks' notice prior to their deployment. They were having to fill in because when it came time, those who were in those units, the regular Guard and Reserve who were there, did not meet the deployable standards, and so consequently we had to pull people from all different units at a late notice to put them in there while these others met that medical and dental readiness.

My amendment would prevent, in large, all of this from happening in the future by providing the necessary care at the front end of these assessments. Instead of compressing treatment costs into a short predeployment period or the bottlenecked medical support unit at the mobilization station, my amendment would spread the same costs over a longer period, with a more orderly and reliable result.

We are having a huge debate right now on health care reform. One of the things we see is that if we can provide prevention or wellness, or certainly

make sure that medical care gets there when we first detect what that medical problem is, the outcome is better and it is usually less costly in the overall. The further out from the deployment uncorrectable conditions are discovered, the more time a unit will have to replace a discharged member and mitigate the effects from that loss. So it is not just the well-being of the soldiers we are looking at, it is also the well-being of the unit.

We can and should do more to bring our Selected Reserve members into a constant state of medical readiness for the benefit of the entire force. My amendment does just that. That is why it has been endorsed by the Military Coalition, a consortium of nationally prominent uniformed services and veterans associations representing over 5.5 million members across this country.

I am proud to have worked with Senators LANDRIEU, TESTER, RISCH, and BYRD on this important legislation and thank them for that support and realization of how important, how practical, and how much sense it makes for us to use these assessments to quickly provide the medical treatment that is necessary to ensure our soldiers, when they do receive those orders to be deployed, are meeting the medical and dental readiness they need to meet in order to be deployed.

Mr. President, my second amendment calls for an increase in the Montgomery GI bill rate for members of the Selected Reserve to keep pace with their increased service and the rising costs of higher education. I am pleased my friend, Senator MIKE CRAPO, and I have joined in this effort. MIKE and I have worked together on so many different issues, everything from wildlife to education and certainly with our military, representing States that have large rural areas and therefore large numbers of Guard and Reserve. It has also been endorsed by the Military Coalition as well, the group I mentioned earlier.

This amendment would simply tie education benefit rates for guardsmen and reservists to the national average cost of tuition standard that is already applied to Active-Duty education benefit rates. We have worked hard to try to increase the educational benefit to be commensurate with the time these guardsmen and reservists are working on our behalf, who are so bravely deploying and working and serving alongside our Active-Duty military. The problem is, now that we have increased their access to a more commensurate educational benefit, the value of that benefit is immediately losing value because they depend on the appropriators and us to increase that amount. When it is increasing at half the rate of the cost of higher education, then they are getting further and further behind each year in keeping that commensurate benefit at a rate that makes sense and certainly is adequate for their needs in education. I believe it is absolutely critical that we do this. It builds upon

my Total Force GI bill, first introduced in 2006, which was designed to better reflect a comprehensive total force concept that ensures members of the Selected Reserve receive the educational benefit more commensurate with their increased service. The final provisions of this legislation became law last year with the signing of the 21st Century GI bill. Now it only makes sense that we would maintain that benefit at a rate, again—just at the rate of increase we are seeing in higher education. It certainly makes sense for our Guard and Reserve.

My third amendment would lower the travel reimbursement threshold for National Guard and Reserve members who are traveling for drills from 100 miles to 50 miles. Our current high threshold has caused undue hardships for members of the Selected Reserve, especially those in rural areas who often incur significant expenses because they have to travel significant distances. If we cannot ease their burden, I fear we are creating significant obstacles to recruiting and retaining men and women to serve in the Guard and Reserve—particularly during times of economic hardship. We saw the price of gasoline explode last year. We know how difficult it is, particularly for many of our Guard and Reserve who live in those rural areas. I believe this is a commonsense thing we can do on behalf of these brave men and women.

I am so very pleased to be joined here by Senators TESTER and WYDEN in offering this amendment. It was among the recommendations of the independent Commission on the National Guard and Reserves. It is supported by numerous military and veterans service organizations. It only makes sense that we would appropriately provide them the reimbursement they need and the travel expenses to get to where they need to be for their drills and for their training.

My fourth amendment would enable a valuable program, the National Guard Youth ChalleNGe Program, to expand to new cities and new sites and reach even more of our young troubled Americans. Currently operating in 22 States, the Youth ChalleNGe Program trains and mentors youth who have dropped out of high school. It puts them on a path to become more productive, employed, and law-abiding citizens.

I recommend to any of my colleagues in this body who have not visited a National Guard Youth ChalleNGe Program to go and visit. I have visited our Youth ChalleNGe Program on more than one occasion and have been amazed, both at those who have graduated from that program and come back to mentor these other youths—who are disadvantaged, who have found themselves in the court system, have been thrown out of school, or are certainly in a troubled nature—and amazed at those who are able to come into this environment and to feel the security of the military and the rules

of the military that prompt them into a sense of pride and a sense of courage and a sense of accomplishment so they finish their education and they go on to do so many great things, so many things that otherwise could have turned sour for these youths.

As I said, I encourage any of the Members of this body, if you have never visited one of those National Guard Youth ChalleNGe Programs, I really encourage you to do so.

For 22 weeks, these young men and women receive more than 200 hours of classroom learning designed to prepare them to take the general equivalency diploma exam. I attended the graduation of a class in Arkansas, and I can attest to the program's positive results.

At a time when we know financial insecurity in our country is shaking our families, our youth who are finding themselves in, certainly, different circumstances than many of us did growing up, with all kinds of temptations and distractions and things that can put them on the wrong pathway, here we have an opportunity, when they start out on that wrong pathway, to grab them and put them into a program that is going to continue to build on the positive things they have to offer and set them on a good pathway.

Since the inception of the National Guard Youth ChalleNGe Program, more than 85,000 young men and women have graduated from the program nationwide, and they have received their high school degrees. Nearly 80 percent have gone to college, earned productive jobs, and joined the military. Currently, the Department of Defense provides 60 percent of the funding, while States are responsible for the remainder. Unfortunately, the current cap on funding has restricted many of our States from establishing additional programs or building on their existing programs.

Along with additional funding, this amendment would help jump-start the Youth ChalleNGe Program by fully funding new programs for 2 years while they get their feet on the ground. When they better understand the tremendous value of this program and, more importantly, how their States can begin to invest in a program such as this, it ensures that the Federal Government's share is 75 percent into the future instead of the current 60 percent that it is right now.

This amendment is endorsed by the National Guard Youth Foundation, the Enlisted Association of the National Guard of the United States, and the National Guard Association of the United States.

I am so pleased to be joined by Senators BYRD, CASEY, CORNYN, HAGAN, LANDRIEU, MURKOWSKI, RISCH, ROCKEFELLER, SNOWE, UDALL of Colorado, and WYDEN in this effort. It is identical to the legislation I have previously introduced which has 32 bipartisan cosponsors. It is a great move, to help our children, particularly our troubled

children and, more importantly, it really sends them in the right direction so they can become contributing parts of this great Nation. I encourage my colleagues to look at this amendment and help us get it passed in this very important bill.

Mr. President, you have been incredibly patient. I appreciate that patience, having to talk about five different amendments, but these are issues that are critically important to me and critically important to the people of Arkansas, particularly our Guard and Reserve.

My final amendment is an amendment that would grant full veteran status to members of our Nation's Reserve Forces who have 20 or more years of service. I am joined in this effort by Senator HUTCHISON of Texas. This amendment is endorsed by the Military Coalition, which is the large group, the coalition of military groups.

Under current law, members of Reserve components who have completed 20 or more years of service are considered military retirees. At the age of 60, they are eligible for all the benefits received by Active-Duty military retirees. Unfortunately, they are denied the full standing and honor that comes with the designation of "veteran" if they have not served a qualifying period of Federal Active Duty other than Active-Duty training. As a result, these men and women are technically not included in various veterans ceremonies and initiatives, such as an effort to have veterans wear their medals on Veterans Day or Memorial Day, or in legislation authorizing veterans to offer a hand salute during the playing of the national anthem or the presentation or posting of the colors.

I don't know about you, but when I am at an event at home in Arkansas—or here as well but certainly at home—when I am surrounded by my family of Arkansas people and the flag comes down the parade or the colors are presented, I support making sure everyone who has stood up and said "I am ready to serve my country when it calls on me" should be given that respect of being noticed as a veteran.

My amendment does not seek to change the legal qualifications for access to benefits. Instead, it simply seeks to correct this inequity by honoring and recognizing those who have served their country for 20 years or more, those who have said continually over those 20 years: When my Nation needs me, if my Nation needs me, I will be there. I will take up my arms. I will do what is asked of me as a member of the military forces.

Those men and women wore the same uniform, were subject to the same Code of Military Justice, received the same training, and spent 20 or more years being liable for callup whenever it did happen. This amendment recognizes their long careers of service and would entitle them to receive proper recognition as a veteran of the United States of America.

I know of few designations that embody such dignity and honor. These men and women certainly embody those traits, and it is time we grant them the recognition they have earned.

I ask my colleagues to give these efforts thoughtful consideration. These five proposals help us keep our promise to these brave men and women and will help to strengthen recruitment and retention for our National Guard and Reserve and increase their readiness as an operation force in the continued defense of this great Nation that we all love and are all so very pleased to be a part of.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REED. Mr. President, I rise in support of the National Defense Authorization Act for fiscal year 2010. First I wish to speak briefly about the Matthew Shepard Hate Crimes Prevention Act. Unfortunately, we have seen far too many cases of these types of crimes of violence motivated strictly by prejudice and hatred of people. This amendment would simply extend the current definition of Federal hate crimes to include crimes committed on the basis of someone's gender, gender identity, sexual orientation, or disability. This amendment does not federalize all violent hate crimes. Rather, it authorizes the Federal Government to step in as a backstop, only after the Justice Department certifies that a Federal prosecution is necessary. It also supports State and local efforts to prosecute hate crimes by providing Federal aid to local law enforcement officials. This amendment affirms our commitment to the most basic of American values—the dignity of the individual and the right of that individual to be himself or herself. I am pleased to lend my support. That is an issue we will confront in the context of our armed services bill, and I think we should go forward and adopt it.

I wish to commend, with respect to the specifics of the armed services bill, my colleagues on the committee for their work, and the leadership of Senators LEVIN and MCCAIN. I hope this is a bill President Obama can sign. During the committee's markup, I voted against an amendment to provide funding for additional F-22s and for the Joint Strike Fighter alternate engine. I remain opposed to these programs. We should not put this bill in jeopardy of a veto, so I urge my colleagues to vote, when it comes to the floor, for the Levin-McCain amendment to strike the F-22 funding, which I hope will be considered soon.

As evidenced by the F-22 issue, this bill is the product of many tough deci-

sions. I commend Secretary Gates particularly for his very judicious, thoughtful approach to this budget, and his uniformed colleagues. They have thought long and hard about the new world of threats. They have thought long and hard about how we can provide the most necessary resources for our men and women in uniform. They have recommended to us a very sound approach. With certain exceptions, the legislation before us recognizes and accepts those recommendations.

The new administration and President Obama have also done a remarkable job in terms of trying to change strategic direction, change acquisition policies, and to develop a fighting force that will meet the threats of today and prepare ourselves for future possibilities. This Defense authorization bill contains many aspects which are critical to the success of our men and women in uniform. Let me suggest a few.

First, it once again recognizes the extraordinary service and sacrifice of these young Americans by authorizing a much needed 3.4 percent across-the-board pay raise. The extraordinary sacrifices they make every day can never be compensated by dollars and, indeed, their motivation is not financial. It is to serve the Nation and serve it with courage and fidelity. They do it so well. I have had the privilege to travel to Afghanistan and Iraq on numerous occasions and to witness the heroic and decent service of these remarkable people. This pay raise reflects, at least in part, the value we place on their service.

The legislation fully funds Army readiness and depot maintenance programs to ensure that forces preparing to deploy are properly trained and equipped. It also authorizes \$27.9 billion for the Defense Health Program and permits special compensation for designated caregivers for the time and assistance they provide to servicemembers with combat-related catastrophic injuries or illnesses requiring assistance in day living. What we are seeing is success medically on the battlefield, where the mortality rates relative to the injuries have declined, as they have since World War II. But we have a significant population of very severely wounded young men and women. They need help, and the caregivers need help. This legislation recognizes that.

The legislation fully funds the President's budget request of \$7.5 billion to train and equip the Afghan National Army and the Afghan National Police forces. The bill also includes a provision that emphasizes the need to establish measures of progress for the administration's strategy for Afghanistan and Pakistan and to report to Congress regularly on efforts to achieve progress in that region. I saw the merits of this approach in my recent trip with Senator KAUFMAN to Pakistan and Afghanistan in April. In fact, as we observe the increased tempo

of operations in southern Afghanistan, led by our marines and British forces, we also recognize the need to partner with more Afghan police and security forces and military forces. Our strategy can't be just an American presence. It has to be an American-Afghani presence, which ultimately will translate to an almost exclusive, if not exclusive, Afghan presence. To do that, we have to support the building and the professionalization of Afghan security forces.

There is within this budget funding for our Navy that is absolutely critical. It includes funding to complete the third Zumwalt class destroyer. This ship is critical to maintaining the technical superiority of our Navy that it enjoys across the oceans of the world. The future maritime fleet must be adaptable, affordable, survivable, flexible, and responsive. The Zumwalt class provides all these characteristics as a multimission service combatant, tailored for land attack and littoral dominance. It will provide an independent presence, allow for precision naval gunfire support of joint forces ashore and, through its advanced sensors, ensure absolute control of the combat airspace. All of this capability is based on today's proven and demonstrated technologies. We can't build the same ships we were building 20 years ago and hope to maintain our superiority and, indeed, hedge against the emerging threats of tomorrow.

This Zumwalt technology is also the transition to the next class of surface combatants, which are likely to be a new class of cruisers. The hope is that we can leverage what we learn on Zumwalt so that the next class of surface combatants will be even more capable and, we hope, extremely cost efficient.

I also note that the underlying legislation fully funds the continued procurement of the Virginia class attack submarine. These attack submarines are on the highest level of demand by area commanders. The CINCs, when they are asked what they need in terms of resources, invariably place very close, if not on the top of their list, additional submarines because of their stealth, their ability to operate intelligence areas, and their ability to have a forward presence without being recognized. These are critical, and I am pleased by the recognition of the administration and the committee in this regard.

This year I was once again extremely fortunate and honored to serve as the chairman of the Emerging Threats and Capabilities Subcommittee. I particularly thank and commend Senator WICKER and his staff. They were true collaborators. Their cooperation was significant in terms of improving the quality of our subcommittee report. We have worked together very well. I, again, particularly commend and thank Senator WICKER for his insights, his energy, and for his great collaboration in this effort. The Emerging

Threats and Capabilities Subcommittee is responsible for looking at new and emerging threats to our security and considering appropriate steps we should take to develop new capabilities to face these threats. In preparation for our markup, Senator LEVIN provided guidelines for the work of the committee including the following two items: Improve the ability of the Armed Forces to counter nontraditional threats, including terrorism, the proliferation of weapons of mass destruction, and their means of delivery; and, second, enhance the capability of the Armed Forces to conduct counterinsurgency operations.

In response, our subcommittee recommended initiatives in a number of areas within our jurisdiction. These areas include supporting critical nonproliferation programs and other efforts to combat weapons of mass destruction; supporting advances in medical research and technology to treat such modern battlefield conditions as traumatic brain injuries and post-traumatic stress disorder; increasing investments in new energy technologies such as fuel cells, hybrid engines, and alternate fuels to increase military performance and reduce cost; increasing investments in advanced manufacturing technologies to strengthen our defense industrial base so that it can rapidly and efficiently produce the materiel needed by the Nation's warfighters; and increasing investments in research at our Nation's small businesses, government labs, and universities so that we have the most innovative minds in our country working to enhance our national security.

Specifically, some notable actions in this bill that originated in the Emerging Threats and Capabilities Subcommittee include: authorizing full funding for the Special Operations Command and adding \$131.7 million to meet unfunded equipment requirements identified by the commander of our Special Forces to enable them to conduct counterinsurgency operations and to support ongoing military operations; authorizing full funding requested for the Joint IED Defeat Organization, JIEDDO. This is particularly important as we read about the increasing IED attacks against our forces in Afghanistan since our offensive began in Helmand Province weeks ago. These IEDs are the No. 1 threat to our forces in the field and our allied forces in the field. This very sophisticated organization uses the information technology, innovation, communication, and new techniques, working closely with battlefield commanders, to protect our forces and our allied forces. They have a critical role and a critical mission. We fully support both in this legislation.

We authorize the Cooperative Threat Reduction Program, providing an additional \$10 million for new initiatives outside the former Soviet Union. We provide \$3 million for chemical weapons demilitarization in Russia and else-

where, and \$7 million for strategic offensive arms elimination. We have to recognize that these weapons are distributed too broadly in many respects, and our efforts to restrict them and to, we hope, dismantle them have to be broad also.

We added \$50 million to nonproliferation research and development for nuclear forensics and other R&D activities and required the development of an interagency forensics and nuclear attribution program. One of the hopes—and this must be based on very calculable scientific and technological research—is that if we can identify the source of a nuclear detonation positively, we would have an extraordinarily powerful deterrent card which we could use diplomatically to indicate that if any nation, particularly covertly, attempts, directly or through terrorist groups, to deploy a nuclear weapon anywhere in the world, we could trace it back and respond immediately. That could give us, again, an enhanced deterrence. This depends upon the progress we make in research, but we must begin with energy research. We have that in the legislation.

The bill also highlights the importance of a strong manufacturing industrial base. The bill would create a new position, the Assistant Secretary of Defense for Manufacturing and Industrial Base, to oversee the Department's policies and programs for our Nation's industrial base. Further, the bill increases funding for manufacturing research in DOD by roughly \$100 million to support the defense industrial base and reduce the cost of production of weapons systems and our ability to meet surge requirements demands of operating forces.

This bill also reauthorizes the DOD's Small Business Innovation Research program, in coordination with the efforts of Senator MARY LANDRIEU, chairman of the Senate Committee on Small Business and Entrepreneurship. To support investments in next-generation technologies and advanced military capabilities, this bill would increase the Department's funding for innovative science and technology programs by over \$480 million for a total of \$12.1 billion.

The bill authorizes the full funding that was requested for chemical and biological defense programs and the full amount requested for chemical weapons demilitarization in the United States. This funding totals over \$3 billion.

With regard to counterdrug programs, the bill fully funds DOD drug interdiction and counterdrug activities. It also includes a provision that would extend the authority to use counterdrug funds to support the Government of Colombia's unified campaign against narcotics cultivation and trafficking and against terrorist organizations involved in such activities. It also recommends a \$30 million increase in funding for high priority National Guard counternarcotics programs.

This issue of narcotics is particularly central to our efforts in Afghanistan. When I was there in April, we were in Helmand Province which was covered, literally, with opium poppies. The opium trade provides support for opponents of the Taliban. If we disrupt that trade and we are able to reduce the flow of resources to the Taliban but also provide legitimate family farmers with the opportunity and the profitability to grow alternate crops, then we can make a successful dent in the power and the presence of the Taliban there. These counternarcotics programs, not only in Colombia but also in Afghanistan, are absolutely important.

This is a good bill. It is, I think, wise legislation, with the exceptions I noted. Members of the committee and the committee staff have worked many hours to get this bill to the floor. We are a nation engaged in two conflicts and an ongoing struggle in many parts of the world to intercept, interdict, and preempt terrorists. We need to support our military forces, and I urge my colleagues to work together to pass it so we can quickly have a conference with the House and send it to the President for his signature.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### SOTOMAYOR NOMINATION

Mr. BURRIS. Mr. President, the Judiciary Committee is hearing the testimony from the distinguished Judge Sonia Sotomayor. Today I rise in strong support of Judge Sonia Sotomayor's nomination to the U.S. Supreme Court.

I believe that while Judge Sotomayor's expansive legal experience makes her a logical choice, it is her background and unique perspective that will make her an ideal selection for a seat on our Nation's highest Court.

Certainly no one can argue with Judge Sotomayor's legal qualifications. After graduating from Princeton University and Yale Law School, she served as an assistant district attorney and then had a successful legal practice of her own.

In 1991, President George H.W. Bush appointed Ms. Sotomayor as the first Hispanic judge to the U.S. District Court in New York State.

Eight years later, President Clinton elevated her to the U.S. Court of Appeals, where she serves today.

Throughout her distinguished career, Judge Sotomayor has been a prudent and thoughtful jurist. She has constantly exhibited the highest standards of fairness, equality, and integrity.

I was proud to write to President Obama on May 15 urging her nomination. However, it is not simply Judge Sotomayor's wealth of legal experience and long public record that make her the best possible candidate for the Supreme Court. Her life story will make her a dynamic and thoughtful addition to that august body.

Born into relative poverty and raised in a housing project in the Bronx, young Sonia's childhood was remarkable in that it was overwhelmingly normal. She was not a child of privilege. Yet she had come to value her cultural traditions while also embracing the need for judicial objectivity and legal impartiality. This delicate balance is precisely what will make her such an important voice on the Supreme Court.

As we consider her nomination, we must bear this in mind. When we evaluate the makeup of the Court, we seek to build dissent rather than consensus. We seek to engender debate among its members. Diversity—of prospective, of background, of opinion—lends legitimacy and integrity to judicial rulings.

Throughout her career, Sonia Sotomayor has proven herself to be a moderate, restrained judge whose rulings are bound by the weight of precedent. Judgment must remain free from passion, but passion for the law cannot be lost. Ms. Sotomayor carries with her a lifetime of that passion—something I consider a valuable asset.

As a Supreme Court Justice, Judge Sotomayor will bring much-needed diversity and a rich understanding of the American dream to every opinion she writes. All that she has she has achieved on her own merit, and it is this relatable quality that will lend fresh perspective to the Court.

I applaud President Obama's nomination of Judge Sotomayor. As her confirmation hearings continue, we must ensure they are tough but fair. We must hold her to the same standard to which we would hold any nominee. And just as the Senate has confirmed her twice before, I am confident we will do it once again, with strong bipartisan support this time.

It will be an honor for me to cast my vote in favor of her confirmation when the time comes. I look forward to the day when she takes her rightful seat on the bench in the highest Court in our land.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CLIMATE CHANGE

Mr. DORGAN. Mr. President, in recent days and weeks, the House of Representatives has passed legislation sponsored by Congressman WAXMAN and Congressman MARKEY, called the American Clean Energy and Security Act of 2009, that deals with the issue of climate change. And more specifically, it deals with taking steps to decarbonize the energy use in this country in order to protect the planet.

I support the goals of a low-carbon future by decarbonizing our energy sources to reduce emissions of greenhouse gases into the atmosphere. The scientific consensus is that by maintaining our current course of burning fossil fuels and emitting greenhouse gases we are threatening our planet with future warming. So I support the goal of trying to deal with this issue of climate change.

The question is, how do we address it? How do we move forward to meet this challenge? The House of Representatives has established one approach. I think we need to explore other approaches that still achieve the goal of reducing our carbon emissions. This is a very big issue with consequences for virtually all Americans—for families, for businesses, and for our climate.

The question for us is: How do we move forward in a way that allows us to use our energy resources in a such a way as to protect the environment and grow the economy?

Now, we all wake up in the morning and begin our day taking energy for granted. One of the first things we do, for example, is flick a switch and a light comes on, plug in a hair dryer, or turn on the toaster oven. In so many different ways, virtually everything we do involves using energy. We get in our cars and drive to work, or we get on a subway. In both cases, we are using energy. And no doubt about it, we are using a lot of energy.

The current Secretary of Energy, Dr. Chu, is a Nobel Prize-winning scientist. I once heard him use the following analogy to describe how we use energy today. He talked about going back a couple thousand years. For most of human history, we move no faster than a horse could take us. A couple thousand years ago, if someone wanted to go out and find something to eat, he got on a horse.

These days, of course, times have changed. We still use horses, but in a different way. We measure the power of our engines in horsepower. If one wants to go get a loaf of bread, then we simply jump in a truck and crank up about 270 horses, and away we go to the grocery store.

We never think much about the advantage of having energy at our command at almost any moment, and we certainly don't think—and haven't thought very much—about what the use of that energy does to the climate.

So here we find ourselves in the year 2009 with what the vast majority of sci-

entists say is a very serious problem for the future of this planet and the security of our civilization. Most of our energy is fossil energy. That's the carbon from plants that has accumulated as coal and oil over millions of years. As we burn these fossil fuels to power our economy, we release that carbon back into the atmosphere. The accumulation of these greenhouse gases warm the planet and cause other harmful consequences. Therefore, we need to try to find a way to decarbonize our energy to bring about a low-carbon future, and thereby lower our emissions of CO<sub>2</sub> into the atmosphere.

So how do we do that? Well, as I indicated, the House of Representatives has written a bill, Waxman-Markey. It is a 1,427-page bill, and very, very complicated, I might add.

Let me describe another path. The Senate Energy Committee worked to write a new Energy bill. It was completed some weeks ago and passed with bipartisan support.

Let me describe just a bit of what we have done in that Energy bill: We included provisions to reduce our dependence on foreign oil; increase domestic production of electricity; electrify and diversify our vehicle fleet; create a transmission superhighway so we can produce renewable energy where it is most plentiful, and then put it on the transmission grid to move it to the load centers where it is needed; and train our energy workforce of tomorrow.

These are just a few of the things we have done. We establish a national renewable energy standard of 15 percent by 2020. And I believe the standard needs to be stronger. But the fact is, this is the first time the Senate has sent a clear signal by demonstrating support for such a standard. This standard says: We want to maximize the production of renewable energy, which means a carbon-free energy source.

We are producing green energy when we take energy from the wind, gather energy from the Sun, and put that electricity on a transmission grid to send it to where it is needed. This is an essential step to building the low-carbon economy we need to address the threat of climate change. And our energy bill does so much more to set the stage for helping address climate change.

When we talk about energy, climate is one of the twin challenges that we need to address. With respect to the vulnerability of our country, we must also consider our energy insecurity. It is the case that we import 70 percent of our oil coming from off our shores. We need to put into place an energy policy that will make us less dependent on foreign oil. One way to reduce our oil dependence is to electrify our vehicles. Moving toward an electric drive transportation system has the benefit of replacing foreign oil with domestic electricity. Further, as we decarbonize our

electricity generation, we get the additional benefit of reducing the greenhouse gas emissions from our transportation sector. Our legislation moves aggressively to promote electrification of our vehicles.

In addition to producing more renewable energy, the Energy bill expands the production of energy in this country by opening some areas that have not been opened in the eastern Gulf of Mexico to oil and gas development. As my colleagues know, natural gas is a cleaner-burning and lower carbon fossil fuel. We need to increase production of natural gas where it is appropriate. So the Energy bill does many things to move toward the low-carbon future we need to ensure the security of our planet and our nation.

So I believe we ought to take up the piece of legislation we passed in the Energy Committee, bring it to the floor of the Senate, debate it, and pass it. I have talked about this at some length in recent weeks. I think the Energy bill we have produced is a significant step toward addressing the climate change challenge.

So it seems to me it would make sense to do the energy piece first, get it to the President, and get it signed. With that progress in addressing climate change in the bank, we should then legitimately be able to boast about what we have done in a significant way to maximize the production of green energy from wind, solar, and biomass. This would not be an insignificant achievement. I think we ought to do that.

Second, I would like to discuss the question of cap and trade or Waxman-Markey or some other carbon-constraining piece of legislation for a moment. Clearly, the Senate is going to deal with this issue. My preference would be that we not take up the Waxman-Markey bill in its current form. I know a lot of work has gone into that legislation, but my preference would be that we start to explore other directions.

It is not that I oppose capping carbon. I believe we need to move toward a low-carbon future. I believe we will have to cap emissions of carbon. The question is what are the appropriate targets and timelines that would allow us to mitigate climate change and at the same time, prevent a substantial disruption to our economy. We have to be careful to avoid creating targets and timelines for reducing CO<sub>2</sub> emissions that are simply unachievable.

We have a lot of people across this country who are doing inventive work—interesting, world-class, cutting-edge research. They are working to create the next generation of technologies that could unlock the opportunity of capturing and sequestering carbon dioxide, or developing ways to beneficially reuse CO<sub>2</sub>. These technologies hold the promise of allowing us to continue to use our abundant fossil fuels while protecting our environment. I am convinced—absolutely con-

vinced—that we will achieve that goal. The opportunity, through research, to unlock the mystery of how we separate and capture carbon, store it or reuse it beneficially, is critical, and I am convinced we will do that. I don't think there is much question about that. But what I have difficulty with is not the goal. I am for a low-carbon future. I believe we are going to move in that direction, and I will support that goal.

I do not support, however, establishing a new trading system for carbon securities, as would be the case under the 400-page cap-and-trade provision of the House bill. Let me describe why.

In my judgment, there are better ways to deal with these issues than establishing a very substantial carbon securities trading system. Such a system is ripe for the biggest investment banks and the biggest hedge funds in the country to sink their teeth into these marketplaces and make massive amounts of money. My profound feeling about this is that we have seen now a decade in which many of these markets have been manipulated and have failed to work at all with respect to the market signals of supply and demand. I have very little interest in consigning our low-carbon future to a trading system of carbon securities that will be controlled by the biggest trading companies in the world. And it would not be very long before these entities will have created derivatives, swaps, synthetic CDOs, and more. It will be a field day for speculation, which I think is not in the interest of this country.

Let me just describe something I think might be a harbinger of things to come. Here is chart showing how oil prices soared in 2008. We all remember what has happened to oil prices in the last two years. They went from \$60 a barrel up to \$147 a barrel in day trading last July. Even as the price of oil was going through the roof, the best experts looking at supply and demand were predicting that the price of oil would only slowly increase over many months. They said: Well, here is where we think the price of oil is going to be. Straight on across, through the end of the year. Here is what they suggested in May of 2007, and here is the price.

The fact is, the price of oil shot up like a roman candle. Here is what they suggested in January 2008. Here is the price they predicted, but the price went up much more quickly. Why is it we have an oil futures market in which supply and demand doesn't determine where the price goes? The price goes right off the chart, and yet supply was up and demand was down.

So what we saw in the oil futures market last year should be a wake-up call. This included speculators engaged in about two-thirds or three-fourths of all the trades. They were trading at 20 to 25 times the amount of oil that is produced every single day, and creating an orgy of speculation as shown by the red line on this chart—and by the way, it went right down like a roller coast-

er. And the same people who made money going up made money when prices went back down. If we like that sort of thing, we are going to love the carbon market piece in cap and trade because we are going to create a big, perhaps trillion-dollar market for carbon securities. It would not be long before the same investment banks and hedge funds will all be engaged in trading carbon derivatives, swaps, and you name it.

I happen to think that makes no sense at all. The New York Times said: Managing emissions has become one of the fastest growing specialties in financial services. Investment banks like Goldman Sachs and Morgan Stanley have rapidly expanded their carbon businesses.

I am told, by the way, that most of the large investment banks right now have created carbon trading units.

Charlotte Observer: Firms such as Goldman Sachs and Morgan Stanley already have carbon desks and teams . . . Peopling those carbon desks are the former commodities traders or former securitization or structured finance professionals—like many who've lost jobs at Wachovia (now Wells Fargo) and Bank of America . . .

The New York Times says in a news story: As Congress gears up for a debate on a national "cap-and-trade" program to limit greenhouse gas emissions, resumes from Wall Street—or from ex-Wall Streeters—are flooding into the Nation's few carbon-trading shops.

Chris Leeds, the head of emissions trading, carbon trading at Merrell Lynch, said carbon could become: one of the fastest-growing markets ever, with volumes comparable to credit derivatives inside of a decade.

Louis Redshaw, head of Environmental Markets Barclays Capital says: Carbon will be the world's biggest commodity market, and it could become the world's biggest market over all.

So do we want to sign up for a future in which we consign our ability to constrain carbon and protect this planet by creating a carbon securities market that, in my judgment, would likely subject us to the same vision of the last decade with unbelievable speculation, movements in markets that seem completely disconnected from supply and demand? That is not a future I want to see happen.

There are other ways of capping carbon and addressing these issues. I want to be clear, I am for capping carbon. I am for a low-carbon future, but, in my judgment, those who would bring to the floor of the Senate a replication of what has been done in the House, with over 400 pages describing the cap and "trade" piece, will find very little favor from me, and I expect from some others as well. There are better, other, and more direct ways to do this to protect our planet.

I have been to the floor many times talking about what has happened with credit default swaps, what has happened with CDOs, what has happened



with the oil futures market, on and on and on. If what has happened gives anybody confidence, then they are in a deep sleep and just don't understand it. Again, I come back to the chart I showed a moment ago, the head of emissions trading at Merrill Lynch saying carbon could become one of the fastest growing markets, with volumes comparable to credit derivatives.

Think of this, the unbelievable volumes of credit derivative swaps that most people couldn't even pronounce and didn't know existed, and it turns out we had tens of trillions of dollars worth of these things, and worldwide these products were supposedly worth hundreds of trillions of dollars.

Frankly, I think it is not in the country's interest to establish a new financial market and to have the same players engage in the same games that gamble on this country's future.

I think two things: No. 1, there is a piece of energy legislation that is ready to come to the floor, passed by the Energy Committee, that moves in the direction of addressing climate change. We ought to get the benefit of that legislation and pass that bill along to the President for signature. It maximizes renewable energy, and there are a lot of things that will dramatically reduce the impact of our carbon footprint.

No. 2, those in the Senate who are working very hard and talking about the issue of climate change, and how we can take steps to cap carbon, and what kind of a low-carbon future we might be able to achieve. There are some of us—and I speak only for myself—who believe cap and “trade” in terms of speculative carbon futures markets makes no sense. We ought to explore a carbon cap with different approaches.

I wanted to raise these concerns at this point, so that those who are working on the climate change bill and attempting to replicate the House approach will understand that some of us will aggressively resist the carbon market “trade” side of cap and trade.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I ask to speak in morning business for up to 15 minutes.

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

#### SOTOMAYOR NOMINATION

Mr. BUNNING. Mr. President, today I rise to speak on the nomination of Judge Sotomayor to be a Justice on the U.S. Supreme Court. After much consideration, I cannot support this nomination.

I have been following this process closely. I have been reading her rulings and her speeches. I have been watching her hearing at the Senate Judiciary Committee. I met with her one on one and was able to ask her questions. Unfortunately, I find her to be unsuitable as a member of the U.S. Supreme Court.

The first problem I would like to discuss is her lack of direct answers to di-

rect questions. I had this problem in my meeting with her and it appears from watching the Judiciary Committee hearings that other Members have had that problem too. My biggest concern in this area is that she answered the questions from the perspective of the job she has, not the job she has been nominated for. As a member of the district or circuit court, she must rely heavily on precedent. However, as a Justice of the Supreme Court, she is in the position to set precedent. When I asked her simple questions about how she would treat certain subjects, she retreated to saying that she would use precedent to decide how to proceed. I found this unsatisfactory because she would be setting precedent as a member of the Supreme Court. In fact, throughout her nomination process I have seen her sidestep direct questions time and time again. We have seen this happen numerous times during her hearing before the Judiciary Committee. I think we deserve answers to these questions and we have not gotten them.

However, we can learn about her views and how she might perform on the Supreme Court by studying her record. She has an extensive record, which includes 17 years as a judge and, prior to that, time spent as a prosecutor, in private practice, and as a member of groups such as the Puerto Rican Legal Defense and Education Fund. This gives us much to look at, such as her decisions, speeches, and other sources. I have studied these and I would like to comment on them and her views.

When I spoke on the nomination of Chief Justice John Roberts in 2005, I pointed out the problem of the Supreme Court and other judges trying to replace Congress and State legislatures. Important social issues have been taken out of the political process and decided by unelected judges. I can say with certainty that this was not the way the Founding Fathers and authors of the Constitution intended for it to work.

The creation of law is reserved for elected legislatures, chosen by the people. The Supreme Court is not a nine person legislature created to interact with or replace the U.S. Congress. When judges and justices take the law into their own hands and act as if they were a legislative body, it flies in the face of the Constitution. Because of this, whether in the Supreme Court or in lower courts, many people have lost respect for our judicial system. This cannot continue to happen. In addition to obvious constitutional concerns, if someday the public and the rest of the political system begin to tune out the courts and ignore their decisions altogether, it would be grave for our country.

During their confirmations, I felt that Chief Justice Roberts and Justice Alito understood this. That is probably the biggest reason why I voted for them. I am afraid that I cannot say the same about Judge Sotomayor.

Much has been said about Judge Sotomayor's “wise Latina woman” comments. Even though they have been discussed many times over, they are still relevant and speak to her views on the role of judges. In her infamous 2001 speech, she said that “a wise Latina woman” would “more often than not reach a better conclusion than a white male.” This shows a clear method of her thinking and indicates she accepts the idea that personal experiences and emotions influence a judge's rulings, rather than the words of the law and the Constitution.

She used the “wise Latina woman” phrase in at least four other speeches, most recently in 2004. The fact that it was repeated so often indicates that she believes it. She has said that the notion of impartiality on the bench is “an aspiration” and has gone on to claim that “by ignoring our differences as women or men of color we do a disservice both to law and society.” When President Obama began discussing what sort of person he wanted to nominate to Supreme Court, he put a premium on the nominee having “empathy.” Well, it appears that he got his wish.

Empathy in and of itself is not a bad thing. However, in this context it means that the law would lose out to a justice who feels an emotional pull to rule one way or the other. Empathy belongs best in legislatures, where it can reflect the wishes of the people who voted for the members of those bodies. This is not the job of the Supreme Court, or any other court of law for that matter. I do not have faith that Judge Sotomayor would fully respect the roles of the judiciary and the legislature.

While understanding that the role of the Supreme Court is interpreting law instead of making it might be the most important quality of a Justice, there will be times when precedent must be set and it is crucial that this is done correctly. Now, I understand a nominee's hesitancy to discuss a case or issue that might come before them, but I do think they can explain their methods for arriving at a conclusion. During the confirmation hearings of Justices Roberts and Alito, they were both willing to walk through their decision making process. However, Judge Sotomayor has been unwilling to do even this. It is unfortunate, but I have no basis to understand how Judge Sotomayor will think through a case as a member of the highest court in the land.

Her views on race, as seen in the Ricci case, are troubling. The city of New Haven decided to throw out the results of their firefighter promotional exam because they felt that not enough minorities had passed it. Many who passed that exam had made great sacrifices to prepare for the test, including the lead plaintiff, Frank Ricci, who overcame a disability to pass it with flying colors. Seventeen White and one Hispanic firefighter filed suit that this

was reverse discrimination and Meir case eventually found its way before Judge Sotomayor at the Second Circuit. She dismissed their claims in a one-paragraph opinion that cited no precedent and was later roundly criticized by judges of all stripes. Fortunately, just last month, the Supreme Court overturned this erroneous decision.

Judge Sotomayor also has shown an unacceptable hostility to second amendment rights. In the recent Heller Supreme Court ruling, it was found that the second amendment confers an individual right to keep and bear arms. However, in two cases Judge Sotomayor has lent her name to extremely brief opinions that the second amendment is not a fundamental right. Her rulings, and the lack of explanation on them, indicate that she is hostile to the second amendment and will not protect it with the same energy as she might for any of the other nine amendments in the Bill of Rights. She has not stated that she believes a clearly spelled-out right, such as the second amendment, is fundamental, but she is willing to recognize that something that is not clearly spelled out, such as a right to privacy, is fundamental. I fear that her appointment to the Supreme Court could undo the progress from the Heller decision that recognizes Americans have the right to defend themselves.

Another area of concern is Judge Sotomayor's views on the use of foreign law in American courts. Less than 3 months ago, she said she believes "that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world." First of all, the Court's responsibility is to review the laws passed by the government that it is a part of, not laws passed by a foreign government. Second of all, if there is a foreign law that looks like a good idea, then an elected legislature should consider it and, if it has merit, pass it into law. Judges should not be looking around the country or the globe for laws they like and then try to implement them.

Judge Sotomayor has a history of writing or signing on to brief and inadequate opinions that are not suitable for the gravity of the matters on which she is ruling. In the Ricci firefighter case I discussed earlier, half of the judges on her court criticized her opinion as "perfunctory disposition" that "rests uneasily with the weighty issues presented by this appeal." The opinion was only one paragraph long. When the Supreme Court issued its majority opinion on that case, it was 34 pages long. In one case I mentioned above, she joined the summary panel opinion and discarded the idea of the second amendment as a fundamental right in a one-sentence footnote. This is unacceptable.

What is perhaps the most shocking about these exceedingly brief inves-

tigations of the law is that they affected very important cases and very important issues. For instance, the Ricci case could become the affirmative action case of this generation, and it received only a one-paragraph analysis from Judge Sotomayor. Her casual treatment of the second amendment cases flies in the face of the efforts the Supreme Court has put in these decisions. The U.S. Supreme Court is the last stop for important legal decisions, and a Justice must provide explanation and insight to the country on how and why they ruled the way they did. Judge Sotomayor did not do that for these extremely important cases.

This will be the first time I have ever voted against a Supreme Court nominee, and I am not happy I have to do so. However, it is the constitutional role of the Senate to provide confirmation for this position and my duty as a Senator to be part of this process. On viewing the record of Judge Sotomayor, I do not find her to be a suitable candidate for Justice of the Supreme Court of the United States and will vote against her whenever the Senate considers her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I have to say there have been some amazing proposals coming out of the House and the Senate in the last few weeks in some fairly desperate economic times, when job loss is at some of its highest rates in years, when borrowing and spending have gone through the roof. It is pretty amazing that we have come out with proposals, such as cap and trade, that are going to add huge taxes on electricity and other energy when we should be doing all we can to create more energy in our country and to lower the cost, if possible, for Americans. It is pretty amazing to me that we would consider adding taxes and cost onto the cost of living when so many are out of work and we are in very difficult economic times.

Now we see this health care proposal that the Congressional Budget Office says is going to hurt our economy, it is going to insure very few uninsured people, and it will cost trillions of dollars. Again, at a time when we are having difficulty paying the interest on the debt we already owe, we have proposed this massive expansion of government.

Here we are today supposedly discussing funding for our whole defense system in our country, the Defense authorization bill, and the majority has decided to add on to that bill hate crimes legislation. They apparently have scheduled a vote at 1 a.m. tomorrow morning for hate crimes legislation in the middle of a defense authorization debate which should be bipartisan, should be focused on the defense of our country, a clear constitutional responsibility. But we are spending the day waiting for a cloture vote at 1 a.m. tomorrow morning on hate crimes.

There are many practical problems with this hate crimes amendment they

are trying to force us to attach to the Defense authorization bill. The broad language will unnecessarily extend Federal law enforcement beyond its constitutional bounds, it will undermine the effectiveness and confidence of local law enforcement, and it will create conditions for arbitrary and politicized prosecution of certain cases. But instead of the practical problems, I want to focus on basic, fundamental problems with Federal hate crimes legislation.

The rule of law requires that we oppose this amendment on principle. Justice is blind, and under the rule of law justice must be blind—blind to the superficial circumstances of the victims and the defendants.

The law says crime must be investigated and punished. There is no evidence to suggest that crimes defined by this amendment as hate crimes are not being prosecuted today. This amendment is, therefore, unnecessary as a matter of criminal law.

There is no need, or even any law enforcement benefit, to create a special class for crimes based on—and I quote from the amendment—"the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim." Indeed, as a matter of justice, this amendment is patently offensive. It is based on the premise that violence committed against certain kinds of victims is worse and more in need of Federal intervention and swift justice than if it were committed against someone else. I am sure most parents of a minority, homosexual, or female victim would appreciate the extra concern, but that also implies that certain crimes are better, for lack of a better word. Where does that leave the vast majority of victims' families who, because of the whims of political correctness, are not entitled under this amendment to special status and attention? How can a victim's perceived status or the perpetrator's perceived opinions possibly determine the severity of the crime?

The 14th amendment explicitly guarantees all citizens equal protection of the laws. This amendment creates a special class of victims whose protection of the laws will be, in Orwell's phrase, more equal than others, and if some are more equal, others will be less equal; that is, this amendment will create the very problem it purports to solve.

Let's talk about thought crimes for a minute. This amendment will also move our Nation a dangerous step closer to another Orwellian concept—thought crime. This legislation essentially makes certain ideas criminal in that those ideas involved in a crime make that crime more deserving of prosecution. The problem, of course, is that politicians are claiming the power to decide which thoughts are criminal and which are not.

Canadians right now live under this regime where so-called human rights

commissions operating outside the law prosecute citizens for espousing opinions with which the commissioners disagree. This concern is only heightened by the last section of this hate crimes amendment which says it does not allow “prosecution based solely upon an individual’s expression of . . . religious . . . beliefs.”

Let me repeat that because we are being told this would not affect anyone expressing a religious opinion or value judgment:

Prosecution based solely upon an individual’s expression of religious beliefs . . .

Two questions come to mind: First, if the hate crimes amendment is really just about law enforcement, why should it even need a restatement of the self-evident fact that religious expression is constitutionally protected? And second, why include the adverb “solely” if not to allow for the potential prosecution of people’s religious speech so long as it is part of a broader prosecution of the accused hater?

Today, only actions are crimes. If we pass this legislation, opinions will become crimes. What is to stop us from following the lead of European countries and American college campuses where certain speech is criminalized? Can priests, pastors, and rabbis be sure their preaching will not be prosecuted? In Canada, for instance, Pastor Stephen Boissin was so prosecuted by Alberta’s Human Rights Commission for publishing letters critical of homosexuality, a biblical concept. Or will this amendment serve as a warning to people not to speak out too loudly about their religious views lest the Federal law enforcement come knocking at their door? What about the unintended consequences, such as pedophiles and sex offenders claiming protected status as disabled under this legislation? There is no such thing as a criminal thought, only criminal acts. Once we endorse thought crimes, where will we draw the line? And more importantly, who will draw the line?

Let me talk a little bit about equality and how it relates to this bill. If my own children were attacked in a violent crime, justice—true justice—demands that their attackers be pursued no more or less than the attackers of any other children.

We also say we want a colorblind society—even Judge Sotomayor. But we cannot have a colorblind society if we continue to write color-conscious laws. Our culture cannot expect to treat people equally if the law, if the ruling class treats citizens not according to the content of their character but according to their race, sex, ethnicity, or gender identity.

As we wait through the night to vote on this hate crimes bill, I encourage my colleagues, first of all, to set this aside and let’s focus on it separately, if it needs to be focused on. It is not part of the Defense authorization bill. But they are holding the Defense authorization bill hostage to other things, much like we did a few weeks ago when we

were trying to pass a defense appropriations bill and they attached a \$100 billion giveaway to the International Monetary Fund. In order to vote for the support of our troops, we had to vote to give away another \$100 billion from American taxpayers.

This hate crimes legislation makes no sense. It violates all the principles of equal justice under the law. It makes what we think and what we believe a crime, rather than what we do. It asks judges and juries to determine what we were thinking when we were committing a crime, instead of trying to decide what we really did. This is not what is carved above the Supreme Court, which says “equal justice under the law.” It violates all the principles we have talked about as far as blind justice, that a judge does not look at who is in front of him but considers the facts of the case.

Hate crimes violate everything that is essentially American and fair and equal about a justice system. It makes no sense to bring it up at all. It makes even less sense to bring it up under the Defense authorization bill.

I encourage my colleagues, particularly the majority, to withdraw this amendment and let us move ahead with the debate of the defense of our country.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### HIGHWAY INVESTMENT PROTECTION ACT

Mr. VITTER. Mr. President, in September of this year, just a couple of months away, the highway bill—the program under which we build bridges and roads and highways around the country—is set to expire. Even more worrisome, in August of this year—next month—the highway trust fund, which funds all of that activity, is scheduled to run out of money. So I think—I hope—there is a broad consensus here that we need to act to continue the ongoing highway program. To not act—to allow the highway trust fund to run out of money, to allow the highway program to end—would be an enormous antistimulus for the economy because a lot of significant, productive infrastructure spending and activity would just stop overnight.

So we must act, and I believe everyone acknowledges that. What I am concerned about is that we are going to go right up to the eleventh hour, to the precipice, and then we are going to be given one choice, and one choice only, here on the floor of the Senate, rather than have a calm and reasoned debate about the best way to act and the best way to pay for that. So I strongly urge the Senate to take up this matter sooner rather than later and to consider all of the reasonable and all of the available options.

As I understand it, the Obama administration will propose an 18-month extension of the current highway program, and I have absolutely no problem with that. I plan to support that. The key issue in my mind is how we pay for that extension, how we replenish the trust fund, at least for the next 18 months. We faced this shortfall late last year, and unfortunately there was no good idea, no option presented except to spend more money—borrowed money—and increase the debt to keep that trust fund going.

I suggest that with our debt rising so dramatically, with all of the actions this Congress has taken—the stimulus, the budget that doubles the debt in 5 years and triples it in 10—we need a better solution than merely to print more money or borrow more money from the Chinese. That is why I have introduced my proposal, S. 1344. That bill specifically is called the Highway Investment Protection Act. It would extend and reauthorize the highway program for an initial 18 months, and it would fund that out of existing stimulus dollars which have already been appropriated.

Some may ask: What is the point of that? The point is real simple. If we use existing, already appropriated stimulus dollars, we are not borrowing more money, we are not printing more money, we are not borrowing more money from the Chinese, and we are not yet again increasing the deficit and increasing the debt. That is very important. We are also not increasing taxes, which is a horrible thing to do, particularly in the middle of a very serious recession.

One of the clear lessons from the Great Depression is the things you don’t do, which, unfortunately, leaders back then did, in some cases. One of the things you don’t do is to increase taxes, which made the Depression far worse and far longer in duration than it otherwise needed to be.

So this program doesn’t print more money, it doesn’t borrow yet more from the Chinese, and it doesn’t raise taxes. That is the great advantage of it.

In addition, it is specifically structured to give maximum flexibility to the Obama administration in terms of where to find those stimulus dollars. So we don’t say specifically take it from this account, which they may favor; take it from that account, which they may prefer. We give the Obama administration maximum flexibility. And I think virtually everyone acknowledges that at the end of the day, when the entire \$800-plus billion stimulus program is worked through, there will be over this amount of money that remains unspent and unobligated. There will be more than what is required for the next 18 months for the highway trust fund—about \$20 billion—which cannot be spent out of the stimulus anyway. So this is simply capturing that money and using it to extend this vital highway program and this important infrastructure spending.

Several months ago, when we debated the stimulus here on the floor of the Senate, there were many of us—Democrats and Republicans alike—who wanted more infrastructure spending, more highway spending in the stimulus. It is very clear from every poll that was published that the American people felt that way. One of the absolute top categories of stimulus spending money the American people supported was highway construction—roads, bridges, highways. So this is very consistent with the idea of a broad-based stimulus program. It is not inconsistent with that at all.

Again, the alternatives are to simply move money from the general fund. That means we are borrowing more money from the Chinese or whomever—in a sense, printing more money—or there may be a proposal to increase taxes to pay for it, which I believe, no matter what the source, is a very bad idea in the middle of a serious recession. That is very antigrowth.

My fear is that given our very constricted busy schedule between now and the August recess, this matter is going to be pushed to the very end, right before we are set to leave for the August recess, and there will be one alternative and one alternative only: Just print more money. Just borrow more from the Chinese. My fear is there is going to be an attempt to rush that through the Senate, and I don't think that is the way to get the best result and the most consensual result on this important issue.

I propose we think about this now, sooner rather than later. I propose we discuss all the reasonable alternatives and certainly look at the very commonsense alternative of using already appropriated stimulus dollars—again, no new debt, no new spending; use what has already been appropriated in the stimulus; give the administration maximum flexibility in terms of how to do that.

Finally, I would also point out that the bill is drafted very carefully, so that within these 18 months, if the Congress were to enact a new highway reauthorization program, a new multiyear program, this extension would automatically dissolve and go away and this money from the stimulus would automatically stop and whatever the provisions of that new multiyear highway bill would be would come into full force and effect. I urge all my colleagues—Democrats and Republicans—to consider this commonsense approach.

In that vein, I would like to propound a unanimous consent request.

UNANIMOUS CONSENT REQUEST—S. 1344

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1344, a bill to use stimulus funds to protect the solvency of the highway trust fund; and I ask unanimous consent that the technical amendment at the desk be agreed to; the bill as amended be read a third time and passed, the motion to recon-

sider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Is there objection? Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Well, in light of the objection, I would ask the distinguished Senator from Michigan, if the Senator would at least agree to a unanimous consent request to allow this bill to be the next order of business after the current Defense authorization bill is fully dealt with which would provide for limited time agreements and relevant germane amendments?

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, in closing, let me say that I think it is unfortunate we don't take up this serious matter next after the Defense authorization bill and that we don't take it up in plenty of time to look at all of the reasonable alternatives.

I hope when we finally take it up, it isn't in a mad dash to the August recess; that it isn't under all of the normal artificial pressure that is built up where we must act in the next few hours and we have one choice and one choice only. We have heard all that before. We have heard it before when we were forced into quick consideration of the bailouts. We heard it about the stimulus. Now we are hearing it about health care.

Let's try to do some things right and not just quick. This has to be done before the August recess because the highway trust fund will run out of money during the August recess. So let's take this up sooner rather than later.

Let's take this up right after the current Defense authorization bill on the floor is dealt with and look at all the available alternatives, including using stimulus funds already appropriated so we don't raise taxes in the middle of a recession, so we don't increase the debt and so that we don't borrow more money from the Chinese and print more dollar bills. The American people are very fearful of that growing trend.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business for such time as I might consume.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

HEALTH CARE REFORM

Mr. ENZI. Mr. President, many of my colleagues have called me an "eternal Optimist." Since I entered the Senate more than 12 years ago, I have consistently worked across party lines to find new solutions and broker bills that then become law. I have a long and consistent track record of working in good faith with my colleagues from

both sides of the aisle. I had hoped, and still hope, to do that on the complex issue of health care reform.

Last Congress, I proposed Ten Steps to Transform Health Care in America. I traveled 1,200 miles across my home State last March to bring my message of reform directly to the people of Wyoming. My message was built on the belief that the American people needed more choice and more control over their health care. I put it together by working with people on both sides of the aisle. I found a way to get coverage for everybody if we did all 10 steps, and any one of them would increase access and cut costs.

Among other things, my plan attempted to level the playing field in the tax treatment of health insurance and also provide a helping hand to low-income Americans in the form of subsidies to ensure access to quality, affordable health insurance. My plan also provided greater equity and ease to our Nation's small business owners by allowing cross-State pooling. Each of my proposals targeted three fundamental goals: Increasing access to health care, reducing costs within our health care delivery system, and improving the quality of care.

As the only accountant in the Senate, I was and remain very concerned about the effect of any health reform proposal on our Federal budget, as well as personal and family budgets. We all want coverage for everyone, including preexisting and chronic conditions. We want portability. We want health care, not sick care.

I have continued my work on health care reform this Congress. As the ranking member on the Committee on Health, Education, Labor, and Pensions, a member of the Finance Committee, and a member of the Budget Committee, I assumed a unique role in the health reform debate this year. I worked hard to foster a constructive dialogue with the members of all three committees, and I have met with the President and administration officials to share ideas on how to best craft a strong bipartisan bill. As the debate on health care reform progresses in the Senate, I continue to stand ready to work on this critical issue. As I have noted many times before, this is likely to be the most important piece of legislation that we will work on as Members of the Senate. It touches the life of every single American in a very real way.

Our health care system is approximately one-sixth of our Nation's economy, and the changes we make in it will ultimately affect the lives of every single American. I have never worked on a bill that was that extensive. It is a sacred trust we have, and we must not be moved by artificial deadlines and short-term political considerations.

I do not think a good bill and a bipartisan bill are mutually exclusive. To the contrary, I believe a health care reform bill will need strong support from

both sides of the aisle to gain the credibility and the support of our constituents. It is still my hope we can produce a strong bipartisan health care bill that upwards of 80 Members of the Senate could support. I see that as a possibility.

I remain eternally hopeful we will deliver the American people the strong bipartisan health care bill they deserve. But I have to tell you I am disappointed by the recent developments of the House of Representatives and, more particularly, in the Committee of the Senate on Health, Education, Labor and Pensions.

Yesterday, on a party-line vote, 13 to 10, the committee passed the Affordable Health Choices Act. But don't let the name fool you because, with a \$1 trillion pricetag, the bill is anything but affordable.

Unfortunately, the HELP Committee chose to gallop down a path of partisanship. Despite my strong urging that we start with a blank piece of paper, HELP Committee Republicans were presented with roughly 600 pages of longstanding Democratic policies. It seems not a single Democratic member of the committee was told no, as every pet project was included in this bill. Because Republicans were shut out of the drafting process, we were forced to file hundreds of amendments. Unfortunately, of the 45 committee rollcall votes on Republican amendments, 2 were successful. There were a number of amendments that were accepted, but they fall more in the category of proof-reading amendments and some slight changes.

President Obama has repeatedly called for a health care bill that will reduce costs. He has called for a bill that will help every American get access to quality health care, a bill that allows people who like the care they have to keep it, a bill that will not increase the deficit. Republicans strongly support those goals. Unfortunately, the HELP bill does not meet any of them.

In my view, and graded on the criteria specified by the President, the bill voted out of the HELP Committee fails on all counts. The bill breaks the President's promises and falls short on achieving the commonsense goals the Republicans and President share. Instead, the partisan HELP bill adds \$1 trillion to the deficit, despite the President's promise that health care reform must and will be deficit neutral. The bill increases that deficit by more than \$1 trillion over 10 years. It is not as bad as the House bill. It is my understanding that increases it by \$4 trillion over 10 years. Maybe it is just more honest, because there are ways to avoid a cost by phasing in authorizations and by using such sums in authorizations—little tricks of budgeting that avoid the score. But this is on the heels of news last week from official scorekeepers that the Federal budget deficit was \$1.1 trillion for the first 9 months of fiscal year 2009.

According to scorekeepers, this bill will bend the cost curve the wrong

way, driving up the cost of health insurance for most Americans and increasing total spending on health care.

I refer people to an article by Lori Montgomery in the Washington Post today, "CBO Chief Criticizes Democrats' Health Reform Measures."

Instead of saving the Federal Government from fiscal catastrophe, the health reform measures being drafted by congressional Democrats would worsen an already bleak budget outlook, increasing deficit projections and driving the nation more deeply into debt, the director of the nonpartisan Congressional Budget Office said this morning.

Under questioning by members of the Senate Budget Committee, CBO director Douglas Elmendorf said bills crafted by House leaders and the Senate health committee do not propose "the sort of fundamental changes that would be necessary to reduce the trajectory of federal health spending by a significant amount."

"On the contrary," Elmendorf said, "the legislation significantly expands the federal responsibility for health care costs."

Though President Obama and Democratic leaders have said repeatedly that reining in the skyrocketing growth in spending on government health programs such as Medicaid and Medicare is their top priority, the reform measures put forth so far would not fulfill their pledge to "bend the cost curve" downward, Elmendorf said. Instead, he said, "The curve is being raised."

The CBO is the official arbiter of the costs of legislation, and Elmendorf's stark testimony is certain to undermine support for the measures even as three House panels begin debate and aim to put a bill on the House floor before the August recess. Fiscal conservatives in the House, known as the Blue Dogs, were already threatening to block passage of legislation in the Energy and Commerce Committee, primarily due to concerns about the long-term costs of the House bill.

Cost is also a major issue in the Senate, where some moderate Democrats have joined Republicans in calling on Obama to drop his demand that both chambers approve a bill before the August recess. While the Senate health committee approved its bill on Wednesday with no Republican votes, members of the Senate Finance Committee were still struggling to craft a bipartisan measure that does more to restrain costs.

The chairman of the Senate Budget Committee, Kent Conrad (D-ND), has taken a leading role in that effort. This morning, after receiving Elmendorf's testimony on the nation's long-term budget outlook, Conrad turned immediately to questions about the emerging health care measures.

"I'm going to really put you on the spot," Conrad told Elmendorf. "From what you have seen from the products of the committees that have reported, do you see a successful effort being mounted to bend the long-term cost curve?"

Elmendorf responded: "No, Mr. Chairman." Asked what provisions would be needed to slow the growth in federal health spending, Elmendorf urged lawmakers to end or limit the tax-free treatment of employer-provided health benefits, calling it a federal "subsidy" that encourages spending on ever more expensive health packages. Key senators, including Conrad, have been pressing to tax employer-provided benefits, but Senate leaders last week objected, saying the idea does not have enough support among Senate Democrats to win passage.

Elmendorf also suggested changing the way Medicare reimburses providers to create incentives for reducing costs.

"Certain reforms of that sort are included in some of the packages," Elmendorf said.

"But the changes that we have looked at so far do not represent the sort of fundamental change, the order of magnitude that would be necessary to offset the direct increase in federal health costs that would result from the insurance coverage proposals."

Senate Majority Leader Harry Reid dismissed Elmendorf's push for the benefits tax. "What he should do is maybe run for Congress," Reid said.

But Senate Finance Chairman Max Baucus expressed frustration that the tax on employer-funded benefits had fallen out of favor, in part because the White House opposes the idea. Critics of the proposal say it would target police and firefighters who receive generous benefits packages. And if the tax is trimmed to apply only to upper income beneficiaries, it would lose its effectiveness as a cost-containment measure.

"Basically the president is not helping," said Baucus. "He does not want the exclusion, and that's making it difficult."

But he added, "We are clearly going to find ways to bend the cost curve in the right direction, including provisions that will actually lower the rate of increase in health care costs."

Ideas under consideration include health-care delivery system reform; health insurance market reform; and empowering an independent agency to set Medicare reimbursement rates, an idea the White House is shopping aggressively on Capitol Hill.

But Baucus is not giving up on the benefits tax. "It is not off the table, there's still a lot of interest in it," Baucus said.

I would mention the members of the committee are still working to find that bipartisan match, but it does take time. There are so many moving parts to this bill. But the partisan HELP bill breaks the President's promise, "if you like what you have, you can keep it." The scorekeepers report the bill would force millions of Americans to lose their health care plan they have and like. Several Republican members offered amendments that aimed at ensuring Americans who like the coverage they have they can keep it, but they all suffered the same failing fate.

The partisan HELP bill kills jobs and cuts wages. The nonpartisan Congressional Budget Office concludes the bill will result in lower wages and higher unemployment. These jobs and wage cuts would hit low-income workers, women, and minorities the hardest. It is hard to believe that with unemployment at a generational high, Democrats on the committee will even consider putting more jobs on the chopping block.

Despite passage of the so-called stimulus bill earlier this year, Americans are facing the highest unemployment rate in 26 years. At the same time, the HELP Committee and the House Democrats are attempting to impose new taxes on small employers that will eliminate jobs for low-income minority workers.

The partisan HELP bill raises taxes at the worst possible time. Despite several amendments offered by Republican members, which the Democrats defeated on party-line votes, the bill breaks President Obama's promise not to raise taxes on individuals earning less than \$250,000 per year. The bill would impose a new tax on people without health insurance. The partisan

HELP bill allows Washington bureaucrats to ration health care. The bill lays the groundwork for a government takeover of health care, giving Washington bureaucrats the power to prevent patients from seeing the doctor they choose and obtaining new and innovative medical therapies.

I could go into the cost effectiveness—the clinical effectiveness research, but I will not go into the details of that at this time. But that is a way that care could be rationed. How do we know? We tried a bunch of amendments that would specify what could not be rationed, and every one of those was defeated.

The partisan HELP bill traps low-income Americans in a second-tier health care program. Despite several amendments, the other side refused to give Medicaid patients the choice to access higher quality care.

The other side claims to support giving patients choices but when the choice is a new government-run health plan. However, they refuse to give low-income Americans the chance to get out of the worst health care programs in the country.

I would mention government-run programs, instead of giving the lowest income Americans a choice to enroll in private insurance with subsidies, the HELP Committee bill forces them to stay in a program where 40 percent of the physicians will refuse to see them and the care they receive will be worse than what is available through private health insurance.

I have to remind you, if you cannot see a doctor, you don't have health care.

Instead of reducing health care costs, the partisan bill will spend billions of taxpayer dollars on new porkbarrel spending. The bill would build new sidewalks, jungle gyms, and farmers markets through a mandatory spending \$80 billion slush fund. That is just the first 10 years, which is delayed 2 years; otherwise, it would be \$100 billion. That is for additional porkbarrel projects.

Talk about a rating system. A rating system is how much difference you have between the low age and the high age, the more well and the sicker people. That is being compressed dramatically, which will raise the rates for virtually everybody in America.

The partisan HELP bill preserves the costly, dangerous, medical malpractice system. Again, despite several blocked attempts by multiple Republican committee members, the bill fails to reduce medical lawsuits which drive up the cost of health care and force doctors to order wasteful tests and treatments to cover liabilities.

The bill worsens doctor shortages. According to an analysis by the Department of Health and Human Services, the bill would worsen the Nation's primary care physician shortage by providing fewer medical students with financial assistance in return for work in underserved areas.

In short, the HELP Committee bill costs too much, covers too few, and if you like what you have you can't keep it. Under this bill, if you like your job, you may not be able to keep that either. With all these bad policies comes a \$1 trillion pricetag. That is \$1 trillion this country cannot afford right now and a trillion reasons why it is a bad bill for America. We have not even talked about clinical effectiveness or some other programs that were not actuarially sound.

As I said at the beginning of the speech, I am an eternal optimist. Despite my comments on the perils and policies in the HELP bill, we still have a chance. We can write a good bill, a bill that ensures every American has quality, affordable health care; a bill that is fully paid for with savings exclusively from health care; a bill that reverses the cost curve; a bill that lets Americans keep what they have if they like it; a bill the American people deserve. We are working on that now. We are trying to put together that bill, but it takes time.

Those are all things that can be done. One way to enact real change is to sit down and work out the details. Health care is complicated. The laws of unintended consequences are severe and unforgiving. We cannot rush into something that will change one-sixth of our Nation's economy and affect 100 percent of Americans. We must take our time and get the policies right.

I have heard reports of White House staff calling the HELP Committee bill a bipartisan bill. I heard White House staff say this bill incorporated Republican ideas. White House staff speak for the President, not for Senate Republicans.

I can tell you as the ranking Republican on the HELP Committee, the partisan vote speaks for itself. Republican ideas were excluded from the process and from this legislation. We have five bills that have ideas that would meet the goals of the President and the ones I have stated. Parts of those were considered; most were rejected.

I passionately want to reform our health care system to improve quality, reduce costs, and increase access. I think the HELP Committee legislation fails to meaningfully address those goals and sticks the American people with a bill we cannot afford. I hope we can get back to work and construct real reform that has the support of the American people.

I appreciate the openness that Senator BAUCUS has had in dealing with Finance Committee members and am optimistic eternally that something good can come out of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 1511

Mrs. MURRAY. Mr. President, in every corner of our country, communities have been working to end hate crimes. Despite the great gains in equality and civil rights throughout

the last century, too many Americans today are still subjected to discrimination, violence, and even death because of who they are. That is why I have joined with many of my colleagues as a cosponsor of the Matthew Shepard Hate Crimes Prevention Act. This is a commonsense, bipartisan bill that will stand up for the victims of hate crimes and their families.

I am glad it has been offered as an amendment and that we will now have a chance to act on it this week. It takes only a quick glance at a newspaper to see places around the world where people are regularly attacked because of their religion or the color of their skin or their sexual orientation. It is important to remember that even though we in America have made great strides in reducing discrimination, there is still plenty of work to be done. I am proud we are working toward ending these crimes once and for all in the memory of Matthew Shepard.

Matthew, as many of my colleagues have stated, was a 21-year-old college student who was murdered because of his sexual orientation. That crime was not prosecuted as a hate crime because there was no applicable State or Federal hate crimes law that covered sexual orientation. Just this year we were all saddened by a horrific shooting of a security guard at the Holocaust Museum in Washington, DC, a few blocks away.

But those are only two examples. And not all of these terrible hate crimes make headlines. In 2007, the last year for which the FBI has statistics, there were over 9,000 hate crime offenses. The thousands of people who have been victimized by hate crimes each receive inadequate protection under the law, and that is simply unconscionable. That is why this amendment we are considering this afternoon is long overdue.

This amendment would strengthen our existing laws by providing the Justice Department with additional tools to investigate and prosecute crimes that were committed based on a victim's race, color, national origin, religion, sexual orientation, gender identity, or disability.

Communities across the country have been working to respond to hate crimes, and State and local law enforcement continues to bear the responsibility for prosecuting the bulk of these crimes. This is not a Federal takeover. However, States and localities would greatly benefit from the help the Federal Government can provide. If a State or local community is unable to prosecute a hate crime, this amendment would mean the Federal Government could lend a hand.

This amendment would provide a number of other tools to help end hate crimes. It would provide States and local governments with grants designed for hate crime prevention. It would expand data collection about hate crimes so that law enforcement will have more information to help prevent prejudicial crimes committed



against women. It would expand the legal definition of what a hate crime is, allowing for stronger prosecution and more cases for a violent crime that is clearly motivated by hatred.

In that way, this amendment would put into law what we already know, that crimes are different when they are motivated by discrimination. Burning down a building is a horrible crime. But that crime takes on a new character when that building is a church or a synagogue or a mosque.

It is wrong when one person attacks another person on the street, for sure. But it has a different meaning when violence occurs because the victim is a different race, or religion, or sexual orientation.

We cannot stand idly by while Americans are subjected to discrimination, violence, and even death, simply because of who they are. Passage of this amendment would be another major victory for equal rights in our country.

I come to the floor this afternoon simply to urge our colleagues to support this amendment when it comes to a vote later this afternoon.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### MEDICARE REIMBURSEMENTS

Mr. ROBERTS. Mr. President, I find myself in a rather unique position here. If you look in the bio sections of all of the outfits that keep herd on us, they will record me as a journalist. That is an unemployed newspaper man, by the way.

But I have a great family tradition in journalism, three generations, four generations, actually, of the Roberts family and the State's second oldest newspaper in Kansas. I still carry around my reporter's notebook, have great respect for those of the fourth estate. We shine the light of truth with our own individual flashlight.

I do not think I have ever done this in 28 years of public service, but I am irritated. I am more than irritated. I rise today to clear up some recent flagrant mischaracterizations about Medicare payments, especially since the Medicare payments are now being used as a target as a pay-for for the health care reform, the alleged health care reform that Senator ENZI was talking about, specifically the statements made on the front page of today's Washington Post, the fountain of all knowledge here in Washington, in an article entitled "Obama Eyes the Purse Strings for Medicare."

I would describe this article—I read it. I read it again. I was a relatively happy person, watching the weather—I do not watch the news much—had my cup of coffee, was going to turn to the sports pages. Then I happened to glance at this, read it, and ruined my whole morning. I came in, I was mean

with the staff and everything else. So I thought I better get it off my chest.

This article is patronizing. It is condescending. The bad part about it is it is egregious in nature and effect at a crucial time in the health care debate, and that is most unfortunate.

The author of this article describes what she sees as "one of the most effective and lucrative forms of constituent service," i.e. setting reimbursement rates for local hospitals, doctors, home health care centers, and other health care providers.

Oh, I wish I had that power, as opposed to CMS, which is the subagency, the acronym agency for the Department of Health and Human Services, that does set reimbursement rates for all health care providers in the United States.

The author continues, accusing "longtime Members of Congress" of such atrocities as "championing New York City's teaching hospitals" and making sure "rural health services are amply funded." In this author's mind, these hospitals and other providers are "flush." Flush with Medicare cash as a result.

I must admit in my 28 years in Congress, I have absolutely been one of those dastardly Members intent on making darn sure that the rural health care delivery system can remain alive and serve our people, even if it has to be kept on life support, which is the true characterization of what we face.

I wonder, since it never appears anywhere in the person's article, in her article, if the author of this piece is aware that the average Medicare reimbursement rate for doctors is about 80 percent of what the commercial market pays or that Medicare only pays about 70 percent of the market rates for hospitals. That is why we have hospital after hospital after hospital for decades in Kansas passing bond issues just to keep their doors open. These are not flush places. These are not posh places in regard to hospitals.

Then I go back to the fact that doctors get paid 80 percent. That is why doctors, many of them, are refusing to take—in regard to Medicare—patients. And that is that terrible word that people say is too scary, that is called rationing, that when we set a reimbursement rate, we, meaning the CMS—no, not individual Members of Congress, as the article infers—but these agencies cannot reimburse doctors enough so they can make a living, or other health care providers, that they cease providing Medicare to seniors.

What does the senior do then? Well, they are in a very difficult situation. How do you think these providers survive? The answer is that they shift that loss onto the private market to the tune of nearly \$90 billion a year.

Let me repeat that. Everybody who goes to the hospital, everybody who goes to a doctor and has private insurance, you are paying \$90 billion a year in a hidden tax in regard to the people who basically are not covered by Medi-

care and by Medicaid, if, in fact, you would do what the President has suggested, and maybe take some money—"eyes the purse strings for Medicare," Medicare being a target, Medicare being the service for seniors. Wake up, seniors. Wake up, AARP. Wake up, everyone else in the health care field. We are targeting Medicare.

My word, if any Senator had come down here except during these last 6 months and said: Let's cut Medicare by 10 percent, they would have been excoriated by this newspaper for hurting senior citizens.

Well, in my State of Kansas and in other rural States across the country, we do not have a private market to shift those losses to. Our rural areas do not have the population base to support such a cost shift as \$90 billion as happens in the rest of the country. In addition, the folks in these towns are much more likely to depend on Medicare or Medicaid or to simply be uninsured. In short, without some sort of special payment from Medicare, these hospitals would not survive.

You tell me, Washington Post, what you would say to the residents of Smith Center here, top center in Kansas. What would you say to the residents of Smith Center if their hospital closed?

Smith Center is a great town, close to the geographic center of the lower 48 States, has a population of a little less than 2,000 people. They have a great football team, high school football program, Smith Center Redmen, the pride of north central Kansas, one of the greatest small town football teams in America.

The town is served by the Smith County Memorial Hospital, a critical access hospital with 25 beds. For those of you who are unfamiliar with the terminology, a critical access hospital is a rural hospital with 25 beds or less which is at least 35 miles away from another hospital and which provides 24-hour emergency services.

Critical access hospitals get special treatment under Medicare. They get paid 101 percent of their costs for inpatient, outpatient, and swing-bed services. I probably should not mention that or this reporter might run out to Smith Center and say: My goodness, you are getting 101 percent. Sure. She should go out and take a look, and talk to the hospital administrator and the people in that hospital.

In other words, they do not get the usual 70 percent of the market rate reimbursement for Medicare, for a very good reason, because of the distances they would have to travel. Without the critical access hospital program, the closest hospital for the residents of Smith Center would be all the way in Hays, KS, America, right down here 90 miles away. You tell me what a person's chances of survival are after a car accident or a tractor accident if they have to be driven 90 miles away for emergency care.

Smith County Memorial is just one of 83 critical access hospitals in Kansas. They are absolutely essential to the very lives of the people in rural America. Indeed, they are essential to the very existence of rural America at all.

I have the privilege of being the co-chairman of the Rural Health Care Caucus, along with TOM HARKIN of Iowa. We are fighting tooth and nail, holding on by our fingernails to exist, to provide care to the people who live in these small communities.

I am happy to admit it, I am happy to admit to this reporter—I hope she comes in for a cup of coffee. I would be happy to give her a cup of coffee, no cream or sugar; there might be a little vinegar in it. But at any rate, please come in for a cup of coffee and visit about this. I am happy to admit it. I will bend over backward to preserve the payment rates that allow these hospitals to stay open and to continue to serve the people in Smith Center, KS, and elsewhere all throughout rural America.

I believe this position is completely justified. I sleep just fine at night knowing that I have used my so-called influence through legislation, through the rural health care coalition, through the Finance Committee, through the HELP Committee, to ensure that Medicare pays these hospitals just enough to average a 1-percent Medicare margin, 1 percent, when these hospitals are still fighting for their lives.

I would like to personally invite the author of this article or any other member of the Washington Post editorial board, God love them, to visit some of the rural hospitals in Kansas with me. The reporter's name—I hope I get it right; I apologize if I do not. I really sort of apologize. I am picking on her—is Shailagh Murray.

Shailagh, why don't you come to Kansas with me and let us go out to Smith Center. Here is the hospital. This is this posh resort that you apparently think we finance with Medicare.

It is true, you know, you go through the doors, there are two-inch thick carpets, you go in, there is—let's see, I think there is Mozart's piano concert 21, piano concert No. 21, and they call you by your first name, and you get immediate treatment. Then there are massage facilities and a spa in the back. And that is a lot of what we have in our Dodge City feedlots. That is not the case.

Talk to the CEOs, the doctors, the nurses, and the patients. Walk around this small hospital and see the equipment and the facilities. Flush with the Medicare cash? Come on. And flush with Medicare cash that is somehow influenced by individual Members of Congress? I wish. I have been fussing and fighting and feuding and pleading and cajoling with CMS to try at least to get these payments to doctors and hospitals up to the level that they can continue to exist.

Flush with Medicare cash? I think not.

Look at this hospital. Do you see anything that would lead to a description of this sort? I am not too sure anybody is going to give up their vacation. They have the finest people in the world. That is our best commodity in rural areas. I am not picking on Smith Center. They are doing a fantastic job with the resources they have. But it just makes me very angry that a Washington, DC, paper and reporter would demonize a program that keeps rural America's heart beating. It is a patronizing and dead-wrong description, and it offends me and the people I am privileged to represent in rural Kansas.

I want to tell Shailagh, Ms. Murray, I am never going to stop fighting for these hospitals no matter how many deals the American Hospital Association cuts with the White House, no matter how many ugly articles are written here in DC. I am rather amazed at the deal the American Hospital Association allegedly cut—\$155 billion in cuts to Medicare for senior citizens. Wake up; it is your Medicare. There is going to be more rationing when doctors say: I am sorry, I just can't afford to continue.

That is the target now on the Finance Committee—Medicare. I never thought I would see the day that would happen. But I will not stop fighting for these hospitals. Here we have the American Hospital Association, the Kansas Hospital Association, the Missouri Hospital Association, other hospital associations are not happy with the national association when you crawl in bed and get fleas with the administration. What is the old saying? If you go to bed with the Federal Government, you wake up in the morning and you got something more than a good night's sleep. And that is exactly what has happened with the American Hospital Association.

They come through my door and say: Help, help, please get these reimbursement rates up. Every year, we have done that with Medicare and the Medicare Programs. We are being cut by 11 percent, and the cost of inflation in regard to where we try to practice has gone up 7 percent, and whatever other number they said every year. They blame Republicans. Once in a while, they blame Democrats and say: Why on Earth did you cut Medicare? And now we are using Medicare as a target for health care reform for this bill that is impossible for most people to even comprehend? It is amazing.

The American Hospital Association bought into it with \$155 billion in cuts. They come through my door every year when they want to keep the reimbursement rates level. Don't come through my door for at least a month until I calm down. That is my duty to the people of my State. I feel comfortable with that.

I have been a little tough here on a reporter I have never met, obviously. She is spending a lot of her time in the

people's house talking with mucky-mucks on the various committees. Those are people with the seniority. I used to be one of those. I used to be somebody. But I urge her to talk to Members who represent rural areas and the rural health care delivery system and understand that this is not a question of this hospital having flush payments. They are hanging by their fingernails just to keep open. It is not true that Members of Congress, even the distinguished Presiding Officer and anybody else who might happen to be listening to my remarks, the great Senator THUNE standing to my rear who also represents rural areas and has even a sparser area than I do—it is just not true. This article comes right at the apex of the debate of the health care reform debate. It is just not right.

Let me again say to Shailagh: Why don't you come out to Kansas with me. We will visit with Tom Bell, president of the Kansas Hospital Association. We can go out to Smith Center and visit the hospital or as many hospitals as you want. We will see who is flush in regard to Medicare payments. That is certainly not the case with them.

I think I have made my point. I must say, as a former journalist, former newspaperman, I used to check my facts. I would ask that they do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, the Senator from Kansas made some excellent points about rural America and rural hospitals, and, as always, he did it in a most effective way. It should not be lost on anyone in this Chamber or around the country, when we talk about health care reform, these decisions we make in Washington have real impacts in the real world. They impact people in different parts of the country differently.

The Senator from Kansas was very clear about the hospitals he represents. I represent hospitals in rural areas. These are not hospitals out there cutting a fat hog. These are hospitals trying to provide service, trying to deliver health care in areas that make it challenging because of geography. Sometimes they don't have the most up-to-date, modern equipment, but they are out there providing critical health care services to people. I associate myself with the comments of the Senator from Kansas.

Anybody who cares about the impact of some of these proposals on hospitals in rural areas such as Kansas and South Dakota should be concerned about the CBO discussion that occurred this morning in front of the Budget Committee. It made it very clear that not only is this going to cost \$1 trillion, probably minimum, in the near term, but in the long term, the costs for the health care reform plan currently moving through the Congress explode. When we get into the out-years, it will be even more expensive.

It will mean bigger and bigger reductions and cuts from providers, as the Senator from Kansas so eloquently pointed out, in rural areas that are already struggling to make ends meet and keep their hospital doors open.

This report we got today from the Congressional Budget Office is really pretty stunning, in the context of the debate we are having over health care reform.

The CBO Director, Doug Elmendorf, was asked pointblank by Senator CONRAD whether the cost curve is bent under the health care reform legislation currently being considered. Elmendorf says no. Then he goes on to say:

The way I would put it is that the curve is being raised.

As has been pointed out by President Obama before, he said:

And I've said very clearly: If any bill arrives from Congress that is not controlling costs, that's not a bill I can support.

That was the President's own criteria for health care reform. That only means, based upon the report we got from CBO this morning, that the administration is going to have a very difficult time embracing the health care plan moving through the Senate that sees costs not coming down, not bending the cost curve in a downward direction but, rather, bending it upward so we will see a spike in health care costs.

Mr. Elmendorf, when he answered that request, to put it in fuller context, was asked: So the cost curve, in your judgment, is being bent, but it is being bent in the wrong way; is that correct? His answer is a long quote, but I want to get it into the RECORD because it puts into context the very issue he raises with regard to health care reform and its costs and when we will see the true effect. Here is what he said:

The way I would put it is that the curve is being raised . . . As we wrote in our letter to you and Senator Gregg, the creation of new subsidies for health insurance, which is a critical part of expanding health insurance coverage, in our judgment, would by itself increase the federal responsibility for health care that raises federal spending on health care, raises the amount of activity that is growing at this unsustainable rate, and to offset that there would have to be very substantial reductions in other parts of the federal commitment to health care, either on the tax revenue side through changes in the tax exclusion, or on the spending side through reforms in Medicare and Medicaid. Certainly reforms of that sort that are included in some of the packages, and we are still analyzing the reforms in the House package, the legislation was only released as you know about two days ago, but the changes that we have looked at so far do not represent the sort of fundamental change, the order of magnitude that would be necessary to offset the direct increase in federal health costs from the insurance coverage proposals.

What I conclude from having read that and having heard what he said this morning is that he is very skeptical that there is anything about the health care plan that is pending in the

Senate or the one that passed the House last week that is going to, in the long term, reduce cost.

A fundamental principle behind health care reform ought to include efficiency, streamlining, finding savings. When most Americans think of reform, they don't think of adding costs or making things more expensive, they think: How does this reform actually achieve savings by making us more efficient and streamlining operations and coming up with new and innovative ways of doing things so that we can do things less expensively?

That, to me, would be the essence of reform. That is not what is being talked about here, obviously. Not only do the reforms that have been proposed, the House version, which has been reported out of the committee, or at least is being deliberated on in committee over there but hasn't been reported already but will be on the House floor in the very near future, a House Democrat aide—this is a news report—said the total bill would add up to about \$1.5 trillion over 10 years. The aide spoke on condition of anonymity to discuss the private calculations. You might have a hard time getting used to the concept, but it is \$1.5 trillion in the House-passed version. We know the Senate-passed version will be a minimum of \$1 trillion. There are many independent analyses and estimates that have been done that suggest that it could be north of \$2 trillion and perhaps well north of \$2 trillion when a lot of these changes actually go fully into effect after the transitional period is over. So we are talking about trillions of dollars at a minimum in the near term, perhaps multiples of that, trillions of dollars in the long term.

That doesn't meet any sort of criteria or definition of reform. To me, reform ought to be: Let's find some savings. Let's see what we can do to achieve some efficiency.

As I have suggested, we spend already about \$2.5 trillion annually on health care. That represents about 17 percent of our gross domestic product. That is on its way to 20 percent. Very soon, \$1 in \$5 in our entire economy will be spent on health care. I argue that it is not that we are not spending enough money on health care. It is that we are not spending wisely and well. We are not spending smart. We need to spend smarter when it comes to health care. We need to put more of an emphasis on wellness and prevention. We need to do things that would allow individuals and small businesses to join larger groups, to get the benefit of group purchasing power so they can start buying in volume, driving down cost to create more competition in the marketplace where individuals can buy insurance across State lines. We need to address the growing cost of defensive medicine that is a direct result of lawsuit abuse. There are a lot of remedies that we think make sense in terms of bending the cost curve down and actually doing something to re-

form health care, to gain efficiencies, and to get costs on a more reasonable and affordable level.

It is pretty clear from the CBO report this morning in front of the Budget Committee that the current proposal—the House proposal and now the Senate proposal reported out of the HELP Committee yesterday—does nothing of the sort. There is no way it can be argued that these are reforms. It is certainly not reform that leads to savings in the long term. They will bend the cost curve upward. We will see increased costs. We will see costs spike in the outyears. That came across unequivocally in the report that was made by CBO Director Douglas Elmendorf this morning in front of the Budget Committee.

Where does that leave us? I argue that it certainly ought to sound a note of caution to people in Washington, DC, that perhaps this is something we ought to take our time with. Clearly, what has been proposed so far is going to increase costs significantly. It is going to lead to the takeover of the health care system by the Federal Government, which I think most Americans would take issue with. If you don't believe that, again, there are lots of great independent studies out there.

One of the criteria the President put forward in a health care bill he would sign had to do with, if you have insurance today that you like, you can keep it. That is not true under this bill, either, because these independent analyses that have been done have also pointed out that there were going to be about 6 in 10 Americans or about 118 million total Americans who will be driven into the government-run program because the private health insurance marketplace, when it has to compete with the government, will not be able to do so because the government, due to its very size, is going to drive a lot of the private insurance coverage out of the marketplace.

A lot of small businesses that currently offer insurance to their employees are going to say: I am not going to do this anymore. It costs too much. And they are going to shift everybody into this big government-run program, which not only, I guess, do I have issue with the whole notion that we would hand the keys to one-sixth of our entire economy to the Federal Government, but I think, more importantly than that, it gets to the very basic issue that most Americans instinctively agree with, and that is they ought to have freedom, they ought to have the choice to choose their health care provider, and they ought to make decisions in consultation with their physicians about what is the best procedure to use.

The problem with the approach the Democrats on the HELP Committee have taken—and, incidentally, when it passed yesterday, it was on a partisan-line vote. All the amendments that were offered by Republicans to try to change it or make it better or improve

it or at least have some of their policy ideas incorporated were shot down on a party-line vote.

But it seems to me, at least, that if we are going to do something about health care, we should not hand the entire health care system in this country to the Federal Government and have them imposing themselves and them making the decisions that historically have been made by individuals, by consumers, by patients, and their health care providers. That is a fundamental principle of our American tradition; that is, that we believe in freedom.

The European model and the Canadian model on health care, which is often used and touted, is a different one. But that is not the American way. That has never been the American way. The American way is freedom; it is choice; it is individual responsibility, all of which should be emphasized in any health care reforms we pass; I might add again, all of which ought to lead not to higher costs but to lower costs in our health care system.

For the record, as well, there are a number of organizations that have looked very closely at the House bill and are now analyzing the Senate HELP Committee-passed bill and have concluded it is a bad idea. It is not just a bad idea for the taxpayers who are going to be stuck with the higher taxes or the increased borrowing from future generations to finance it, it is not just a bad idea because it puts the government in the way and fundamentally interjects it into the relationship between patients and their health care providers but also because it would kill jobs in our economy.

We have an economy that is very fragile, that is struggling. We have unemployment at 9.5 percent. Perhaps it is going to double-digit levels for the first time in a long time in our country.

So you have the Chamber of Commerce, the National Federation of Independent Business, and the Business Roundtable that have sent a letter. This letter came out, I think, yesterday. It was in response to the House health care reform legislation. But it objects to a number of provisions in the bill.

Specifically, the letter warns that the pay-or-play provision could end up killing many jobs. The new Federal health board "would have significant power but be highly unaccountable to the American people." Then it goes on to say that cost shifting created by the government-run plan "would significantly increase costs for every American who purchases private insurance."

So the major organizations that represent the job creators in this country—the Chamber of Commerce, the National Federation of Independent Business, the Business Roundtable; a number of other organizations, I would add to that, I think are issuing similar type statements and letters—have concluded it would kill jobs, it would reduce the accountability we would have

with the American people, and, finally, it would significantly increase costs to Americans who have to purchase insurance.

So I guess the bottom line in all this is, there is sort of a big rush to get this done. The theory is, we have to get this done before the August recess. The House is supposed to have this bill marked up next week and on the floor, perhaps, the following week. And the Senate is trying to figure out a way to wedge this into all the things we have to do. We have the Defense authorization bill on the floor this week and next. We have the Sotomayor nomination that will have to come before the Senate at some point before the August break. But there is somehow this belief around here that we have to jam through this health care bill because if we do not seize the moment and do it now, we are not going to get it done.

Well, I would argue we ought to get it done right rather than do it fast and do it in haste. The Hippocratic Oath for physicians is: "Do no harm." That ought to be the oath we, as Members of Congress, take with regard to this health care debate. From everything I have seen and read from the experts, from the professionals, from the Congressional Budget Office, who have analyzed the health care bills—both the one that is going to be debated in the House and the Senate committee-passed version—all the analysis that has been done suggests it would do great harm, great harm to the taxpayers who are going to be footing that \$1 trillion or \$2 trillion bill; great harm to the economy, where it will cost us jobs; and great harm, I believe as well, to the American consumer, the health care consumer, who is going to have to pay the cost of this in the form of higher premiums and who will also deal with what could be rationed health care; that is, fewer choices, fewer options because the government is going to be deciding which procedures are covered and which are not.

So we need to take our time. We need to do this right. There are lots of things, as I mentioned earlier, that I think actually do reform the health care system in the country, do lower costs, and make it more affordable to more Americans, and those ought to be what we focus on.

But as was reported this morning by the CBO, a program that will bend the cost curve upward—not just from the trillion dollars we all know it is going to cost in the near term but perhaps trillions of dollars in the long term—is a bad direction to go for health care in this country, it is a bad direction to go for our economy, and it is a bad direction to go for the American taxpayer.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Kansas.

Mr. BROWNBACK. Madam President, I certainly concur with the statement of my colleague from South Dakota as to what he is saying about the health insurance issue and the need to do it

right rather than fast. I think it is critically important.

I would like to bring to the body's attention something that was on the front page of the Washington Post today. It is an article about "Who Will Succeed Kim Jong Il?" and the point being: Here is a country that has recently tested missiles that can reach Hawaii, that has recently tested a nuclear device. He is gravely ill. Some are reporting he has pancreatic cancer. We don't know for sure what he has. But the question is, Who will succeed Kim Jong Il? And what does that mean to the United States? And what are we doing about it?

In our office, we are working on a piece of legislation to try to start some planning on our part as to what we should be doing if the leader in North Korea falls and if the state fails in North Korea, which is a very real possibility: that the overall state apparatus in North Korea will fail, that you will have hundreds of thousands, possibly millions, of people seeking to flee that country or—in a grip of searching for food—moving around to try to find food, that nuclear weapons will not be well watched, and the missile capacity that is there—all in a state that is failing and may fall altogether.

The reason I point this out is, we are on the Defense authorization bill. It is a very important piece of legislation. It is a key piece of legislation. It is a piece of legislation we pass every year because it is so important to the future of this country and so important to the defense of this country.

Here is a moment where we are looking at a potential nuclear threat, missile threat, to the United States and we ought to take up this issue and we ought to deal with the Defense authorization bill and, instead, we are on hate crimes legislation. The majority party has 60 votes to be able to move to that on another piece of legislation and should if they want to bring that up. But why here? And why are we eating up a couple days to do this on this bill, when we have these sorts of threats staring us right in the face?

I am going to put forward an amendment on the Defense authorization bill asking that we relist North Korea as a terrorist country. I think we ought to look at going at their financial instruments. I think we clearly need to be planning for the failure of this state, and we ought to be looking, as a humanitarian issue, at the failure of this state. I think we ought to be looking, as a security issue, at the failure of this state.

If North Korea falls, are we rushing in to try to secure the nuclear sites? Is South Korea? Is China? Is everybody in some sort of agreement as to what takes place to secure these nuclear sites?

What are we doing on humanitarian issues for 20 million people, many of whom will be starving during that period of time—where a number of them are starving now in North Korea?

This is a very present and pressing issue and instead we are on hate crimes legislation.

As a nation, we will not tolerate violent crime, and I am appalled by news stories of individuals being assaulted or even killed because of their ethnicity, their beliefs, who they are. I am appalled by violence done to those who choose any sort of lifestyle they may choose. I believe we must send a strong message through our law enforcement and judicial system that such attacks would bring the full force of law upon those who commit such terrible acts.

I do appreciate the good will and sincerity of those who wish to expand hate crimes legislation. However, I do not believe such legislation in this body from the Federal Government is the answer. I do not think that is something we should be doing on a Department of Defense authorization bill when we are facing such key strategic threats internationally and we have forces in the field in Iraq and in Afghanistan today. This is not the place. This is not the time.

First, I believe that the severity of a crime should be based upon actions committed. If a violent crime is committed, then the perpetrator should be prosecuted to the fullest extent of the law. Every violent crime ought to be treated as severe, regardless of why it was committed. Every life has value, and every murder is an egregious crime.

Our law enforcement and judicial system should be focused on holding individuals accountable for what they do, not what they think, feel or believe. During the passage of the Statute for Establishing Religious Freedom in 1785, James Madison expressed, "extinguished for ever the ambitious hope of making laws for the human mind." He clearly opposed any law that punished the thoughts or motives of people. Laws already exist to punish crimes themselves.

The Matthew Shepard, hate crimes bill authorizes the prosecution of a crime motivated by actually or perceived race, color, religion national origin, sexual orientation, gender identity, or disability of the victim. This is another example in which a thought or belief becomes an element of prosecuting crime.

Second, I oppose this bill because I believe it would usurp the power and jurisdiction of the States. It violates constitutional federalism by asserting Federal law enforcement power to police local conduct over which the Constitution has reserved sole authority to the 50 States. No matter how upset Americans and politicians might be about certain criminal behavior, every criminal offense and every authorization of criminal enforcement power should be restricted by the explicit principles of the Constitution as well as our long-established criminal law precedents.

Currently, 45 States, as well as the District of Columbia, have hate crime

laws. Many of these State laws carry heavier penalties than those proposed in this hate crimes bill. During the Judiciary Committee's hearing on hate crimes, Secretary Holder was asked to prove that there is evidence that hate crimes cases are not receiving proper prosecution and sentencing at the State level. He was unable to produce any.

Even members of the U.S. Commission on Civil Rights, the commission of the U.S. Federal Government charged with the responsibility for investigating, reporting on, and making recommendations concerning civil rights issues that face the Nation, oppose this bill. Their concern is that this law will allow Federal officials to re prosecute defendants who have already been acquitted by State juries.

Third, all crime victims deserve equal protection under the law. This is granted to them under the 14th amendment. Hate crime laws create a multi-level system of justice in which some crime victims' cases are prosecuted more severely than others.

Recently during the hate crimes debate in the House of Representatives, amendments to add military personnel, pregnant women, the elderly, and the homeless to the list of protected classes were all defeated. It is wrong to attempt to set up the law to favor one class of Americans over another.

Fourth, during the Judiciary hearing on hate crimes, Michael Lieberman of the Anti-Defamation League, when referring to hate crimes, said that "these are selective prosecutions." We have also heard a lot of talk about wanting the Federal Government to send a message about the severity of hate crimes. I cannot endorse the idea that criminal law should be selective or be used to send a message. Its purpose is to prosecute criminal action, not to make selective statements.

Finally, I oppose this bill because I am concerned that it could be used to prosecute against religious leaders and organizations for speaking out against acts they find morally unacceptable. Hate crime laws have already been used in foreign countries to silence people of faith who speak their opinion on homosexuality that is derived from their faith.

The other side continues to insist that this bill does not prosecute speech, only criminal actions. Yet there is great concern within religious communities that the Federal Government could prosecute their leaders and members criminally based on their speech or other protected activity. This is a chilling threat to the first amendment right to free speech for people of faith and freedom of religion. I urge my colleagues to vote against this amendment.

I wish to point out and say to my colleagues, particularly the chairman who is on the floor, my hope is, once we get past hate crimes, we will remain on the Department of Defense authorization and take up the issue of North Korea. I

know some may say: Well, that is not germane to the Department of Defense bill. I think it is a lot closer than what we are on right now. I would hope we would bring up this issue because of the clear and present problems we are facing on this issue.

I know the chairman of this committee knows this issue very well. I have worked with him on this issue previously. So we have now a bipartisan bill to relist them as a terrorist country that we are bringing forward. I met with our nominee to be Ambassador to China today, saying we should begin planning with the Chinese Government today for the failure of the North Korea state taking place in this successionist order.

The North Koreans are acting peculiarly, even by North Korean standards, with all the missiles they have launched, the nuclear weapons they have put in play, the things they have stated lately. They are normally provocative, but this is an all-out scale of provocation that is taking place now.

It would be my hope we could bring this up and at least start to address what clearly is opening to be a major problem. Whether the Obama administration wants to address it now or the Senate wants to address it now, we may not have a choice. If he is facing pancreatic cancer and there is a successionist battle taking place in a nuclear-armed missile country of North Korea and us having 25,000, 27,000 troops just south in South Korea, we may not have a choice. We need to get this addressed. So I would hope the chairman of the committee could take this up at that proper time.

I appreciate this chance and to be able to put this statement into the RECORD. I think it is prudent for us to start to address some things that are right on and in front of us rather than this hate crimes legislation that does not apply to the Department of Defense bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first of all, while my good friend from Kansas is on the floor, let me say, we look forward to seeing the language he is going to be offering on North Korea. His description of North Korea as a threat is an accurate description. I do not know that the terrorist state list fits them, but surely the threatening state list fits them very directly. We look forward to seeing that language and trying to work with him and his colleagues on that amendment.

Nobody should be targeted because of the color of their skin, their religion, their disability, their gender or their sexual orientation. For years now, I have joined many colleagues, with the leadership of Senator KENNEDY, in supporting passage of the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act.

We have seen hate crimes increase in this country, most recently at the Holocaust Museum here in Washington.

According to the FBI, between 1998 and 2007, more than 77,000 hate crimes incidents were reported. The legislation we are offering that the majority leader has introduced will help prevent and deter these crimes.

This language, the Matthew Shepard bill, passed the Senate with bipartisan support as an amendment to the Defense authorization bill in September of 2007. This is not new. This language is offered on this bill. Cloture was invoked then by a vote of 60 to 39. The hate crimes amendment before us will, for the first time, give the Justice Department jurisdiction over crimes of violence which are committed not only because of a person's race, color, religion, and national origin, which we already have on the books, but also based on gender, sexual orientation, or disability.

There have been some statements made about restraints on speech. The language is very clear it only applies to violent acts, and it emphasizes explicitly in this amendment that it puts no limits or restraints on constitutionally protected speech, expressive conduct, or activities, including but not limited to the exercise of religion, which is protected by the first amendment, or peaceful activities such as picketing or demonstrations. The law we are proposing will continue to punish violent acts only, not beliefs. It is crucial that we understand this legislation only applies to violent, bias-motivated crimes and does not infringe on any conduct protected by the first amendment.

The first amendment right to organize, to preach against, or speak against any way of life, or any person, is left intact with this legislation.

Again, we are not starting from scratch. The law already prohibits violent crimes based on race, color, national origin, or religion. This amendment would add disability, sexual orientation, gender, and gender identity.

The amendment ensures that State and local law enforcement will retain primary jurisdiction over investigations and prosecutions. The amendment has a strong certification provision that authorizes the Federal Government to step in only when needed. Prior to indicting a person, the Justice Department must certify that the State in which the hate crime occurred either does not have the jurisdiction, the State has asked the Federal Government to assume jurisdiction, or that a State prosecution has failed to vindicate the Federal interest against hate-motivated violence, or a Federal prosecution is necessary to secure substantial justice.

Now, why this bill? Why on this bill? First, it is common practice in the Senate to offer to bills, although the amendment is of a different subject. In other words, this is not the first. For 200-plus years, amendments have been offered to bills which are not relevant to the bill before us. That is the Senate. It occurs dozens of times every session.

There are not many subjects that are more important than the subject of hate crimes. This bill is an available vehicle for an important subject. We have done this before on this bill.

One other thing that I feel keenly about as chairman of the Armed Services Committee, this bill embodies values of diversity and freedom that our men and women in uniform fight to defend.

As Senator KENNEDY said in 2007 when we debated this legislation:

We want to be able to have a value system that is worthy for our brave men and women to defend. They are fighting overseas for our values. One of the values is that we should not, in this country, in this democracy, permit the kind of hatred and bigotry that has stained the history of this Nation over a considerable period of time. We should not tolerate it. We keep faith with these men and women who are serving overseas when we battle that hatred and bigotry and prejudice at home. So we are taking a few minutes in the morning to have this debate and discussion.

Those were Senator KENNEDY's words.

This is not a long debate by Senate standards. This is a reasonably long debate to give everybody an opportunity to express their views. But we have debated this before 2 years ago. We have adopted this before 2 years ago. It was the right thing to do then for the men and women of our country, as well as to keep the faith with the men and women who put on the uniform of this Nation and fight for the values this Nation represents.

Finally, America has taken many steps throughout our history on a long road to becoming a more inclusive Nation, and our diversity is one of our greatest strengths. Our tolerance for each other's differences is part of the lamp that can help bring light to a world which is enveloped in bigotry and intolerance. Hopefully, we can take another step if we adopt this amendment.

So the Matthew Shepard Hate Crimes Prevention Act of 2009 furthers the goal of protecting our citizens from crimes of hate and deterring those crimes. I hope we have a resounding cloture vote, and again, hopefully, that can occur later on this evening.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KERRY. Madam President, I further ask unanimous consent that I be permitted to proceed as in morning business.

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

#### ENERGY AND CLIMATE CHANGE

Mr. KERRY. Madam President, earlier today, during the Democratic pol-

icy committee luncheon, we were privileged to hear from the CEOs of three of America's largest companies: DuPont, Siemens, and Duke Energy. It seems we are reaching that point in Washington where folks are starting to line up to argue ideological and nonfactual points of view with respect to one of the major issues facing our country. This is not unusual. Every great debate in history—certainly since I have been in the Senate and well before that—has always been subject to one interest group's or another interest group's interests. Those are often conditioned by phony studies, by one particular industry's funded study, almost inevitably always not peer-reviewed.

So it is that we are beginning to see this kind of a lineup now as a response to the action taken by the House of Representatives, which passed climate change legislation, and a response to the schedule that the majority leader has put us on in the Senate with respect to this legislation. So I wanted to take just a couple of minutes and come to the Senate floor, and I intend to do this on a periodic basis over the course of the next weeks and months as we begin to think about our own approach in the Senate to this critical issue.

Let me say to the Chair and to my colleagues that I hope we can all keep open minds so we will look at this in the context that it ought to be looked at, which is the national security interests, the security interests of our Nation; i.e., energy independence, the fact that we send hundreds of billions of dollars every year to parts of the world that doesn't wind up being invested in American jobs, in America's direct future and, in many cases, money which winds up in the hands of jihadists in one country or another and works against American competitiveness. That is one reason to think about this issue seriously.

Another is that China, India, and other countries are taking this issue very seriously.

Again, today we heard from the CEO of one of America's largest corporations. I think DuPont is one of the largest chemical companies in the world. The CEO said very directly to us that he is concerned about China's commitment as opposed to our commitment, and the fact that out of the top 30 solar, wind, and battery companies in the world, only 5 are in the United States of America.

We are the country that invented many of these technologies, but because ideology trumped fact and reason in the course of the 1980s, the guts were pulled from the energy laboratory out in Colorado, and the United States lost its lead in photovoltaics, alternatives, renewables, to Japan, to Germany, and other countries.

Ironically, as the Cold War ended and we had invested so heavily in that victory in the beginning of the 1990s, we saw the countries that had been locked in by the Communist bloc—the now Czech Republic, then Czechoslovakia,



Bulgaria, Romania, other countries that sought to undo the devastation of the command control policies that had spread ash within 50 miles of a power-plant so there was no living plant, and you couldn't grow anything and the rivers were polluted and the lakes and so forth, and they sought to undo that—where did they go for the technology? They went to Germany and Japan. We lost hundreds of thousands of jobs, economists currently estimate, by the blinders we put on that precluded us from buying into the future, from investing in that future.

So I hope colleagues will look carefully at the economic realities that are staring at us right now. China is investing \$12 million-plus per hour in a green economy. They are investing six times the amount of money of the United States of America. The Pew Foundation has found that from 1996, approximately, until 2007, the greatest job growth in our country came from the alternative renewable energy sector, from new technologies—about 9.1 percent, as opposed to the growth of about 3.7 percent or so that we saw in the normal job sector.

In a State such as North Dakota, for instance, I think they have had about 30 percent growth in the alternative renewable energy sector, and they rank today 24th in the Nation in terms of wind power production. But the Wind Institute tells us they could be No. 1 because they have the best wind in the world—in the United States, at any rate—and they could produce 10,000 times the entire electricity needs of the State of North Dakota just from wind power alone. That is a huge amount of jobs to be created and a huge amount of money to be gained, a lowering of cost for their consumers, and we could go to other States around the country and find similar patterns, where there are very significant increases in the economic base of the alternative renewable energy sector to the exclusion of a very flat level—if not no growth—with respect to normal sectors of our economy. What is critical is that China—I just spent a week there about a month ago, purposefully going there to meet with Chinese leaders about global climate change.

Obviously, I am as committed as any colleague in the Senate to creating an agreement with other nations that holds everybody accountable. Obviously, if the United States does this all by itself, it is not going to work. But China is sitting there saying the same thing: If we do this and the United States doesn't do it, it is not going to work.

The problem is that the U.S. bonafides on this aren't very good. The fact is, we have been deniers of the existence of the problem, while other countries are proceeding to try to deal with it. The fact is, we were, until last year, the world's major emitter of global greenhouse gases. It is very difficult to go to other countries and say, you have to do this and that, and they look at us and say, what have you done about it?

For countries in Africa and in the less developed world—Indonesia, parts of South Asia, and other places—they look at us and say: Listen, for the last 50 years, you guys have been creating this problem. We have not been able to develop, we are not a developed nation, and you are sitting there telling us we have to make up for the problem you have created, and now we have to spend a lot of money for it.

The fact is, they are willing to be part of it, they are willing to be part of the solution, but the United States has to step up and show leadership and take action. The bottom line is this: If the United States doesn't step up and take action and show leadership, we are not going to get an agreement in Copenhagen and things will get worse. Some people will say: So what; maybe we will do it down the road. I have news for you—and this is absolutely substantiated in science, as well as in technology and economic modeling—if we don't do it now, every year we delay, it gets harder and more expensive and it gets more dangerous.

If you really want to look out for the citizens in your States, do it now because it will be less expensive to do it now than it will be in the future. The real taxpayer protection effort here is to do climate change now. That is why, as I said, CEOs of major corporations in our country are saying: Give us certainty in the marketplace and give it to us now so that we know what our investments will be as we go forward and we can put together a business plan that is intelligent, thoughtful, and based on the realities of where the economy is going to go.

Huge fluctuation in natural gas prices or in the price of coal or what is going to happen with respect to sequestration—all those things create enormous uncertainty. If you are a coal State, a coal interest—and we have plenty of them here—you ought to step back and look at what is happening in the marketplace.

Coal is under pressure now. We had Jim Rogers of Duke Energy tell us today that they have had a whole bunch of coal plants canceled. They have had them canceled on them by States that are refusing to proceed forward using coal. The fact is, a lot of States are turning away from coal. They are doing that because of the price issues but also because of the pollution issues.

If you are a coal State and you want a future for coal, the way to protect that future is not to wait until the EPA regulates on its own, without coming to the table with help for the transition costs; the way to protect it is to recognize that you have to develop a clean coal capacity. The only way to develop a clean coal capacity is to get the allowances that come through a cap-and-trade system to be able to provide for a transitional support system that allows those companies to transition for the future.

The fact is, in the bill that passed in the House—I don't know what the level

in the Senate will be—there is a billion dollars a year for 10 years for clean coal efforts.

So the best way to protect coal and protect America, ultimately—because we have a lot of coal, and it would be wonderful if we were able to burn it but do it cleanly—is to commit now to a system where we are able to provide the support necessary to develop clean coal. The truth is that we know what happens if you don't make this a mandatory structure.

In 1992, President George Herbert Walker Bush committed us to a voluntary protocol in Rio, at what was called the Earth Summit. I went there, together with other Senators, including MAX BAUCUS, FRANK LAUTENBERG, Larry Pressler, John Chafee, Tim Wirth, and Al Gore. We went as a delegation. The President came and gave a speech there, and we committed to a voluntary framework to deal with global climate change in 1992.

Here we are, years later, and it hasn't worked. During the last 8 years, America's emissions of global greenhouse gases went up four times faster than during the 1990s. We have gone backward. While we are going backward, the science is coming back more and more compelling by the day.

The Siberian Shelf Study, just released a few months ago, shows columns of methane rising from the ocean floor because the permafrost lid of the floor is melting, as it is on dry land in Alaska, where they voted recently to move the Nutak Village 9 miles inland. There are dozens of villages in Alaska that are now moving as a consequence of what is happening to the ice shelf and the rising sea levels. As the permafrost lid melts, methane is being released in Russia, the Arctic, and other places where it is exposed. Methane is 20 times more damaging than carbon dioxide. On the ocean floor, you have the columns of methane visibly rising through the ocean, and when they burst out into open air, if you lit a match, it would ignite. That is how potent it is. That is an uncontrollably dangerous potential threat to everybody unless we tap into it or learn how to do that or commit to some other methods of controlling this.

The fact is, a 25-mile ice bridge that has existed for thousands upon thousands of years, which connected the Wilkins Ice Shelf to Antarctica, shattered, fell apart a number of months ago as a consequence of what is happening. A number of Senators have been up to Greenland and have seen the level of icemelt taking place on the Greenland ice sheet. That Wilkins ice sheet is floating in the ocean, and the Greenland ice sheet is on the rock. Many scientists worry that the river melt that is occurring underneath the ice sheet might, in fact, create a slide effect for massive amounts of ice that might break off and fall into the ocean. If the West Antarctic ice sheet melts and the Greenland ice sheet melts, that represents a 16- to 23-foot sea level increase. That is beyond comprehension

in terms of what the impact of that would be. Just a meter of an increase, which is currently predicted for this century—and we are on track to actually meet or exceed that—just a meter means the disappearance of Diego Garcia, the island we use to deploy important supplies to Afghanistan, Pakistan, and to deal with other issues. That will disappear. Countries such as Bangladesh and many islands will disappear, including the coast of Florida. The threat is enormous. The piers in Norfolk, VA, are all cemented to the ocean floor. If that rises a meter, that will be a cost. You can run down the list of things that will begin to happen.

The Arctic ice sheet had previously, a few years ago, been estimated to disappear by 2030 or so. Scientists are now telling us that we will have the first ice-free Arctic summer by the year 2013–4 years from now. That means a lot of different things. It can mean the change of ocean currents and clearly a change in the ecosystem. It means simple things like as more ice is melted and the ocean is opened up—the ocean is dark, the ocean absorbs sunlight. As the sunlight comes down directly onto the Earth, that is absorbed into the ocean rather than reflecting back up, as it used to, off the ice and snow. The result is that the ocean warms even faster, which accelerates what is happening in the Arctic and what is happening in Greenland. So there is a boomerang effect to all of this.

It is ultimately what scientists call the “tipping point.” That brings us to the issue of urgency here. Why is this urgent? It is urgent because for years scientists have been telling us that you have to hold down the level of greenhouse gases to—originally, they said 550 parts per million. Then they revised that as new science came in and people realized things were happening faster than we thought. They revised it to 450 parts per million. Now scientists are revising again, and they are revising again because the rate at which the science is coming back tells us this is happening a lot faster than we thought and to a greater degree. Now they are revising it from 450 parts per million to 350 parts per million. Not everybody has accepted that, but that is going on. Why is that alarming? It is alarming because we are at 385 parts per million today.

With the current rate of coal-fired powerplants coming online, the rate of increased emissions through new buildings and the lack of adequate standards on automobiles, and other things, we are pouring emissions into the atmosphere willy-nilly as if there is no tomorrow. Well, that could happen, the way we are going.

The fact is, what is up there already—this is scientific fact. There is nothing that any opponent of global climate change has ever said or done or produced to indicate that this is not fact: Greenhouse gases live in the atmosphere for 100 to 1,000 years. As they live in the atmosphere, they continue

to do the warming. So the warming we have done already has warmed the Earth by .8 degrees centigrade. So we can absolutely anticipate a compounding of that warming because the same amount or more is up there, and it is going to continue to do the damage. We don't know how to take it out of the atmosphere. So we are looking at a certainty of another .8 degrees. That takes you up to 1.6. And scientists are telling us the tipping point is at 2 degrees centigrade.

I ask my colleagues to go look at the modeling that has been done by countless different groups around the world. This is not an American conspiracy somehow. This is not a Democratic or Republican thing. It doesn't have that kind of label on it. There are thousands of scientists who, for 25 years or more, have been drawing conclusions based on scientific analyses, and scientists—if you are a good scientist, you are also conservative, because all of the proclamations or findings you make are subject to peer review if you are a good scientist, if you are a legitimate study. The fact is, there are thousands of legitimate peer-reviewed studies that document what is happening in terms of the impact of global climate change. There are zero—not one—peer-reviewed studies that deny those thousands—not one. For all the industry studies you hear, all the scary tactics, like Chicken Little, saying the sky is falling, and the numbers that are put out, no peer-reviewed study supports an analysis that what the scientists say is not happening. We are looking at the potential here of catastrophic implications, which is why the United States needs to move.

The science is one thing; you can put it over here. But what is happening is that other countries have committed to this. Their presidents, their prime ministers, their environment ministers, their finance ministers—all of these people have come together and made a commitment for those countries. They are moving. They accept the science. They also accept the dynamics of the marketplace. They want to be leaders in solar, leaders in wind, leaders in alternatives, renewable, biofuels—you name it. The fact is, unless the United States seizes this economic opportunity, we are going to lose the chance to be leaders in one of the greatest markets in history.

The market that led us to great wealth during the course of the 1990s in the United States was the Internet and data management systems. That market was about a trillion-dollar market and about a billion users at the time during the 1990s, at least when we saw great wealth created.

The energy market is a \$6 trillion market with about 4.5 billion users, many of whom are potential users in places such as India, where solar could light a small village and run electricity pumps where they have no water today and no pumps and no development. There are countless things

that could happen as a consequence of this that would have profound consequences on elimination of poverty, which has profound implications on eliminating jihadism in places all around the world.

This is an opportunity to change the paradigm, if you will, into which we have been locked. The United States needs to lead. I want those batteries made in Detroit and countless other cities across this country. I named Detroit because we have the skilled workforce. The automobile industry is hurting. We should be building the cars for America's high-speed rail system there. We should be building the batteries there, not in China. We should be developing these technologies. These are ongoing jobs that repeat for the future, and they cannot be exported. What can be exported is the technology itself, which we have an ability to go out and sell to other countries, which is good for the American marketplace.

As these weeks go on, we need to talk about this. I want to come back to one particular component. I want to underscore the national security implications.

In 2007, 11 former admirals and high-ranking generals issued a report from the Center for Naval Analysis saying that climate change is a threat multiplier with a potential to create “sustained natural and humanitarian disasters on a scale far beyond those that we see today.”

In 2008, a national intelligence assessment echoed those warnings from inside our own government. GEN Anthony Zinni, former commander of our forces in the Middle East, was characteristically blunt in addressing this threat. He says that without action “we will pay the price later in military terms, and that will involve human lives. There will be a human toll.”

The estimates of the intelligence community and those looking at the national security implications are that we could have in a few years as many as 200 million climate refugees. We have an internally displaced issue today in Pakistan. We have it in Afghanistan, Iraq, and other countries. We can have environmentally displaced people who are forced to move because they cannot produce food because they lose water. The problem of failed states will only be compounded as the instability that comes with those moving populations and the challenges of providing for those people grows.

Believe me, American ingenuity, American military capacity, American lift, American medical capacity, American food aid—all of these things will be called on. And unless we act now, they will be called on to a greater degree than is necessary.

So climate change, in fact, injects a major new source of chaos, of tension, of human insecurity into an already volatile world. It threatens to bring more famine. I invite my colleagues to talk with the developmental people in so many of these countries about the

problems they are having today growing crops, about the change in rainfall, about the lack of water, about the desertification that is taking place in places such as Darfur. Time magazine had a headline a couple years ago: Do you want to prevent the next Darfur? Get serious about climate change. There are linkages here, and it is essential for us to understand the costs.

None of the modeling that has been done to date tries to estimate the cost to the consumer, and that is a concern. In fact, there is an enormous amount of money being put on the table through the allowances to cushion this impact so that American citizens are not paying more for electricity and not paying more as a consequence of these changes.

I believe there is a minimal cost. But the truth is that cost has not even yet been properly represented because no model to this date shows the impact of energy efficiencies in America that will reduce the cost for families. No study properly shows the cost of technology advances that will reduce the cost for communities and families. And no study shows the cost to the American consumer of doing nothing.

If the United States does not do this, believe me, that is a tax on Americans, and it is a lot bigger than the costs that are going to come affiliated with the transition to a new economy which is sustainable for the long term for our Nation.

As we go forward, I want to say to colleagues a couple of concerns people have expressed about cap and trade and other issues. The marketplace: Will the marketplace abuse this? Can we trust the marketplace to function? The answer is, all of us have learned some very tough and bitter lessons as a result of lack of regulatory oversight of the 1990s and the last 8 years. So we are going to have in our legislation in the Senate, which is not in the House, some mechanism by which—I am not going to go into all the details now because we are not going to lay out all the details of what we are going to do. But we are going to address this concern of market regulation in order to adequately guarantee transparency and accountability as we go forward.

There are other concerns people have expressed. As the next days go on, we are going to show day for day exactly what the real costs are, what the real opportunities are, and how we can proceed.

I close by saying that here is the choice, really, for us as Americans and as human beings. Let's say that the people who have no peer-reviewed studies at all, that people who want to be in the flat Earth caucus, or whatever, and argue this is not happening, let's say they are right and we are wrong and we do the things we are going to do because we think they are the right things to do. What is the downside?

The downside is that America would have led the world in terms of technology because every other country is

already doing this. Anybody who sits there today and says: What about China, what about China, ought to go to China and see what China is doing. China is determined to be the world's No. 1 producer of electric vehicles, and they are on the way to doing it. China has tripled its wind power goals and targets. China is putting in place right now a 20-percent reduction in energy intensity, and they are ahead of the curve in almost every sector but one and meeting and exceeding that goal. We are not doing that. They are doing that. China is the leader in wind and solar technology. China has a stronger commitment on automobile levels of emissions than we do, and it is going into effect before ours.

I have talked with a number of well-respected observers, both in business and in journalism, who have been to China recently, and they have come back shaking their heads and saying: If we don't get our act in gear, China is going to clean our clock, and we are going to be chasing China in 3 or 4 years.

If you are concerned about holding China accountable to a system, we better put something in place because that is the only way we are going to get a mechanism in Copenhagen that is going to help hold everybody in place.

Here is the bottom line. If we don't get that mechanism, the President is not going to send anything up here, and we are not going to pass it at that point. We are not going to accept some global system that does not address this globally. We have been through that with Kyoto.

The fact is the United States has to do what it has to do in order to make Copenhagen happen, in order to lead the globe in this effort. I hope our colleagues will recognize that.

What else will happen if we are wrong and they are right? We will have cleaned up the air. We will have better health quality in America because we will have better air quality because we will have reduced particulates in the air by reducing global emissions.

The largest single cost of children's health care in the course of the summer in the United States of America is children being committed to hospitals because of air quality, asthma attacks, in the course of the summer, and it is rising as a problem in our country.

It will have reduced hospital costs, better quality of air, better health. What else is a downside of doing this correctly? We will have created millions of new jobs. We see that happening right now. Think of what happens when we set a global target and when the United States sets its own national target and businesses say: Hey, there is money to be made there.

We have better transmission lines so we can send electricity produced from solar in Nevada or in Oklahoma or Texas, or somewhere, and you can sell it to the rest of the country because it can actually be transported there. The minute we do that, the private sector

is going to say: Wow, that is worth investing in because we can make a return on our investment.

Look at the size of the market. Today we cannot do that because we cannot send it around the country because we don't have a transmission system that allows us to do that.

The worst that would happen is we move down the road to have cheaper electricity because we can move it from alternatives, renewables all around the country, have a smarter grid, and have the ability to reduce costs for Americans.

What is another downside? Another downside is we might actually reduce poverty around the world because of technology advances. We might reduce the instability of countries and improve our own security, and we will reduce energy dependence because we will be able to produce our own energy at home and not depend on sending hundreds of billions of dollars to other countries in the Middle East and elsewhere. That is a downside.

What is the downside if they are wrong? Catastrophe, absolute catastrophe because we go beyond the tipping point. I cannot stand here and tell you everything that is going to happen. But I read enough and have seen enough of what the scientists say are the potential impacts, and I have seen enough of those impacts already coming true. Just by evidence and common sense, you say to yourself: I don't want to put this to the test because there is no way to come back from it. There is no way to go over that tipping point and turn the clock backwards. That is the choice for all of us.

I hope in the course of this debate we are going to have the kind of debate on the facts, on real studies, peer-reviewed studies, on analyses that make sense so we can make the kinds of judgments that the Senate deserves and that the American people deserve.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. UDALL of Colorado. Madam President, I heard the Senator from Massachusetts laying out the scenario we face not just as Americans but as inhabitants of this wonderful planet Earth. I was compelled to come to the floor and talk about what we are doing in Colorado in seizing the opportunities that the Senator from Massachusetts points out.

He described ably and eloquently what I have characterized as a "no regrets" policy. We ought to take all of these steps because whether or not climate change materializes—and I am one who believes the science is very powerfully pointing in that direction—all of those steps would result in the benefits he described. Today I want to bring my home State perspective to

this debate over cleaner, safer, and more secure energy sources.

When we make this change, we will improve our national security. We lessen our dependence on foreign oil, we protect our Earth, and we preserve the air we breathe and the water we drink. Most of all, we keep faith with our children. I have long believed that we do not inherit the Earth from our parents; we are actually borrowing it and all its majesty from our children.

Colorado has a unique perspective on this opportunity, and I think America can benefit from our experiences.

For many years, we have been a national leader in developing energy sources that are traditional, such as coal and natural gas. And in recent years, we have begun to lead the Nation in producing renewable energy from the Sun, the wind, and from biomass.

In 2004—the Presiding Officer, who is a former Governor, can understand the symbolism of what we did—I led a campaign along with the Republican speaker of our State house, Lola Spradley, to create a renewable electricity standard for our State. We barnstormed together in our State in that highly partisan 2004 election. We surprised people that a Democrat and Republican were campaigning together. It was not a Republican or Democratic issue; it was a Colorado issue and, more importantly, it was a Colorado opportunity.

There were naysayers who tried to scare our voters by saying the renewable standard would raise energy costs and harm our economy. But our voters decided to take up the challenge and to commit to generating 10 percent of our electricity from the Sun and from the wind and other clean sources of energy. Our clean energy producers went to work after we passed this measure, and just 3 years later our legislature, realizing we were soon to reach that goal, said: Let's double the standard. So we now have a 20-percent standard we are committing to reach by the year 2020.

We are fortunate to have these ample supplies of clean energy resources in Colorado. But the real key to this has been releasing the ingenuity of our people and then setting goals that create a sustainable future. I wanted to share some examples from Colorado specifically.

Just last week, Tristate, a Colorado utility, joined with a subsidiary of Duke Energy and announced plans to build a wind power facility in Kit Carson, CO, out in our eastern plains.

Vestas—which many are familiar with as the Danish wind turbine supplier—recently broke ground on two new manufacturing plants in the city of Brighton that will eventually employ over 1,300 people. It is also building a \$250 million plant in Pueblo that will be the largest facility of its kind and employ 500 people.

Our Governor, Bill Ritter, has estimated that the solar component—we had a solar component in our renewable electricity standard, specifically

to generate solar energy activity—has brought over 1,500 new jobs to Colorado.

I think it is fair to say we have wind turbines sprouting and growing like trees on our eastern plains and we have solar farms that are covering the entire San Luis Valley, which is one of our agricultural gems. This is as a direct result of Coloradans setting a goal and saying we are going to meet that goal. I guess I am optimistic enough about America to know that America can follow Colorado's lead. For me, it is when, not if, we commit to a cleaner, more sustainable energy future, we will lead the world in this next great technological revolution.

The Senator from Massachusetts spoke to the awe-inspiring numbers that are potentials—a \$6 trillion economy—waiting for us out there if we will only commit to pursuing it. The Union of Concerned Scientists has estimated that a 25-percent renewable electricity standard by 2025 will lead to almost 300,000 new jobs in America, \$260-plus billion in new capital investments, \$13 billion in income to farmers, ranchers and rural landowners, and \$12 billion in local and State tax revenues. Consumers would save \$64 billion in lower electricity bills by 2025, while we would reduce the carbon pollution emitted by cars that would be the equivalent of taking 45 million vehicles off of our roads.

I am talking about jobs, Madam President, but it goes much further than that. If, and I say when, we develop a clean energy economy, we will create a new manufacturing base. It will protect our lands and our water, and it will align a policy compass that helps us navigate toward a more prosperous future.

I would like to take a minute and emphasize that the clean energy future I paint doesn't mean the abandonment of traditional sources of energy. We have coal and oil and natural gas in abundance. Nor should it shut the door on nuclear power. Quite the opposite. These sources will remain an essential component of our energy mix for the foreseeable future. I think, as Colorado's experience shows, a balanced energy portfolio will work and that we can find that sweet spot in an energy mix for the future.

We have ample supplies of fossil fuel in Colorado, and we ought to continue to develop those sources. They are crucial to the livelihood of tens of thousands of Coloradans and still comprise the majority of our electric generation. Natural gas, in particular, is a clean and domestic source of energy, and it will be a crucial bridge fuel to the future.

We have massive quantities of oil shale potential on our western slope, and we should continue to research to see if we can produce it in a commercially viable way and in an environmentally sensitive manner.

Colorado has been able to bridge the divide, literally, between our western

slope and our eastern plains and between conventional sources of energy from the last century and the clean sources of the future, and the rest of America must now do the same.

The bottom line, though, Madam President, is we must have a comprehensive energy policy that transitions us to cleaner, safer, and more sustainable sources of energy while making full use of existing sources in a responsible manner.

In Colorado, we have a very tangible interest in America adopting broad clean energy sources and therefore limiting our contribution of carbon into the atmosphere, and I would like to focus on one key element of life on our planet, and that is water.

Water is the lifeblood of the entire West. When you grow up in the desert, as I did, you learn to treasure water. You learn that everything is shaped by it, and it may not always be there when you need it if you don't husband those resources. My constituents know that maintaining our water supply is crucial to the health of their families and to preserving the way of life we so value in the West. We have suffered through water shortages. We have seen drought.

My father's generation—not that far removed from our generation—experienced the great Dust Bowl of the 1930s. That was an ecological disaster that reminds us that while we are smart as a species, and we are industrious, Mother Nature always bats last.

When scientists look at our part of the country, they predict that droughts will get worse and precipitation patterns will decrease in Western States because of our use of and dependence on the traditional sources over the last century. People in Colorado know we can't ignore this threat. We have seen acre after acre of our forests devastated by the mountain pine beetle—an epidemic that was exacerbated by a warming climate that will get worse in the hotter drier conditions to come. When they see that, when I see that, we know that doing nothing is not an option.

The cost of inaction is simply too high, and you see that point of view in all the States in my region of the country, regardless of the leadership at the gubernatorial level, at the legislative level. No matter what part of the country we are from, we have a stake in crafting a new energy policy. Beyond regional interests, members of both political parties know we have to meet this challenge because if we don't, it is not only our economic prosperity that is at stake, our national security is at stake.

I was inspired this week to see that our former colleague, the highly respected, now retired, Senator John Warner, is traveling across the country making the case for a plan to address the threats from climate change. We can debate the causes of climate change, and we should continue to have that debate, but we know what we must do.

First, we must lead the world in a clean energy revolution, and next we must acknowledge that our reliance on foreign sources of oil and fossil fuels isn't a sustainable strategy. Third, we must act soon.

I used to think having a discussion about adapting to the changes being brought about by the emission of carbon was a mistake, and that by looking at adapting we were giving in to the problem. But I have come to realize that we have to be realistic and we have to recognize that the changes that are coming will have real impacts on all of us. If we don't act now, the changes that are coming at us and bearing down on us will have a terrible effect on future generations, and we will be doing those generations a terrible disservice.

The longer we wait, the longer we deny, the longer we spend debating, the harder and, frankly, the more expensive it will be to deal with those changes. So the time to act is now. I urge all of our colleagues to join together to pass a strong, clean energy bill. We can drive America with clean energy.

Madam President, I yield the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### SOTOMAYOR NOMINATION

Mr. MENENDEZ. Madam President, America has been listening to the confirmation hearings of Judge Sotomayor—the lengthy rounds of questioning, the probative approach of the members of the committee—and we have seen an extraordinary jurist in action. We have seen her responses, witnessed the depth, dignity, and clarity of her thoughtful observations. We have seen a skilled, dynamic jurist carefully, thoroughly, calmly engage each member of the committee, showing each Senator a deference in tone and tenor that speaks directly to her temperament and what she will bring to the debate in the hallowed halls of the United States Supreme Court.

I believe most Americans watching these hearings, though deeply concerned about the substance of the issues raised fundamentally—at the heart of it—care more about the person. They care about honor and decency and dignity and fairness. They care about her experience. They care about who Judge Sotomayor is and what she has accomplished in her long judicial career. They care about the record. And the record is clear.

They care that the leaders of prominent legal and law enforcement organi-

zations, who know her best and have actually seen her work, say she is an exemplary, fair, and highly qualified judge. They care about her work fighting crime, and that as a prosecutor she put the Tarzan murderer behind bars. They care that as a judge she upheld the convictions of drug dealers, sexual predators, and other violent criminals. They care that she respects their liberties and protections granted by the Constitution, including the first amendment rights of those with whom she strongly disagrees.

Judge Sotomayor's credentials are impeccable. Set aside for a moment the fact that she graduated at the top of her class at Princeton. Set aside her tenure as editor of the *Yale Law Review*. Set aside her work for Robert Morgenthau in the Manhattan District Attorney's Office; set aside her successful prosecution of child abusers, murderers, and white-collar criminals; set aside her string of victories along the way, not to mention her courtroom experience and practical hands-on knowledge of all sides of the legal system. Set aside her appointment by George H.W. Bush to the U.S. District Court in New York and her appointment by Bill Clinton to the U.S. Court of Appeals; and the fact that she was confirmed by a Democratic majority Senate and a Republican majority Senate which alone tells this Senator—if she was good enough twice, she must be good enough a third time.

Set all that aside, and you are left with someone who would bring more judicial experience to the Supreme Court than any Justice in the last 70 years and more Federal judicial experience than anyone nominated to the Court in the last century.

Her record is clearly proof that someone so skilled, so committed, so focused on the details of the law can be both an impartial arbiter and still understand the deep and profound effect her decisions will have on the day-to-day lives of everyday people.

Senators should focus on Judge Sotomayor's full 17-year record on the bench as well as her career as a prosecutor and corporate attorney.

She has been clear and consistent in her answers, despite repeated questions and efforts to trip her up. She has been consistently more forthcoming than any other recent Supreme Court nominee.

Almost every Republican Senator has asked Judge Sotomayor, in total more than a dozen times, about the same comment made in a 2001 speech, a single speech over 8 years ago at Berkeley. She has continued to say, frankly, openly, honestly, that her comment "fell flat," that she never intended that any person would have an advantage in judging. She has given the same answer each time and each time made clear that "her personal experience does not compel a particular result and prejudice never has a role in her judging."

She said again yesterday: "I do not believe that any racial, ethnic or gen-

der group has an advantage in sound judging. I do believe that every person has an equal opportunity to be a good and wise judge, regardless of their background or life experiences."

I know no Senator here has ever made a speech in which their quote fell flat or their comments fell flat or what they intended to say was somehow misconstrued. I know that has not happened among the 100 Members of the Senate.

On gun rights, Judge Sotomayor has consistently followed precedent in second-amendment cases. Yesterday and today she has reaffirmed her view that the second amendment includes the individual right to bear arms.

She reaffirmed, again, today her statement from yesterday, when asked if she would be open to considering whether the second amendment creates an individual right applicable to the States, saying:

I have an open mind on the question. . . . I would not prejudge any question that came before me if I was a Justice on the Supreme Court.

Consistent with her judicial philosophy, she has strictly adhered to the precedent in considering gun rights and on her commitment to the rule of law Judge Sotomayor has repeatedly stated over and over that she is committed to precedent and the rule of law in every case, a commitment reflected not just in words but in her 17-year record as a fair, moderate judge.

She said, "As a judge, I don't make law."

That is exactly the approach we should expect and demand from any nominee for the Supreme Court.

I implore my colleagues to look at her record, listen to her answers; they are clear, focused, respectful, forthright. She has answered every question directly, honestly, thoughtfully, and without equivocation. She has held nothing back.

But I, personally, as I have watched these hearings, am beginning to wonder: Are we truly in search of answers or are we badgering the witness? I know that all of America is watching this hearing, but I have to tell you Hispanic Americans are watching it with great interest. Attempts at distorting a record that has been committed to the Constitution, to the rule of law, by suggesting that her ethnicity or heritage would be a driving force of her decisions as a Justice of the Supreme Court is demeaning to women and to Latinos, it is demeaning especially in light of a 17-year record that reflects totally the opposite.

Maybe some of my colleagues think that by repeating that statement time and time again they will generate some opportunity to create an image that is simply not true—that they will create an image that is simply not true. For many of us who come from the Hispanic community within this great country, we have seen the efforts to have a class of people painted in a certain way, and I implore my colleagues

who seem to be traveling down this road that they are running a great risk—that they are running a great risk. If this judge didn't have the 17-year record of fidelity to the Constitution, fidelity to the rule of law, fidelity to precedent—even when that precedent binds her in a way, as in the Ricci case, in which she had sympathy for the White firefighters, but nonetheless precedent kept her obligated to the decision that they had—I would say maybe that line of questioning is legitimate. But I must be honest with you, when it was raised once or twice or three times—but when it has been raised a dozen times, sometimes by the same Senator asking the same set of questions despite having gotten a full answer on the issue, it creates great concern for some of us who have been down this road in other paths at other times but with the same tactics.

Clearly, this is one of the most gifted jurists in America, and we as a nation would be honored to have her serve on the U.S. Supreme Court. I hope these hearings will come to a conclusion soon. I look forward to the debate that will take place on the floor and I, as well as the rest of this country who are riveted on this process, are going to be looking for equal justice under the law—the template that is before the mantle on the Supreme Court: “Equal justice under law.” Judge Sotomayor deserved to be treated with equal justice in this process and this badgering of the witness, particularly in this line of questioning which has been asked and answered several times, raises serious concerns for those of us who have lived in this community, understand the challenges and understand the way in which people try to paint people in this community.

It is time to end that line of questioning. It is time to have us have the committee move beyond it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WEBB. Madam President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. WEBB pertaining to the introduction of S. 1468 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. WEBB. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, may I say for the information of my colleagues, we are working on a unanimous consent agreement so that we can take up the hate crimes issue, the

F-22 amendment, and a Republican amendment. Both sides are working hard to get that resolved.

#### HEALTH CARE REFORM

This is an interesting time in America and in the Congress. We have the very important Defense authorization bill before us. We have the hearings for Judge Sotomayor. We have the HELP Committee reporting out its legislation. There may have been more issues before the Congress, but I don't recall them in the years I have been in the Senate.

Today we had an event that is in the “you can't make it up” category. I read from the CNSNews.com. It is entitled “JOE BIDEN: ‘We Have to Go Spend Money to Keep From Going Bankrupt.’”

I quote completely from the news report from CNSNews.com:

Vice President Joe Biden told people attending an AARP town hall meeting that unless the Democrat-supported health care plan becomes law the nation will go bankrupt and that the only way to avoid that fate is for the government to spend more money.

“And folks look, AARP knows and the people working here today know, the president knows, and I know, that the status quo is simply not acceptable,” Biden said at the event on Thursday in Alexandria, Va. “It's totally unacceptable. And it's completely unsustainable. Even if we wanted to keep it the way we have it. It can't do it financially.”

“We're going to go bankrupt as a nation,” Biden said.

“Well, people that I say that to say, ‘What are you talking about, you're telling me we have to go spend money to keep from going bankrupt?’” Biden said. “The answer is yes, I'm telling you.”

That is a very interesting story. The thing that probably makes it more interesting is the Washington Post story today entitled “CBO Chief Criticizes Democrats' Health Reform Measures.”

I quote from the Washington Post story:

Instead of saving the federal government from fiscal catastrophe, the health reform measures being drafted by congressional Democrats would worsen an already bleak budget outlook, increasing deficit projections and driving the nation more deeply into debt, the director of the nonpartisan Congressional Budget Office said this morning.

Under questioning by members of the Senate Budget Committee, CBO director Douglas Elmendorf said bills crafted by House leaders and the Senate health committee do not propose “the sort of fundamental changes that would be necessary to reduce the trajectory of federal health spending by a significant amount.”

“On the contrary,” Elmendorf said, “the legislation significantly expands the federal responsibility for health-care costs.”

Here we have on the one hand the Vice President today telling the American people that we have to spend money, we have to go spend money to keep from going bankrupt, and yet the Congressional Budget Office says that the proposed changes would weaken our economy and expand the Federal responsibility for health care costs.

Continuing from the article:

The chairman of the Senate Budget Committee, Kent Conrad [Democrat from North

Dakota] has taken a leading role in that effort. This morning, after receiving Elmendorf's testimony on the nation's long-term budget outlook, Conrad turned immediately to questions about the emerging health care measures.

“I'm going to really put you on the spot,” Conrad told Elmendorf. “From what you have seen from the products of the committees that have reported, do you see a successful effort being mounted to bend the long-term cost curve?”

Elmendorf responded: “No, Mr. Chairman.” Asked what provisions would be needed to slow the growth in federal health spending, Elmendorf urged lawmakers to end or limit the tax-free treatment of employer-provided health benefits . . .

That has a little echo associated with it. I don't know where that idea came from.

. . . calling it a Federal “subsidy” that encourages spending on ever more expensive health packages. Key Senators, including Conrad, have been pressing to tax employer-provided benefits, but Senate leaders last week objected, saying the idea does not have enough support among Senate Democrats to win passage.

Elmendorf also suggested changing the way Medicare reimburses providers to create incentives for reducing costs.

“Certain reforms of that sort are included in some of the packages,” Elmendorf said. “But the changes that we have looked at so far do not represent the sort of fundamental change, the order of magnitude that would be necessary to offset the direct increase in federal health costs that would result from the insurance coverage proposals.”

Then incredibly:

Senate Majority Leader Harry M. Reid [of Nevada] dismissed Elmendorf's push for the benefits tax. “What he should do is maybe run for Congress,” Reid said.

I have disagreed from time to time with the Congressional Budget Office. I have agreed from time to time with the Congressional Budget Office. But I don't think it is appropriate to use that kind of language from the majority leader of the Senate about these hard-working people. This wasn't just Mr. Elmendorf's product. This was the product of endless nights and days of work on the part of the Congressional Budget Office. If you disagree with them, as I have in the past, disagree and give your reasons for doing so. But for the majority leader to say that what he should do is “maybe run for Congress,” frankly, I don't think is an appropriate response to the incredible work that these individuals are doing.

Continuing from the article:

But Senate Finance Committee Chairman Max Baucus . . . expressed frustration that the tax on employer-funded benefits had fallen out of favor, in part because the White House opposes the idea.

Critics of the proposal say it would target police and firefighters who receive generous benefits packages. And if the tax is trimmed to apply to only upper income beneficiaries, it would lose its effectiveness as a cost-containment measure.

“Basically the president is not helping,” Baucus said. “He does not want the exclusion, and that's making it difficult.”

But he added, “We are clearly going to find ways to bend the cost curve in the right direction, including provisions that will actually lower the rate of increase in health care costs.”

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Ideas under consideration include health-care delivery system reform; health insurance market reform; and empowering an independent agency to set Medicare reimbursement rates, an idea the White House is shopping aggressively on Capitol Hill.

But Baucus is not giving up on the benefits tax. "It is not off the table, there's still a lot of interest in it," Baucus said.

Well, what this is all about—what this is really all about—is heading in the wrong direction with the wrong fundamentals of what the problems with health care in America are—a fundamental misunderstanding. The health care in America is the highest quality in the world. I went to M.D. Anderson with the Republican leader and the Senator from Texas, Mr. CORNYN. At M.D. Anderson—one of the great, premier institutions in America, where cancer treatment is incredible—there were people there from 90 countries around the world. Most of those people were wealthy people. They had the choice of going anywhere in the world to get the treatment they felt they needed. They came to the United States of America. That is true of the Mayo Clinic. That is true of many other medical facilities and institutions in America.

So the problem with health care in America is not the quality of care. The problem with health care in America is affordability and availability. The cost of health care continues to increase—inflation of nearly double digits. We cannot afford it.

The Vice President is right when he says it is unsustainable. But when the President says that we want to do nothing, obviously, that is not the view of Republicans. We believe you have to do a lot. We believe you have to do a lot, and that is increase competition in America so people will have choices, affordability, and availability, and not a government-run health care system.

So the architects of the legislation passed through the HELP Committee and being considered by the Finance Committee and that came through the House were fundamentally wrong to start with. They were not attacking the problem of health care in America, and that is the cost. And the quality of health care in America is what needs to be preserved.

How do you install competition? You install competition by letting people go across State lines to shop for the health insurance policy they want. That is prohibited now. Why is that? Why is that?

The other is wellness and fitness. We are in agreement, I want to say, on a lot of issues that have not been highlighted in debate on the floor—Republicans and Democrats. Wellness and fitness, insurance policies that will encourage such things; rewards by employers for people who practice wellness and fitness. In fact, probably one of the best known individuals in America today is the CEO of Safeway. They have had an incredibly successful program for their employees, where if they practice wellness and fitness—

they do not smoke, they regularly engage in exercise, including membership in health clubs—guess what. They are rewarded for doing so. And the overall costs of health care in Safeway have gone down. They have told every insurer: Come, if you want to insure our employees, encourage wellness and fitness and let them make a choice. Do so.

That is the essence of what we have to do. The problem in America with health care is that too often there are fixed costs. There is no competition, and there are incentives to drive up the costs of health care. We all know that. We all know there are certain procedures which are more rewarding than others, and the system is gamed, and that there are billions—tens of billions—of dollars of fraud, abuse, and waste in the Medicare system that have been identified on numerous occasions.

We also know that medical malpractice is a problem, and we need to reform it. Some years ago, the State of California—not known as a conservative State, to say the least—enacted fundamental medical liability practice reform. And guess what. It has resulted in cost savings. It is well known that physicians practice defensive medicine, which many times accounts for a 10-, 15-percent increase in those costs for fear of being sued. And the new technology, which has made such tremendous advances, then, indeed, increases costs because they are overused because that physician knows, in some States, in some cases and places, unless every kind of test is administered—whether that physician thinks it is needed or not, it is going to be administered and prescribed in order to avert the eventuality of appearing in court and not having administered all the necessary, or what the plaintiff's lawyers believe is necessary, tests and procedures.

So look, we know now—we know now—from the Congressional Budget Office, for the second time, that this proposal is not going to cure the health care issues of America. It is time we went back to the drawing board. It is time Republicans and Democrats sat down at the negotiating table—not calling one or two Senators down to the White House, not trying to pick off one Republican or two Republicans, not doing that.

I know that with this plan the Democrats and the administration may be able to pick off a couple Republicans and get 60 votes and enact this massive movement of the government takeover—eventual takeover—of the health care system in America, or we can sit down together for the first time with incredibly knowledgeable people. There is nobody who knows more about health care than our two doctors, Drs. COBURN and BARRASSO. There is nobody who knows more about health care than Senator ENZI, who has been our leader in the HELP Committee—Senator ALEXANDER. There is a lot of

knowledge on health care issues. We could sit down together, scrap this idea, scrap this "spend money to keep from going bankrupt," scrap this proposal where the Congressional Budget Office says "the legislation significantly expands the federal responsibility for health-care costs," that the measures would "worsen an already bleak budget outlook, increasing deficit projections and driving the nation more deeply into debt." That is not the proposal the American people want to pay the penalty for.

So events today have been very interesting. The fact is, what we need to do now is sit down together for a change. I have done it in the past, I will admit, on issues that are not of this magnitude. I do not know if there has been an issue that consumes one-sixth of the gross domestic product of this country that I have been involved in. Certainly other major issues, certainly working together with my friend and colleague from Michigan on the Defense authorization and other measures to preserve our Nation's security. But this issue, I must say, causes all others to pale in magnitude. But that is also the reason why we should sit down together and not pass legislation that is purely on a partisan basis.

Let's listen to the experts. Let's listen to the Congressional Budget Office. I know of no one who believes there is bias in the Congressional Budget Office. As I say, sometimes I have been very disappointed or disagreed with them. But I know of no one who thinks they are not doing the very best they can under the intense pressures of getting out these numbers.

I want to take this moment to salute the Congressional Budget Office, whether I agree with or disagree with them, for the incredible work they have done in the past. I hope at some point to be able, when this health care debate is over, to enter into the RECORD the thousands of hours that have been put in by the Congressional Budget Office and the staff there in trying to come up with their best assessment so we can legislate with the benefit of the knowledge that, frankly, only they possess.

So let's listen to them. Let's listen to other outside experts. Let's recognize the fact that this issue has badly divided this Congress. But let's also listen to the fact that the American people are becoming more and more skeptical of the proposals we are considering or that have been reported out by both the House and the Senate HELP Committee and maybe start over and do something the American people can believe in and for which we can tell the American people we put their interest first.

I note my friend, the Senator from Michigan, is on the floor. I hope we can give a ray of hope to our colleagues and let them know how they are going to be able to spend the rest of the evening.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank my good friend from Arizona, first of all, for all the effort he has made today with his staff. Our staffs have been working hard. There is a lot of progress on the unanimous consent request which will set out the path forward, not just for tonight. We, obviously, expect votes tonight—a number of votes tonight—but also for the coming days, when we come back here for votes on Monday.

But there is progress being made, and the staffs are working very hard. We can actually see them in the back of the Chamber at times going back and forth with different ideas. But we are close. We are confident. We are optimistic we will fairly soon have a unanimous consent agreement.

I again thank my friend from Arizona for all he has done to help facilitate this, and our staffs, because they are working hard and I am optimistic they are going to succeed.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I was going to talk about aircraft and aircraft procurement, and I will do that. But before I do that, I feel compelled to respond to the comments of our colleague from Arizona with respect to health care.

It turns out, literally, as we gather here on the Senate floor today, negotiations are underway between Democrats and Republicans, led by Senator MAX BAUCUS, the chairman of the Senate Finance Committee, and Senator CHUCK GRASSLEY, the ranking Republican on the Senate Finance Committee, to try to find common ground with respect to health care.

In a day and age when we spend more money on health care than any other nation on Earth, we do not get better results. I think we have 14,000 people who are likely to lose their health care in our country today—in a country where we have 47 million folks who do not have health care coverage. We can do better than that. There is a strong bipartisan effort, led by two very good people—Senator GRASSLEY and Senator BAUCUS—to find common ground.

As it turns out, I like to use the words of a friend of mine, Senator MIKE ENZI of Wyoming, who talks a lot about the 80-20 rule and why he and Senator KENNEDY have gotten so much accomplished—legislation coming out of the Health, Education, Labor, and Pensions Committee. It is because they agree on 80 percent of the stuff, disagree on 20 percent of the stuff, and they focus on the 80 percent on which they agree.

I think the same could be said about the legislation that is being negotiated today, again, in a bipartisan way. The President has said he wants a bipartisan bill. Our leaders on the Finance Committee want a bipartisan bill. I want a bipartisan bill. I think in order for us to actually get something good,

something done that improves the quality of health care that is provided in this country, that slows the growth of health care costs, and bends that cost curve down, and makes it possible for us to extend coverage to a lot of people who do not have it, it is enhanced by having bipartisan legislation.

I will not go further into that at this time. But I felt compelled to say I have not given up hope. My hope is that the efforts that are underway as I speak will bear fruit and maybe provide a roadmap to a plan we can agree to here in the Senate and in the House to build on the good work the Health, Education, Labor, and Pensions Committee has already done here in the Senate, and to enable us to find common ground with the House and, hopefully, with the Obama administration.

Having said that—I know this might be a good segue—we are spending a ton of money on health care in this country. If you look at the size of our budget deficits, if you look at how much we spend in the country for health care—I am told it is about one-sixth of GDP—that is not sustainable. Medicare is likely to run out of money in about 7 years from now. That is not acceptable. We end up, meanwhile, not getting necessarily better results, and a lot of other countries are spending substantially less.

We have great models for health care delivery in this country. I will mention a few of them that are showing the way to provide better outcomes at less money. They include the Mayo in Minnesota and in Florida; an outfit called Geisinger in Hershey, PA; Intermountain Health in Utah, Kaiser Permanente in northern California; a cooperative called Puget Sound in Washington State; Cleveland Clinic in Cleveland, OH. There are a number of them. For the most part, they are non-profits or cooperatives that have shown it is possible to provide better care, better outcomes, for less money than what we are getting in this fee-for-service operation that we now call a health care delivery system.

We can do better. My hope is we will keep working at it and not give up and that we will continue to try to work across the aisle until we come up with a product we can bring to the floor and negotiate, debate it on the floor, and then go to conference with the House.

In terms of things that we spend a lot of money on—not just health care—we spend a lot of money on the defense of our country. That is a major priority for our Nation. If we go back to 1990s, 1980s, 1970s, we went for a long time without balancing our budgets. In fact, it was not until, I think, fiscal year 1999, under the Clinton administration, that we actually balanced our budget for the first time, I think, since 1968. It was roughly 30 years, three decades that we went without balancing the budget. I think we did it again in 2000, and then when we had the handover from President Clinton to President

Bush, we left the new President with a budget that was, I believe, balanced once more.

We sort of went from that point in time, kind of a high-water mark in terms of fiscal responsibility, and over the last 8 years we turned around and we went in the opposite direction. We ended up running up more new debt in the last 8 years than we ran up in our first 208 years as a nation. I will say that again. We ran up more new debt in the last 8 years than we did in the first 208 as a nation. The debt for the new fiscal year, as we go through this worst recession since the Great Depression and trying to fight two wars, one in Iraq and one in Afghanistan, the meltdown in revenues, very high health care costs; we are looking at a budget deficit which, I am told for this year, may have already exceeded \$1 trillion, which is the highest on record.

I chair a subcommittee of the Homeland Security and Government Affairs Committee in the Senate. One of our responsibilities is to help, along with our colleagues, to scrub spending. One of the things we do is we look for spending that doesn't make much sense or where there is waste, fraud or abuse. I might say, in response to my friend, Senator MCCAIN's comments on waste in the Medicare system, one of the encouraging things in the last 3 years is we have gone out and done what we call postaudit cost recoveries in three States for Medicare. In California, Texas, and Florida, we have actually gone out to see where money has been wastefully spent and to see if we can recover that money. The first year we discovered almost nothing, the second year we found a little bit, and last year we found \$700 million. In just three States we did that, and now we are going to be doing the same kind of thing in 47 States, hopefully recovering a lot more money for the Medicare system and maybe taking our lessons learned from recovering moneys misspent, inappropriately spent for Medicare, and do the same kind of thing for Medicaid, and that will put a lot of money back into the Treasury.

My subcommittee focuses on, among other things, wasteful spending, and one of the things we have looked at is cost overruns for major new weapons systems. With the help of the Government Accountability Office, we went back to, I think it was 2001, and we looked for cost overruns for major new weapons systems. In 2001, I think it was about \$45 billion. We have seen it ramp up from about \$45 billion in cost overruns for major new weapons systems, GAO tells us by last year, or maybe it was 2007 or 2008, this number had grown to almost \$300 billion—from \$245 billion in 2001 over the next 6 or 7 years to almost \$300 billion in cost overruns.

Unacceptable. I think we have finally leveled off the increase. Not only is that kind of trend unacceptable, but the level of that enormous cost overrun in weapons systems is unacceptable as well.

In a day and age when our Nation is awash in red ink and in a day and age when we are involved in wars in Iraq and in Afghanistan, it is critically important that we spend every dollar—defense dollar and, frankly, nondefense dollars—as wisely as we can, to get the most out of that money, whether it is health care to make sure that the dollars we are investing there are spent cost-effectively or whether it is for defense to make sure that the money we are spending there is spent cost-effectively.

Senator McCAIN is a Vietnam veteran, and he is a real hero, for me. But we have people who have served here—I think one or two might have been around in World War II. Senator INOUE won the Medal of Honor during World War II. We have had people who served in the Korean war, the Vietnam war, and other times of peace, as well as in times of war.

I spent about 23 years, 5 Active, 18 years Ready Reserve as a naval flight officer and much of that as a mission commander of a Navy P-3 aircraft built by Lockheed. We used the P-3 for years for ocean surveillance, tracking submarines during the Cold War so we would know where they were, and whenever we went up, we would know where to go find them and destroy them if we had to. The strategy was called mutually assured destruction. We, fortunately, never had to do that. We used them in the Vietnam war for a lot of coastal surveillance; low-level flights off the coast of Vietnam and Cambodia. The P-3 was introduced into the fleet in 1960s, and it was introduced as a—formerly used as a commercial airplane, a four-engine turboprop. We had problems with the P-3's wings. We used to say we were afraid they would fall off. I don't know if it was quite that bad, but we had real problems with the P-3s performing reliably as a naval aircraft and bouncing around the skies in all kinds of weather. A lot of work had to be done on the P-3 wing and, within a couple of years, we finally figured out the problem.

They are still flying. We are still using them in Iraq—not to track submarines but all kinds of missions. We have used them for electronic surveillance over the years and we have used them for drug interdiction and now they are doing some special work over in Iraq and that part of the world. It is an airplane which started badly as a military aircraft, but it got a lot better.

You can find the C-5As built in the 1960s, C-5Bs in the 1970s and 1980s—rough startup, rough rampup on the aircraft. We had problems with the aircraft, and we are now overhauling the C-5Bs. We call them C-5Ms. And they are flying 85 percent mission capable. So that is very encouraging. It took a long while to work out the wrinkles, but I think we have now, and we are going to have a plane we will be able to fly for another 30, 40 years, getting a lot of good use out of it, meeting our military needs around the world.

The F-22 has been around for a number of years—not as long as the P-3, not as long as the C-5, but it has been around for quite a few years. We have, I think, close to maybe 200 of them that either have been built or we are planning to build.

One of the things I find troubling—and I stand in support of the amendment offered by Senators LEVIN and MCCAIN and ask unanimous consent to be added as a cosponsor of the legislation.

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

Mr. CARPER. Built, I think, largely by Lockheed, and a lot of the contractual work is being done in maybe close to 40, 45 States. But Lockheed does some great work. This particular aircraft, I am troubled by a number of things, as are the sponsors of the legislation. It is not just that they are troubled, and it is not just that I am troubled, but some other folks are troubled too. Let me see if we have a list of some of the people who are calling and maybe suggesting that the F-22s we have ordered are enough.

Among the people who say, in this case, 187 F-22s, fighter aircraft—not an aircraft that is used for a lot—a plane mainly built and designed to use for dogfights with aircraft from other nations in an earlier day; the Soviets or maybe the Chinese or some other country. But among the leaders of our country, they are saying, maybe 187 is enough. Not maybe but saying 187 is enough. Two Presidents, former President George Bush and our current President Barack Obama, they have said that not just in giving speeches, but they have actually said that with the budgets they submit to us, and in this case President Obama's first budget and the last budget, or maybe several budgets from President Bush.

Who else has said 187 is enough? Well, Secretaries of Defense; not only the current Secretary of Defense, who is Bob Gates, but the previous Secretary of Defense, who was also Bob Gates, and I think his predecessor as well said 187 should do us.

We have had three Chairs of the Joint Chiefs of Staff who have said 187 F-22s is enough; we think that should do it.

We have had the current members of the Joint Chiefs of Staff who have said 187 is plenty when it comes to F-22 fighter aircraft.

Finally, two of the most respected Members of the Senate, Senators MCCAIN and LEVIN, as leaders of this committee, have said: Well, this is enough. Given our other demands and our other aircraft we have available to meet this need, 187 F-22s is plenty.

Let me take a look at the next chart, if we could, and see what we have. One of the reasons why all the folks I mentioned have said 187 F-22s is enough, we think of some of the other aircraft we used, fixed wing as well as nonfixed wing aircraft; the F-15 fighter, a number of hours flown in Iraq and Afghani-

stan—these are rough numbers but about 40,000 flight hours. We have a couple UAVs here, unmanned aerial vehicles, one called the ScanEagle, the other is called the Predator. The Predator is better known. But so far the ScanEagle has flown in Iraq and Afghanistan about 150 flight hours. The Predator has flown about a half million flight hours in Iraq and Afghanistan. One of our helicopters, I think the H-60, generally we think of as the Black Hawk, but Black Hawks have flown 900,000 flight hours in Iraq and Afghanistan. Down here at the bottom, the number of flight hours, as far as we can tell, flown in Iraq and Afghanistan, I am pretty sure this is correct: Zero for the F-22. That is a stark number, a stark contrast.

Sometimes we tend to order weapons systems, build weapons systems, maintain weapons systems to fight wars such as the last war we fought, not thinking so much about maybe the weapons systems we need for the current war or we will likely to need for a future war. One of the reasons why this administration, the last administration, why this President, this Secretary of Defense and previous ones have said we don't think we want to do any more F-22s is because they believe that, for awhile, we are going to be fighting wars such as unfortunately we fought in Iraq and especially Afghanistan. That is going to be more the modus operandi. We are going to be fighting counterinsurgencies, and what we need are weapons systems and men and women who are trained to fight in those wars. The F-22, frankly, does not lend itself to that kind of war.

I led a congressional delegation with four of my colleagues back at the end of May into Afghanistan and Pakistan, including our Presiding Officer. We learned a lot. It was wonderful, and we came home feeling very much encouraged about our strategy in Afghanistan, the men and women who are implementing that strategy, both on the military and the civilian side. One of the things we learned going into Pakistan is that, for years, the Pakistanis have been preparing to fight the next war not against the Taliban, not against al-Qaida, which happened in the northwestern province, but they have been preparing to fight the next war forever—I guess since 1947—against the Indians, against the country of India. They may have a weapons system to work just fine in that particular altercation if that were to occur. But their real threat, frankly, isn't as much India anymore; their real threat is the Taliban and the al-Qaida folks hanging out in those northwestern provinces on the border of Afghanistan. While India and Pakistan may have plenty of fighter aircraft, unfortunately, they don't have any helicopters. They need mobility and they need helicopters to be able to move their counterinsurgency forces. They don't have them. Frankly, we are sort of guilty in a way of the same thing with the F-22.

Let's see what we have on the next chart. I will come to this in a bit. One of the things we think about when we think of aircraft we use is, first of all, the missions we need the aircraft for and the kind of wars and threats we are likely to face. That helps us make that decision.

Occasionally, we look at how much it costs to fly an aircraft. We look at the dollars we spend to put an aircraft or helicopter into the air for an hour. I have seen a wide range of flight hour costs for the F-22—that it might be \$22,000 per flight hour or as high as \$40,000 or \$42,000 per flight hour. I don't have that at my fingertips, the flight hour costs for other aircraft. But that is a lot of money for a flight hour for any aircraft, especially a fighter aircraft. Whether it is \$19,000 or \$20,000 or \$40,000 an hour, that is a lot of money for the kind of job we are looking for the aircraft to do.

We also look at who are we preparing to fight or what threat we are preparing to counter. Some people say just in case the Chinese ever give us trouble, to take them on we need the F-22s, or we may need 200 more. At one time, General Corley said we needed about another 200. As it turns out, we have other aircraft to meet that kind of threat. I hope that is not going to ever materialize, because China is a major trading partner. I hope we don't ever get in a shooting war with them, nor with the Russians.

We have other fighter aircraft. We have the F-15, F-16, and the F-18. We are in the process of building another new fighter aircraft that will be a joint aircraft that will be able to do fights in the air and other things, including air-to-ground attacks, which the F-22 doesn't lend itself to do. I think we are going to build about 2,500 F-35s. It has broad support. We have built about 50 so far. The cost per aircraft for the F-35 is about \$80 million. I think the cost for building a new F-22 is roughly \$190 million. So the F-35 may be \$80 million a copy, and the F-22, which doesn't have the capability or the viability of the F-35, costs about \$190 million—over twice as much. That makes me pause, and I hope it makes some of my colleagues pause as well.

Last, everybody knows we are wrestling through a tough economic time in our country. We have lost a lot of jobs. We had a housing bubble and meltdown, a loss of jobs in banking and financial services, and a lot of manufacturing jobs. Chrysler and GM have gone into bankruptcy. They are coming out of that, and they have a new product line coming through the pipeline. The banks are stabilized and are lending money again, and some are starting to pay back to the government the money they borrowed.

I am bullish about where we are. It will take a while before jobs come back, but I think there are encouraging signs about our economy.

Having said that, a lot of people would like to have a job who don't have

one. If we build another 190 or so F-22s, that would save some 25,000 manufacturing, good-paying jobs. We cannot just sniff at that. Those are real numbers, and it is important for us in the States where the jobs are. If we think about it, if we are talking about building another almost 200 F-22s, and they cost roughly \$190 million a copy, and we are talking about saving 25,000 jobs, if we multiply \$191 million by 194 aircraft, we come up with a total price of about \$37 billion for building those extra 194 F-22 aircraft.

If the numbers are correct, that is about \$37 billion. If we divide that by 25,000 jobs, that turns out to be almost \$1.5 million per job. I nearly fell over when I saw that number—\$1.5 million per job. We have passed a stimulus package, and the Presiding Officer and I voted for it. It was passed with bipartisan support, and I hope it will save a couple million jobs. Jobs make sense. But this is a lot of money for jobs.

You can look at what we say we are going to spend in the stimulus package, the recovery bill, per job. I am not quick enough to run the numbers, but these are expensive jobs.

I hope if we don't build another 200 F-22s, some of the folks who can build them at Lockheed Martin—hopefully, some of them will be able to build F-35s. They cost half as much to build, and they do more things. Hopefully, some of them will be bought by other countries. I am not aware that other countries have bought the F-22, but I think a lot would be interested in buying the F-35, given the variety of missions, the versatility, and the much lower cost.

There you have it, Mr. President. I don't know if I have made a compelling case, but I appreciate the chance to share this with my colleagues and anybody else who is interested at a time when we are wrestling with enormous budget deficits, after 8 years where we literally doubled our Nation's debt, and when we are expected to run up the highest budget deficit in the history of our country, at a time when we have major cost overruns and a new weapon system, and when we have had literally two administrations, two Presidents, two Secretaries of State, and all kinds of Joint Chiefs saying: You know, we have a bunch of these F-22s. We have enough. It is not that we are going to stop spending money on national defense. We are going to spend a fair amount of money in Afghanistan, and even though we are drawing down the troops in Iraq, we are going to continue spending money in that country as well. The war in Afghanistan is the right war, and we need to stay with it and crush the Taliban, help the Pakistanis crush al-Qaida, and stay with the folks in Afghanistan until they can help defend themselves and go on to a better economy and a better life. That is the important thing to do.

We don't need the F-22 to do that. To the folks who have spent a number of years, and a lot of our money building

it, we say thank you. But I think we have enough. We have plenty of other challenges to face.

I appreciate this opportunity to speak.

As I look around the Chamber, obviously, nobody listened with baited breath to what I had to say. Hopefully, they are in their offices and are tuned into C-SPAN II.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

#### AMENDMENT NO. 1511

Mr. LAUTENBERG. Mr. President, today we are being asked to defend the very core of our American democracy; that is, the right of people to live freely, to move freely, to do what they would like to do as long as they do not bring harm to others. People want to be free from violence, free from fear, free from intimidation. And all too often we hear of crimes committed against innocent people based almost solely on bigotry and hatred. This Senate needs to send a message, a message that this is unacceptable conduct in our society, that these crimes are especially heinous, that these crimes must be severely punished, because it tears at the basic fiber of being freedom-loving Americans.

An example of the horror that accompanies this kind of hatred is that on a day last month, someone turned killer because of religious hatred. This individual walked through the doors of the U.S. Holocaust Memorial Museum, which was then filled with visitors from all around the world, many of them children. His name: James Von Brunn. He raised a rifle and opened fire, killing Steven Johns, a security guard who was simply doing his duty, and wounding others before the individual was shot and subdued. Not only did Mr. Von Brunn take a man's life and terrorize bystanders, but he wanted to destroy this vivid reminder of how vicious man's hatred and bias could be against an entire group of people. Over 6 million Jews died as a result of the Holocaust. Millions of others died also as a result of the Holocaust, stemmed primarily by prejudice and hate.

The tragic fact is that our history is replete with examples of terrible hate crimes. In October of 1998, two men attacked and savagely beat Matthew Shepard, a student who was gay and was there at the University of Wyoming. Shepard died of his wounds a few days later, simply because he was a gay person. In June of the same year, who can forget that a Black man, James Byrd, Jr., was chained to a pickup truck, dragged along a Texas road, and was killed by declared racists.

More recently, we have seen vulgar acts committed in the wake of a historic happening in America. President Barack Obama, an African American, won the Presidential election. In my

home State of New Jersey, after the November election, a cross was placed and set afire on the front lawn of a couple, Alina and Gary Grewal. The cross was wrapped in a homemade banner that the Grewals had hung outside their home that simply read "President Obama, Victory '08"—pride filled, honoring this incredible accomplishment that took place within America.

At a time when our Nation should be celebrating the progress we have made, we must bring the full weight of the law to bear on those who commit such atrocious crimes. Unfortunately, existing Federal law hampers prosecutors from trying hate crimes effectively. Right now, current Federal hate crimes law applies only when a victim is involved in particular activities, such as serving on a jury or attending a public school. This legislation would protect victims of hate crimes in all situations, not just when a victim is involved in certain federally protected ones. This amendment would also finally expand Federal hate crimes protection to those victimized based on sexual orientation or disability. Some 15 percent of all reported hate crimes are linked to sexual orientation. Gay Americans should not be afraid to walk about freely, and violent individuals should know that the Federal Government will prosecute you if you commit a crime with hatred as the principal motivator. Hate crimes are the ultimate expression of ignorance and hate, and we must strengthen our Federal laws to protect people against them.

Senator KENNEDY first introduced this legislation in 1997, a year before Matthew Shepard and James Byrd were killed because of bigotry. It is time to pass this critical amendment and stand up for Americans who are victims of vulgar and senseless acts of violence that should not be happening in America without severe punishment, without the reminder that we are a nation comprised of many different ethnicities, different religions, different habits. It should not go without severe penalty if someone is attacked because their habit, their face, their color, their religion is different from the ones most popular.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Ms. STABENOW. Thank you. Madam President, I also ask unanimous consent to speak as in morning business.

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

The Senator from Michigan.

Ms. STABENOW. Madam President, thank you, very much.

First, I want to congratulate, actually, on the underlying bill, my friend

and colleague and the leader of the Armed Services Committee for all of his hard work on the bill that is in front of us. It is so important for the troops. I thank him for his leadership in such a strong way on behalf of the men and women who are serving us every single day and for all the things they need to be able to be supported, along with their families. So this is a very important bill, and I am hopeful we are going to be able to move through this very quickly.

#### HEALTH CARE

Madam President, I did want to take a moment, though, tonight to talk about health care, about the specifics of the bill we have been working on now for about a year. We have had forums and meetings and drafts and proposals and working sessions for about a year now, I believe. I commend Senator BAUCUS for the incredible amount of time he has put in, as has his staff, with he and Senator GRASSLEY, working, as they always do, so well together.

There has been a tremendous amount of effort that has gone into this, and we will speak more as the process moves along about the specifics of the health care legislation. But tonight I want to take just a moment to talk about why it is so important to do it.

If the system worked well now for everyone in the country, if everyone could find and afford health insurance, we would not be having this discussion. We would not have had this debate. This would not be something that would be a top priority for the President of the United States.

But the reality is, the current system does not work for everyone. Even if you are part of the majority that has health insurance, you are probably seeing your copays go up, your premiums go up. You may be worried about whether you will lose your insurance if you lose your job or your spouse loses his or her job. You may be in a situation where you cannot find insurance because you have a preexisting condition that the insurance companies will not cover.

There are many reasons why people today, even though they have some kind of insurance, are incredibly worried about the future, about what happens when they get sick or what happens when the kids get sick.

Then, for those who do not have any health insurance, of course, it is an even more challenging story. We know there are millions of Americans—47 million and counting, in my home State of Michigan alone over 1 million people—who have no insurance at all. What happens to them when they get sick or when the kids get sick?

So this is a huge issue, and the time has come to decide that health care is a right, not a privilege, in the greatest country in the world.

We have been working for years. It has been 90 years—ever since President Roosevelt wanted to have a health care system that all Americans would be

able to use as part of the Social Security Program—that we have been trying to do this, trying to get it right. At that time, 90 years ago, there were not the votes to do that. Since then, Harry Truman wanted to have health care reform. It did not get done.

President Johnson initially wanted to have a system that every American would be able to benefit from. That did not get done. But I am very proud that a first major step was taken with President Johnson and a Democratic majority and some Republican colleagues joining with them. I hope we are going to see that kind of bipartisan effort now. But we ended up with something called Medicare.

If seniors or people with disabilities could have been able to get health insurance that they could find and afford at the time, Medicare would not have passed in 1965. It passed, along with Medicaid for low-income seniors and families, because people could not find insurance. They could not afford it. That is why it passed.

We are now in the same situation. Since that time in 1965, there have been a number of different efforts. A very important effort, one that there was bipartisan support to do, children's health insurance, was put in place—but still, not a system in America where everyone would be able to afford to buy insurance, to be able to get health care for themselves and their families.

So here we are today. It is time to finish the job that was started years ago, to finally say: OK, we understand that health insurance is not like other kinds of insurance. You can choose not to buy a car if you do not want to, and you do not have to have car insurance. You can choose not to buy a house and not have homeowners insurance. You cannot choose not to be a human being and to get sick. So it is different.

So the question for all of us is not whether people will ever need to use the health care system or whether they ever, in fact, will get health care; it is when and how and how expensive it will be.

One of the major reasons today that the health care system is so expensive—and, in fact, we spend twice as much as any other country on health care. When you think about that, how crazy is that? We spend twice as much as any other country on health care and have over 47 million people with no health insurance. Any economist would kind of look at that and say that is crazy.

But we have a system now where the people who are uninsured or underinsured—or have their premiums and copays going up too much where they cannot afford to use their insurance—go to the emergency room, moms and dads going to the emergency room with their children.

I have had the opportunity to visit emergency rooms, both when I have been in an emergency but also just there with emergency room physicians, with the nurses, to watch what happens. Anytime you have seen that, you

know there are lots of moms and dads who have no other choice for their children than to take them to the emergency room.

We also have more and more people who, because of dental problems—the inability to get basic dental coverage—end up in the emergency room of the hospital. When that happens, people are served. That is the job of the hospitals, and I believe we should be focusing on emergency rooms and emergency room physicians and giving them extra support because of what they do. But the reality is, they are served. Then who pays for it? Well, everybody who has insurance pays for it because the hospital then takes the uncompensated care and rolls it over into the costs of those with insurance. That is the system today. People get care.

They walk in the emergency room sicker than they otherwise would be—maybe waiting until late Friday night to have something happen, hoping they were not going to have to go to the doctor because they could not afford it, and they end up in the emergency room on the weekend.

The reality is, we have now institutionalized the system that is the most expensive way possible to provide health care in this country. So that is a huge issue.

We know if everybody is in it, if everybody is part of the system, and we spread all the different ages and health conditions and geographic disparities and all of the different pieces and variables in the system, and we have everybody in some way covered—everybody in—costs actually go down, which is also different than other kinds of goods and services. So health care is, in fact, different.

But we now have a system where we are paying for this and providing for this in the most expensive way possible. So there are many reasons—many reasons—why we need to have a sense of urgency about health care and what we are doing here. We need to remind ourselves daily that this does not go away just because we are not paying attention. When we are not paying attention, the prices go up. When we are not paying attention, people get sick. When we are not paying attention, businesses continue either not to be able to cover their employees or drop coverage because of what is happening on the costs.

The only question we have is, when are we going to act? That is the only question for us—not whether we are going to pay for it but it is how we are going to pay for it. Are we going to create a system that over time actually lowers costs by doing the right thing and having a system that incentivizes the right things or are we going to continue to do what we do now: costs going up, exploding, and the availability of care going down? That is the system now.

As we discuss all of these issues, it is very complicated. All of us involved in this wish it were not. This is an incred-

ably complicated issue. As we have been working our way through this very hard, we have heard from lots of people in this discussion, those who operate as a business, who make a profit off this current health care system, those who are involved in it in various capacities. But I don't think we hear enough from those who are affected, from people in Michigan, people in North Carolina, people around the country who are trying to take care of their families, trying to be healthy, trying to get the care they need when they are sick, operating under this system.

Because of that, I set up on my Web site something I am calling my Health Care People's Lobby. We have lots of lobbyists here. I have invited people from Michigan to be a part of my Health Care People's Lobby and share their stories about what is happening for them. I wish to share a few of those comments with my colleagues this evening, from thousands of people who are now a part of my Health Care People's Lobby.

Tricia Kersten from Bloomfield Hills, MI, says she doesn't understand why some Senators don't seem to understand the "unbelievable, daunting, and debilitating effect the cost of health care causes their voters."

She is right. We all need to be paying attention to that. The cost of health care today, as I mentioned, is crushing our families and businesses, large and small, and that has to be part of—and it is, it is—part of the goal. In fact, it is at the top of the list in terms of our goals—lowering the cost.

Janet Rodriguez, St. Joseph, MI, wrote that her health care premiums for her family of three are over \$700 a month. Because her employer pays a portion of her premium, and because those premiums are going up and up every year, she hasn't gotten a raise in 3 years.

This is a very common situation for workers who get their insurance through their employer. More and more people are having to trade off getting a wage increase that would help pay the mortgage and food and clothes and send the kids to college for a health care cost increase that is occurring, and their employers having to pay more of that or their having to pay more of that.

Cheryl Crandall of Pontiac, MI, is about to lose her COBRA benefits next month and has been shopping for personal insurance. Within 2 weeks, the price had already jumped from \$22 a month to \$667 a month. So it was \$22, and it jumped to \$667 a month. That is \$150 more than her house payment. She says: "We are very, very frugal people. No big vacations, no expensive toys, and we are not impoverished yet. But premiums like this for mediocre coverage, large deductibles, large copays, can break even the most stable family."

We know that is what is happening. Her story is shared by thousands and

thousands of people I know across Michigan.

Our current health care system is bankrupting too many families. We know that over 60 percent of bankruptcies are linked to medical expenses. Seventy-five percent of families who file for bankruptcy actually have health insurance, and those who have insurance on average have medical expenses of over \$18,000 when they file, even though they have a health insurance policy. It is even worse for those without insurance.

Sandra Marczewski from Waterford, MI, wrote to me that she and her husband have been without insurance for 7 months. She writes: "You have no idea the fear I walk around with every day."

This is a fear faced by millions of Americans, tens of millions of Americans, hard-working Americans, people who have done the right thing their whole life and now find themselves struggling in this economy and facing that fear. After they put the kids to bed at night they say a little prayer: Please don't let the kids get sick. They stay up worrying about what is going to happen if they do get sick; avoiding that cancer screening because they don't want to hear it if it comes back positive, because they don't think they can do anything about it. It is a fear that grips the heart of too many Americans, and it is so critical that we move forward in a way that will allow us to address what is happening with American families.

Lee Harshbarger of Ypsilanti lived with that fear. He had no health insurance for 9 years. Thankfully, his wife's job now covers him, but they worry every day: What will happen if she loses her job or if her employer has to cut back on insurance or drop insurance? What will happen then?

It is not just families who are hurting either. We know it is our businesses, large and small. I have had so many small business people come up to me and say: You have to do something. I want to cover my 10 employees, my 5 employees. I can't even find insurance for myself at a reasonable rate, let alone the small group of people who work for me.

A.J. Deeds from Ann Arbor, MI, used to operate a small business in Birmingham. They had 12 employees and they offered them health insurance, but they soon found their competitors didn't offer these benefits and they were left behind competitively, so they faced what many businesses and families face, which is a race to the bottom. You can't compete if you offer health insurance or a good wage, so you drop the health insurance and you push down the wage.

By 1997, he wrote, they had to stop providing health insurance because they couldn't afford it anymore and be competitive with the other companies that didn't offer insurance. That same year, A.J.'s first child was born and his monthly insurance premium shot up to over \$800 a month for three people.



Some have argued that a public health insurance plan would put bureaucrats between you and your doctor. How many times have we heard that? But right now, we have a bureaucrat between you and your doctor, and it is an insurance company bureaucrat. This notion that the doctor can offer whatever tests or procedure he or she feels they should for you is just that; it is not in the real world. It is not real that an individual who has insurance can go out and see a doctor or see any doctor they want, get any procedure, any treatment they want. They first have to look through mounds of paperwork in the insurance policy to see if it is covered, and then the first call the doctor makes is to the insurance company to determine whether they will pay for it.

I believe it is incredibly important that we create a system—this is what we are working to do—that is much more about doctors and patients, much more about that. A critical part of this—and I appreciate that the industry is supportive of this—is changing the system so that someone can get insurance if they have a preexisting condition, that we change the rating bands to make it more affordable and do a number of other insurance regulation reforms. This is incredibly important. But it is also true that right now, your decisions about health care depend upon, A, whether you have health insurance; and B, what it will cover, what the copays are, what the premiums are. You are in a box that is dependent on whatever that insurance policy is and what it will cover. The worst thing is when someone pays in for years and believes something is covered, and it should be covered, and finds out it is not or finds out they are ill and are then dropped. So there are a number of changes that need to take place there as well.

I have to put a plug in because in Michigan we have, by State statute, established BlueCross BlueShield as a nonprofit to insure everyone in the State, the insurer of last resort, and that has worked very well for us, and I am very appreciative of the great work they do. That is not true everywhere. I think we have some serious issues around the for-profit insurance companies that we need to take a look at as relates to the costs that people are paying.

Robert Balmes from Negaunee, MI, up in the Upper Peninsula, had to jump through hoops with his insurance company to get a medical device he needed. He was forced to deal with the company's in-network sellers, even though he could have gotten the same device much cheaper from a different supplier. His 20 percent copay would have been much lower if he could have gotten the device from the seller of his choice. If he could have gone where he wanted to go, it would have been cheaper, but he wasn't given the choice by the insurance company. He had to pay what the insurance company said or pay the whole thing on his own.

Bea Stachiw from Rochester Hills is also fed up with her insurance company. She has an individual policy, which is one of the most expensive ways you can get insurance, that costs her \$400 a month as an individual, which she describes as “sketchy, at the least, where I have to pay \$2,500 up front as a deductible.” She is limited to two doctors' visits a year. So two doctors' visits. Talk about coming between you and your doctor—two doctors' visits a year, and she has a copay. She needed a routine medical procedure and had to pay over \$700 out of her pocket. For people struggling to make ends meet, those kinds of costs are not acceptable. People can't afford this.

Again, this whole process of health insurance reform is about supporting doctors and nurses to be able to do what they were trained and want to do, and to be able to make health care available to Americans, young and old, with families, without, small businesses and large. That is what this is all about.

I am very pleased we are working on an approach that would give people choice, that would allow people to keep their insurance if they wish to, and I think that many people—again, my own family would say, we want to keep ours. Well, we are not in the Federal system, so we know that many people would say they are satisfied, that they like what they have. I say, great, to that. We want to make sure, No. 1, that people can keep what they have, but if the system is broken for you, we want to fix it. That is what health reform is about. Keep what you have if you like it. Let us fix what is broken so everyone has the opportunity to have the health care they need.

There are a number of ways in which we are working to do that. I mentioned earlier making sure that everyone is covered, a part of lowering the costs so we don't have too many people using the emergency rooms inappropriately. We know that payments to providers drive the system, and the proposal we are all working on would focus on quality, not quantity, of tests; would focus on health and wellness, not sickness, so we are incentivizing those things that allow people to be healthy, that encourage and support primary care doctors as the first line of defense, and nurses as a first line of defense so that people being able to get the care and the funding they need, the screenings, the prevention they need, that is all part of this very important change.

The long-term savings in the system come from changing the system to health care rather than sick care and quality rather than quantity. We also know that, as I said before, insurance reform is an incredibly important part of it, so everyone can get the insurance they need, that it is affordable, and that they know they won't be dropped if they get sick.

Finally, it is very important that we have the right mix of choices, that we have private sector options but that

there also be a public health care option that is consumer driven, that is a benchmark on the true cost of providing health care, so there can be competition. It needs to be level and fair competition. I believe we need that competition.

Madam President, we have a lot of work to do in the coming weeks. It is very important work. The American people have waited long enough for us to get this done. We know it is complicated. People of good will are working to come together on an approach, but we need to get it done because people in each of our States—my great State of Michigan and across the country—are counting on us because the system doesn't work now for too many people. It is not acceptable. Getting sick is not a choice. Worrying about your children, your family, your moms and dads, your friends and neighbors, and what will happen to them when they do get sick is a fear or a worry we need to be able to address. We need to take that worry off of the American people and say that we get it.

Health care should be a right, not a privilege, in the greatest country in the world. That is what this work we are doing is all about. I very much hope we are going to have a product that will be widely supported and that we can move it on to the President as soon as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DODD. Madam President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is considering S. 1390.

Mr. DODD. And that is the Defense authorization bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. Madam President, I wish to spend a couple of minutes talking about one of the issues we are going to be debating and voting on in the next number of days, and that is the consideration of the F-22 Raptor.

I, first of all, want to inform my colleagues, as I have on previous times, of my interest in the subject matter. I am not a member of the Armed Services Committee. I have great respect for CARL LEVIN, one of my dearest friends, chairman of the committee, and JOHN MCCAIN, who is the ranking Republican on the committee, and my colleague JOE LIEBERMAN serves on this committee, and many others who worked hard, I know, on the Defense authorization bill.

One of the matters that is going to be the subject of some debate, as I mentioned, is the consideration of the additional F-22 fighters that were voted on by the committee, in a narrow vote, a

13-to-11 vote, I am told. Now Senator LEVIN and Senator MCCAIN have offered an amendment that would strike the \$1.75 billion for these additional aircraft. I want to address that subject matter.

My State is going to be adversely affected. Somewhere between 2,000 and 3,000 jobs will be jeopardized if this amendment carries. Obviously, that is of great concern to us in Connecticut. It is an argument I hope will have some weight with our colleagues as we are all faced with these matters from time to time. I know just making a Connecticut argument to 99 Senators is not necessarily going to prevail. I hope my colleagues will consider what we are doing.

Our Nation leads the world in aerospace. There is no one even close to our ability to produce the most sophisticated aircraft in the world. The F-22, without any doubt, is the most sophisticated aircraft in the world. But we are told the Chinese and the Russians are quickly developing fifth generation technology to compete with our F-22.

My concern is, if we end up doing what the Levin-McCain amendment does—and that is to terminate this program prematurely—we end up with a number of F-22s that will hardly provide the kind of security that will be required. And for that \$1.75 billion in this budget, we help sustain 25,000 jobs nationwide.

I cannot help but notice that over the last few months the federal government provided \$65 billion to prop up a failing automobile industry. Chrysler and GM have gone through bankruptcy. A lot of people lost their jobs. I was supportive of the effort to try and make a difference there. The industry had failed in many ways. They had not modernized and had fallen behind world competition. So taxpayers provided \$65 billion and acquired significant equity stakes in the companies to prop up our domestic automobile industry.

Here we are talking about \$1.75 billion to support an important segment of the aerospace industry that helps to provide jobs to thousands of American workers. And we are about to say to our workers that the resulting production gap is acceptable, at a time when unemployment rates are expected to exceed 10 percent. But for some reason, some of my colleagues insist that we should not sustain part of the most sophisticated and advanced aerospace industrial base in the world for \$1.75 billion. In contrast, as I mentioned we are devoting \$65 billion to the automobile industry, which to many is a different matter.

I don't understand that logic. This is the very same government that says our domestic auto industry is worth saving, and I joined with my colleagues on that issue. As chairman of the Banking Committee, I led the fight to help save that industry in the Senate, an industry run into the ground by shoddy management and no business plan whatsoever.

While the government is picking winners and losers, I have to ask my colleagues: Do we truly believe that the domestic auto industry is more worth saving than a critical portion of America's aerospace industry? Because that is what we are talking about.

A government-mandated commission on the future of the U.S. aerospace industry recently recommended that "the Nation immediately reverse the decline in and promote the growth of a scientifically and technologically trained U.S. aerospace workforce," adding, "the breakdown of America's intellectual and industrial capacity is a threat to national security and our capability to continue as a world leader." Here we are with unemployment rates going through the ceiling, and for \$1.75 billion—and it is expensive; I am not saying it is not—but we are not in any situation to allow any more American jobs to be lost. These job losses are entirely preventable; it is within our power to protect the jobs of thousands of workers across the country.

And if the Levin-McCain amendment prevails, I am afraid that some day people will look back, and say: What in the world were we thinking? What in the world were we thinking of, with jobs at risk and talented people—engineers, machinists—whom we rely on every day to maintain our superiority in this area.

Madam President and my colleagues, we are about to face a 3-year production gap between the F-22 and F-35. During that time, we will see many of our most skilled and experienced industry workers walk away. And it will be incredibly difficult, in fact I am not sure it is possible, to reconstitute this type of workforce.

So either today or sometime next week we are going to, once again, consider legislation to strip this provision of the bill—the provision that would keep the most advanced fighter jet production lines humming. Before that vote, I hope my colleagues will ask themselves a very simple question: At a time of heightened security concerns and economic uncertainty, is it in our interest to cancel this program? According to the F-22's prime contractor, Lockheed Martin, the F-22 directly employs 25,000 people across the Nation and an additional 70,000 in indirect jobs. With over 1,000 suppliers in 44 States, it has an economic impact of over \$12 billion.

The decision to kill the F-22 will have further ramifications. With this decision, America's production lines of advanced tactical aircraft will grind to a halt, and we are not expected to ramp up again for another 3 years. What happens to that workforce? I know what happens to it. If my colleagues vote for this amendment, they will be voting against our tactical aircraft industry. They will be saying that the government can no longer support these 95,000 skilled workers across our Nation. And to me, it doesn't add up.

The other day I went through a chart explaining the capabilities of this air-

craft versus those that exist in nations around the world. We are going to put ourselves at some risk, I would say to my colleagues. And that is not my conclusion alone. Listen to General Corley, who heads up the Air Combat Command, and listen to General Wyatt, the director of the Air National Guard. They have warned us about this very issue. This is a very critical and dangerous decision we are making.

We have spent billions of dollars to develop this plane—billions. We were supposed to build 381 of them. Now we have reduced that number to 187. In doing so, we are committing ourselves to ending the production line. Terminating the program will eliminate the opportunity for us to explore the merits of developing an export model of the F-22. We have allies that would benefit from purchasing a modified version of this technology. By offering them this capability, we would enhance our shared commitment to protecting global security. But this option will not be available if we adopt the Levin-McCain amendment.

I urge my colleagues to consider this issue. I know Members are facing a great deal of pressure from all sides of this issue. But I think, as Members, we have an obligation, obviously, to respond to the calls we get, but I would argue that we have a higher responsibility to analyze the implications of a vote such as this.

The implications of this vote, I think, are profound and serious for our country in terms of not only the economic and national security impact, but, for the thousands of American jobs that are sustained by the F-22. \$1.75 billion is small in comparison to the \$65 billion we have spent already to prop-up an industry that, frankly, should have shown far more leadership. The industries involved in this are not failing. These are solid, sound businesses. Yet they are going to be damaged as a result of a vote that is quite frankly, not in the interest of our national security or our economy.

I would urge my colleagues, over the next several days, to think through this issue, to examine some of these facts before coming here to cast a ballot that will jeopardize both American jobs and our position as the global leader in aerospace industry.

With that, I yield the floor.

AMENDMENT NO. 1511

Ms. MIKULSKI. Madam President, I rise in strong support of the Smith amendment on hate crimes. This amendment mirrors the Local Law Enforcement Enhancement Act, which I have been proud to cosponsor. This amendment puts America's values of equality and freedom into action.

Hate crimes are one of the most shocking types of violence against individuals. They are motivated by hatred and bigotry. But hate crimes target more than just one person—they are crimes against a community because of who they are—because of their race, gender, sexual orientation, religion or disability.

We are a nation that cherishes our freedom. All Americans must be free to go to church, walk through their communities, attend school without the fear that they will be the target of hate violence. We are a nation that is built on a foundation of tolerance and equality. Yet no American can be free from discrimination and have true equality unless they are free from hate crimes. That is why hate crimes are so destructive. They tear at our Nation's greatest strength—our diversity.

This amendment does two things—it helps communities fight these crimes and it makes sure that those who are most often the target of hate motivated violence have the full protection of our Federal laws.

The amendment strengthens current law to help local law enforcement investigate and prosecute hate crimes. It does this by closing a loophole that prevented the Federal Government from assisting local and State police at any stage of the investigative process. Simply put—this bill authorizes Federal law enforcement officers to get involved if State or local governments want their help. That means local communities, which often have very limited resources for pursuing these types of crimes, will have the resources of the FBI and other Federal law enforcement agencies at their disposal to help them more effectively prosecute incidents of hate violence.

This amendment also improves current law so it protects more Americans. It broadens the definition of hate crimes to include gender, sexual orientation and disability. Today, gay and lesbian Americans, women and those with disabilities are often targets of hate motivated violence, but existing Federal laws offer these communities no safeguards. That is the weakness in our current law. And that is what this legislation will fix. By passing this legislation today, the Senate says to all Americans that you deserve the full protection of the law and you deserve to be free from hate violence.

Hate crimes are crimes against more than one person—these crimes affect whole communities and create fear and terror in these communities and among all Americans. We need look no further than the horrific killings of James Byrd and Matthew Shepard to know the anger and grief that families and communities experience because of hatred and bigotry. Hate crimes attack the fundamental values of our Nation—freedom and equality. This bill is another step in the fight to make sure that in a nation that treasures these values these crimes do not occur.

So today I rise to support and urge my colleagues to pass this much needed and timely legislation. It is time that we put these American values into action and pass this hate crimes bill. The Local Law Enforcement Enhancement Act says that all Americans are valued and protected—regardless of race, religion, gender, sexual orientation or disability.

Mr. UDALL of Colorado. Madam President, I rise today in support of amendment No. 1511 to S. 1390.

In the midst of my first campaign for Congress in 1998, the Nation was shocked by the tragic death of Matthew Shepard.

We all know well the story of Matthew—a 21-year-old University of Wyoming student who was brutally murdered simply for being gay. He was beaten severely, tied to a fence, and left to die in freezing temperatures. Matthew was taken to a hospital in Fort Collins, CO, where he never regained consciousness.

I was elected to Congress a month after Matthew's murder. And for every year thereafter, I have supported Federal hate crimes legislation that would later be renamed for him—The Matthew Shepard Hate Crimes Prevention Act.

Ten years later, in 2008, I asked my fellow Coloradans to entrust me with the honor of representing them in the Senate. During that campaign, I was deeply saddened to learn about another tragic murder this time in my home State of Colorado.

In July of last year, 18-year-old Angie Zapata was beaten to death in the living room of her Greeley apartment. According to press accounts, Angie's attacker claims that he brutally went after her with a fire extinguisher, pummeling her until she could not fight back because of his hatred for transgender and gay people. This case is a sobering reminder that 10 years after Matthew Shepard's murder, vile prejudice based on sexual orientation and gender identity still plagues our society.

Unlike Federal law, Colorado has a strong hate crimes statute. The man accused of killing Angie was the first person in the Nation to be tried and eventually convicted under any State's hate crime law for killing a person because of transgender orientation. I hope that the successful prosecution of Angie's killer in Colorado will be an example for other States and demonstrate to Members of Congress that it is time for the country as a whole to follow our lead.

President Obama has promised to sign into law the expansion of hate crimes statute to include sexual identity, gender identity and disability, which is what the amendment before us today would do. I am a cosponsor and ardent supporter of this amendment because I believe now is the time in remembrance of Matthew and Angie and all other Americans who have been a victim of violent crimes motivated by hate to get this done. It is the right thing to do.

Mr. KYL. Madam President, the Hate Crimes Prevention Act, which my colleague from Vermont has offered as an amendment to the Defense authorization bill, should not be attached to such an important piece of legislation. The Defense authorization bill authorizes nearly \$680 billion for national de-

fense programs, most notably the ongoing operations in Iraq, Afghanistan, and the war on terror. It authorizes funding for such crucial programs as missile defense and foreign military aid for Afghanistan and Pakistan, as well as a 3.4-percent across-the-board pay raise for the men and women in the military. With such important issues at stake, we should not attach a controversial piece of unrelated legislation that puts passage of the entire bill at risk.

Last month, members of the Judiciary Committee received a letter from the U.S. Commission on Civil Rights strongly urging us to vote against the proposed Hate Crimes Prevention Act.

The Commission states this bill "will do little good and a great deal of harm." Those are very strong words from the Federal body charged with investigating, reporting on, and making recommendations related to civil rights issues. The Commission's letter details a number of specific concerns, including that the bill would permit Federal authorities to prosecute defendants who have been previously acquitted by State juries—a result that it describes as contrary to the spirit of the double jeopardy clause of the Constitution. Like the Commission, I believe that hate crimes legislation poses significant constitutional problems and risks undermining important principles of federalism.

No less than 45 States and the District of Columbia already have hate crimes laws. I am not aware of evidence that any State has been reluctant to aggressively prosecute hate crimes. Furthermore, Federal sentencing guidelines already provide for enhancements for hate crimes based on race, color, religion, natural origin, ethnicity, gender, disability, or sexual orientation. In fact, in the case of Matthew Shepard, for whom this bill is named, his killers are appropriately serving life sentences in prison for felony murder.

The trend to try at the Federal level crimes that traditionally have been handled in State courts not only is taxing the judiciary's resources and affecting its budget needs but also threatens to change the nature of our Federal system. The pressure in Congress to appear responsive to every highly publicized societal ill or sensational crime needs to be balanced with an inquiry into whether States are doing an adequate job in these particular areas and, ultimately, whether we want most of our legal relationships decided at the national rather than local level.

Federal courts were not created to adjudicate local crimes, no matter how heinous they may be. State courts handle such problems. While there certainly are areas in criminal law in which the Federal Government must act, the vast majority of local criminal cases should be decided in the State courts which are equipped for such matters. Matters that can be handled adequately by the States should be left

to them; matters that cannot be so handled should be undertaken by the Federal Government. Neither Senator LEAHY nor other supporters of this bill have demonstrated that there is an epidemic of hate-based violence that State and local authorities can't or won't prosecute, therefore justifying the need for a hate crimes bill.

For these reasons, I strongly urge my colleagues to vote against the Hate Crimes Prevention Act amendment.

Mr. LEAHY. Madam President, the Senate is considering the bipartisan Matthew Shepard Hate Crimes Prevention Act of 2009 as an amendment to the pending the pending National Defense Authorization Act. This important civil rights bill has been pending for more than a decade and has passed the Senate numerous times—in 2007, 2004, 2000, and 1999. It also has the support of the Attorney General, and the President has asked Congress to take swift action on this bill.

I thank Senator COLLINS, Senator SNOWE, and the 33 other bipartisan cosponsors for their support for my amendment, which contains the full text of the Matthew Shepard Hate Crimes Prevention Act introduced by Senator KENNEDY.

I wish my friend could be here with us today. I commend the senior Senator from Massachusetts for his steadfast leadership over the last decade in working to expand our Federal hate crimes laws.

I thank the majority leader for offering this amendment on my behalf while I chaired the hearing on Judge Sonia Sotomayor to be an Associate Justice on the Supreme Court. I had hoped that we would reach a time agreement or at least an agreement to proceed to this bipartisan amendment. Yet some have sought to further delay passage of this critical measure.

The hate crimes amendment would improve existing law by making it easier for Federal authorities to investigate and prosecute crimes of racial, ethnic, or religious violence. Victims will no longer have to engage in a narrow range of activities, such as serving as a juror, to be protected under Federal law.

In addition, the hate crimes amendment will provide assistance and resources to State, local and tribal law enforcement to address hate crimes. It also focuses the attention and resources of the Federal Government on the problem of crimes committed against people because of their sexual orientation, gender, gender identity, or disability, which is a long-overdue protection.

As a former State prosecutor, respect for local and State law enforcement is important to me. This amendment was carefully crafted to strike a proper balance between Federal and local interests by allowing the Federal Government to appropriately support, but not to substitute for, State and local law enforcement.

I come from a State that passed a law almost a decade ago to expand pro-

tections for victims of violence motivated by sexual orientation and gender identity and to increase penalties for hate crimes to deter such violence.

Unfortunately, not all States offer these protections—protections that all Americans deserve. We need a strong Federal law to serve as a backstop to prevent hate motivated violence in America.

The recent tragic events at the Holocaust museum have made clear that these vicious crimes continue to haunt our country. This bipartisan legislation is carefully designed to help law enforcement most effectively respond to this problem.

We stand to make real progress toward expanding Federal protections for victims of bias-motivated violence when we vote for cloture to end debate on the motion to proceed to this amendment.

Senators from both sides of the aisle support this amendment. I call on all my fellow Senators to join me in support of this amendment and to vote to end the delay of Senate consideration of this important measure because expanding hate crimes protections and providing support to State, local, and tribal enforcement efforts are long overdue. That is why a vote for this amendment is necessary.

Mr. HATCH. Madam President, I rise to speak about the Hatch amendment which will be called up later.

As we have had the debate in this Chamber over hate crimes legislation, one obvious fact is revealed again and again. The proponents of the Matthew Shepard Hate Crimes Prevention Act have not taken the time to answer what should have been a threshold question: Is it necessary?

Just a few short weeks ago, Attorney General Eric Holder was gracious enough to testify before the Senate Judiciary Committee on this legislation. During that hearing, I asked him specifically whether there was any evidence of crimes motivated by bias and prejudice that are not being adequately addressed at the State level; whether there was a specific trend indicating that, with regard to hate crimes, justice is not being served in State courts. His answer was not surprising to anyone who has been following this debate for these many years. But if your only knowledge of this issue came from the statements made by the Democrats in support of this legislation, you would probably be very surprised.

His answer was: No. There is not any statistical evidence indicating that the States are not up to the task of investigating, prosecuting, and punishing crimes motivated by bias and prejudice. None. None whatsoever. The Attorney General said quite openly, in fact, that the States were doing a fine job addressing these crimes.

This is not a new revelation. In the years Congress has been debating hate crimes legislation, many of us have been asking similar questions, and we have received similar answers. But in

light of the Democratic Attorney General's own testimony regarding the States' laudable efforts to punish hate crimes, it is even more clear that the supporters of this legislation have not answered what would be a threshold question: Is it necessary?

The truth is that the vast majority of States have hate crimes statutes on the books. The acts associated with this legislation—murder, assault, et cetera—are punishable in every jurisdiction in the United States. Under our legal system, defendants will, at times, receive penalties that many believe are not sufficient given the nature of their crimes. In addition, because our criminal justice system is designed to protect defendants and place the heaviest burdens on the government, some guilty parties undoubtedly go unpunished. But I have seen no evidence whatsoever proving that these inevitable occurrences happen more often in cases involving bias-motivated violence and, to date, no such evidence has been provided.

My amendment is similar to legislation I have introduced in the past. Instead of expanding the powers of the Federal Government, it would mandate a study that would provide us with the information we should have before we even consider taking such an approach. Specifically, my alternative would require a study to compare over a 12-month period the investigations, prosecutions, and sentencing in States that have differing laws with regard to hate crimes. In addition, it would require a report on the extent of those crimes throughout the United States and the success rate of State and local officials in combating them.

The amendment would also provide a mechanism for the Department of Justice to provide technical, forensic, prosecutorial or any other assistance in the criminal investigation or prosecution of any crime "motivated by animus against the victim by reason of the membership of the victim in a particular class or group." And it would authorize the Attorney General to make grants to States that lack the necessary resources to prosecute these crimes.

Contrary to what some of my colleagues may believe, Congress does not have the power to act in any manner that it chooses. There are a number of constitutional issues raised by this legislation, including the extent of Congress's power under the commerce clause and prohibitions that could chill free speech in certain sectors of this country. Most apparently, this legislation would impede on grounds that are traditionally left to the States. Worst of all, it would do so when, if the Attorney General is to be believed, the States are by and large doing a fine job at addressing these crimes.

No one in this Chamber wants to see bias-motivated crimes go unpunished. That is not the question we are facing today. The question is whether, given the current state of affairs in most

States and the limitations on Congress's power, this measure is appropriate.

It seems to me before we even consider such a broad and sweeping change in the Federal criminal law we should at the very least have enough information before us to determine whether such law is necessary. My amendment would have us get that information and, in addition, establish a role for the Federal Government that is more appropriate respecting the sovereignty of the States and the limits on Federal power established under the Constitution.

It should be noted that this bill that has been called up is named the Matthew Shepard bill. What happened to Mr. Shepard was brutal, heinous, awful, unforgivable. But the fact is, the perpetrators are now spending the rest of their lives in prison because the local judiciary and system tried and convicted them. There is a real question whether we should put into law this hate crimes bill that I believe is going to cause a lot more problems than it will help, especially since there is no basic evidence that the State and local governments are incapable or unable to take care of these types of crimes.

I think there is a lot of beating of the breasts and acting like we are doing something when in fact all we are doing is gumming up the law if we pass this bill, and I think doing so unconstitutionally, in the end, basically is making it possible to bring hate crimes actions all over the country in a multiplicity of ways that will cost the Federal Government untold amounts of money that should not be spent.

All of us are against hate crimes. Every one of us would do everything we possibly can to get rid of them. But until there is evidence that the State and local governments are not doing the job—and that evidence we have asked for, for years now, and they have never been able to produce any. Until that is produced we should not go ahead and pass legislation like this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, there is soon to be an announced agreement. In that there will be an amendment I am putting forward to protect free speech. I hope all my colleagues would join me in supporting the amendment I am putting forward on the hate crimes bill. I think it is very important that we protect free speech. It has been one of the things my colleagues who support the hate crimes legislation are saying: Look, we are protective of free speech. We are protective of religious expression.

If that is the case, I hope they will vote for the amendment I am putting forward.

I think it is important we be very clear on the protection of free speech and religious protection as protected in the first amendment in this bill as a

way for it to be clear these things are to be protected. I want to read the amendment I am putting forward. It is a paragraph long, and I think by reading it, it will help explain some of this to my colleagues:

Nothing in this section or an amendment made by this section shall be construed or applied in a manner that infringes any rights under the First Amendment to the U.S. Constitution, or substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, association, if such exercise of religion, speech, expression, or association was not intended to—(1) plan or prepare for an act of physical violence; or (2) incite an imminent act of physical violence against another.

There is some lawyerese in that, but what it says is you have free speech unless it is intended to plan or prepare for an act of physical violence or incite an imminent act of physical violence against another.

In other words, if you are saying this to try to incite people to physical violence or an imminent act of physical violence, that is not protected. But everything else is free speech and may be seen by some as religious expression.

What we are trying to do is narrow this, tying it into the actual act that takes place and not be an act that intimidates people's expression of their ideas or expression of their religious convictions that they may hold.

I hope my colleagues will look at this and say, yes, that is what we mean to do, and not to sort of have a chilling effect on all free speech, all free expression, on all free expression within a religious organization or group that may have some differing views.

Frankly, I don't think, if we have a bill that intimidates or chills first amendment free speech or religious expression, that it is going to stand constitutional challenge. That is why I am putting forward this amendment.

The current language of this bill attempts to project the free exercise of religion solely to a first amendment constitutional framework. I think this is problematic because the Supreme Court has severely limited those first amendment rights, particularly regarding free religious expression as a result of a decision in an Employment Division, Department of Human Resources of Oregon v. Smith. It was a Ninth Circuit Court opinion.

The Congress, after that opinion was issued, was quick to recognize the damage done to religious freedom in Smith and in response passed the Religious Freedom Restoration Act. This act serves as a framework created by Congress to protect religious free speech in other contexts. That is what this amendment is taking from, this bill that has already passed this Congress by a wide margin, the Religious Freedom Restoration Act.

My amendment adopts language from that bill in contrast to the free exercise jurisprudence of the Supreme Court. Courts have noted that the congressionally created Religious Freedom

Restoration Act model possesses clarity and ease of construction. In fact, numerous claims that were unsuccessful under the first exercise clause jurisprudence of the Supreme Court have either prevailed or were entitled to remand for more favorable review under the Religious Freedom Restoration Act. My amendment seeks to protect religious motivated speech but it protects speech.

What it says is, if you are in a narrow category of where you are intending this speech to cause somebody bodily harm, then you are not protected, and you should not be protected. But, if otherwise, you are exercising your right of free speech or religious association, you are entitled to the protection under the Constitution.

It would be my hope that my colleagues would look at this amendment and they would say that what we are putting forward is an amendment which has passed this body previously, passed this body in a strong bipartisan vote, is one that we want to stick with—that definition and not this broader one that can be interpreted as limiting first amendment freedom of expression or religious association.

That is a simple amendment I have put forward. I ask my colleagues to look at the amendment itself. It is one paragraph long. I ask they support this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REID. Mr. President, Senator MCCONNELL and I appreciate everyone's patience.

I now ask unanimous consent that upon disposition of the Hatch amendment, Leahy alternative to Brownback amendment and Brownback amendments specified below, the Senate proceed to vote on the motion to invoke cloture on the Leahy amendment No. 1511; further, that when this agreement is entered, amendment No. 1539 be withdrawn, and that the following list of amendments be the only amendments on the subject of hate crimes remaining in order during the pendency of S. 1390: Hatch amendment regarding alternative; Leahy or designee alternative to Brownback amendment; Brownback amendment regarding first amendment protections, Leahy or designee alternative to Sessions death penalty; Sessions amendment regarding death penalty; Sessions amendment regarding servicemembers; Sessions amendment regarding attorney general regulations; that all of the above amendments be first-degree amendments except the Hatch, Brownback and Leahy alternative to Brownback

amendment which are second-degree amendments to the Leahy amendment No. 1511; and that debate on any of the amendments listed above be limited to 40 minutes each, prior to a vote in relation thereto, except the Hatch, Leahy alternative and Brownback amendments; and the cloture vote debate time be limited to up to 4 minutes each, equally divided and controlled in the usual form, with the time equally divided and controlled in the usual form; that if there is a sequence of votes, then any subsequent votes after the first would be limited to 10 minutes each; that upon disposition of the listed amendments, all postcloture time be yielded back; further, that the Hatch, Leahy alternative to Brownback and Brownback amendments be first debated and voted tonight, that upon disposition of those amendments, the Senate proceed to vote on the motion to invoke cloture on amendment No. 1511; that if cloture is invoked, then amendment No. 1511, as amended, if amended, be agreed to and the motion to reconsider be laid upon the table; further, that notwithstanding adoption of amendment No. 1511, as amended, if amended, the remaining amendments relating to hate crimes still be in order; further, that if cloture is not invoked on the Leahy amendment, then the motion to reconsider be considered entered and the part of the agreement relating to the amendments with respect to hate crimes be null and void; provided further that if upon reconsideration, and cloture is invoked, then the remaining amendments not disposed of prior to the cloture vote remain in order; further, that the next first-degree amendment in order to S. 1390 be a Republican amendment, with no amendment in order to the amendment during today's session, with the amendment being offered tonight and debate commencing on the amendment when the Senate resumes consideration of the bill on Monday, following disposition of the Leahy alternative and Sessions amendments listed above; that upon disposition of the Republican amendment specified above, Senator LEVIN be recognized to offer the Levin-McCain amendment relating to the F-22, with debate on that amendment limited to 2 hours, with the time equally divided and controlled between Senators LEVIN and CHAMBLISS or their designees; that upon the use or yielding back of that debate time, the Senate proceed to vote on the amendment, with no amendment in order to the Levin-McCain amendment.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, and I will not object, I ask my friend the majority leader, am I correct that after the four votes tonight, the next vote will be on Monday at roughly what time?

Mr. REID. Probably around 3 o'clock. We are going to come in Monday at 1 and work through these amendments we have remaining on hate crimes, and

then we would go to the matter that will be offered by the Republicans tonight. When we complete that, we will finish the work in 2 hours on the F-22 amendment.

So next week, everybody, we will start early on Monday, as I have indicated, and we will have, perhaps, some long days. This is an important piece of legislation.

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

Mr. REID. We appreciate everyone's cooperation. It has been very difficult to get this, but I think it will move to get the Defense bill done at an earlier time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Will these votes be 10-minute votes?

Mr. REID. We have already indicated the first one will be 15. We hope to do some by voice. That is possible.

Mr. KERRY. I thank the leader.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1610 TO AMENDMENT NO. 1511

Mr. BROWNBACK. Mr. President, I call up my amendment No. 1610 and ask that it be brought before the body.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1610 to amendment No. 1511.

Mr. BROWNBACK. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify that the amendment shall not be construed or applied to infringe on First Amendment rights)

Strike page 16, line 24 through page 17, line 7 and insert the following:

**SEC. \_\_\_\_ . CONSTRUCTION AND APPLICATION.**

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes on any rights under the first amendment to the Constitution of the United States, or substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, association, if such exercise of religion, speech, expression, or association was not intended to—

(1) plan or prepare for an act of physical violence; or

(2) incite an imminent act of physical violence against another.

Mr. BROWNBACK. Mr. President, this is part of the agreement we had for votes on side-by-sides.

What this amendment does is put forward and into this bill language that this body has already passed by a vote of 97 to 3. It is language that was in the Religious Freedom Restoration Act. It is to protect individuals' religious freedom, their freedom of expression. It has passed this body overwhelmingly. It narrows the definition and it says that if you intend to incite somebody to do physical harm to another indi-

vidual, that is not protected speech. If you plan to prepare for an act of physical violence or incite an imminent act of physical violence against another, it is not protected, that is not protected speech; otherwise, you have free speech and the right to free speech expression and religious freedom expression.

It is important that we have a very clear definition—a narrow definition but a very clear definition—of what is protected and what is not protected speech in this very critical area of first amendment rights and limitations we are putting in here.

It is a very short amendment, a very important amendment on the hate crimes legislation. I ask my colleagues for their support again, as many of my colleagues have already voted for it in an overwhelming number.

I thank my colleagues for their review of this amendment. I hope they can vote for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, once this amendment of the Senator from Kansas is disposed of, I will then offer an amendment. My amendment would preserve the first amendment protections in the hate crimes bill and add language to clarify that nothing in this act diminishes the protections of the first amendment. Of course, we could not pass a bill, as I am sure the Senator from Kansas knows, Congress could not pass legislation that would diminish the protections of the first amendment, the first amendment being in the Constitution, the first amendment protecting our right to practice whatever religion we want or none if we want and protecting our right of free speech.

At the appropriate time, I will have an amendment which would preserve first amendment protections in the hate crimes bill and add language to clarify that nothing in this act diminishes the protections of the first amendment. I would assume the Senator from Kansas would have no objection to that.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I certainly don't have an objection to an amendment being brought up. I would note that this is a very important area we are treading on, limitation of people's free speech and religious association they have. What I am offering is language that has passed this body by a large margin before, 97 to 3. I hope to see the language the Senator from Vermont is putting forward. If it is the language that is currently in the bill, this is quite untested language in a very limited area. I read his language to be quite expansive. I think it would be questionable, going into constitutional territory. But the bigger point on this being that I believe my colleagues who want to pass the hate speech legislation have been saying all along this does not limit somebody's right of free



speech. It doesn't limit anybody's right of religious expression, if they have different views. It is just about a violent act and association that would reflect hate. So what I have done in two sentences is say let's be specific about that rather than very general about that in its interpretation or leaving that to the court.

If I have the language correct that he is putting forward in reinstating this, I really hope my colleagues would look at both of these and say they do want a very narrow, specific definition put forward.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have no objection to just accepting by voice vote his amendment if the language was previously voted on in the last Congress and has been pending for some time.

Mine is very short. I call on any Senator to tell me if there is anything they disagree with. It says:

Nothing in this division, or amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

Does any Member of this body, Republican or Democratic, disagree with that language? Basically, it says the Constitution is the Constitution. We follow the Constitution. Does anyone disagree with that language?

Mr. DURBIN. Will the Senator yield for a question?

Mr. LEAHY. Yes.

Mr. DURBIN. Does the Senator from Vermont recall that when Attorney General Holder appeared before the Judiciary Committee, he was asked pointblank if, in the course of a religious ceremony or religious observance, a person gave a sermon, made a speech that was negative toward people of different sexual orientation and someone in the congregation, after hearing the sermon, committed an act of violence, the Attorney General was asked, would the person who gave the sermon, gave the speech, be held responsible under the hate crimes act and the Attorney General responded no because the hate crimes act requires a physical act of violence in order for there to be a prosecution? Does the Senator from Vermont recall that?

Mr. LEAHY. I recall that very well. I also note that every single Republican, every single Democratic member on the committee agreed with Attorney General Holder on that.

My amendment simply says that the Constitution of the United States con-

trols. That is the ultimate law of the land. I can't imagine anybody in this body disagreeing with that, especially as every single Member of this body has taken an oath to uphold the Constitution of the United States.

Mr. LEVIN. Will the Senator yield for a question?

Mr. LEAHY. Of course.

Mr. LEVIN. The amendment of the Senator from Vermont makes it very clear that included in first amendment rights are the rights to peaceful picketing or demonstration. That is not included in the Brownback amendment. Would the Senator from Vermont agree, however, that we don't need to choose between the two amendments? They both state important truths and make very important contributions. Is it not the Senator's understanding that both amendments can be adopted, that they are not at all inconsistent with each other?

Mr. LEAHY. I agree with that. And speaking as the chairman of the Senate Judiciary Committee, I am perfectly willing to accept both of them. I would be surprised if my friend from Kansas feels otherwise.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you very much, Mr. President.

I thank my colleagues, and I thank the chairman of the Armed Services Committee for his comment on this issue.

I guess the conferees will have to deal with a difficult issue outside the jurisdiction of the committee, particularly on something like hate crimes, which I really have great question as to why on Earth we would do this on a DOD authorization bill.

But I would like to point out that my colleague, the chairman of the Judiciary Committee, has been in that committee for a long period of time, and he knows these issues very well. What his amendment puts forward is something that will be interpreted then by the courts. It will have to be interpreted by the courts, and it has broader language.

What I am putting forward is very specific language that puts a clear intent of the Congress not to limit certain types of speech but to limit speech that is associated with physical harm or the incitement of physical harm. That seems to me to be clearly appropriate for us to do, probably a better thing to do on the hate crimes legislation—for us to be very specific and narrow in this area where we are treading into first amendment religious expression areas.

I would like to read my language, if I could, to my colleague. It says—and this is the operative part of this—“if such exercise of religion, speech, expression, or association was not intended to”—so it protects every area except what is “not intended to plan or prepare for an act of physical violence; or incite an imminent act of physical violence against another.”

So we are trying to get into the category and the area, and a lot of people are very concerned about this, about being able to have their rights for religious expression and freedom. I think this is a much tighter focus. I believe my colleague would agree, as a lawyer—

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. BROWNBACK. Mr. President, I ask for the yeas and nays on the Brownback amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, parliamentary inquiry: I understand the first vote under the unanimous consent agreement will be on the Leahy amendment; is that correct?

The PRESIDING OFFICER. Hatch.

Mr. LEVIN. In terms of these two amendments?

The PRESIDING OFFICER. Hatch. And then after Hatch, Leahy, then Brownback.

Mr. LEVIN. All right. So that after the disposition of the Hatch amendment, the first amendment to be disposed of between these two would be the Leahy amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I would hope that to expedite things the Senator from Vermont would consider a voice vote because I think both of these amendments will pass, and should pass, and we can save the body's time.

But I would like to suggest that even though the Senator from Kansas wants a rollcall, both amendments should be adopted, and if the Senator from Vermont can accept a voice vote when it comes his turn, I think that will indicate the clear will of the body, and then we would proceed to another clear will of the body on the amendment of the Senator from Kansas.

Mr. LEAHY. Mr. President, to answer the Senator from Michigan, I am perfectly willing to voice vote both of them. I intend to vote for both of them. We are saying that you have a freedom of religion, and the courts cannot undermine the first amendment.

This is hornbook law. This is your first week of law school. No court is going to disagree with that. I am perfectly willing to accept both by a voice vote.

AMENDMENT NO. 1613 TO AMENDMENT NO. 1511

So, Mr. President, I offer my amendment and send it to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 1613 to amendment No. 1511.

The amendment is as follows:

At the end of the amendment, insert the following:

(b) **FIRST AMENDMENT.**—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(c) **CONSTITUTIONAL PROTECTIONS.**—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

The **PRESIDING OFFICER.** The Senator from Utah.

AMENDMENT NO. 1611 TO AMENDMENT NO. 1511

Mr. **HATCH.** Mr. President, I call up amendment No. 1611 and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. **HATCH**] proposes an amendment numbered 1611 to amendment No. 1511.

Mr. **HATCH.** Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prevent duplication in the Federal government)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.**

(a) **IN GENERAL.**—Notwithstanding any other provision of this Act, division E of this Act (relating to hate crimes), and the amendments made by that division, shall have no force or effect.

(b) **STUDIES.**—

(1) **COLLECTION OF DATA.**—

(A) **DEFINITION OF RELEVANT OFFENSE.**—In this paragraph, the term “relevant offense” means a crime described in subsection (b)(1) of the first section of Public Law 101-275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) **COLLECTION FROM CROSS SECTION OF STATES.**—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors’ Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) **DATA TO BE COLLECTED.**—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) **COSTS.**—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) **STUDY OF RELEVANT OFFENSE ACTIVITY.**—

(A) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) **IDENTIFICATION OF TRENDS.**—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(c) **ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.**—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(d) **GRANTS.**—

(1) **IN GENERAL.**—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) **ELIGIBILITY.**—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) **DEADLINE.**—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) **GRANT AMOUNT.**—A grant under this subsection shall not exceed \$100,000 for any single case.

(5) **REPORT AND AUDIT.**—Not later than December 31, 2010, the Attorney General, in consultation with the National Governors’ Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated

\$5,000,000 for each of the fiscal years 2010 and 2011 to carry out this section.

Mr. **HATCH.** Mr. President, the purpose behind this amendment is simple. The proponents of the Matthew Shepard Hate Crimes Prevention Act have yet to answer what should have been the threshold question: Is it really necessary?

My amendment would mandate a study to determine whether the States are adequately addressing bias-motivated violence. To date, we have seen no evidence that they are not. In fact, we have asked the Attorney General, for years now, to come up with any evidence they can. In the hearing before the Judiciary Committee recently, he specifically stated the States are doing a good job at addressing hate crimes.

It would also authorize the Justice Department to provide limited aid and assistance in State prosecutions of bias-motivated crimes.

In almost every case raised by the proponents of a horrific act of violence motivated by prejudice, the perpetrators have been dealt with adequately at the State level.

In the Matthew Shepard case, the two perpetrators are spending life in prison. In other cases, some have had the death penalty, and others have spent life in prison.

Before we start overriding State efforts, I believe we should at least make an effort to determine whether there is a legitimate Federal role in the prosecution of hate crimes. That is what my amendment would do, and I hope our colleagues will consider voting for it.

The **PRESIDING OFFICER.** The Senator from Vermont.

Mr. **LEAHY.** Mr. President, I know the hour is late. The matter is very simple. The Hatch amendment kills the hate crimes legislation. If you want to kill the hate crimes legislation, vote for the Hatch amendment. If you do not want to kill the hate crimes legislation, if you want a chance to vote on something the Senate has voted for time and time again, then vote against the Hatch amendment.

The Attorney General testified at the request of the Republicans. He testified before the Senate Judiciary Committee and endorsed the legislation before us. The Hatch amendment—perhaps well-meaning; I assume it is—would, in effect, eviscerate the hate crimes legislation. It would kill the hate crimes legislation.

The question is very simple: Vote for Hatch; you kill the hate crimes legislation. Vote against it, we have a chance to vote for the hate crimes legislation—something the Senate has voted for several times before and something the Attorney General supports based on a hearing we had at the request of the Republicans within the past month.

The **PRESIDING OFFICER.** The Senator from Utah.

Mr. **HATCH.** Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from Utah has 40 seconds remaining.

Mr. HATCH. Mr. President, my amendment does not kill the hate crimes opportunity. It says, let's do a study. Let's know what we are talking about. Let's see if there is a real need for this bill. With all of the constitutional ramifications this bill has, it says: Let's be cautious. Let's just not go pell-mell into the maelstrom without knowing what we are talking about.

Mr. LEVIN. Mr. President, is there any time remaining for the opponents? The PRESIDING OFFICER. There is 45 seconds.

Mr. LEVIN. Mr. President, the Hatch amendment is explicit. It is clear. On lines 6 and 7 on page 1, and lines 1 and 2 on page 2, it says: "division E of this Act (relating to hate crimes), and the amendments made by that division, shall have no force or effect." It is explicit. It says: No hate crimes legislation; instead, a study.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah has 15 seconds.

Mr. HATCH. Mr. President, all it says is, we would go a different route. We would do the study first, so we do not go off half cocked and do something that may be unconstitutional and unsound.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time has expired on the Hatch amendment.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), the Senator from Missouri (Mr. BOND), the Senator from New Hampshire (Mr. GREGG), the Senator from Kentucky (Mr. BUNNING), the Senator from Florida (Mr. MARTINEZ), and the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea," the Senator from Tennessee (Mr. CORKER) would have voted "yea," and the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 62, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—29

Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Brownback	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	Wicker
DeMint	McCain	

NAYS—62

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkeley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	

NOT VOTING—9

Alexander	Byrd	Gregg
Bond	Corker	Kennedy
Bunning	Graham	Martinez

The amendment (No. 1611) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1613

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Vermont.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, this amendment is very simple. Anybody can read it in about a minute. It says that nothing shall add to or detract from the first amendment to the Constitution. No court in the country would rule otherwise. It simply says that regarding the right of free speech in this country, nothing can be taken from it and nothing added to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1613) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

AMENDMENT NO. 1610

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Kansas.

The Senator from Kansas is recognized.

Mr. BROWNBACK. The language we put in the Religious Freedom Restoration Act passed this body 97 to 3. This language is much more targeted, so it doesn't leave it all to the interpretation of the court. It expresses what this

body has previously expressed. I think it is important that we put this forward. It says that if you are speaking and intending to incite physical violence or imminent threat, that is not protected speech. But otherwise you have protected speech. It puts a much finer definition on it that is important for this legislation.

I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Missouri (Mr. BOND).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea," the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea," and the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 13, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—78

Barrasso	Feingold	Merkeley
Baucus	Feinstein	Murkowski
Bayh	Franken	Murray
Begich	Grassley	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Hatch	Pryor
Bingaman	Hutchison	Risch
Boxer	Inhofe	Roberts
Brownback	Inouye	Rockefeller
Burr	Isakson	Sanders
Cantwell	Johanns	Sessions
Carper	Johnson	Shaheen
Casey	Kaufman	Shelby
Chambliss	Kerry	Snowe
Coburn	Klobuchar	Specter
Cochran	Kohl	Stabenow
Collins	Kyl	Tester
Conrad	Landrieu	Thune
Cornyn	Levin	Udall (CO)
Crapo	Lieberman	Udall (NM)
DeMint	Lincoln	Vitter
Dodd	Lugar	Voinovich
Dorgan	McCain	Warner
Durbin	McCaskill	Webb
Ensign	McConnell	Wicker
Enzi	Menendez	Wyden

NAYS—13

Akaka	Harkin	Reid
Brown	Lautenberg	Schumer
Burris	Leahy	Whitehouse
Cardin	Mikulski	
Gillibrand	Reed	

NOT VOTING—9

Alexander	Byrd	Gregg
Bond	Corker	Kennedy
Bunning	Graham	Martinez

The amendment (No. 1610) was agreed to.

Mr. BROWNBACK. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Leahy amendment No. 1511 to S. 1390, the National Defense Authorization Act for Fiscal Year 2010.

Evan Bayh, Roland W. Burris, Benjamin L. Cardin, Patrick J. Leahy, Sheldon Whitehouse, Jeff Bingaman, Bernard Sanders, John F. Kerry, Carl Levin, Frank R. Lautenberg, Dianne Feinstein, Tom Harkin, Robert Menendez, Richard J. Durbin, Christopher J. Dodd, Charles E. Schumer, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1511 offered by the Senator from Vermont, Mr. LEAHY, to S. 1390, the National Defense Authorization Act for fiscal year 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), and the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay," the Senator from Kentucky (Mr. BUNNING) would have voted "nay," the Senator from South Carolina (Mr. GRAHAM) would have voted "nay," and the Senator from Tennessee (Mr. CORKER) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 28, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—63

Akaka	Boxer	Casey
Baucus	Brown	Collins
Bayh	Burris	Conrad
Begich	Cantwell	Dodd
Bennet	Cardin	Dorgan
Bingaman	Carper	Durbin

Feingold	Levin	Rockefeller
Feinstein	Lieberman	Sanders
Franken	Lincoln	Schumer
Gillibrand	Lugar	Shaheen
Hagan	McCaskill	Snowe
Harkin	Menendez	Specter
Inouye	Merkley	Stabenow
Johnson	Mikulski	Tester
Kaufman	Murkowski	Udall (CO)
Kerry	Murray	Udall (NM)
Klobuchar	Nelson (NE)	Voinovich
Kohl	Nelson (FL)	Warner
Landrieu	Pryor	Webb
Lautenberg	Reed	Whitehouse
Leahy	Reid	Wyden

NAYS—28

Barrasso	Ensign	McConnell
Bennett	Enzi	Risch
Brownback	Grassley	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	McCain	

NOT VOTING—9

Alexander	Byrd	Gregg
Bond	Corker	Kennedy
Bunning	Graham	Martinez

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 28. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the Leahy amendment, as amended, is agreed to.

The motion to reconsider is considered made and laid upon the table.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my colleagues for accepting the amendment. I also thank the distinguished Senator from Michigan, the chairman of the committee, and the distinguished majority leader for their work, as well as my staff, Bruce Cohen, Kristine Lucius, Noah Bookbinder, and others.

We have made it very clear—the Senate has made it very clear—how we hold in abhorrence hate crimes. I thank my colleagues for standing up and so strongly voicing, in a bipartisan way, their opposition to hate crimes.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 1618

Mr. THUNE. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] for himself, Mr. VITTER, Mr. ENZI, Mr. BARRASSO and Mr. COBURN, proposes an amendment numbered 1618.

Mr. THUNE. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:  
(Purpose: To amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State)  
At the end of subtitle H of title X, add the following:

SEC. 1083. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) FINDINGS.—Congress finds the following:

(1) The second amendment to the Constitution of the United States protects the right of an individual to keep and bear arms, including for purposes of individual self-defense.

(2) The right to bear arms includes the right to carry arms for self-defense and the defense of others.

(3) Congress has previously enacted legislation for national authorization of the carrying of concealed firearms by qualified active and retired law enforcement officers.

(4) Forty-eight States provide by statute for the issuance of permits to carry concealed firearms to individuals, or allow the carrying of concealed firearms for lawful purposes without need for a permit.

(5) The overwhelming majority of individuals who exercise the right to carry firearms in their own States and other States have proven to be law-abiding, and such carrying has been demonstrated to provide crime prevention or crime resistance benefits for the licensees and for others.

(6) Congress finds that the prevention of lawful carrying by individuals who are traveling outside their home State interferes with the constitutional right of interstate travel, and harms interstate commerce.

(7) Among the purposes of this Act is the protection of the rights, privileges, and immunities guaranteed to a citizen of the United States by the fourteenth amendment to the Constitution of the United States.

(8) Congress therefore should provide for the interstate carrying of firearms by such individuals in all States that do not prohibit the carrying of concealed firearms by their own residents.

(b) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

“§926D. Reciprocity for the carrying of certain concealed firearms

“(a) Notwithstanding any provision of the law of any State or political subdivision thereof—

“(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm, may carry a concealed firearm in any State other than the State of residence of the person that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes;

“(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled to carry a concealed firearm in the State in which the person resides otherwise than as described in paragraph (1), may carry a concealed firearm in any State other than the State of residence of the person that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

“(b) A person carrying a concealed firearm under this section shall—

“(1) in a State that does not prohibit the carrying of a concealed firearms by residents of the State for lawful purposes, be entitled to carry such firearm subject to the same laws and conditions that govern the specific places and manner in which a firearm may be carried by a resident of the State; or

“(2) in a State that allows residents of the State to obtain licenses or permits to carry concealed firearms, be entitled to carry such a firearm subject to the same laws and conditions that govern specific places and manner in which a firearm may be carried by a person issued a permit by the State in which the firearm is carried.

“(c) In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, a firearm shall be carried according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

“(d) Nothing in this section shall be construed to—

“(1) effect the permitting process for an individual in the State of residence of the individual; or

“(2) preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.”

(c) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”

(d) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

Mr. THUNE. Mr. President, the amendment that I bring to the Senate this evening is very simple. It ties into the debate that was just held about hate crimes legislation. One of the ways you can obviously prevent crimes from happening is to make sure that people are able to defend themselves against violent crimes. My amendment would do just that.

My amendment is simple. It allows individuals the right to carry a lawfully concealed firearm across State lines, while at the same time respecting the laws of the host State.

This amendment is similar to my bipartisan stand-alone bill S. 845, which currently has 22 cosponsors.

The second amendment provides, and the Supreme Court held in *Heller* last summer, that law-abiding Americans have a fundamental right to possess firearms in order to defend themselves and their families.

Studies have shown that there is more defensive gun use by victims than

there are crimes committed with firearms.

As such, I believe that a State's border should not be a limit on this fundamental right and that law-abiding individuals should be guaranteed their second amendment rights without complication as they travel throughout the 48 States that currently permit some form of conceal and carry.

While some States with concealed carry laws grant reciprocity to permit-holders from other select States, my amendment would eliminate the confusing patchwork of laws that currently exists.

This amendment would allow an individual to carry a concealed firearm across State lines if they either have a valid permit or if, under their State of residence, they are legally entitled to do so.

After entering another State, an individual must respect the laws of the host State as they apply to conceal and carry permit holders, including the specific types of locations in which firearms may not be carried.

Reliable, empirical research shows that States with concealed carry laws enjoy significantly lower violent crimes rates than those States that do not.

For example, for every year a State has a concealed carry law, the murder rate declines by 3 percent, rape by 2 percent, and robberies by over 2 percent.

Additionally, research shows that “minorities and women tend to be the ones with the most to gain from being allowed to protect themselves.”

The benefits of conceal and carry extend to more than just the individuals that actually carry the firearms.

Since criminals are unable to tell who is and who is not carrying a firearm just by looking at a potential victim, they are less likely to commit crimes when they fear that they may come in direct contact with an individual who is armed.

This deterrent is so strong that a Department of Justice study found that 40 percent of felons had not committed crimes because they feared the prospective victim was armed.

Additionally, research shows that when unrestrictive conceal and carry laws are passed, it not only benefits those who are armed, but also others like children.

My amendment, in comparison to others being debated in the Senate, would actually empower individuals to protect themselves before they become victims of a crime, instead of just punishing the perpetrators afterwards.

A great example of this occurred earlier this month. Stephen Fleischman is a 62-year-old jewelry salesman from Mobile, AL, who often travels for business.

On his recent business trip to Memphis a group of four men, two of whom were armed, confronted him in a parking lot and tried to take his merchandise.

Instead of becoming a victim, Mr. Fleischman, who was legally concealing his firearm, was able to pull his weapon and protect himself and his merchandise from the four attackers.

Who knows what would have happened to Mr. Fleischman or his jewelry if he was traveling in South Carolina or any of the other 27 States with which Alabama does not have reciprocity agreements.

My amendment would alleviate this problem, and I hope when we return next week and we have an opportunity to debate this amendment and to vote upon it, my colleagues will support it because I believe it is an important tool for safety, for self-defense, and it is consistent with our tradition in this country of respect of second amendment rights, allowing American citizens the opportunity and the right to defend and protect themselves.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. KAUFMAN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### COMMENDING THE U.S. CAPITOL POLICE

Mr. SCHUMER. Mr. President, I would like to publicly thank the men and women of the U.S. Capitol Police for their bravery and heroic work during a particularly challenging week. Last evening after attempting a routine traffic stop, an armed man opened fire at our officers. Despite the extreme danger, these officers reacted quickly and skillfully to ensure that the situation did not escalate and present danger to those in and around the U.S. Capitol. The officers who responded willingly put their lives on the line and we owe them our deepest thanks. My thoughts and prayers are with them and their families today.

We see the men and women of the U.S. Capitol Police every day as we go about our business for the people of our home States. Tasked with protecting the iconic symbol of our democracy, the officers of the U.S. Capitol Police have shown a steadfast commitment to protecting us, our staff, our constituents, and visitors. The mission statement of the U.S. Capitol Police states their dedication to protecting “the Congress, its legislative processes, Members, employees, visitors, and facilities from crime so it can fulfill its

constitutional responsibilities in a safe and open environment.”

I have no doubt in my mind that the Capitol Police has done just that in a manner that is nothing short of heroic.

The U.S. Capitol Police has faced every danger undeterred, ensuring that Congress and its mission can continue uninterrupted. Their courage, efficiency, and commitment allowed Congress to continue with its constitutional responsibilities. We could not do this without them. For this, and for our safety, all of us owe them a great debt of gratitude.

As we proceed today with the routine business of the Senate—floor consideration of the fiscal year 2010 Defense authorization bill, Judiciary Committee hearings on the nomination of Judge Sonia Sotomayor for the U.S. Supreme Court nomination hearings and other myriad legislative tasks—all of us are able to breathe easily knowing that we are protected by such a dedicated and talented force.

Thank you again for all of your hard work and sacrifice.

#### CONDEMNING ALL FORMS OF ANTI-SEMITISM

Mr. CARDIN. Mr. President, I am gratified that the Senate is poised to approve S. Con. Res. 11, which condemns all forms of anti-Semitism and reaffirms the support of Congress for the U.S. Special Envoy to monitor and combat anti-Semitism around the world.

I cosponsored this resolution with Senator COLLINS to affirm my commitment to ending global anti-Semitism, bigotry, and hatred. In the 21st century, there is no place for people or groups who would harm or deny rights to others based on their religion, race, gender, or ethnic identity. Yet anti-Semitism—spawned from centuries of hatred, persecution, and repeated attempts to destroy the Jewish people from their early days of slavery through the Inquisition, Holocaust, and beyond—still pervades many cultures and societies.

In some places around the world, this deeply rooted hatred can quickly turn political rallies into hate crimes, with chants of “death to Israel” and expressions of support for suicide or terrorist attacks against Israeli or Jewish civilians all too frequent. These calls have often been followed by violence and vandalism against synagogues and Jewish institutions. Hate crimes send a powerful message because they affect more than the individual victims; they are meant to intimidate and instill fear in entire groups of people. Hate crimes create a sense of vulnerability and insecurity in others who may share characteristics with the victims. And this sense of fear is precisely the intent of those who commit such crimes.

Even here in the United States, anti-Semitism frequently rears its ugly head, most recently in the horrific shooting attack at the U.S. Holocaust Memorial Museum.

I am privileged to be chair of the Helsinki Commission and a member of the both the Senate Foreign Relations Committee and the Senate Judiciary Committee. In those capacities and as a Senator generally, I am afforded numerous opportunities to speak out against the scourge of anti-Semitism, racial bigotry, and ethnic hatred worldwide. Part of the battle is to publicize intolerant and hateful activities. This resolution is meant to shed light upon anti-Semitism, and I am grateful that so many of my colleagues have joined me in these efforts and on this resolution.

#### COMMENDING NORM COLEMAN

Mr. BROWNBACK. Mr. President, I commend the extraordinary career of Norm Coleman. Norm began his public service as a prosecutor for the Minnesota State Attorney General’s Office, working his way up to chief prosecutor before eventually serving as solicitor general of Minnesota. In 1993, he became mayor of St. Paul. During his tenure as mayor, Norm worked faithfully to revitalize the city, even securing a National Hockey League franchise for St. Paul. In 2002, at the urging of President Bush, Norm ran for U.S. Senate. He was the challenger in a close, hard-fought race, and his ultimate victory was an exciting one.

I am proud to have served alongside Norm in the Senate. He was an excellent comrade in the fight against partial birth abortion and worked hard to prevent waste and fraud at the United Nations. Known for his willingness to work with both parties, Norm fought for tax cuts, renewable energy, and prescription drug benefits for seniors. He worked for the passage of legislation improving rural health care, increasing funding for Pell Grants and securing our ports.

He leaves an impressive record as testament to his service in the Senate, but his presence here will be missed. Though the outcome of last fall’s election ended differently than I had hoped, I know great things are in store for Norm. He has much more to offer our great country. I wish Norm, his wife Laurie, and their two children, Jacob and Sarah, all the best as they embrace the new and exciting opportunities before them.

#### COMMENDING REV. LEONARD ROBINSON

Mr. BARRASSO. Mr. President, the word “hero” is used often and lightly these days. Yet there are those special people that walk among us in our hometowns across America who genuinely rate that title. The terrible days of the Second World War produced an entire generation of such people. Today they are our friends and neighbors. They endured great trials and gave so much of themselves for so many of us in the most difficult of circumstances. They served in our nation’s darkest

hour. And then they came home. They went back to work, to school, bought homes, and raised families. Many did not care to speak about what they had seen or suffered through. I come to the floor of the U.S. Senate today to honor one such individual.

Mr. President, on April 9, 1942, American and Filipino forces defending the peninsula of Bataan from the invasion of Imperial Japan ended a gallant holding action to prevent the Japanese conquest of the Philippines. The soldiers lacked supplies and air support, and were crippled by starvation and disease when they were finally overwhelmed on that fateful day. What would follow the surrender would go down as one of the most brutal and ghastly chapters written in human history.

More than 75,000 men, including nearly 12,000 Americans, were turned out onto a broken, dusty road and forced to march nearly 70 miles to the dreadful prison camp, Camp O’Donnell, that would be their home until the war’s end. The journey was barbarous. Over the next 5 days, thousands died from starvation, dehydration, disease, heat prostration, and sheer exhaustion. Survivors of the Death March of Bataan tell of the horrific atrocities of their captors. Prisoners were beaten at random and denied food and water. Those who fell behind or stopped to help fallen comrades were executed. One survivor tells the story of Japanese soldiers driving alongside the column of weary men with outstretched bayonets, slicing throats and decapitating those poor souls who happened to get in the way. The sides of the trail were littered with the bodies of the dead. There are no words that can describe such horrendous barbarity and inhumanity. It is estimated that 54,000 of the 75,000 who started the march made it to Camp O’Donnell—a death rate of about 1 in 4. Many more would meet their deaths at the Camp. But there were also those who made it.

A hero is someone who displays courage, bravery, and perseverance in the face of great adversity. Those who survived the Bataan Death March exhibited a heroism that we rarely see today. One of those heroes is from my hometown of Casper, WY, the Reverend Leonard L. Robinson. Leonard is my friend and neighbor. In fact, I had the privilege as a surgeon to replace both of his knees.

Leonard L. Robinson was born in Englewood, CO, and spent his youth growing up in the Englewood and Denver area. While attending college at the University of Colorado, Leonard was drafted to the U.S. Army in 1941. He was assigned to Battery E of the 200th Coast Artillery Regiment, Anti-Aircraft, at Fort Bliss, TX. In September 1941, he was shipped out to Fort Stotsenburg in the Philippines. Leonard was in the first group of U.S. soldiers captured at Cababean and started the march out of Bataan towards Camp O’Donnell. He was then held as a Japanese prisoner of war for 3½ years; 2 of



those years were spent as a forgotten slave on the docks of Niigata. At the war's end, he returned to Fort Logan, CO, where he was discharged from the U.S. Army.

Upon his discharge in 1946, Leonard returned to school on the G.I. bill and earned his bachelor of science in architectural engineering from the University of Colorado. He then attended Northwestern Seminary in Minneapolis, where he earned his bachelor of theology. He later earned his master's and doctorate in theology from Pioneer Seminary in Rockford, IL. Throughout his years as an ordained pastor, he served in Wyoming, Washington, Iowa, Minnesota, Nebraska, and Colorado before returning back to Wyoming. He has served as Chaplain for military, law enforcement and veterans groups. Leonard and his wife Erma enjoyed 53 years together and they were blessed with three children, Paula Chelewski, Len Robinson, and Pamela Robinson, as well as two grandchildren. His beloved Erma passed away in 2005. Mr. President, the life example of Rev. Leonard Robinson has taught so many to appreciate and be thankful for the blessings of life.

This week, all the eyes of Wyoming will be on Cheyenne as we kick off the annual Daddy of 'Em All, Cheyenne Frontier Days. And I am proud to announce that Wyoming will honor Leonard as he leads the Cheyenne Frontier Days Parade on Tuesday, July 21, as its grand marshal. It is but a small tribute to this brave man who sacrificed and suffered so much for our country, for you and for me.

My father was a veteran of World War II. He fought in the Battle of the Bulge. My wife Bobbi's father was in both World War II and Korea. My dad always told me that I should thank God every day that I was born in America and how fortunate I was. He was right. This is the greatest country on Earth. And it is because of the sacrifices made by men like Rev. Leonard Robinson. I was so honored to greet him and his fellow veterans on the National Mall this spring when they made the Wyoming Honor Flight trip to Washington to visit the World War II Memorial. He is a hero in every sense of the word. Leonard, thank you my friend. All of Wyoming, and indeed America, is proud of you.

#### ADDITIONAL STATEMENTS

##### COMMENDING CECIL HARRIS

• Mr. THUNE. Mr. President, today I recognize Cecil Harris. The following statement was read at the dedication of a highway named in his honor on May 25, 2009. I ask that the statement be printed in the RECORD.

The statement follows.

CECIL HARRIS HIGHWAY DEDICATION CEREMONY, CRESBARD, SOUTH DAKOTA, MAY 25, 2009

Thank you for the invitation to attend the recognition celebration for Captain Cecil E.

Harris to honor his achievement as a World War II fighter pilot. While I regret I am unable to be with you to recognize Captain Harris at this important event, I want to extend my greetings and best wishes to all of you in attendance. I applaud those individuals, many of whom are here today, whose hard work and dedication have made this event possible.

It is especially fitting that you are celebrating this event on Memorial Day. We should pause to remember what Memorial Day is all about: honoring those who have defended our freedom and especially those who have paid the ultimate price. Captain Harris is certainly worthy of this celebration. As an educator by profession, his willingness to serve others was apparent at a young age. He answered the call to service while enrolled at Northern State Teachers College in March 1941. Twenty-seven years later, Captain Harris retired as one of the most decorated heroes of the United States Navy. During his World War II service, he was the second highest scoring Navy ace in the Pacific Theater with 24 victories.

Captain Harris serves as a shining example of South Dakota's proud legacy of military service that extends from our state's earliest days to our current conflicts around the globe. South Dakotans of every background have always answered the call to defend America from those who seek to destroy the freedom that we cherish. I doubt there are many South Dakotans who do not have a family member or friend who has worn our nation's uniform. Upon reflection, we quickly realize that without the liberty that these men and women have defended through the years, our nation would not be what it is today, nor would citizens enjoy the freedoms that we sometimes take for granted.

My father, Harold Thune, served in the same squadron as Cecil Harris in World War II, and was Cecil's assistant flight officer. I recently had the opportunity to interview my father about his World War II experience for the Veterans History Project, an oral history archive held at the Library of Congress, and my father spoke very highly of Cecil. In fact, the advice Cecil gave my father helped him avoid being shot down. Cecil Harris was responsible for training my father's squadron, and my father describes Cecil as unqualifiedly the best pilot he had ever seen, and that he had never seen a pilot fly a plane like he did.

The tragic reality is that our nation loses hundreds of veterans every day. Memorial Day gives us an opportunity to reflect on the sacrifices of our veterans from every conflict, and it is fitting that we do so. Our veterans deserve to be remembered and celebrated, and these programs help do just that.

Again, I wish you all the very best as you gather to celebrate in Cresbard. My thoughts are with you all.●

##### COMMENDING EMILY SUSANNA TSCHETTER

• Mr. THUNE. Mr. President, today I recognize Emily Susanna Tschetter, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Emily is a graduate of Brookings High School in Brookings, SD. Currently she is attending South Dakota State University, where she is majoring in biology. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Emily for all of the fine work she has done and wish her continued success in the years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

*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 and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2009.

The actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and sequestration of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

BARACK OBAMA.  
THE WHITE HOUSE, July 16, 2009.

#### MESSAGE FROM THE HOUSE

At 11:51 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 762. An act to validate final patent number 27-2005-0081, and for other purposes.

H.R. 934. An act to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.

H.R. 1044. An act to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes.

The message also announced that pursuant to 10 U.S.C. 9355(a), amended by Public Law 108-375, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. POLIS of Colorado, Ms. LORETTA SANCHEZ of California, and Mr. LAMBORN of Colorado.

### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 762. An act to validate final patent number 27-2005-0081, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 934. An act to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Energy and Natural Resources.

H.R. 1044. An act to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; to the Committee on Armed Services.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1462. An original bill to promote clean energy technology development, enhanced energy efficiency, improved energy security, and energy innovation and workforce development, and for other purposes (Rept. No. 111-48).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 345. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2009", and for other purposes (Rept. No. 111-49).

By Mr. KERRY, from the Committee on Foreign Relations, with amendments:

S. 954. A bill to authorize United States participation in the replenishment of resources of the International Development Association, and for other purposes (Rept. No. 111-50).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 955. A bill to authorize United States participation in, and appropriations for the United States contribution to, the African Development Fund and the Multilateral Debt Relief Initiative, to require budgetary disclosures by multilateral development banks, to

encourage multilateral development banks to endorse the principles of the Extractive Industries Transparency Initiative, and for other purposes (Rept. No. 111-51).

By Mr. SCHUMER, from the Committee on Rules and Administration, with amendments:

S. 1415. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 1458. A bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans; to the Committee on Foreign Relations.

By Mr. DEMINT (for himself and Mr. VITTER):

S. 1459. A bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 1460. A bill to amend title VII of the Higher Education Act of 1965 to provide for college retention challenge grants; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. NELSON of Florida, Mr. WYDEN, Mrs. FEINSTEIN, and Mrs. GILLIBRAND):

S. 1461. A bill to amend the Internal Revenue Code of 1986 to treat trees and vines producing fruit, nuts, or other crops as placed in service in the year in which it is planted for purposes of special allowance for depreciation; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1462. An original bill to promote clean energy technology development, enhanced energy efficiency, improved energy security, and energy innovation and workforce development, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mr. BURRIS:

S. 1463. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 1464. A bill to amend title 18, United States Code, to establish the transfer of any nuclear weapon, device, material, or technology to terrorists as a crime against humanity; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Mr. DODD, Mr. CHAMBLISS, and Mr. BURRIS):

S. 1465. A bill to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry liability insurance; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. GRAHAM, and Mr. LEVIN):

S. 1466. A bill to establish the position of Deputy United States Trade Representative for Trade Enforcement and a Trade Enforcement Division in the Office of the United States Trade Representative, to establish a Chief Manufacturing Negotiator in the Office of the United States Trade Representative, to strengthen enforcement of United States intellectual property rights at United States borders, and for other purposes; to the Committee on Finance.

By Mrs. McCASKILL:

S. 1467. A bill to amend title 38, United States Code, to provide coverage under Traumatic Servicemembers' Group Life Insurance for adverse reactions to vaccinations administered by the Department of Defense, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WEBB (for himself and Mr. BROWN):

S. 1468. A bill to increase access to adult education to provide for economic growth; to the Committee on Finance.

By Mrs. BOXER:

S. 1469. A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; to the Committee on Armed Services.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHANNIS:

S. Res. 212. A resolution expressing the sense of the Senate that any savings under the Medicare program should be invested back into the Medicare program, rather than creating new entitlement programs; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. Res. 213. A resolution recognizing the historical significance of the city of Santa Fe, New Mexico on the occasion of its 400th anniversary; to the Committee on the Judiciary.

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. Res. 214. A resolution congratulating Lucas Glover on winning the 2009 United States Open golf tournament; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself, Mrs. MURRAY, Ms. STABENOW, Mr. VITTER, Mr. INHOFE, Mr. FEINGOLD, Mr. SCHUMER, and Mr. COCHRAN):

S. Res. 215. A resolution designating August 8, 2009, as "National Marina Day"; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself and Ms. MIKULSKI):

S. Res. 216. A resolution acknowledging the 25th anniversary of the nomination of Representative Geraldine A. Ferraro as the first woman selected by a major political party to run for the Office of the Vice President; to the Committee on the Judiciary.

### ADDITIONAL COSPONSORS

S. 251

At the request of Mrs. HUTCHISON, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 384

At the request of Mr. LUGAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 390

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 390, a bill to expand the authority of the Secretary of the Air Force to convey certain relocatable military housing units to Indian tribes located in Idaho and Nevada.

S. 461

At the request of Mr. CRAPO, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 461, *supra*.

S. 475

At the request of Mr. BURR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 491

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 572

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 572, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 575

At the request of Mr. CARPER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Mr. CARDIN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 575, a bill to amend title 49, United States Code, to develop plans and targets for States and metropolitan planning organizations to develop plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 694

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 823

At the request of Ms. SNOWE, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from North Carolina (Mr. BURR) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 831, a bill to amend title 10, United

States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 883

At the request of Mr. KERRY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 944

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 944, a bill to amend title 10, United States Code, to require the Secretaries of the military departments to give wounded members of the reserve components of the Armed Forces the option of remaining on active duty during the transition process in order to continue to receive military pay and allowances, to authorize members to reside at their permanent places of residence during the process, and for other purposes.

S. 951

At the request of Mr. NELSON of Florida, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Georgia (Mr. ISAKSON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Utah (Mr. BENNETT) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 951, a bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk

on the moon; Edwin E. "Buzz" Aldrin Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn Jr.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1072

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1072, a bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1161, a bill to amend the Public Health Service Act to authorize programs to increase the number of nurse faculty and to increase the domestic nursing and physical therapy workforce, and for other purposes.

S. 1169

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1169, a bill to amend title 10, United States Code, to provide for the treatment of autism under TRICARE.

S. 1214

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1214, a bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes.

S. 1239

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1239, a bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1274

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. BYRD) was added as a co-

sponsor of S. 1274, a bill to amend title 46, United States Code, to ensure that the prohibition on disclosure of maritime transportation security information is not used inappropriately to shield certain other information from public disclosure, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1318

At the request of Mr. GREGG, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. BROWNBACK) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1318, a bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1331

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1331, a bill to amend the Food, Conservation, and Energy Act of 2008 to index for inflation the payment rate for payments under the milk income loss contract program.

S. 1398

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1398, a bill to amend the Food, Conservation, and Energy Act of 2008 to increase the payment rate for certain payments under the milk income loss contract program as an emergency measure.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Mississippi (Mr. WICKER), the Senator from North Carolina (Mr. BURR), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. RISCH), the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Dakota (Mr. THUNE) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. UDALL) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 210

At the request of Mrs. LINCOLN, the names of the Senator from Utah (Mr. BENNETT), the Senator from Michigan (Ms. STABENOW), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

AMENDMENT NO. 1469

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 1469 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1476

At the request of Mr. REID, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1476 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1484

At the request of Mr. GREGG, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from

Kansas (Mr. BROWBACK) were added as cosponsors of amendment No. 1484 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1494

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1494 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1504

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1504 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1515

At the request of Mr. NELSON of Florida, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 1515 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1517

At the request of Mr. BUNNING, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 1517 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1526

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1526 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1528

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1528 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1534

At the request of Mr. VOINOVICH, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1534 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1554

At the request of Mr. BURR, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maryland (Mr. CARDIN), the Senator from Texas (Mr. CORNYN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 1554 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1557

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1557 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1558

At the request of Mr. NELSON of Florida, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Tennessee (Mr. CORKER), the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 1558 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1561

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1561 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 1458. A bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans; to the Committee on Foreign Relations.

Ms. LANDRIEU. Mr. President, I rise to introduce a bill called the Families for Orphans Act that Senator INHOFE and I are sponsoring.

We are very fortunate, indeed, to have a Secretary of State who is quite knowledgeable about this subject. The office we seek to create would be housed within the Department of State under the watchful eye of Secretary Hillary Clinton, who did so much work on this subject when she was a Member of the Senate and even prior to her service in the Senate as First Lady of both Arkansas and the United States. So I am particularly happy we would be recommending what is, I think, a very appropriate establishment of an office within the Office of the Secretary of State.

This bill has been discussed for several years here. We have had several opportunities for debate on the floor. But a great coalition has come together, representing advocates for orphans around the world, to come together in a unified way to make a strong argument that this kind of office should indeed be established. There are some very compelling reasons why this should be.

First of all, right now in our system, there is no coordination in the Office of the Secretary of State or in the Department of State for policies related to orphans. This is an alarming situation because the number of orphans is growing exponentially in the world due to an increase in conflicts in many parts of the world; severe droughts and natural disasters that are causing families to be separated, children from adults; and the AIDS epidemic. Some people have referred to it as a factory that produces orphans. And you can understand the nature of that disease.

So the actions we take relative to trying to get a more coordinated policy are very important, and that is what this bill seeks to do.

It is, I think, understood among all Members of this body—I do not even hear one dissenting voice—that the most appropriate place for children to grow up is in a family.

We think there are over 130 million orphans in the world who have been deprived for whatever reason—death or war or famine or disease—of their right to belong to a family. It is our obligation as the leaders of the world to try to find the best possible substitute family for these children.

Children don't do a very good job of raising themselves. That is a virtual impossibility. Our efforts, unfortunately, dealing with children have been focused on their survival, on just getting medical care and health care and food and nutrition. I don't think we are doing enough as a government to focus on reuniting children with whatever extended family might be possible for them to be raised by, and then looking out somewhere beyond the extended family opportunity to domestic families who would take in that child and their siblings. We most certainly have not made the kind of effort I think is appropriate and is a ready source of loving arms in families in terms of the international community that would like to step up and adopt many children who are unable to find families in their own countries. That is basically what this office would do.

It would coordinate efforts by the aid and development community that, as I said, are currently focused on nutrition, housing, education, and medical care, and would refocus efforts on that, plus reunification of families and then adoption opportunities.

First, as I said, the U.S. programs are disconnected. Secondly, the United States, right now, in our opinion, does not engage in enough proactive diplomacy on this issue. Third, the United States should be able to advise and support other countries in the development of their own child welfare systems. We know we have made so many mistakes in the United States. We hate to see countries making similar mistakes. Some of those mistakes would be terminating parental rights, not being aggressive enough in seeking placement within extended families, separating siblings in placement, and then, the worst of all—if those things aren't bad enough—the worst of all, leaving children who have had their parental rights terminated basically stuck in limbo for 10 or 12 or 14, and in some extreme cases, 18 years in foster care where they never have a permanent parent or a permanent family to call their own.

I would remind my colleagues, because I continue to remind myself, that a child is never too old to need a parent. We all think of adoption as adopting infants or toddlers or school-aged children, but I would suggest to this body and to those listening that you are never too old to need a father or a mother. At the age of 54, I continue to talk to my parents regularly. They

continue to give me advice and counsel. I have been blessed to have grandparents well into my adult life. The thought of a child growing up at any age—18, 20, 5, 12—without any permanent attachment to a family is tragic. The fact is there are methods and resources we can bring to bear to change that outcome for the millions of orphans who are in the world in our own country and around the world. That is what this office does.

The primary functions will be to act as a primary adviser to the Secretary of State and to the President to provide diplomatic representation, to develop an evidence-based, comprehensive global strategy, to support foreign governments through sound policy and technical assistance, to develop best practices with cultural sensitivity, and to support in-country family preservation, reunification, and permanency as primary solutions, using domestic adoption and international adoption as basically the last possibilities.

One of the most important things in the bill is to conduct a census because we don't know how many orphans there are in the world and in what countries. Until we get a handle on the numbers, it is very hard to find appropriate solutions and to mobilize the world community to act.

I contend there are millions and millions and millions of families who are able and willing and ready to take in orphans, to build their family through adoption, to add to the blessing of biological children, children who have come to their families through adoption. I have had personal experience myself with that issue. I am excited about the possibility of coordinating this effort and can think of no better person than Secretary Hillary Clinton to provide the leadership to establish this office as the Congress seeks to fund it and provide the resources to make it work.

So that is a description of the Families for Orphans Act. It is a bipartisan bill. We are getting extremely exciting feedback from our colleagues in the House. Representative DIANE WATSON from California and Representative JOHN BOOZMAN from Arkansas have introduced an identical bill, so we are very encouraged by the work the House has done on this subject and look forward to a quick hearing and quick passage.

By Mr. BURRIS:

S. 1463. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURRIS. Mr. President, today I rise to speak on the subject of organ donation. Every day in this country, 17 people die while waiting for a donated organ. Typically, people wait 3 to 5 years before an organ becomes avail-

able, and the organ waiting list grows at a rate five times faster than donations.

What we need are improvements to the organ donor registry system, to increase efficiency and share best practices between states. The Everson Walls and Ron Springs Gift for Life Act of 2009 is named in honor of two close friends and former NFL teammates, one of whom may not be here today were it not for the incredible generosity of "living organ donation." Ron's struggle with diabetes led to the failure of both kidneys. Everson's decision to give Ron one of his kidneys, led them both to create the Gift for Life Foundation. The group spreads awareness of organ donation issues, particularly among minority communities, who suffer disproportionately from the organ shortage.

This act will establish a National Organ and Tissue Donor Registry Resource Center to provide technical assistance to state donor registries. The center will also serve as a State registry information clearinghouse for the evaluation and development of best practices for donor registries nationwide. Further, the act will codify minimum operating standards for donor registries, and establish a grant program to develop, expand, and evaluate State donor registries. Finally, the act will create a study on the feasibility of establishing a living donor database in order to track the short and long-term health effects for such individuals.

I urge the Senate to take action on this important issue. We must improve the functioning of our organ donation system. Thousands of lives hang in the balance.

By Mr. ISAKSON. (for himself, Mr. DODD, Mr. CHAMBLISS, and Mr. BURRIS):

S. 1465. A bill to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry liability insurance; to the Committee on Health, Education, Labor, and Pensions.

Mr. ISAKSON. Mr. President, it was September 9, 2001, in Augusta, GA, when Jackie Boatwright, on her way home from church, got a horrific call on her cell phone. The little boy, Anthony DeJuan Boatwright, then 14 months of age that she had dropped off at day care in the morning had been rushed to the hospital.

Upon her arrival at the hospital, a doctor gave her the grim news. He said, "It appears your son has suffered a near drowning accident from falling into a bucket of mop water containing bleach. He has been without a pulse for more than an hour but we have managed to get a heartbeat. It is not a strong one right now but we have one."

Today, nearly 8 years later, Juan now resides with his wonderful mother Jackie. He is semi-comatose and dependent on a ventilator.



The child care center where Juan was injured was licensed, but not insured. At the time, there was no way for Jackie or other parents to know the insurance status of child care providers.

Today, Senators DODD, CHAMBLISS, BURRIS and I introduce straight-forward, bipartisan legislation that will require day care centers to disclose whether or not they carry appropriate insurance for the facility.

The House of Representatives has passed this legislation multiple times, but now we in this body take our turn to simultaneously both honor young Juan and provide parents with much-needed information about child care facilities.

It is time this body passed this legislation and sent it on to President Obama for his signature.

I urge my colleagues to support this legislation.

By Mr. WEBB (for himself and Mr. BROWN):

S. 1468. A bill to increase access to adult education to provide for economic growth; to the Committee on Finance.

Mr. WEBB. Mr. President, today I am introducing, with great pride, the Adult Education and Economic Growth Act of 2009. I wish to point out that I and my staff have been working on this legislation for more than a year. It is designed to address a problem that we quite frankly do not spend enough attention on, I think, as we discuss the challenges of education in America. This is not the problem that is often discussed with respect to technical degrees or how we can compete with foreign countries in the number of engineers we are putting out, with those sorts of issues. It is the question of how we can assure basic competencies at the working level of a lot of American companies. I have started calling this the Second Chance Act for Education. There are a lot of people in this country who, for a variety of reasons, when they are in their teens or their late teens, cease their educational pursuits even before they finish high school. Perhaps someone might have a child, or get in trouble with the law, or get an independent streak and decide to leave school. Then when you get to the age of say 30 or beyond, you realize the disadvantage you have in attempting to compete in the marketplace.

There are very few provisions in our law and in our policies that address this situation. This bill is designed to address it. We seek to reform and increase investment in what we call adult education, which is that span of education that will bring people beyond a high school degree and hopefully into postsecondary education. We are looking at job training and other workforce programs that we need as a country to build a 21st century workforce. I am pleased to be joined in this initiative as a principal cosponsor with Senator SHERRON BROWN. By almost any measure, our Nation faces a crit-

ical need to strengthen existing programs of adult education. Our current adult education system falls far short in preparing our people to compete in the global marketplace. In fact, it is estimated that only 2½ million of the 93 million people who could benefit from these types of services are actually receiving them today.

The American labor market has changed dramatically with the advent of new technology and with the loss of jobs in our manufacturing sector. The need for well-trained and highly skilled workers is obvious. It has increased. At the same time our adult education system, which should be effectively preparing low-skilled workers to meet the demands in this shifting economy, has not kept pace.

Since 2002, the Federal Government has consistently decreased spending on adult education. In addition, the Nation's primary Federal resource for adult education, job training and employment services, the Workforce Investment Act, has not been reauthorized for more than 10 years. One can imagine how the American economy and the American workforce has changed over the last 10 years.

There are other signs pointing to the need for a better approach to adult education. If we look at adult education enrollment rates, in 1998, there were more than 4 million individuals enrolled in these types of programs. By 2007, that number had dropped to only 2 million, basically a 40-percent drop from when the Workforce Investment Act was originally enacted.

One of the largest barriers to economic growth in many communities is the lack of a skilled workforce, particularly those with entry-level skills. It is critical that we increase the number of individuals who obtain a high school diploma and encourage them to go forward into postsecondary education. I am sure we can all agree that the best economic tool for any community is a well-educated, skilled workforce. A growing number of American skilled workers right now are facing retirement age, and the growth in skilled labor has actually stagnated. If we continue along the current path, we will see only a 19-percent increase in the number of postsecondary education equipped native-born workers, which is about one-seventh the rate of growth during the past two decades. By comparison, countries such as China and India are doubling and tripling the number of college graduates in their countries.

According to the Workforce Alliance, 80 percent of the jobs in today's economy require some sort of education past a high school degree, yet there are 8 million adults in the workforce today who have low literacy, limited English proficiency, or lack educational credentials beyond high school. With so many workers who are unemployed or underemployed, it is clear that we should be investing in the training or retraining of American workers to fill

this growing gap. Our legislation begins that vital task by addressing these problems.

Today we are proposing a two-pronged approach to strengthen the Nation's workforce. First, we want to build on ramps for American workers who got off track, perhaps, in their teens and need new skills and a better education in order to improve their lives. Just as importantly, we want to encourage employers to help them by offering tax credits to businesses that invest in these employees. Our government has long provided employers with limited tax credits when they help their employees go to college or to graduate school. It is basic logic, and I believe to the national good, that we should provide similar incentives for this type of adult education.

This bill authorizes a rather modest \$500 million increase in funding to invigorate State and local adult education programs nationwide in order to increase the number of adults with a high school diploma. As a result, the bill will inevitably increase the number of high school graduates who go on to college and update and expand the job skills of the American workforce writ large. All of this is relevant to my longstanding personal goal of promoting basic economic fairness in our society.

Other provisions in the bill will improve workers' readiness to meet the demands of a global workforce by providing pathways to obtain basic skills, job training, and adult education. It will provide workers with greater access to on-the-job training in adult education by encouraging public-private partnerships between government, business, and labor. It will increase the use of technology in workforce skills training. It will improve access to correctional educational programs to channel former offenders into productive endeavors and to reduce recidivism. It will encourage investment in lower-skilled workers by providing employers with a tax credit if they invest in their employees' education. This tax credit is aimed at encouraging general and transferable skills development that may be in the long-term interest of most of its employers but are not always so clearly rewarded by the marketplace.

This act focuses on addressing the unique needs of adults with limited basic skills, with no high school diploma, or with limited English proficiency. Those individuals who may have taken a different path early in their lives and who now find themselves eager to go back to school and receive additional job training and skills should be provided opportunities to get back on track.

My legislation also would bolster the President's just announced goal of ensuring that 5 million more Americans graduate from communities college by 2020 and updating curriculum to keep up with the skills needed in today's workforce.

I encourage my colleagues to support this important endeavor. I am very proud of the work my staff has done on this for more than a year. Our Nation's workforce and local communities will be stronger for it. It is my hope that this legislation could be passed in a timely manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1468

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Adult Education and Economic Growth Act of 2009".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) In order to remain competitive in today's global economy, the United States must reverse the trend of underinvestment in adult education and workforce development and empower its workforce through adequate resources and effective and innovative educational and workforce programs. Since 1979, investments in adult education and workforce development programs have declined in real terms by more than 70 percent.

(2) Current Federal adult basic education programs serve less than 3,000,000 individuals a year. Some States have experienced difficulties integrating adult education public job training and career and technical education programs that could help these individuals meet specific industry demand while advancing along a career path.

(3) In 2007, more than 25,000,000 adults ages 18 through 64 had no high school credential. Every year, 1 in 3 young adults—more than 1,200,000 people—drop out of high school.

(4) Employers need highly-skilled workers to be able to compete globally. Between 2004 and 2014, 24 of the 30 fastest-growing occupations are projected to demand workers with some form of postsecondary education or training. Yet nearly half of the United States workforce has a high school diploma or less.

(5) Technology and globalization, coupled with the unfolding economic recession, are rendering low-wage and low-skill workers particularly vulnerable. Unemployment is highest among those without a college degree and has grown at a faster rate among this group since the start of the economic recession in December 2007.

(6) According to the Bureau of Labor Statistics, the unemployment rate for individuals age 25 and older who have less than a high school diploma has risen from 7.5 percent in December 2007 to 14.8 percent in April 2009. The unemployment rate for high school graduates with no college degree has increased from 4.6 percent to 9.3 percent. The unemployment rate for high school graduates with some college experience or an associate degree has risen from 3.7 percent to 7.4 percent.

(7) The United States ranks 11th among OECD countries in percent of young adults with a high school diploma—the only country in which younger adults are less educated than the previous generation.

(8) In 2006, 18,400,000 adults spoke English "less than very well", according to the United States Census Bureau (2006 American Community Survey). Of these adults, 8,200,000 held no high school credential and 5,000,000 had completed high school but were not college or job ready.

(9) Although 88,000,000 adults ages 18 to 64 have a high school diploma or less, or limited English proficiency, funding for programs authorized under the Workforce Investment Act of 1998 for adults, dislocated workers, and youth declined by about 12 percent between 2000 and 2007.

(10) According to the National Commission on Adult Literacy, 1 in every 100 adults in the United States 16 and older is in prison or jail in the United States. About 43 percent do not have a high school diploma or its equivalent, and 56 percent have very low literacy skills. Ninety-five percent of incarcerated individuals return to our communities.

(11) In order to meet the needs of the workforce, there must be a strong connection between the adult education and workforce development system, in order to better meet the needs of limited English proficient job seekers and those with basic skills deficiencies. For example, in program year 2006, less than 1 percent of individuals who exited the title I adult program under the Workforce Investment Act of 1998 were co-enrolled in adult education.

(12) Workforce development programs, including adult education, throughout the Federal Government and the States are not aligned well, limiting their capacity to leverage resources, to provide full and appropriate access to services, and to provide reliable and comparable data related to activities and outcomes across the programs.

(13) In the current economic climate, it is imperative that the United States invest in the education, training, and development of all workers in the United States who are unemployed or underemployed, to help fill the labor demands of the United States so that they do not look elsewhere to find skilled workers.

#### SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To increase access substantially to adult education, literacy, and workplace skills services for adults who have limited basic skills, lack a high school diploma or its equivalent, or are limited English proficient.

(2) To create seamless pathways from adult education and occupational skills development to postsecondary education or training and workforce development programs and services that help adult learners persist throughout the pipeline from the lowest levels of basic literacy or English language proficiency to the achievement of a level of proficiency that will enable the adult learner to successfully transition to family-sustaining jobs in careers with the promise of advancement.

(3) To develop an adult education, literacy, and work skills system that coordinates and integrates adult education, literacy, and workplace skills services with workforce development and postsecondary education and training opportunities across agencies and programs.

(4) To greatly improve outcomes for adults receiving adult education, literacy, and workplace skills services in terms of learning gains, acquisition of basic workforce skills, accelerated learning, acquisition of a high school diploma or its equivalent, or successful transition to postsecondary education or training or to family-sustaining jobs in the workplace.

#### TITLE I—WORKFORCE INVESTMENT SYSTEMS

##### SEC. 101. DEFINITIONS.

Section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801) is amended by adding at the end the following:

"(54) INTEGRATED EDUCATION AND TRAINING.—The term 'integrated education and training' means training that combines education or training for a specific occupation

or occupational cluster with English literacy instruction or other adult education, literacy, and workplace skills activities, including programs that provide for dual or concurrent enrollment.

"(55) CAREER PATHWAY.—The term 'career pathway' means a high quality, rigorous, engaging set of education, training, and workplace experiences that—

"(A) align adult education, job training, postsecondary education, or occupational training to create a pathway to attaining a recognized postsecondary education credential that will qualify an individual for career advancement in projected employment opportunities identified in the State plan under section 112;

"(B) include advising and counseling to support the development of individual education and career plans; and

"(C) lead to a secondary school diploma or its recognized equivalent (for individuals who have not completed secondary school), a postsecondary degree, a registered apprenticeship or another recognized occupational certification, a certificate, or a license.

"(56) WORKPLACE SKILLS.—The term 'workplace skills' means the combination of basic skills, critical thinking skills, and self management skills with competency in utilizing resources, using information, working with others, understanding systems, working with technology, and other skills necessary for success in the workplace.

"(57) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means an industry skills training program at the postsecondary level that combines technical and theoretical training through structured on-the-job learning with related instruction (in classrooms or through distance learning) while an individual is employed, working under the direction of qualified personnel or a mentor, and earning incremental wage increases aligned to enhanced job proficiency, resulting in the acquisition of a nationally recognized and portable certificate, under a plan approved by the Office of Apprenticeship or a State agency recognized by the Department of Labor."

##### SEC. 102. PURPOSE.

Section 106 of the Workforce Investment Act of 1998 (29 U.S.C. 2811) is amended by inserting "adult education and" before "workforce investment systems".

##### SEC. 103. STATE WORKFORCE INVESTMENT BOARDS.

Section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) is amended—

(1) in subsection (b)(1)(C)—

(A) in clause (vi)(II), by striking "and" after the semicolon;

(B) by redesignating clause (vii) as clause (viii); and

(C) by inserting after clause (vi) the following:

"(vii) the lead State agency officials with responsibilities for the programs and activities carried out under title II; and"; and

(2) in subsection (d)(2), by inserting "adult education and" before "workforce investment system".

##### SEC. 104. STATE PLAN.

Section 112 of the Workforce Investment Act of 1998 (29 U.S.C. 2822) is amended—

(1) in subsection (a), by inserting "and aligns with the State plan described in section 224" before the period at the end; and

(2) in subsection (b)—

(A) in paragraph (4)—

(i) in subparagraph (B), by inserting "academic levels and" before "job skills";

(ii) in subparagraph (C), by striking "and" after the semicolon;

(iii) in subparagraph (D), by striking "State;" and inserting "State, including education, training, and registered apprenticeship programs and their relationship to

such career opportunities and skills and economic development needs; and"; and

(iv) by adding at the end the following:

"(E) the integrated education and training activities that will be integrated and aligned with workforce programs and services under this title, and the State's efforts to increase the number of participants concurrently enrolled in adult education services under title II and training and employment activities under this title;"

(B) in paragraph (8)—

(i) in subparagraph (A)(x), by striking "and" after the semicolon;

(ii) in subparagraph (B), by striking the semicolon and inserting ", including performance on the core indicators described in section 212; and"; and

(iii) by adding at the end the following:

"(C) a description of any integrated data systems used to track performance outcomes over time for the participants in the programs and activities described in subparagraph (A);";

(C) in paragraph (9), by striking "businesses and representatives of labor organizations" and inserting "businesses, representatives of labor organizations, and representatives of education and training (including adult education providers, postsecondary education providers, and training providers)"; and

(D) in paragraph (17)(A)(iv), by adding ", including individuals receiving services under title II" after "disabilities)".

#### SEC. 105. LOCAL WORKFORCE INVESTMENT BOARDS.

Section 117(h)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2832(h)(2)(A)) is amended—

(1) in clause (v), by striking "and" after the semicolon; and

(2) by inserting after clause (vi), the following:

"(vii) representatives of adult education; and".

#### SEC. 106. LOCAL PLAN.

Section 118(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2833(b)(1)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C), by inserting "academic levels and" before "job skills"; and

(3) by adding at the end the following:

"(D) the type and availability of workforce investment activities in the local area, including education, training, and registered apprenticeship programs and their relationship to such business, job seeker, and worker needs, employment opportunities, and economic development needs; and

"(E) the integrated education and training activities that will be carried out under this title or title II and the alignment of those activities.".

#### SEC. 107. USE OF FUNDS FOR YOUTH ACTIVITIES.

Section 129 of the Workforce Investment Act of 1998 (29 U.S.C. 2854) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) to provide opportunities for career pathways for eligible youth."; and

(2) in subsection (c)—

(A) in paragraph (1)(C)—

(i) in clause (iii), by striking "and" after the semicolon;

(ii) in clause (iv)(II), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

"(v) opportunities for career pathways; and

"(vi) for the completion of secondary school, in appropriate cases."; and

(B) in paragraph (2)—

(i) in subparagraph (I), by striking "and" after the semicolon;

(ii) in subparagraph (J), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(K) dual enrollment opportunities.".

#### SEC. 108. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

Section 134(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)) is amended—

(1) in paragraph (3)(A)(i)(I), by striking "and are unable to obtain employment through core services provided under paragraph (2)"; and

(2) in paragraph (4)—

(A) in subparagraph (A)(i), by striking "and who are unable to obtain or retain employment through such services";

(B) in subparagraph (D)—

(i) in clause (viii), by striking "and" after the semicolon;

(ii) in clause (ix), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(x) integration of adult education and training."; and

(C) in subparagraph (G)(ii)—

(i) in subclause (II), by striking "or" after the semicolon;

(ii) in subclause (III), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(IV) the local board determines that it would facilitate the training of multiple individuals in high-demand occupations; or

"(V) the local board determines that it would facilitate the provision of integrated education and training programs.".

#### SEC. 109. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 136(b)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129"; and

(B) in subclause (IV)—

(i) by inserting "and performance on the core indicators described in section 212, as appropriate" after "recognized equivalent"; and

(ii) by striking ", or by participants who are eligible youth age 19 through 21 who enter postsecondary education, advanced training, or unsubsidized employment"; and

(2) in clause (ii)—

(A) in the matter preceding subclause (I), by striking "(for participants who are eligible youth age 14 through 18)";

(B) in subclause (I), by striking "and, as appropriate, work readiness or occupational skills" and inserting ", workplace skills, or occupation skills, as appropriate";

(C) in subclause (II), by striking "and" after the semicolon;

(D) in subclause (III), by striking the period and inserting "; and"; and

(E) by adding at the end the following:

"(IV) performance on measures described in subclauses (I), (II), and (III) of clause (i) by youth 18 years of age and older.".

#### SEC. 110. DEMONSTRATION AND PILOT PROJECTS.

Section 171(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(b)(1)) is amended—

(1) in subparagraph (G), by striking "and" after the semicolon;

(2) in subparagraph (H), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(I) projects that assist low skill and limited English proficient workers to acquire the basic, English, work readiness, and ap-

plied technical or occupational skills through integrated education and training programs to successfully transition to postsecondary education, workforce development, and employment in career pathways; and

"(J) projects that test effective ways to develop comprehensive career pathways learning approaches that fully align adult education with secondary education, postsecondary education, including registered apprenticeship programs, workforce development, and supportive service activities, and with regional economic development strategies to meet the skill needs of existing and emerging regional employers as well as the needs of low skilled adults, helping adults, especially those who are low skilled, to advance through progressive levels of education and training as quickly as possible and gain education and workforce skills of demonstrated value to the labor market at each level.".

#### TITLE II—ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS

##### SEC. 201. PURPOSE.

Section 202 of the Adult Education and Family Literacy Act (20 U.S.C. 9201) is amended—

(1) in paragraph (1), by inserting "and postsecondary education or training" after "self-sufficiency";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3)—

(A) by inserting "and transition to postsecondary education and career pathways" after "education"; and

(B) by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(4) assist adults with limited English proficiency in improving their reading, writing, speaking, listening, and comprehension skills in English and mathematical skills and acquiring an understanding of the American system of government, individual freedom, and the responsibilities of citizenship.".

##### SEC. 202. DEFINITIONS.

(a) IN GENERAL.—Section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (18), as paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), (15), (16), (17), (18), (19), (20), and (21), respectively;

(2) by inserting after paragraph (2) the following:

"(3) CAREER PATHWAY.—The term 'career pathway' has the meaning given the term in section 101 of the Workforce Investment Act of 1998.";

(3) in paragraph (6), as redesignated by paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "an organization that has demonstrated effectiveness in providing adult education, literacy, and workplace skills activities that may include" after "means";

(B) in subparagraph (B), by striking "of demonstrated effectiveness";

(C) in subparagraph (C), by striking "of demonstrated effectiveness";

(D) in subparagraph (H), by striking "and" after the semicolon;

(E) in subparagraph (I), by striking the period and inserting "; and"; and

(F) by adding at the end the following:

"(J) a partnership between an entity described in any of subparagraphs (A) through (I) and an employer.";

(4) in paragraph (8), as redesignated by paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting “the economic prospects for” after “sustainable changes in”; and

(ii) by inserting “and that better enable parents to support their children’s learning needs” after “a family”;

(B) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively; and

(C) by inserting before subparagraph (B), as redesignated by subparagraph (B), the following:

“(A) Parent adult education, literacy, and workplace skills activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiency.”;

(5) by inserting after paragraph (12), as redesignated by paragraph (1), the following:

“(13) INTEGRATED EDUCATION AND TRAINING.—The term ‘integrated education and training’ has the meaning given the term in section 101 of the Workforce Investment Act of 1998.

“(14) INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION PROGRAM.—The term ‘integrated English literacy and civics education program’ means programs of instruction designed to help an individual of limited English proficiency achieve competence in English through contextualized instruction on the rights and responsibilities of citizenship, naturalization procedures, civic participation, and United States history and Government to help such an individual acquire the skills and knowledge to become an active and informed parent, worker, and community member.”; and

(6) by adding at the end the following:

“(22) WORKPLACE SKILLS.—The term ‘workplace skills’ has the meaning given the term in section 101 of the Workforce Investment Act of 1998.”.

(b) CONFORMING AMENDMENT.—Section 173A(b)(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2918a(b)(8)) is amended by striking “section 203(10) of the Adult Education and Family Literacy Act (20 U.S.C. 9202(10))” and inserting “section 203(11) of the Adult Education and Family Literacy Act (20 U.S.C. 9202(11))”.

#### SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Adult Education and Family Literacy Act (20 U.S.C. 9204) is amended to read as follows:

#### “SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$850,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year.”.

#### SEC. 204. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

Section 211 of the Adult Education and Family Literacy Act (20 U.S.C. 9211) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “\$8,000,000” and inserting “\$15,000,000”;

(B) in paragraph (2)—

(i) by striking “1.5 percent” and inserting “1.25 percent”;

(ii) by striking “\$8,000,000” and inserting “\$12,000,000”; and

(iii) by striking “and” after the semicolon;

(C) in paragraph (3), by striking the period and inserting “; and”;

(D) by adding at the end the following:

“(4) shall reserve 12 percent to carry out section 244.”; and

(2) in subsection (d), by striking paragraphs (1) through (4) and inserting the following:

“(1)(A) is at least 16 years of age;

“(B) is beyond the age of compulsory school attendance under the law of the State or outlying area;

“(C) does not have a secondary school diploma or its recognized equivalent; and

“(D) is not enrolled in secondary school; or

“(2) is an individual—

“(A) described in each of subparagraphs (A), (B), and (D) of paragraph (1); and

“(B) who is limited English proficient.”.

#### SEC. 205. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 212(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9212(b)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by inserting “and the employment performance indicator described in paragraph (2)(B)” after “paragraph (2)(A)”;

(B) in clause (ii), by striking “paragraph (2)(B)” and inserting “paragraph (2)(C)”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (ii), by striking “in, retention in” and all that follows through the period at the end and inserting “in postsecondary education, including registered apprenticeship, or other skill training programs.”; and

(ii) by adding at the end the following: “(iv) Attainment of work readiness, workforce skills, and certificates that are nationally or industry recognized or approved by the State board or local board, as appropriate.”;

(B) by redesignating subparagraph (B) as subparagraph (D);

(C) by inserting after subparagraph (A) the following:

“(B) EMPLOYMENT PERFORMANCE INDICATOR.—Consistent with applicable Federal and State privacy laws—

“(i) an eligible agency shall identify in the State plan an individual participant employment performance indicator, which shall be entry into employment; and

“(ii) the State agency responsible for maintaining and analyzing the data described in clause (i) shall assist the eligible agency in obtaining and using quarterly wage records to collect such data.

“(C) TECHNOLOGY LITERACY INDICATOR.—Beginning in 2013, an eligible agency shall include a technology literacy indicator in its performance measure.”; and

(D) by striking subparagraph (D), as redesignated by subparagraph (B), and inserting the following:

“(D) ADDITIONAL INDICATORS.—An eligible agency may identify in the State plan additional indicators, including customer feedback, for adult education, literacy, and workplace skills activities authorized under this subtitle.”; and

(3) in paragraph (3)(B)—

(A) in the heading, by inserting “AND EMPLOYMENT PERFORMANCE INDICATOR” after “INDICATORS”; and

(B) by striking “paragraph (2)(B)” and inserting “paragraph (2)(C) and for the employment performance indicator described in paragraph (2)(B)”.

#### SEC. 206. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

Section 222(a) of the Adult Education and Family Literacy Act (20 U.S.C. 9222(a)) is amended—

(1) in paragraph (1)—

(A) by striking “not more than 10” and inserting “not less than 10”; and

(B) by striking “82.5 percent” both places the term appears and inserting “80 percent”; and

(2) in paragraph (2), by striking “12.5 percent” and inserting “15 percent”.

#### SEC. 207. STATE LEADERSHIP ACTIVITIES.

Section 223(a) of the Adult Education and Family Literacy Act (20 U.S.C. 9223(a)) is amended to read as follows:

“(a) ACTIVITIES.—

“(1) REQUIRED ACTIVITIES.—Each eligible agency shall use funds made available under section 222(a)(2) for the following adult education, literacy, and work readiness skills activities:

“(A) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b).

“(B) The provision of technical assistance to eligible providers of adult education, literacy, and workplace skills activities to enable them to fulfill the purpose of this title, as described in section 202.

“(C) The monitoring and evaluation of adult education and related activities to determine what works and broadly disseminate information about models and best practices and tools within the State.

“(D) The provision of technology assistance, including staff training, to eligible providers of adult education, literacy, and workplace skills activities to enable the eligible providers to improve the quality of such activities.

“(E) Coordination with the workforce investment systems supported under title I.

“(2) PERMISSIBLE ACTIVITIES.—Each eligible agency may use funds made available under section 222(a)(2) for 1 or more of the following adult education, literacy, and workplace skills activities:

“(A) The support for State or regional networks of literacy resource centers.

“(B) Incentives for program coordination and integration, and performance awards.

“(C) Developing and disseminating curricula for postsecondary and job training readiness, including curricula for using technology for distance learning and for instructional and teacher training purposes.

“(D) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education, literacy, and workplace skills activities, to adults enrolled in such activities.

“(E) Developing innovative content and models for integrated education and training programs.

“(F) Developing innovative content and models to foster the transition to postsecondary education and career pathways.

“(G) Linkages with postsecondary educational institutions.

“(H) Linkages with community-based organizations.

“(I) Support for recruitment and outreach for instructors, students, and employers.”.

#### SEC. 208. STATE PLAN.

Section 224 of the Adult Education and Family Literacy Act (20 U.S.C. 9224) is amended—

(1) in subsection (b)—

(A) in paragraph (11), by striking “and” after the semicolon;

(B) in paragraph (12), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(13) a description of the knowledge and skills necessary for acceptance in postsecondary education and training;

“(14) a description of any certification or other requirements for instructors in eligible adult education, literacy, and workplace skills program providers in the State;

“(15) a description of the professional development needs of adult education, literacy, and workplace skills providers in the State;

“(16) a description of how the State will—

“(A) use technology to improve the quality of adult education, literacy, and workplace skills services; and

“(B) expand access to such services for workers and students;

“(17) a description of how the State will carry out programs described in section 244;

“(18) a description of the data system that the State will use to track over time student outcomes on the performance measures described in section 212;

“(19) a description of the State’s program to invest in the skills of workers, including plans for involving business as an active partner in the effort; and

“(20) a description of how the adult education programs will be integrated with occupational skills programs and aligned with postsecondary education, career, and technical education, workforce development programs, and other Federal funds available under title I and other relevant Federal programs.”;

(2) by striking subsection (e) and inserting the following:

“(e) PEER REVIEW AND PLAN APPROVAL.—The Secretary shall—

“(1) establish a peer review process to assist in the review and approval of State plans;

“(2) in consultation with the National Institute for Adult Education, Literacy, and Workplace Skills, appoint individuals, representing the range of stakeholders, to the peer-review process, including—

“(A) representatives of adult learners, adult education, literacy, and workplace skills providers, eligible agencies, State educational agencies, institutions of higher education, representatives of local or State workforce investment boards; and

“(B) experts in the fields of adult education, literacy, and workplace skills;

“(3) approve a State plan within 120 days after receiving the plan, unless the Secretary makes a written determination, within 30 days after receiving the plan, that the plan does not meet the requirements of this section or is inconsistent with specific provisions of this subtitle; and

“(4) not finally disapprove of a State plan before offering the eligible agency the opportunity, prior to the expiration of the 30-day period beginning on the date on which the eligible agency received the written determination described in paragraph (3), to revise the plan, and providing technical assistance in order to assist the eligible agency in meeting the requirements of this subtitle.”;

and

(3) by striking subsections (f) and (g).

#### SEC. 209. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

Section 225 of the Adult Education and Family Literacy Act (20 U.S.C. 9225) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking “and” after the semicolon at the end;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(5) integrated education and training programs;

“(6) career pathways programs;

“(7) dual enrollment programs; and

“(8) preparation for postsecondary education and training.”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) REPORT.—In addition to any report required under section 212(c), each eligible agency that receives assistance provided under this section shall annually prepare and submit to the Secretary a report on the progress, as described in section 212(c)(1), of the eligible agency with respect to the programs and activities of the eligible entity receiving assistance under this section.”.

#### SEC. 210. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

Section 231(b)(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9241(b)(1)) is amended to read as follows:

“(1) Adult education, literacy, and workplace skills services, which may include workplace literacy services, integrated education and training services, and transition to postsecondary education and training and career pathways.”.

#### SEC. 211. LOCAL APPLICATION.

Section 232 of the Adult Education and Family Literacy Act (20 U.S.C. 9242) is amended—

(1) in the matter preceding paragraph (1), by inserting “the measurable goals to be accomplished as a result of the grant or contract and” after “including”;

(2) in paragraph (1), by striking “and” after the semicolon;

(3) in paragraph (2), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(3) a description of how the grantee or contractor will collect data for purposes of reporting performance measures to assess and evaluate the progress of adult education students and activities.”.

#### SEC. 212. ADMINISTRATIVE PROVISIONS.

Section 241 of the Adult Education and Family Literacy Act (20 U.S.C. 9251) is amended by adding at the end the following:

“(c) RULEMAKING.—

“(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to reasonably ensure compliance with this title.

“(2) CONSULTATION.—Before publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall consult with the Secretary of Labor and obtain the advice and recommendations of representatives of—

“(A) adult learners;

“(B) adult education, literacy, and workplace skills providers;

“(C) eligible agencies;

“(D) State educational agencies;

“(E) institutions of postsecondary education, including community colleges;

“(F) representatives of State and local workforce investment boards;

“(G) other organizations involved with the implementation and operation of programs under this title; and

“(H) community based organizations involved with the implementation and operation of programs under this title.

“(3) MEETINGS AND ELECTRONIC EXCHANGE.—The advice and recommendations described in paragraph (2) may be obtained through such mechanisms as regional meetings and electronic exchanges of information.”.

#### SEC. 213. NATIONAL INSTITUTE FOR ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS.

Section 242 of the Adult Education and Family Literacy Act (20 U.S.C. 9252) is amended—

(1) by striking the section heading and inserting the following “**NATIONAL INSTITUTE FOR ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS**”;

(2) by striking subsection (a) and inserting the following:

“(a) PURPOSE.—The purpose of the National Institute for Adult Education, Literacy, and Workplace Skills is to—

“(1) provide national leadership regarding adult education and family literacy;

“(2) coordinate adult education, literacy, and workplace skills services and policy; and

“(3) serve as a national resource for adult education, literacy, and workplace skills programs by—

“(A) providing the best and most current information available;

“(B) providing national leadership on the use of technology for adult education; and

“(C) supporting the creation of new ways to offer adult education, literacy, and workplace skills services of proven effectiveness.”;

(3) in subsection (b)—

(A) in paragraph (1), by striking “National Institute for Literacy” and inserting “National Institute for Adult Education, Literacy, and Workplace Skills”;

(B) in paragraph (2), by striking “separate” and inserting “independent”; and

(C) in paragraph (3), by striking “National Institute for Literacy Advisory Board” and inserting “National Institute for Adult Education, Literacy, and Workplace Skills Advisory Board”;

(4) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) in clause (iii), by striking “and” after the semicolon;

(ii) in clause (iv), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(v) effective practices for integrated English literacy and civics education programs.”;

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

“(D) to collect and disseminate information on methods of advancing education and literacy that show great promise for adults eligible for services under this title.”;

(C) by striking subparagraph (E) and inserting the following:

“(E) to provide policy and technical assistance to Federal, State, and local organizations for the improvement of adult education, literacy, and workplace skills services.”;

(D) in subparagraph (G), by inserting “and integrated English literacy and civics education programs” after “workforce investment activities”;

(E) in subparagraph (H), by striking “and” after the semicolon;

(F) in subparagraph (I), by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

“(J) to carry out section 306 of the Adult Education and Economic Growth Act of 2009; and

“(K) not later than 4 years after the date of enactment of the Adult Education and Economic Growth Act of 2009, to conduct an evaluation and submit a report to the Interagency Group, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives on the effectiveness of programs funded under this title in achieving the purpose described in section 202, which evaluation and report shall include—

“(i) a longitudinal study of outcomes for adult learners served under programs under this title;

“(ii) an analysis of the adequacy of the performance measures identified in section 212; and

“(iii) recommendations for improved performance measures and on how to improve program effectiveness.”; and

(5) in subsection (e)—

(A) in the heading, by striking “NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD” and inserting “NATIONAL INSTITUTE FOR ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS ADVISORY BOARD”;

(B) in paragraph (1)(A), by striking “National Institute for Literacy Advisory Board” and inserting “National Institute for Adult Education, Literacy, and Workplace Skills Advisory Board”.

#### SEC. 214. NATIONAL LEADERSHIP ACTIVITIES.

Section 243 of the Adult Education and Family Literacy Act (20 U.S.C. 9253) is amended to read as follows:

**“SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.**

“The Secretary shall establish and carry out a program of national leadership activities to improve the quality and outcomes of adult education, literacy, and workplace skills programs nationwide. Such activities shall include the following:

“(1) Technical assistance, which may include—

“(A) assistance to eligible providers in developing and using certification systems, performance measures, and data systems for the improvement of adult education, literacy, and workplace skills activities, including family literacy services, transition to postsecondary education or career pathways, and integrated English literacy and civics education programs;

“(B) assistance related to professional development activities and assistance for the purpose of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education, literacy, and workplace skills activities, including family literacy services, transition to postsecondary education or career pathways, and integrated English literacy and civics education programs, based on scientific evidence where available; or

“(C) assistance in distance learning and promoting and improving the use of technology in the classroom.

“(2) National demonstration projects for improving adult education, literacy, and workplace skills services, which may include projects that—

“(A) accelerate learning outcomes for adult learners with the lowest literacy levels;

“(B) promote career pathways;

“(C) allow dual enrollment in adult secondary education and credit bearing postsecondary coursework;

“(D) provide integrated education and training services;

“(E) build capacity to enhance the intensity of adult education, literacy, and workplace skills services;

“(F) establish partnerships to improve the quality of and expand adult education, literacy, and workplace skills services to more adults;

“(G) provide professional development opportunities to adult education, literacy, and workplace skills service providers;

“(H) develop new curricula and methods of instruction that improve learning outcomes in adult education, literacy, and workplace skills programs; and

“(I) provide integrated English literacy and civics education program instruction.

“(3) Dissemination of the results and best practices identified in the national demonstration projects described in paragraph (2).

“(4) Program evaluation and data collection and reporting.”

**SEC. 215. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION PROGRAMS.**

Chapter 4 of subtitle A of the Adult Education and Family Literacy Act (20 U.S.C. 9251 et seq.) is amended by adding at the end the following:

**“SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION PROGRAMS.**

“(a) IN GENERAL.—From funds reserved under section 211(a)(4) for each fiscal year, the Secretary shall award grants to States, in accordance with the allocations under subsection (b), for integrated English literacy and civics education programs.

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), of the funds described in subsection (a), the Secretary shall allocate—

“(A) 65 percent to States on the basis of a State’s need for integrated English and

civics education programs, as determined by calculating each State’s share of a 10-year average of the data compiled by the Office of Immigration Statistics of the Department of Homeland Security, for immigrants admitted for lawful permanent residence for the 10 most recent years; and

“(B) 35 percent to States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which data compiled by the Office of Immigration Statistics of the Department of Homeland Security are available, for immigrants admitted for lawful permanent residence.

“(2) MINIMUM.—No State shall receive an allocation under paragraph (1) for a fiscal year in an amount that is less than \$60,000.”

**TITLE III—21ST CENTURY TECHNOLOGY AND SKILLS FOR ADULT LEARNERS****SEC. 301. PURPOSES.**

The purposes of this title are the following:

(1) To expand access to adult education services through the use of technology.

(2) To provide professional development for providers of adult education, literacy, and workplace skills services so that they are able to—

(A) effectively use technology in the delivery of adult education, literacy, and workplace skills services; and

(B) improve the quality of instruction and accelerate the—

(i) achievement of basic educational skills, English language literacy, and secondary school equivalency or postsecondary education; and

(ii) training readiness for adult learners.

(3) To assist States in developing a 21st Century delivery system for adult education, literacy, and workplace skills services.

(4) To assist adults in developing technology literacy.

**SEC. 302. DEFINITIONS.**

In this title:

(1) ADULT EDUCATION TERMS.—The terms “adult education”, “eligible agency”, “eligible provider”, “Secretary”, and “State” have the meanings given the terms in section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202).

(2) DISTANCE EDUCATION.—The term “distance education” has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(3) INSTITUTE.—The term “Institute” means the National Institute for Adult Education, Literacy, and Workplace Skills established under section 242 of the Adult Education and Family Literacy Act (20 U.S.C. 9252).

(4) TECHNOLOGY LITERACY.—The term “technology literacy” means the knowledge and skills in using contemporary information, communication and learning technologies in a manner necessary for successful lifelong learning and citizenship in the knowledge-based, digital, and global 21st Century, which includes the abilities—

(A) to effectively communicate and collaborate;

(B) to analyze and solve problems;

(C) to access, evaluate, manage, and create information and otherwise gain information literacy; and

(D) to do so in a safe and ethical manner.

**SEC. 303. RESERVATION OF FUNDS AND ALLOTMENTS.**

(a) RESERVATION OF FUNDS.—From the sums appropriated under section 307 for a fiscal year, the Secretary shall reserve 3 percent or \$7,500,000 to carry out section 306, whichever amount is less.

(b) ALLOTMENT OF REMAINDER.—From the sums remaining for a fiscal year after making the reservation under subsection (a), the Secretary shall allot—

(1) 75 percent to carry out section 305;

(2) 20 percent to carry out section 304; and

(3) 5 percent for administrative costs in carrying out section 304.

(c) ALLOTMENTS TO ELIGIBLE AGENCIES.—

(1) IN GENERAL.—From the sums available to carry out section 304 for a fiscal year, the Secretary shall allot to each eligible agency with an approved application an amount that bears the same relationship to such sums as the amount received under section 211(c)(2) of the Adult Education and Family Literacy Act (20 U.S.C. 9211(c)(2)) by such eligible agency bears to the amount received under such section for such fiscal year by all eligible agencies.

(2) MINIMUM ALLOTMENT.—No eligible agency shall receive an allotment under paragraph (1) for a fiscal year in amount that is less than \$100,000. If the amount appropriated to carry out section 304 for a fiscal year is not sufficient to pay such minimum allotment, the amount of such minimum allotments shall be ratably reduced.

**SEC. 304. GRANTS TO ELIGIBLE AGENCIES.**

(a) AUTHORIZATION OF GRANTS.—The Secretary shall award grants to eligible agencies from allotments under section 303(b).

(b) APPLICATION.—

(1) IN GENERAL.—Each eligible agency that desires to receive a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) CONTENTS.—An application submitted under paragraph (1) shall contain the following:

(A) A description of the eligible agency’s technology plan for the adult education system, including measurable goals to be achieved.

(B) A description of how the eligible agency will provide technical assistance and support to local programs.

(C) A description of how the eligible agency will use technology to expand adult education, literacy, and workplace skills services to more adults, including those in rural areas.

(D) A description of the long-term goals and strategies for improved outcomes for adult learners.

(E) A description of the professional development activities to be undertaken.

(F) A description of the performance benchmarks and how data will be collected.

(G) A description of how the eligible agency will ensure that grants or contracts to eligible providers are of sufficient size and scope to achieve the purposes of this title.

(c) ACTIVITIES.—An eligible agency that receives a grant under this title shall carry out the following:

(1) Developing a statewide technology plan for the adult education system.

(2) Providing professional development for adult education, literacy, and workplace skills service providers.

(3) Providing access to curricula, instruction, and assessment for adult learners and eligible providers.

(4) Supporting the development of curricula and assessment tools for adult education, literacy, and workplace skills service providers.

(5) Providing guidance and technical assistance to eligible providers.

(6) Supporting innovative pilot projects such as the use of assistive technology to deliver content to adult learners.

**SEC. 305. GRANTS AND CONTRACTS TO ELIGIBLE PROVIDERS.**

(a) AUTHORIZATION OF GRANTS AND CONTRACTS.—An eligible agency that receives a grant under this title shall award grants and contracts to eligible providers to carry out activities described in this section.



(b) **ELIGIBLE PROVIDER APPLICATION.**—An eligible provider that desires to receive a grant or contract under this title shall submit an application to an eligible agency, which shall include—

(1) a description of how the eligible provider will integrate technology into the eligible provider's delivery of adult education, literacy, and workplace skills services;

(2) a description of professional development activities to be undertaken; and

(3) a description of plans to regularly replace computers and servers that lack the functional capabilities to process new online applications and services, including video conferencing, video streaming, virtual simulations, and distance education courses.

(c) **ELIGIBLE PROVIDER ACTIVITIES.**—An eligible provider that receives a grant or contract under this title shall carry out the following:

(1) Acquiring and effectively implementing technology tools, applications, and other resources in conjunction with enhancing or redesigning adult education, literacy, and workplace skills curricula to increase adult learning outcomes and improve adult technology literacy.

(2) Acquiring and effectively implementing technology tools, applications, and other resources to—

(A) conduct on-going assessments and use other timely data systems to more effectively identify individual learning needs and guide personalized instruction, learning, and appropriate interventions that address those personalized student learning needs; and

(B) support individualized learning, including through instructional software and digital content that support the learning needs of each student or through providing access to high quality courses and instructors, especially in rural areas.

(3) Providing professional development activities for providers of adult education, literacy, and workplace skills services that include—

(A) training that is on-going, sustainable, timely, and directly related to delivering adult education, literacy, and workplace skills services;

(B) training in strategies and pedagogy in the delivery of adult education, literacy, and workplace skills services that involves the use of technology and curriculum redesign as key components of changing teaching and learning and improving outcomes for adult learners;

(C) training in the use of technology to ensure that providers of adult education, literacy, and workplace skills services are able to use technology for data analysis to enable individualized instruction and to use technology to improve technology literacy for adult learners; and

(D) training that includes on-going communication and follow-up with instructors, facilitators, and peers.

(4) Acquisition and implementation of technology tools, applications, and other resources to be employed in professional development activities.

**SEC. 306. NATIONAL ADULT LEARNING AND TECHNOLOGY RESOURCE CENTER.**

(a) **IN GENERAL.**—The Institute shall establish and maintain the National Adult Learning and Technology Resource Center (referred to in this section as the “Center”).

(b) **DUTIES OF THE CENTER.**—The Center shall—

(1) develop frameworks for technology-based learning and professional development materials for adult education, literacy, and workplace skills;

(2) develop frameworks for performance measures for technology literacy;

(3) provide technical assistance to eligible entities and eligible providers of adult education, literacy, and workplace skills;

(4) support distance education for professional development for eligible entities and eligible providers of adult education, literacy, and workplace skills services;

(5) support the innovative uses of technology, such as the use of assistive technology, to deliver content to adult learners; and

(6) be accessible to the public through the website of the Institute.

**SEC. 307. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title \$250,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year.

**TITLE IV—RESEARCH IN ADULT EDUCATION**

**SEC. 401. RESEARCH IN ADULT EDUCATION.**

(a) **IN GENERAL.**—Section 133(c)(2)(A) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9533(c)(2)(A)) is amended by inserting “education and” before “literacy”.

(b) **NATIONAL RESEARCH AND DEVELOPMENT CENTER.**—

(1) **IN GENERAL.**—The Secretary of Education shall direct the Commissioner for Education Research of the National Center for Education Research established pursuant to section 131 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9531) to establish a national research and development center for adult education, literacy, and workplace skills as described in section 133(c)(2)(A) of such Act (20 U.S.C. 9533(c)(2)(A)).

(2) **PROVISION FOR EXPANSION OF RESEARCH.**—If, as of the date of the enactment of this Act, the Commissioner for Education Research of the National Center for Education Research has established a center for adult literacy in accordance with section 133(c)(2)(A) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9533(c)(2)(A)), the Commissioner shall expand the topic of research of such center to include adult education, in accordance with the amendment made by subsection (a).

**TITLE V—EMPLOYER INCENTIVES**

**SEC. 501. CREDIT FOR EMPLOYER EDUCATIONAL ASSISTANCE PROGRAMS.**

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 45R. CREDIT FOR EMPLOYER EDUCATIONAL ASSISTANCE PROGRAMS.**

“(a) **GENERAL RULE.**—For purposes of section 38, in the case of an employer, the employer educational assistance program credit determined under this section for the taxable year is an amount equal to 50 percent of the qualified educational assistance expenses paid or incurred by the taxpayer to or on behalf of any employee of the taxpayer during the taxable year, regardless if the program is provided at the workplace or outside of the workplace.

“(b) **LIMITATIONS.**—

“(1) **PER EMPLOYEE LIMITATION.**—The amount of the qualified educational assistance expenses taken into account under subsection (a) with respect to any employee for the taxable year shall not exceed \$5,250.

“(2) **TOTAL LIMITATION.**—The aggregate amount of the qualified educational assistance expenses taken into account under subsection (a) with respect to all employees of the taxpayer for the taxable year shall not exceed the average of the aggregate qualified educational assistance expenses with respect to all employees of the taxpayer taken into account under subsection (a) in the 3 taxable years preceding such taxable year.

“(3) **TRANSITION RULE.**—

“(A) **IN GENERAL.**—In the case of a taxable year in which qualified educational assistance expenses of the taxpayer have not been taken into account under subsection (a) for each of the 3 taxable years preceding such taxable year, the aggregate amount of the qualified educational assistance expenses taken into account under subsection (a) with respect to all employees of the taxpayer for such taxable year shall not exceed the average of the sum of—

“(i) the aggregate qualified educational assistance expenses with respect to all employees of the taxpayer taken into account under subsection (a) in any of the 3 taxable years preceding such taxable year, plus

“(ii) the aggregate amount of amounts paid or expenses incurred by the employer, for which an exclusion was allowable to any employee of the employer under section 127, in any of such 3 taxable years in which no expenses were taken into account under subsection (a), plus

“(iii) in the case of a taxable year in which expenses have not been taken into account under subsection (a) or section 127 for each of the 3 taxable years preceding such taxable year, an amount equal to—

“(I) \$5,250, multiplied by

“(II) the number of employees of the taxpayer with respect to which the taxpayer has qualified educational assistance expenses in such taxable year.

“(c) **QUALIFIED EDUCATIONAL ASSISTANCE EXPENSES.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘qualified educational assistance expenses’ means expenses paid for educational assistance pursuant to an educational assistance program (within the meaning of section 127(b)).

“(2) **EDUCATIONAL ASSISTANCE.**—The term ‘educational assistance’ has the meaning given such term by section 127(c)(1), applied without regard to subparagraph (B) thereof, except that such term includes a payment only if such payment is made with respect to an employee enrolled in a program provided at the workplace or outside of the workplace—

“(A) leading to a sub-baccalaureate degree or career technical certificate awarded by an accredited postsecondary institution; or

“(B) in basic education, workplace skills, or English language training leading to a nationally recognized certificate of proficiency.

“(d) **OTHER DEFINITIONS AND SPECIAL RULES.**—Rules similar to the rules of paragraphs (2) through (5) of section 127(c) shall apply for purposes of this section.

“(e) **DENIAL OF DOUBLE BENEFIT.**—No deduction or other credit shall be allowed under this chapter to an employer for any amount taken into account in determining the credit under this section.”.

(b) **CREDIT INCLUDED IN GENERAL BUSINESS CREDIT.**—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting “, plus”, and by adding at the end the following new paragraph:

“(36) the employer educational assistance program credit determined under section 45R(a).”.

(c) **CLERICAL AMENDMENT.**—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 45R. Credit for employer educational assistance programs.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to expenses relating to courses of instruction beginning after December 31, 2009.

By Mrs. BOXER:

S. 1469. A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; to the Committee on Armed Services.

Mrs. BOXER. Mr. President, the Port Chicago Naval Magazine National Memorial Enhancement Act of 2009 would help increase visitor access to the Port Chicago Naval Magazine National Memorial on the former Concord Naval Weapons Station and ensure the long-term preservation of this important World War II site. The legislation is strongly supported by the National Park Service, a coalition of more than 37 civil rights organizations in California, the National Parks Conservation Association, and the Friends of Port Chicago.

The Port Chicago Memorial marks the location of an explosion 65 years ago this week that killed and wounded numerous African American sailors and eventually paved the way for racial desegregation of the Armed Forces.

On the night of July 17, 1944, as sailors were loading ammunition at the Port Chicago Naval Magazine, a terrible explosion occurred. More than 5,000 tons of ammunition ignited, sending a blast more than 12,000 feet into the sky. The explosion killed 320 sailors, wounded hundreds more, and destroyed the surrounding town of Port Chicago. Less than a month after the explosion, survivors were ordered to resume work at a new site. Most survivors refused, citing the need for improved supervision, training, and working conditions to prevent another disaster. In response, the Navy charged 50 men with conspiring to mutiny, and all were convicted. The majority of men killed in the explosion and all those convicted of mutiny were African-American.

Following the conviction, future Supreme Court Justice Thurgood Marshall, who at the time was a lawyer with the National Association for the Advancement of Colored People, took up the case. Roughly a year later, the Navy began moving towards racial desegregation, and in 1948, President Truman issued an Executive Order desegregating all of the Armed Forces and guaranteeing "equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion, or national origin."

In 1992, Congress authorized the creation of a National Memorial at Port Chicago. However, under its current authorities, the National Park Service still has limited ability to provide visitor access to the Memorial or to assist with the site's preservation. My bill authorizes the Interior Department to work with the City of Concord and the East Bay Regional Park District to operate a visitor's center for the Memorial, allowing veterans, students, and other visitors to learn more about the events that transpired at Port Chicago. The bill also designates the Memorial

as a unit of the National Park System, allowing the Park Service to become more actively involved in its preservation.

The bill specifically states that as much public access as possible will be provided "without interfering with military needs," meaning that the timing and extent of public visitation will be adapted to accommodate military activities when they occur near the Memorial.

Eventually, when the Secretary of Defense determines that the land is excess to military needs, the bill authorizes the Secretaries of Defense and Interior to enter into a Memorandum of Understanding leading to the transfer of the Memorial to the National Park Service.

The Port Chicago National Memorial ensures that the stories of those who served and died at Port Chicago will not be forgotten. By enabling visitors to come to this site, future generations can continue to honor and learn from these brave sailors who selflessly served our Nation and who fought to overcome the barriers of racial segregation.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 212—EX-PRESSING THE SENSE OF THE SENATE THAT ANY SAVINGS UNDER THE MEDICARE PROGRAM SHOULD BE INVESTED BACK INTO THE MEDICARE PROGRAM, RATHER THAN CREATING NEW ENTITLEMENT PROGRAMS

Mr. JOHANNIS submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 212

Whereas the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) is projected to be insolvent by 2017; and

Whereas the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is the largest source of general revenue spending on health care for both the Federal government and the States: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) any savings under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) should be invested back into the Medicare program, rather than creating new entitlement programs; and

(2) any savings under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) should be used to increase the Federal medical assistance percentage (as defined in section 1905(b) of such Act (42 U.S.C. 1396d(b))).

Mr. JOHANNIS. Mr. President, the Medicare and Medicaid Programs are the largest single purchaser of health care in the world. These programs account for over 20 percent of all U.S. Federal Government spending. More than 1 in 5 taxpayer dollars we actually spend will go to the Medicare or Medicaid Program. By the time my chil-

dren become senior citizens, these two programs are projected to consume every dollar of tax revenue raised per year. Recently, the Medicare trustees reported that the Medicare Program is literally projected to be bankrupt by 2017, just 8 short years away. That is 2 years earlier than projected last year.

Our ability to offer financial predictions provides little consolation to senior citizens who depend on the Medicare Program to receive their medical care. For the millions of baby boomers, my generation, expecting the Medicare Program to be there for them and their future health care needs, these projections basically say that on the current course, we are out of luck.

Unfortunately, the Medicaid Program outlook is not much better, a program I am very familiar with as a prior Governor. Medicaid is the largest source of general revenue spending on health care for both the Federal Government and State governments. In fact, Medicaid represents 40 percent of Federal Government general revenue spending on health care and 41 percent of such spending by the States. That is why, as economic conditions have continued to worsen, State Medicaid budgets are increasingly in crisis. States are struggling to pay Medicaid obligations and still balance their budgets. It is a tough job—I know from personal experience—one that is not for the faint of heart.

The President is proposing, in my judgment, to exacerbate the problem by creating another government-run entitlement program. Of course, in order to pay for this new program, he has identified cuts in Medicare and Medicaid. Let's be clear: We have one soon-to-be-bankrupt program that consumes a huge chunk of health care spending today, and the rushed reform would take money from it to pay for a new health care program. Seriously, this is a vicious cycle and something we would only see in Washington. The American people deserve a better effort.

I suggest that in the real world, when budgets get tight, leaders have to make very tough decisions. Programs are scrutinized with a fine-toothed comb to find out where savings can be found. If savings are identified, that money is used to shore up the programming shortfalls and to try to keep the current program viable. Medicare recipients are hoping we do that because the clock is ticking on their program. We don't see new programs created as existing programs fall deeper and deeper into the red. People and programs, they have to work together, rolling up their sleeves, prioritizing, scrutinizing every dollar in every program in order to fulfill current obligations, in order to meet the promise to those who are receiving the benefits today.

I have laid down a resolution. That is why this resolution I am submitting today is necessary, to restore some semblance of sanity to the process. Simply put, this resolution says that if we find savings within the Medicare

Program, we should put those savings back into the Medicare Program to keep the promise to our senior citizens that we will protect their program instead of creating yet another government entitlement program with the savings we have pulled from their program. It also says that if we find savings with the Medicaid Program, we should increase the Federal medical assistance percentage to help out States, to reduce the burden on State budgets; again, to fulfill the promise to those Medicaid recipients that we are serious about keeping their program going.

These are very practical, common-sense views the vast majority of Americans would agree with. Fix the programs in existence, Medicaid and Medicare, keep the promise to those receiving the benefits today, instead of taking the money from those programs to start yet another gigantic program. If we identify true savings within these current entitlement programs, I propose we fulfill that promise to the millions of Americans who are relying upon these important Federal programs. After all, it is not practical to rob Peter to pay Paul, especially when both Peter and Paul are going broke.

**SENATE RESOLUTION 213—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE CITY OF SANTA FE, NEW MEXICO ON THE OCCASION OF ITS 400TH ANNIVERSARY**

Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted the following resolution; which was referred to the Committee on the Judiciary:

**S. RES. 213**

Whereas, before 1598, the Pueblos of the Rio Grande region of New Mexico inhabited the area now officially known as Santa Fe;

Whereas, from the first arrival of Spanish colonists in August of 1598, the Pueblos of the Rio Grande and adjoining regions of New Mexico provided support and sustenance to those colonists, which allowed the colonists to persevere at San Gabriel del Yunque, the first villa and capital of New Mexico located in the Pueblo lands of Ohkay Owingeh;

Whereas, on March 30, 1609, the viceroy of New Spain, Luis de Velasco II, upon receiving a royal proclamation from the King of Spain and the captain general of New Mexico, ordered Governor Pedro de Peralta to arrive in New Mexico before the end of 1609 and establish a villa at the site of what is now known as Santa Fe;

Whereas some 70 years following the establishment of the villa of Santa Fe, the Pueblos took up arms and forced the inhabitants of the villa to retreat to El Paso de Guadalupe in what was then Mexico;

Whereas, in 1692, the Spanish colonists began to return to the villa, which, although initially peaceful, resulted in several armed conflicts lasting through 1696;

Whereas, following the repopulation of Santa Fe and reinstatement of the Spanish government in New Mexico, the Pueblos and Spanish colonists found ways to engage in mutual cultural interchange;

Whereas, over the following years, and despite intermittent disputes, the colonists and the descendants of the colonists formed

alliances with the Pueblos and each accommodated the culture of the other, allowing Santa Fe to flourish;

Whereas the peaceful acceptance of each other's cultures continued through the conquest of New Mexico by the United States during the war with Mexico, contributed to the evolution of the cultural heritage of Santa Fe, and resulted in the recognition by the State and Federal governments of the sovereign rights of the Pueblos, including their right to self-government;

Whereas, during 2009 and 2010, Santa Fe will proudly observe the 400th anniversary of the settlement and subsequent founding as a villa and the multicultural heritage of the city with suitable events and observances to commemorate the occasion and to pass on to future generation the heritage of Santa Fe and the surrounding region; and

Whereas it is important that the commemoration provide a foundation for peace, hope, and collaboration for Santa Fe and its surrounding communities, and a foundation for moving forward as a flagship community within the State of New Mexico: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the historical significance of the city of Santa Fe, New Mexico;

(2) recognizes the 400th anniversary of the establishment of Santa Fe; and

(3) encourages the people of the United States to observe the anniversary with appropriate ceremonies and activities.

Mr. BINGAMAN. Mr. President, I rise today to submit a resolution commemorating the 400th anniversary of the founding of the City of Santa Fe, NM. This bill is cosponsored by Senator TOM UDALL and a companion bill will be introduced in the House by Representatives BEN RAY LUJÁN, MARTIN HEINRICH, and HARRY TEAGUE.

Over the next year the City of Santa Fe will commemorate the arrival of Spanish settlers and the designation of the City as the capital city of the Spanish territory now known as New Mexico. On their arrival the Spaniards found a thriving Native American culture. These Native American and Spanish cultures served to enrich each other and led the creation of a vibrant social, cultural, and financial center that made the settlement of the Western United States possible.

Despite the difficulties and periodic clashes the Spanish, Native American, and Anglo cultures in Santa Fe fought and worked to create a unique and vibrant culture that enriched all in the area. It is this confluence of cultures and the incomparable natural beauty of the area that make Santa Fe, The City Different, an American treasure that should be recognized and celebrated.

Santa Fe is celebrated worldwide for its thriving artistic community, including the Santa Fe Opera, museums, and working artists. Many of these artists were drawn to its natural beauty, the light and air of the place. It is this special something that led artists like D.H. Lawrence and Georgia O'Keefe and countless others to visit and move to the area.

We in New Mexico know how lucky we are to have Santa Fe and its treasures the entire state stands with the City to commemorate its 400th anni-

versary. That is why I am proud to introduce this resolution with the entire New Mexico delegation calling on the Congress to recognize the historical significance of Santa Fe and calling on the People of the United States to observe the anniversary with appropriate ceremonies and activities.

Mr. UDALL of New Mexico. Mr. President, it gives me great pleasure to rise today and join my senior Senator in submitting a resolution commemorating the 400th anniversary of the founding of the city of Santa Fe, NM.

The Villa de Santa Fe was founded in 1609 by Don Pedro de Peralta as the capital of the Spanish province of New Mexico, making it the oldest capital city in the U.S.

The city of Santa Fe is blessed with a diversity of cultures, rooted in its remarkable history. At the time Spanish colonists arrived in New Mexico, they found many thriving Pueblo communities, including in the area around what was to become Santa Fe. Although there were conflicts between the two people, they learned from each other, shared knowledge, traditions, and skills, while preserving their own unique cultures that persist to this day. Descendants of the original Spanish colonists can still be found in Santa Fe, and the nearby Pueblos continue to enrich the city and the region today. The city continued to evolve and grow through history with influences from the Mexican Revolution and characters from the western American frontier such as Billy the Kid.

With the breathtaking landscape of the high desert, snow-capped Sangre de Cristo Mountains as a backdrop, and well-preserved historical landmarks including the Cathedral Basilica of St. Francis of Assisi and the Palace of the Governors, Santa Fe has become a major tourist destination and an inspiration to many artists, including Georgia O'Keefe and D.H. Lawrence.

Today, Santa Fe is a modern American city, steeped in its rich history, arts, culture, and traditions. It is a treasure for the state of New Mexico and the Nation. I hope my colleagues will join us in honoring its past and celebrating the future of the "City Different."

**SENATE RESOLUTION 214—CONGRATULATING LUCAS GLOVER ON WINNING THE 2009 UNITED STATES OPEN GOLF TOURNAMENT**

Mr. DEMINT (for himself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on the Judiciary:

**S. RES. 214**

Whereas, on June 22, 2009, Lucas Glover, a native of Greenville, South Carolina, won the United States Open golf tournament at the Bethpage Black Course in Farmingdale, New York;

Whereas past United States Open champions include some of the greatest players in golf history, such as Bobby Jones, Walter

Hagen, Ben Hogan, Arnold Palmer, Gary Player, Jack Nicklaus, Tom Watson, and Tiger Woods;

Whereas Lucas Glover shot a final round 73 for a 72-hole total of 4 under par, 2 strokes better than any other competitor;

Whereas Lucas Glover showed great skill, patience, and will by withstanding the challenges of the weather and the course;

Whereas Lucas Glover is the first native South Carolinian to win a men's major championship in golf; and

Whereas Lucas Glover brings great pride and honor to his family and friends, his alma mater Clemson University, and the citizens of South Carolina with his victory: Now, therefore, be it

*Resolved*, That the Senate congratulates Lucas Glover on the outstanding accomplishment of winning the 2009 United States Open golf tournament.

#### SENATE RESOLUTION 215—DESIGNATING AUGUST 8, 2009, AS “NATIONAL MARINA DAY”

Mr. WHITEHOUSE (for himself, Mrs. MURRAY, Ms. STABENOW, Mr. VITTER, Mr. INHOFE, Mr. FEINGOLD, Mr. SCHUMER, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

##### S. RES. 215

Whereas the people of the United States highly value their recreational time and their ability to access the waterways of the United States for enjoyment in and on one of the Nation's greatest natural resources;

Whereas in 1928, the National Association of Engine and Boat Manufacturers first used the word “marina” to describe a recreational boating facility;

Whereas the United States is home to over 12,000 marinas that contribute substantially to their local communities by providing safe and reliable gateways to boating;

Whereas the marinas of the United States serve as stewards of the environment and actively seek to protect the waterways that surround them for the enjoyment of this generation and generations to come;

Whereas the Association of Marina Industries has joined with the National Youth Marine Alliance to offer youth service projects for the Preserve America's Waterways volunteer service initiative at marinas across the Nation;

Whereas the marinas of the United States provide their communities and visitors a place where friends and families, united by a passion for the water, can come together for recreation, rest, relaxation, and stewardship of the environment; and

Whereas the Association of Marina Industries has designated August 8, 2009, as “National Marina Day”, to increase awareness among citizens, policymakers, and elected officials about the many contributions that marinas make to their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 8, 2009, as “National Marina Day”;

(2) supports the goals of “National Marina Day”; and

(3) urges that all marinas continue to provide environmentally-friendly gateways to boating for all the people of the United States.

#### SENATE RESOLUTION 216—ACKNOWLEDGING THE 25TH ANNIVERSARY OF THE NOMINATION OF REPRESENTATIVE GERALDINE A. FERRARO AS THE FIRST WOMAN SELECTED BY A MAJOR POLITICAL PARTY TO RUN FOR THE OFFICE OF THE VICE PRESIDENT

Mrs. GILLIBRAND (for herself and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

##### S. RES. 216

Whereas July 19, 2009, marks the 25th anniversary of the date Geraldine A. Ferraro accepted the nomination of the Democratic Party to run for the Office of the Vice President of the United States;

Whereas Geraldine A. Ferraro graduated from Fordham University School of Law at a time when very few women attended law school;

Whereas Geraldine A. Ferraro joined the Queens County District Attorney's Office, where she supervised the prosecution of violent crimes including child and domestic abuse;

Whereas in 1978, Geraldine A. Ferraro was elected to serve the Ninth Congressional District of New York in the United States House of Representatives, where she was 1 of only 16 women;

Whereas the colleagues of Geraldine A. Ferraro in the House of Representatives rewarded her legislative and political talents by electing her to serve as Secretary of the House Democratic Caucus, a key leadership position;

Whereas in 1984, the leadership of Geraldine A. Ferraro was confirmed when she became the first woman to serve as Chairwoman of the Platform Committee for the Democratic National Convention;

Whereas the legislative achievements of Geraldine A. Ferraro include sponsorship of the Women's Economic Equity Act, landmark legislation to end pension discrimination and provide increased job training and opportunities for women re-entering the workforce;

Whereas Geraldine A. Ferraro became the first woman to run for national office for either major political party when she was nominated as the running mate of Walter F. Mondale in the 1984 Presidential race;

Whereas the nomination of Geraldine A. Ferraro also marked the first and only time an Italian-American has been nominated as a major-party candidate in a national election;

Whereas the Vice Presidential candidacy of Geraldine A. Ferraro continued the progress begun by women who achieved political firsts before her, including—

(1) Jeanette Rankin, the first woman elected to Congress;

(2) Margaret Chase Smith, the first woman elected to the Senate;

(3) Patsy Takemoto Mink, the first Asian-American woman elected to Congress; and

(4) Shirley Chisholm, the first African-American woman elected to Congress;

Whereas the candidacy of Geraldine A. Ferraro helped tear down barriers that had prevented women from fully and equally participating in national politics;

Whereas in 1984, 2 women served in the United States Senate, and 22 women served in the United States House of Representatives;

Whereas in the 111th Congress, 17 women serve in the United States Senate, and 75 women serve in the United States House of Representatives, including Representative Nancy Pelosi, the first woman to serve as Speaker of the House;

Whereas in January 1993, President William Jefferson Clinton appointed Geraldine A. Ferraro to serve as United States Ambassador to the United Nations Commission on Human Rights, a role she used to champion the rights of women around the world;

Whereas in 2008, people of the United States watched historic barriers fall with a Presidential campaign that featured historic candidacies in both parties and culminated in the election of the first African-American President; and

Whereas the Vice Presidential candidacy of Geraldine A. Ferraro helped daughters join sons in believing they can achieve anything: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that the Vice Presidential candidacy of Geraldine A. Ferraro forever enriched the American political landscape and forged a new path for women of the United States;

(2) congratulates Geraldine A. Ferraro on the 25th anniversary of the acceptance of her nomination;

(3) pays tribute to the efforts of Geraldine A. Ferraro to improve the lives of women and families in the Ninth Congressional District of New York, which she represented so well, and across the United States; and

(4) appreciates the life story of Geraldine A. Ferraro, a daughter of immigrants who studied hard to become a teacher and later a prosecuting attorney, a wife and mother who has fought to create a more just world, and a Congresswoman and Vice Presidential candidate who inspired a generation of women to run for public office.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1575. Mr. JOHANNIS (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1576. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1577. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1578. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1579. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1580. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1581. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1582. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1583. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1584. Mr. DEMINT submitted an amendment intended to be proposed by him to the

bill S. 1390, supra; which was ordered to lie on the table.

SA 1585. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1586. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1587. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1588. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1589. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1590. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1591. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1592. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1593. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1594. Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1595. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1596. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1597. Mr. BROWNBACK (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1598. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1599. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1600. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1601. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1602. Mr. DEMINT (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1603. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1604. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1605. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1606. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1607. Mr. KYL (for himself, Mr. INHOFE, Mr. DEMINT, Mr. SESSIONS, Mr. MARTINEZ, Mr. VITTER, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1608. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1609. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1610. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, supra.

SA 1611. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, supra.

SA 1612. Mr. NELSON, of Florida (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1613. Mr. LEAHY proposed an amendment to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, supra.

SA 1614. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1615. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1616. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1617. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1618. Mr. THUNE (for himself, Mr. VITTER, Mr. ENZI, Mr. BARRASSO, and Mr. COBURN) proposed an amendment to the bill S. 1390, supra.

#### TEXT OF AMENDMENTS

**SA 1575.** Mr. JOHANNIS (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

#### **SEC. 1232. REPORT ON ELECTRONIC SURVEILLANCE CAPABILITIES OF THE GOVERNMENT OF IRAN.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall submit to Congress a report on the domestic electronic surveillance capabilities of the Government of Iran that includes—

(1) an identification of the five persons that supply the most electronic surveillance equipment to the Government of Iran and the location of any global headquarters of each such person;

(2) an estimate of the value of the sales of such equipment by each such person in the year preceding the submittal of the report;

(3) an estimate of the annual value of such sales during previous years;

(4) a description of any actions taken by the United States to discourage such sales; and

(5) an identification of any contracts entered into with such persons by the Federal Government.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(c) PERSON DEFINED.—In this section, the term “person” means—

(1) a natural person;

(2) a corporation, business association, partnership, society, trust, or any other non-governmental entity, organization, or group;

(3) any governmental entity operating as a business enterprise; and

(4) any successor to any entity described in paragraph (2) or (3).

**SA 1576.** Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

#### **SEC. 1073. REPORT ON HEALTH EFFECTS OF DEPARTMENT OF DEFENSE BURN PITS ON MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report

on the adverse health effects on members of the Armed Forces of the use of burn pits by the Department of Defense for the disposal of refuse.

(b) AIR QUALITY TESTS.—As part of the report submitted under subsection (a), the Secretary shall include the results of air quality and air pollutant tests carried out at each of the 15 military installations or facilities closest to a burn pit described in subsection (a) in which members of the Armed Forces reside. Such results shall specify the distance between the burn pit and the military installation or facility where the air quality and air pollutant tests were carried out.

**SA 1577.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 557. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.**

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall undertake an initiative intended to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The initiative shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Requirements for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care

services provided at facilities currently outside the accredited network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

**SA 1578.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, after line 25, insert the following:

**SEC. 652. EXTENSION OF FIRST-TIME HOME-BUYER INCOME TAX CREDIT FOR MEMBERS OF THE ARMED FORCES DEPLOYED AWAY FROM THEIR PERMANENT DUTY STATIONS.**

(a) IN GENERAL.—Subsection (g) of section 36 of the Internal Revenue Code of 1986 is amended—

(1) by inserting “(1) IN GENERAL.—” before “In the case of”, and

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

“(2) DEPLOYED MEMBERS OF THE ARMED FORCES.—

“(A) EXCEPTION.—In the case of a purchase of a principal residence on or after December 1, 2009, and before the applicable extension date by a member of the Armed Forces who is deployed away from such member’s permanent duty station on any day after June 30, 2009, and before December 1, 2009, such member may elect to treat such purchase as made on November 30, 2009, for purposes of this section (other than subsection (c)).

“(B) APPLICABLE EXTENSION DATE.—For purposes of this paragraph, the term ‘applicable extension date’ means, with respect to any member of the Armed Forces described in subparagraph (A), the earlier of—

“(i) the date that is the same number of days after November 30, 2009, as the number of days such member was deployed away from such member’s permanent duty station after June 30, 2009, and before December 1, 2009, or

“(ii) May 1, 2010.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after November 30, 2009.

**SA 1579.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CLASSES OF PERSONS AND LIMITATIONS.**

(a) MEMBERS OF ARMED FORCES.—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the

actual or perceived status of the person as a member of the Armed Forces shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(b) RECRUITERS.—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a recruiter for the United States military shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(c) PREGNANT WOMEN.—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a pregnant woman shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(d) IMMUTABLE CHARACTERISTICS.—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as possessing any immutable characteristic shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(e) UNBORN CHILDREN.—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as an unborn child under the circumstances where the crime under such section 249 is also a crime under section 1531 of title 18, United States Code, shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(f) SENIOR CITIZENS.—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a senior citizen who has attained the age of 65 shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(g) LAW ENFORCEMENT OFFICERS.—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a law enforcement officer shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(h) UNLAWFUL ALIENS.—Any alien, whether or not acting under color of law, who while unlawfully present in the United States willfully causes bodily injury to any national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to a national of the United States—

(1) shall be imprisoned not more than 10 years, fined in accordance with title 18, United States Code, or both; and

(2) shall be imprisoned for any term of years or for life, fined in accordance with title 18, United States Code, or both, if—

(A) death results from the offense; or

(B) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(i) CERTIFICATION REQUIREMENT.—The certification requirements under section 249 of title 18, United States Code, as added by this Act, shall also include a certification in writing by the Attorney General, or the designee of the Attorney General, that the State has no law prohibiting the conduct constituting the alleged crimes of the defendant.

(j) RELIGIOUS BELIEFS.—No prosecution under section 249 of title 18, United States



Code, as added by this Act, may be based in whole or in part on religious beliefs quoted from the Bible, the Tanakh, or the Koran.

**SA 1580.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CIRCUMSTANCES.**

The circumstances described in section 249(a)(2)(B) of title 18, United States Code, as added by this Act, shall include that the conduct described in subparagraph (A) of such section 249(a)(2) is committed against a person in the process of practicing the religion of the person in a place of worship (including a Christian church, a Jewish synagogue, or a Muslim mosque) and is without due process or is a form of desecration to the place of worship itself, unless such action is under color of law after due process.

**SA 1581.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . UNBORN CHILDREN.**

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as an unborn child under the circumstances where the crime under such section 249 is also a crime under section 1531 of title 18, United States Code, shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

**SA 1582.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CERTIFICATION REQUIREMENT.**

The certification requirements under section 249 of title 18, United States Code, as added by this Act, shall also include a certification in writing by the Attorney General, or the designee of the Attorney General, that the State has no law prohibiting the conduct constituting the alleged crimes of the defendant.

**SA 1583.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize ap-

propriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . RECRUITERS.**

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a recruiter for the United States military shall be imprisoned, fined, or both, in accordance section 249 of title 18, United States Code.

**SA 1584.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENIOR CITIZENS.**

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a senior citizen who has attained the age of 65 shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

**SA 1585.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SEXUAL ORIENTATION.**

The term "sexual orientation" as used in this Act or any amendment made by this Act does not include pedophilia.

**SA 1586.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . MEMBERS OF ARMED FORCES.**

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a member of the Armed Forces shall be imprisoned, fined, or both, in accord-

ance with section 249 of title 18, United States Code.

**SA 1587.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . RELIGIOUS BELIEFS.**

No prosecution under section 249 of title 18, United States Code, as added by this Act, may be based in whole or in part on religious beliefs quoted from the Bible, the Tanakh, or the Koran.

**SA 1588.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . LAW ENFORCEMENT OFFICERS.**

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a law enforcement officer shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

**SA 1589.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PREGNANT WOMEN.**

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a pregnant woman shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

**SA 1590.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . IMMUTABLE CHARACTERISTICS.**

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as possessing any immutable characteristic shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

**SA 1591.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . INTENT REQUIRED.**

Conduct shall only constitute a violation of section 249 of title 18, United States Code, as added by this Act, if the conduct is committed with intent to intimidate or terrorize the class of persons to which the person against whom the conduct is committed belongs.

**SA 1592.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . UNLAWFUL ALIENS.**

Any alien, whether or not acting under color of law, who while unlawfully present in the United States willfully causes bodily injury to any national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to a national of the United States—

(1) shall be imprisoned not more than 10 years, fined in accordance with title 18, United States Code, or both; and

(2) shall be imprisoned for any term of years or for life, fined in accordance with title 18, United States Code, or both, if—

(A) death results from the offense; or

(B) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

**SA 1593.** Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 652. REPORT ON BONUSES AND INCENTIVES FOR RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.**

(a) **REPORT REQUIRED.**—Not later than March 1, 2010, the Secretary of the Air Force shall submit to the congressional defense committees a report assessing the feasibility, advisability, utility, and cost effectiveness of establishing new retention bonuses or assignment incentive pay for members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons in order to enhance the recruitment and retention of such members.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) An assessment of whether additional retention bonuses or assignment incentive pay could help to improve retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(4) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(5) Such other matters as the Secretary considers appropriate.

**SA 1594.** Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1073. REPORT ON B-52H BOMBER AIRCRAFT ADVANCED WEAPONS CAPABILITY.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report detailing plans to enhance the combat capabilities of the B-52H bomber aircraft through the integration into the aircraft of a MIL-STD-1760 common electrical and digital interface between weapons and the aircraft.

(b) **ELEMENTS.**—The report required by subsection (a) shall include an assessment of the following:

(1) The military requirement for incorporating smart weapons in the bomb bay of the B-52H bomber aircraft.

(2) The impact on the precision strike capability of the B-52H bomber aircraft resulting from the integration of a MIL-STD-1760 interface into the aircraft.

(3) Anticipated operating costs of the MIL-STD-1760 program.

(4) Anticipated research and development and acquisition costs of the MIL-STD-1760 program.

(5) Such other matters as the Secretary considers appropriate.

**SA 1595.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, insert the following:

**SEC. 2832. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the “Association”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

(c) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **SAVINGS PROVISION.**—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42

U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SA 1596.** Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1059. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.**

(a) **TACTICAL WHEELED VEHICLES PROGRAM.**—Not later than October 1, 2010, the Secretary of the Army may complete a condition-based maintenance demonstration program on tactical wheeled vehicles.

(b) **GUIDED MISSILE DESTROYER PROGRAM.**—Not later than October 1, 2010, the Secretary of the Navy may conduct a condition-based maintenance demonstration program on the guided missile destroyer class of surface combatant ships.

(c) **ISSUES TO BE ADDRESSED.**—The demonstration programs described in subsections (a) and (b) shall address the following:

- (1) The top 10 maintenance issues.
- (2) Nonevidence of failures.
- (3) Projected cost, benefit, and return on investment analysis for a 10-year period.

(4) Management to cost benefit and return on investment to cost comparison to equivalent commercial applications of condition-based maintenance programs.

(d) **REPORT.**—Not later than December 1, 2010, the Secretary of the Army and the Secretary of the Navy shall submit to the congressional defense committees a report that assesses the condition-based maintenance programs described in subsections (a) and (b) and includes the findings of the Secretary of the Army and the Secretary of the Navy with respect to the issues addressed under subsection (c).

**SA 1597.** Mr. BROWNBACK (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1232. SENSE OF THE SENATE ON REDESIGNATION OF NORTH KOREA AS A STATE SPONSOR OF TERRORISM.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) On October 11, 2008, the Department of State removed North Korea from its list of state sponsors of terrorism, on which it had been placed in 1988.

(2) North Korea was removed from that list despite its refusal to account fully for its abduction of foreign citizens, proliferation of nuclear and other dangerous technologies and weapon systems to terrorist groups and other state sponsors of terrorism, or its commission of other past acts of terrorism.

(3) On March 17, 2009, American journalists Euna Lee and Laura Ling were seized near the Chinese-North Korean border by agents of the North Korean government and were subsequently sentenced to 12 years of hard labor in a prison camp in North Korea.

(4) On April 5, 2009, the Government of North Korea tested a long-range ballistic missile in violation of United Nations Security Council Resolutions 1695 and 1718.

(5) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from, and re-commissioning, its Yongbyon nuclear facility and ending its participation in disarmament talks.

(6) Those actions were in violation of the June 26, 2008, announcement by the President of the United States that the removal of North Korea from the list of state sponsors of terrorism was dependent on the Government of North Korea agreeing to a system to verify its declarations with respect to its nuclear programs.

(7) On May 25, 2009, the Government of North Korea conducted a second illegal nuclear test, in addition to conducting tests of its ballistic missile systems launched in the direction of the western United States.

(8) North Korea has failed to acknowledge or account for its role in building and supplying the secret nuclear facility at Al Kibar, Syria, has failed to account for all remaining citizens of Japan abducted by North Korea, and, according to recent reports, continues to engage in close cooperation with the terrorist Iranian Revolutionary Guard Corps on ballistic missile technology.

(9) There have been recent credible reports that North Korea has provided support to the terrorist group Hezbollah, including by providing ballistic missile components and personnel to train members of Hezbollah with respect to the development of extensive underground military facilities in southern Lebanon, including tunnels and bunkers.

(10) The 2005 and 2006 Country Reports on Terrorism of the Department of State state, with respect to Cuba, Iran, North Korea, and Syria, “Most worrisome is that some of these countries also have the capability to manufacture WMD and other destabilizing technologies that can get into the hands of terrorists. The United States will continue to insist that these countries end the support they give to terrorist groups.”

(11) President Barack Obama stated that actions of the Government of North Korea “are a matter of grave concern to all nations. North Korea’s attempts to develop nuclear weapons, as well as its ballistic missile program, constitute a threat to international peace and security. By acting in blatant defiance of the United Nations Security Council, North Korea is directly and recklessly challenging the international community. North Korea’s behavior increases tensions and undermines stability in Northeast Asia. Such provocations will only serve to deepen North Korea’s isolation. It will not find international acceptance unless it abandons its pursuit of weapons of mass destruction and their means of delivery.”

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Secretary of State should designate North Korea as a country

that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); and

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

**SA 1598.** Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1083. TRAUMATIC SERVICEMEMBERS’ GROUP LIFE INSURANCE COVERAGE FOR ADVERSE REACTIONS TO VACCINATIONS ADMINISTERED BY DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**—Section 1980A(b)(3) of title 38, United States Code, is amended—

(1) by striking “The Secretary” and inserting “(A) Except as provided in subparagraph (B), the Secretary”; and

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

“(B) The Secretary shall not exclude under subparagraph (A) a qualifying loss experienced by a member as a result of an adverse reaction to a vaccination administered by the Department of Defense, whether voluntarily or involuntarily, for the purposes of military accession, training, or deployment.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the provisions of and amendments made by section 1032 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13; 119 Stat. 257).

**SA 1599.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, insert the following:

**SEC. 2832. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the “Association”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date

of completion of all obligations referenced in subsection (e).

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

(c) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **SAVINGS PROVISION.**—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SA 1600.** Mr. NELSON (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 537. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in subsection (b) provided to such agencies for fiscal years 2001 through 2009 for the education of dependent children of members of the Armed Forces. The audit shall include—

(1) an evaluation of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

(b) **ASSISTANCE SPECIFIED.**—The assistance specified in this subsection is—

(1) assistance provided under—

(A) section 572 the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b);

(B) section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1917);

(C) section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1474);

(D) section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2514);

(E) section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1063); or

(F) section 362 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-76); and

(2) payments made under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

(c) **REPORT.**—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report containing the results of the audit required by subsection (a).

**SA 1601.** Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

**SEC. 1073. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to simplify defense travel.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) A comprehensive discussion of aspects of the Department of Defense travel system that are most confusing, inefficient, and in need of revision.

(2) Critical review of opportunities to streamline and simplify defense travel poli-

cies and to reduce travel-related costs to the Department of Defense.

(3) Options to leverage industry capabilities that could enhance management responsiveness to changing markets.

(4) A discussion of pilot programs that could be undertaken to prove the merit of improvements identified in accomplishing actions specified in paragraphs (1) and (2), including recommendations for legislative authority.

(5) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

**SA 1602.** Mr. DEMINT (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 483, between lines 8 and 9, insert the following:

**SEC. 1232. STRATEGIC REVIEW OF BASING PLANS FOR THE UNITED STATES EUROPEAN COMMAND.**

(a) **REPORT REQUIREMENT.**—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense, in coordination with the combatant commander of the United States European Command, shall submit to the appropriate congressional committees a report on the plan for basing of forces in the European theater. The report shall include a description of—

(1) how the plan supports the United States national security strategy;

(2) how the plan satisfies the commitments undertaken by the United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(3) how the plan addresses the current security environment in Europe, including United States participation in theater cooperation activities;

(4) how the plan contributes to peace and stability in Europe; and

(5) the impact that a permanent change in the basing of a unit currently assigned to the United States European Command would have on the matters described in paragraphs (1) through (4).

(b) **NOTIFICATION REQUIREMENT.**—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the continental United States as of the date of the enactment of this Act.

(c) **DEFINITIONS.**—In this section:

(1) **UNIT.**—The term “unit” has the meaning determined by the Secretary of Defense for purposes of this section.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(C) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 1603.** Mr. DEMINT submitted an amendment intended to be proposed by

him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1073. COMPTROLLER GENERAL REVIEW OF FISCAL YEAR 2009 SPENDING BY THE DEPARTMENT OF DEFENSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense is under increasing budgetary pressure with the exponential rise in costs of weapon systems and personnel entitlements.

(2) Military departments in the Department of Defense are punished if they do not deplete all funds in their organizational accounts by the end of the fiscal year through a reduction in the allocation to such accounts for the next fiscal year.

(3) The end-of-year spending spree by military departments using “fallout” funds is executed in a condensed time frame that leads to wasteful spending practices and the purchase of unnecessary equipment and supplies.

(b) REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, in consultation with the Under Secretary of Defense (Comptroller), shall conduct a review of the obligation and expenditure by the Department of Defense of amounts appropriated to the Department for fiscal year 2009, with particular focus on the obligation and expenditure of such amounts near the end of the fiscal year to determine if policies with respect to spending by the Department contribute to hastened spending and poor use or waste of taxpayer dollars.

(c) REPORT.—Not later than the earlier of March 30, 2010, or the date that is 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing—

(1) the results of the review conducted under subsection (b); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended.

**SA 1604.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**

(a) IN GENERAL.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after “shall audit an agency” and inserting a period.

(b) AUDIT.—Section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(e) AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.—

“(1) IN GENERAL.—The audit of the Board of Governors of the Federal Reserve System

and the Federal reserve banks under subsection (b) shall be completed before the end of 2010.

“(2) REPORT.—

“(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed, and shall be made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

“(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.”.

**SA 1605.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121.

**SA 1606.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

**SEC. 3136. SENSE OF THE SENATE ON DOMESTIC PRODUCTION OF MOLYBDENUM-99.**

(a) FINDINGS.—The Senate makes the following findings:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum-99 (Mo-99) and there are no such reactors in the United States that can provide a reliable supply of Mo-99 to meet domestic medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo-99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo-99-based medical products in the United States and around the world.

(3) Ensuring a reliable, domestically produced supply of medical radioisotopes, including Mo-99, is of great importance to the public health of the United States.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo-99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support

the development of Mo-99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) radioisotopes and radiopharmaceuticals, including Mo-99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people in the United States each year; and

(2) the Secretary of Energy should continue and expand a program to ensure a reliable domestic source of Mo-99 and its derivatives for use in medical tests to help ensure the health security of the United States and promote peaceful nuclear industries through the use of low-enriched uranium.

**SA 1607.** Mr. KYL (for himself, Mr. INHOFE, Mr. DEMINT, Mr. SESSIONS, Mr. MARTINEZ, Mr. VITTER, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1083. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.**

(a) FINDINGS.—Congress makes the following findings:

(1) Congress is grateful for the service and leadership of the members of the bipartisan Congressional Commission on the Strategic Posture of the United States, who, pursuant to section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 319), spent more than one year examining the strategic posture of the United States in all of its aspects: deterrence strategy, missile defense, arms control initiatives, and nonproliferation strategies.

(2) The Commission, comprised of some of the most preeminent scholars and technical experts in the United States in the subject matter, found a bipartisan consensus on these issues in its Final Report made public on May 6, 2009.

(3) Congress appreciates the service of former Secretary of Defense William Perry, former Secretary of Defense and Energy James Schlesinger, former Senator John Glenn, former Congressman Lee Hamilton, Ambassador James Woolsey, Doctors John Foster, Fred Ikle, Keith Payne, Morton Halperin, Ellen Williams, Bruce Tarter, and Harry Cartland, and the United States Institute of Peace.

(4) The Commission reached bipartisan consensus on more than 100 recommendations with only one issue not having bipartisan support.

(5) Congress values the work of the Commission and pledges to work with President Barack Obama to address the findings and review and consider the recommendations of the Commission.

(b) EXTENSION OF SUNSET.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1), by striking “June 1, 2009” and inserting “September 30, 2010”; and

(3) by inserting after subsection (e) the following new subsection:

“(f) FOLLOW-ON REPORT.—Not later than May 1, 2010, the commission shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives a follow-on report to the report submitted under subsection (e). With respect to the matters described under subsection (c), the follow-on report shall include, at a minimum, the following:

“(1) A review of—

“(A) the nuclear posture review required by section 1070; and

“(B) the Quadrennial Defense Review required to be submitted under section 118 of title 10, United States Code.

“(2) A review of legislative actions taken by the 111th Congress.”.

**SA 1608.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

**SEC. \_\_\_\_ . COMPTROLLER GENERAL REPORT ON STOCKPILE STEWARDSHIP PROGRAM.**

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the progress of the Stockpile Stewardship Program since its inception and the remaining challenges facing the program. The report shall include recommendations for ensuring—

(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

(2) the safety, security, and reliability of the nuclear weapons stockpile without the use of underground nuclear weapons testing.

**SA 1609.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 478, between lines 21 and 22, insert the following:

(E) a list of all investments in the energy sector of Iran and assessment of whether any person making such an investment is transacting any economic activity in the United States, including with the United States Government;

**SA 1610.** Mr. BROWBACK submitted an amendment intended to be proposed to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr.

KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike page 16, line 24 through page 17, line 7 and insert the following:

**SEC. \_\_\_\_ . CONSTRUCTION AND APPLICATION.**

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes on any rights under the first amendment to the Constitution of the United States, or substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, association, if such exercise of religion, speech, expression, or association was not intended to—

(1) plan or prepare for an act of physical violence; or

(2) incite an imminent act of physical violence against another.

**SA 1611.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.**

(a) IN GENERAL.—Notwithstanding any other provision of this Act, division E of this Act (relating to hate crimes), and the amendments made by that division, shall have no force or effect.

(b) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term “relevant offense” means a crime described in subsection (b)(1) of the first section of Public Law 101-275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors’ Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(c) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(d) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.



(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2010, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2010 and 2011 to carry out this section.

**SA 1612.** Mr. NELSON of Florida (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 419, strike line 10 and all that follows through page 420, line 2, and insert the following:

(a) IN GENERAL.—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “the Secretary of Defense” and inserting “the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing.”; and

(B) by striking “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and inserting “the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives”; and

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

“(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security.”.

**SA 1613.** Mr. LEAHY proposed an amendment to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms.

COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the amendment, insert the following:

(b) FIRST AMENDMENT.—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(c) CONSTITUTIONAL PROTECTIONS.—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

**SA 1614.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . LIMITATION ON PROSECUTIONS.**

(a) IN GENERAL.—All prosecutions under section 249 of title 18, United States Code, as added by this Act, shall be undertaken pursuant to guidelines issued by the Attorney General.

(1) to guide the exercise of the discretion of Federal prosecutors and the Attorney General in their decisions whether to seek death sentences under such section when the crime results in a loss of life; and

(2) that identify with particularity the type of facts of such cases that will support the classification of individual cases in term of their culpability and death eligibility as low, medium, and high.

(b) REQUIREMENTS FOR DEATH PENALTY.—If the Government seeks a death sentence in crime under section 249 of title 18, United States Code, as added by this Act, that results in a loss of life—

(1) the Attorney General shall certify with particularity in the information or indictment how the facts of the case support the Government's judgment that the case is properly classified among the cases involv-

ing a hate crime that resulted in a victim's death;

(2) the Attorney General shall document in a filing to the court—

(A) the facts of the crime (including date of offense and arrest and location of the offense), charges, convictions, and sentences of all state and Federal hate crimes (committed before or after the effective date of this legislation) that resulted in a loss of life and were known to the Assistant United States Attorney or the Attorney General; and

(B) the actual or perceived race, color, national origin, ethnicity, religion, gender, sexual orientation, gender identity, or disability of the defendant and all victims; and

(3)(A) the court, either at the close of the guilt trial or at the close of the penalty trial, shall conduct a proportionality review in which it shall examine whether the prosecutorial death seeking and death sentencing rates in comparable cases in Federal prosecutions are both greater than 50 percent; and

(B) if the State fails to satisfy the test under subparagraph (A), by a preponderance of the evidence, the court shall dismiss the Government's action seeking a death sentence in the case.

**SA 1615.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

title, or both, and shall be subject to the penalty of death in accordance with chapter 228, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, and shall be subject to the penalty of death in accordance with chapter 228, if—

**SA 1616.** Mr. SESSION submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ATTACKS ON UNITED STATES SERVICEMEN.**

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

**“§ 1389. Prohibition on attacks on United States servicemen on account of service**

“(a) IN GENERAL.—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

“(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than \$500, be fined under this title in an amount not less than \$500 nor more than \$10,000 and imprisoned not more than 2 years;

“(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than \$500, be fined under this title in an amount not less than \$1000 nor more than \$100,000 and imprisoned not more than 5 years; and

“(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than \$2500 and imprisoned not less than 16 months nor more than 10 years.

“(b) EXCEPTION.—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘Armed Forces’ has the meaning given that term in section 1388;

“(2) the term ‘immediate family member’ has the meaning given that term in section 115; and

“(3) the term ‘United States serviceman’—  
“(A) means a member of the Armed Forces; and

“(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

“1389. Prohibition on attacks on United States servicemen on account of service.”.

**SA 1617.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

“(3) REGULATIONS.—All prosecutions conducted by the United States pursuant to this section shall be undertaken pursuant to guidelines issued by the Attorney General that shall establish neutral and objective criteria for determining whether a crime was motivated by the status of the victim.

**SA 1618.** Mr. THUNE (for himself, Mr. VITTER, Mr. ENZI, Mr. BARRASSO, and Mr. COBURN) proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1083. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.**

(a) FINDINGS.—Congress finds the following:

(1) The second amendment to the Constitution of the United States protects the right of an individual to keep and bear arms, including for purposes of individual self-defense.

(2) The right to bear arms includes the right to carry arms for self-defense and the defense of others.

(3) Congress has previously enacted legislation for national authorization of the carrying of concealed firearms by qualified active and retired law enforcement officers.

(4) Forty-eight States provide by statute for the issuance of permits to carry concealed firearms to individuals, or allow the carrying of concealed firearms for lawful purposes without need for a permit.

(5) The overwhelming majority of individuals who exercise the right to carry firearms in their own States and other States have proven to be law-abiding, and such carrying has been demonstrated to provide crime prevention or crime resistance benefits for the licensees and for others.

(6) Congress finds that the prevention of lawful carrying by individuals who are traveling outside their home State interferes with the constitutional right of interstate travel, and harms interstate commerce.

(7) Among the purposes of this Act is the protection of the rights, privileges, and immunities guaranteed to a citizen of the United States by the fourteenth amendment to the Constitution of the United States.

(8) Congress therefore should provide for the interstate carrying of firearms by such individuals in all States that do not prohibit the carrying of concealed firearms by their own residents.

(b) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

**“§ 926D. Reciprocity for the carrying of certain concealed firearms**

“(a) Notwithstanding any provision of the law of any State or political subdivision thereof—

“(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm, may carry a concealed firearm in any State other than the State of residence of the person that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes;

“(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic

identification document and is entitled to carry a concealed firearm in the State in which the person resides otherwise than as described in paragraph (1), may carry a concealed firearm in any State other than the State of residence of the person that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

“(b) A person carrying a concealed firearm under this section shall—

“(1) in a State that does not prohibit the carrying of a concealed firearms by residents of the State for lawful purposes, be entitled to carry such firearm subject to the same laws and conditions that govern the specific places and manner in which a firearm may be carried by a resident of the State; or

“(2) in a State that allows residents of the State to obtain licenses or permits to carry concealed firearms, be entitled to carry such a firearm subject to the same laws and conditions that govern specific places and manner in which a firearm may be carried by a person issued a permit by the State in which the firearm is carried.

“(c) In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, a firearm shall be carried according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

“(d) Nothing in this section shall be construed to—

“(1) effect the permitting process for an individual in the State of residence of the individual; or

“(2) preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

(d) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

**AUTHORITY FOR COMMITTEES TO MEET**

AD HOC SUBCOMMITTEE ON CONTRACTING  
OVERSIGHT

Mr. BROWN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 2:30 p.m. to conduct a hearing entitled “Contracting Preferences for Alaska Native Corporations.”

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

## COMMITTEE ON ARMED SERVICES

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 9 a.m.

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

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 16, 2009, at 9:30 a.m., to conduct hearing entitled "Preserving Homeownership: Progress Needed to Prevent Foreclosures."

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

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 16, 2009 at 9:30 a.m. in room 406 of the Dirksen Senate Office Building.

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 9:30 a.m., to hold a hearing entitled "\$150 Oil: Instability, Terrorism and Economic Disruption."

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 2:30 p.m.

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

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled "Modernizing the Workforce Investment Act (WIA) of 1998 to Help Workers and Employers Meet the Changing Demands of a Global Market," on Thursday, July 16, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 10 a.m.

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

## COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 9:30 a.m., in room SH-216 of the Hart Senate Office Building, to continue the hearing on the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States.

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 2:30 p.m.

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

## SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

## PRIVILEGES OF THE FLOOR

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that Heather Blackwell, an Air Force major who is a military fellow in my office this year, be granted the privileges of the floor during the pendency of S. 1390.

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

Mr. HATCH. Mr. President, I ask unanimous consent that Paul Williams, a detailee in my office from the Food and Drug Administration, and LTC Lyle Drew, a military fellow in my office from the United States Air Force, both be granted the privilege of the floor for the remainder of the first session of the 111 Congress.

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

Mr. MERKLEY. Madam President, I ask unanimous consent that Gabrielle Dreyfus, a fellow in Senator DORGAN's office, be granted the privilege of the floor until the end of this session of Congress.

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

Mr. DEMINT. Mr. President, I ask unanimous consent that Andrew Julson of my staff be given the privilege of the floor throughout the duration of the debate on the Department of Defense Authorization Act.

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that floor privileges be granted to Joseph Mastrangelo during consideration of S. 1390, the National Defense Authorization Act.

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

Mr. LEAHY. Madam President, I ask that Joseph Thomas of the Judiciary Committee be allowed privileges of the floor throughout the debate on the pending legislation.

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

## UNITED STATES PATENT AND TRADEMARK OFFICE AUTHORIZATION

Mr. KAUFMAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3114, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3114) to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KAUFMAN. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3114) was ordered to a third reading, was read the third time, and passed.

## ORDERS FOR MONDAY, JULY 20, 2009

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m., Monday, July 20; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1390, the Department of Defense authorization bill.

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

## PROGRAM

Mr. KAUFMAN. Mr. President, Senators should expect a series of up to four rollcall votes to begin around 3 p.m. on Monday. Those votes would be in relation to the four amendments relating to hate crime.

July 16, 2009

CONGRESSIONAL RECORD—SENATE

S7665

ADJOURNMENT UNTIL MONDAY,  
JULY 20, 2009, AT 1 P.M.

NOMINATIONS

EXPIRING MAY 21, 2014, VICE NANCY C. PELLETT, TERM EXPIRED.

FEDERAL MOTOR CARRIER SAFETY  
ADMINISTRATION

ANNE S. FERRO, OF MARYLAND, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, VICE JOHN H. HILL, RESIGNED.

OFFICE OF SURFACE MINING RECLAMATION AND  
ENFORCEMENT

JOSEPH G. PIZARCHIK, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE BRENT T. WAHLQUIST, RESIGNED.

Executive nominations received by  
the Senate:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

JACQUELINE A. BERRIEN, OF NEW YORK, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2014, VICE CHRISTINE M. GRIFFIN, TERM EXPIRED.

FARM CREDIT ADMINISTRATION

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM

Mr. KAUFMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:27 p.m., adjourned until Monday, July 20, 2009, at 1 p.m.

## EXTENSIONS OF REMARKS

### EARMARK DECLARATION

#### HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170, the Financial Services and General Government Appropriations Act, 2010:

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3170

Account: Small Business Administration

Legal Name of Requesting Entity: Northeast Ohio Technology Coalition (NorTech)

Address of Requesting Entity: 737 Boivar Road, Suite 1000, Cleveland, Ohio 44115

Description of Request: Provide an earmark in the amount of \$250,000 for the Northeast Ohio Technology Coalition (NorTech) Tech Leaders II: Job Creation through Industry Cluster Development project. A non-profit, economic development organization, NorTech leads the technology agenda for a 21-county region within Northeast Ohio with a mission to build a vibrant and globally-competitive economy by linking and leveraging the region's technology, entrepreneurship, and innovation assets. This project will address the gap between the region's educational institutions and small businesses in bringing together the generation of innovative ideas with commercialization potential, together with the business know-how necessary to create new jobs through enterprise formation and growth. The project is expected to create jobs and reduce unemployment.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3170

Account: Small Business Administration

Legal Name of Requesting Entity: Western Reserve Resource Conservation and Development Council

Address of Requesting Entity: 125 E. Erie Street, Painesville, Ohio 44077

Description of Request: Provide an earmark in the amount of \$150,000 for the Collaborative Learning for Environmental Action Network, a green job and watershed management training program. This program will be performed through links to undergraduate education in the STEM (Science, Technology, Engineering and Math) disciplines at colleges and universities throughout NE Ohio.

### EARMARK DECLARATION

#### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership stand-

ards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3183

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: U.S.

Army Corps of Engineers—Huntington District

Address of Requesting Entity: 502 Eighth Street, Huntington, WV 25701

Description of Request: Appropriate \$1,000,000 for Greenup Locks and Dam. Greenup Locks and Dam is the eighth busiest of the Corps of Engineers' 230 locks and dam projects. Closure of either lock, for maintenance or in the event of an accident, generates massive delays and associated increased costs to industry. Traffic delays due to closures of the main lock chamber are increasing in frequency and duration. Investigations (GI) funds would allow for completion of the preconstruction engineering and design phase. This is a valuable use of taxpayer funds because keeping our nation's inland waterways functioning is essential to our economy.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: U.S.

Army Corps of Engineers—Louisville District

Address of Requesting Entity: 600 Dr. Martin Luther King Jr. Place, Louisville, KY 40202

Description of Request: Appropriate \$1,000,000 for Markland Locks and Dam. Funds will allow for the award of the assembly pier contract, the fabrication and installation of the culvert valves, and the award of the embedded metals contract. This is a valuable use of taxpayer funds because keeping our nation's inland waterways functioning is essential to our economy.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3183

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity:

Southbank Partners

Address of Requesting Entity: 421 Monmouth Street, Newport, KY 41071

Description of Request: Appropriate \$279,000 for Northern Kentucky Riverfront Commons. The U.S. Army Corps of Engineers has completed a Master Plan and Reconnaissance Report for the Northern Kentucky Riverfront Commons Project. This request for funding is intended to continue the feasibility study, preliminary design and engineering for the entire length of the riverfront project area. These funds are needed to move the Northern Kentucky Riverfront Project forward in order to eventually stabilize the river bank area. This is a valuable use of taxpayer funds because stabilizing the riverbank is important to river commerce, economic development and flood protection.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3183

Account: Fossil Energy R&D

Legal Name of Requesting Entity: University of Kentucky Research Foundation

Address of Requesting Entity: Room 1 Kincaid Hall, Lexington, KY 40506

Description of Request: Appropriate \$2,000,000 for the University of Kentucky Strategic Liquid Transportation Fuels Derived from Coal project. Funding will continue the expansion of capabilities at the University of Kentucky directed toward research and labor force development and training related to the production of liquid transportation fuels (diesel, aviation fuel, etc.) derived from coal. Project will continue development of an integrated, continuous "mini Fischer-Tropsch" refinery at UK. The facility is intended to produce research quantities of FT liquids and finished transportation fuels for testing, evaluation and certification by researchers and companies. This project will supply DOD with alternatives to petroleum for reliable supplies of battlefield fuels. The FY2010 funds would be used to begin fitting up the facility with the fabrication and installation of certain refinery process units. This is a valuable use of taxpayer funds because it pursues a national priority to develop alternative fuels and increase our energy independence.

### PILOT COLLEGE WORK STUDY PROGRAMS FOR VETERANS ACT OF 2009

SPEECH OF

#### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 14, 2009*

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 1037 to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under Title 38 of the United States Code. I would like to thank my colleague Representative HERSETH SANDLIN from South Dakota for introducing this important piece of legislation.

I support this legislation because it provides the resources necessary to study the expansion of the federal work-study program available to veterans. This bill expands qualifying work-study activities to include positions on-site at educational institutions, a valuable source of support for our veterans at colleges, universities, and vocational schools across the country. Additionally, this pilot program will assess the feasibility of the long-term expansion of this program.

The federal government has been taking steps to enhance the education of our veterans since the passage of the GI Bill in 1944. Today, the federal work-study program is an invaluable resource for students as they struggle to pay their bills. This bill will extend that

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

same resource to our veterans as they enhance their education, a small step towards increasing support for our veterans in return for the sacrifices they have made for our freedom. I urge my colleagues to join me in supporting our veterans and this legislation.

#### EARMARK DECLARATION

### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I submit a list of the congressionally-directed projects I have requested in my home state of Idaho that are contained in the report of H.R. 3170, the FY2010 Financial Services and General Government Appropriations Bill.

Project Name: Proof of Concept Center

Amount Received: \$285,000

Account: Small Business Administration Salaries and Expenses

Recipient: Idaho TechConnect Inc.

Recipient's Street Address: 5465 E. Terra Linda Way, Nampa, ID 83687

Description: Idaho TechConnect was created as a statewide private-public cooperation that would bridge the gaps in the state's innovation pipeline. The Idaho TechConnect Proof of Concept Center will manage innovations from early stage projects to the launch of a viable start-up business or to license the product or service to an existing business. The Proof of Concept Center will work with new and existing businesses as well as the state's colleges and universities and the INL to create new commercial products, goods and services. Concepts will be vetted to ensure significant and efficient marketability and commercialization. These concepts will then be relegated to teams/existing businesses to build or expand successful and profitable businesses. The Center will provide assistance with business models, intellectual property strategy, and access to capital, resulting in more ideas becoming products, creating jobs and companies. During these challenging economic times, this funding will assist businesses and public entities in their efforts to mature their innovative ideas into market-ready products and services to strengthen the economy of Idaho and the region.

Project Name: Research and Economic Development and Entrepreneurial Initiative

Amount Received: \$400,000

Account: Small Business Administration Salaries and Expenses

Recipient: Boise State University

Recipient's Street Address: 1910 University Drive, Boise, ID 83725-1135.

Description: Boise State University will establish research partnerships with business and governmental agencies to aid and assist businesses in an effort to preserve free market enterprise and to maintain and strengthen the local and regional economy. The federal funds being requested will be used to match private and public sector dollars and in-kind contributions to conduct collaborative research that spurs intellectual innovation, creates jobs, and ultimately leads to the benefit and growth of the business community. The funds will also

be used to develop the necessary infrastructure to mine, protect, and assess the commercialization potential of the intellectual property that is developed as a result of these efforts. A healthy business climate is critical to the economic strength of the state of Idaho, the region and the nation. The innovation and entrepreneurial spirit that originates from this sector will help the United States compete in today's global marketplace.

I appreciate the opportunity to provide a list of Congressionally-directed projects in the report accompanying the FY2010 Financial Services and General Government Appropriations bill on behalf of Idaho and provide an explanation of my support for them.

#### TRIBUTE TO NOVEMBER 21, 1979 AND MARINE CPL. STEVEN J. CROWLEY

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. CAMP. Madam Speaker, I rise today to pay tribute to the 30-year anniversary of the attacks on the United States Embassy in Islamabad, Pakistan and to recognize the bravery and valiant acts of Marine Corporal Steven J. Crowley during these attacks.

Thirty years ago, 20-year-old Steven J. Crowley was an honorable and devoted Corporal in the United States Marines. As a guard at the U.S. Embassy, he took seriously his vow to protect and serve his country. On November 21, 1979, Corporal Crowley made the ultimate sacrifice to protecting the institution he was designated to defend as rioters invaded the building.

The details of these attacks on the United States Embassy in Islamabad, Pakistan remain haunting memories for the hostages trapped inside the building. On the 30-year anniversary of the attack, may we recognize the courage and selflessness of Corporal Steven Crowley. His heroic acts saved the lives of countless individuals held hostage. These survivors serve as models of the resilience of Americans and the determination we possess to overcome any obstacle that impedes on the freedom and liberty we are so justly guaranteed.

On behalf of the Fourth Congressional District of Michigan, I commemorate the 30th anniversary of the attacks on the United States Embassy in Islamabad, Pakistan and remember Marine Corporal Steven J. Crowley. I wish to extend my sincerest sympathies to the family, friends and loved ones of Steven on this somber occasion.

#### EARMARK DECLARATION

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 3170, Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3170

Account: SBA—Salaries and Expenses

Legal Name of Requesting Entity: Thomas More College

Address of Requesting Entity: 333 Thomas More Parkway, Crestview Hills, KY 41017

Description of Request: Appropriate \$100,000 for Thomas More College's Center for Regional Health Science and Health Care Management. According to the U.S. Bureau of Labor Statistics, employment opportunities in the health care field are expected to increase by more than 25 percent by 2010, creating 1.3 million jobs on a national level. Thomas More College is responding to this challenge by expanding upon current programs which address both immediate and future needs of businesses in health care and health care related fields, both at the advanced skills and at the management level. Market analysis indicates that as the number of highly skilled health care jobs increase, so will the need for specialized managers. Thomas More College is a leader in both nursing and business in the region and has a unique affiliation with St. Elizabeth Hospital Medical Center. The strong partnership serves as the basis for the Center for Regional Health Sciences and Health Care Management. FY2010 funds will be used for operating costs; laboratory materials; supplies; IT costs and support; and professional development and training. This is a valuable use of taxpayer funds because it supports workforce development in identified fields where there are insufficient trained professionals to meet the demand.

#### EARMARK DECLARATION

### HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Representative JUDY BIGGERT

Bill Number: H.R. 3183

Account: EERE—Other

Legal Name of Requesting Entity: Packer Foundation

Address of Requesting Entity: Packer Foundation, 1950 N. Washington St., Naperville, IL 60563

Description of Request: The Packer Foundation will manage and coordinate a biomass conversion to fuel demonstration for municipal fleet vehicles with the City of Naperville, College of DuPage, Argonne National Lab, and Packer Engineering. Demonstrating and deploying waste-to-fuel sources will promote environmental responsibility and sustainability while reducing costs to municipalities, and ultimately taxpayers, by reducing high energy costs and operating overhead of local government.



CELEBRATING THE 75TH ANNIVERSARY OF HOSTELLING INTERNATIONAL USA

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Ms. SCHAKOWSKY. Madam Speaker, I rise today to recognize Hostelling International USA, which is celebrating 75 years of promoting youth travel and intercultural understanding.

Hostelling International USA is a nonprofit organization founded in 1934 to promote hostels and educational programs throughout the United States, especially for young travelers. The organization aims to help travelers of all ages, but particularly young people, gain a greater understanding of the world and its people. Annually, its hostels host nearly one million overnight stays by domestic and foreign travelers. Hostelling International USA creates cultural exchange through travel and education, and its 70 hostels across the country bring jobs and tourism revenue to local economies.

In my own community of Chicago, Hostelling International's local nonprofit hostel, the J. Ira and Nicki Harris Family Hostel, provides 85,000 overnights for travelers every year. The hostel offers an inexpensive, safe, and comfortable place for visitors of all ages to stay in Chicago, and was rated by travelers as the Best Large Hostel in the World in 2006 and 2007.

Hostelling International Chicago not only welcomes international visitors, but it also serves our local community. The hostel teaches cultural understanding to over 1,500 local students each year through a variety of programs, including Exchange Neighborhoods and Cultural Kitchen. These programs are offered in partnership with the Chicago Public Schools and the Girl Scouts, as well as other youth-serving organizations.

Madam Speaker, Hostelling International encourages young people to travel, to see the world and meet people from other countries, and to become responsible global citizens. I congratulate Hostelling International USA for its 75 years of service, and I thank Hostelling International Chicago for its service to the metropolitan Chicago area.

**EARMARK DECLARATION**

**HON. MARY BONO MACK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development, and Related Agencies Appropriations Act, 2010:

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction, General

Entity Requesting (multiple): City of Murrieta, 1 Town Center—24601 Jefferson Avenue, Murrieta, California 92562; Riverside

County Flood Control and Water District; 1995 Market Street, Riverside, CA 92501

Description of Earmark: \$2,000,000 is provided for the Murrieta Creek Flood Control Project, which would provide 100-year flood protection, environmental restoration/enhancements, and recreation benefits to the cities of Murrieta and Temecula, located in Southwestern Riverside County. The project would create seven miles of soft earthen channelization as well as the development of a continuous riparian habitat corridor throughout the length of the project. The riparian corridor can become a safe home for several listed endangered species that have already been found to exist nearby. The channel would not only facilitate species movement and connectivity to existing wildlife preserves, but will also create an extensive natural wetlands system that can efficiently remove contaminants from stream flows and help ensure improved water quality for local residents and soldiers stationed at the Camp Pendleton Marine Base.

Spending Plan:

Project Expenditures—Funding will be used for ongoing phases of this project as follows:

Phase II Construction: \$12,000,000

Phase III Complete Plans & Specification & DDR: \$2,000,000

Total \$14,000,000

Total Project Cost: \$117,000,000

Federal Share: \$75,270,000

Non-Federal Share: \$41,730,000

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Investigations

Entity Requesting: City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 92552

Description of Earmark: \$500,000 is provided in the legislation to help address flooding concerns in the area surrounding March Air Reserve Base (MARB). Heacock and Cactus Channels are undersized channels that have proven inadequate to contain flooding, even during moderate rainstorms. Furthermore, substantial vegetation has grown within both channels and impedes the conveyance of tributary flows to an existing ultimate downstream outlet, resulting in drains backing-up within the city of Moreno Valley, flooding in local neighborhoods and impeding emergency services' access. The significant flooding through MARB results in major disruptions to operations at the base, including the fueling of airplanes, the transport of troops and supplies to the Middle East. Additionally, the flooding has caused extensive erosion along Heacock Avenue, which has jeopardized existing major utilities within the road right of way.

Spending Plan:

Project Expenditures—Funds awarded would be utilized to compliment planned expenditures as follows:

Completion of the Feasibility Study: \$667,000

Completion of the Plans and Specifications: \$333,000

Total: \$1,000,000

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3183

Account: Department of Energy, Energy Efficiency and Renewable Energy

Entity Requesting: Eastern Municipal Water District, 2270 Trumble Road, Perris, CA 92572

Description of Earmark: \$250,000 is provided for a project that would take restaurant

grease waste that ordinarily is disposed of at a landfill and use it to make biodiesel by constructing a biodiesel plant at Eastern Municipal Water District's (EMWD) Perris Valley Regional Water Reclamation Facility. In addition to the benefit of eliminating the disposal of the grease at considerable cost into the environment, the biodiesel project would create an alternative fuel source for EMWD's fleet of vehicles. Currently more than five million gallons of restaurant grease trappings are produced each year in the EMWD service area.

Spending Plan:

Project Expenditures—Cost of Project with Budget Description and Timeline:

Total Project Cost: \$900,000

Total State/Local Contribution to Date: \$5,000 (primarily storage drums to store thickened grease and studies)

Total Federal Contribution to Date: \$0

FY10 State/Local Contribution: \$450,000

FY10 Federal Funding Request: \$450,000

FY 2010 Federal Request Cost Breakdown: \$250,000 (Pumping, heating, screening, and piping systems to clean and handle the grease and waste streams)

**EARMARK DECLARATION**

**HON. JUDY BIGGERT**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Representative JUDY BIGGERT

Bill Number: H.R. 3183

Account: Section 206

Legal Name of Requesting Entity: Forest Preserve District of Will County

Address of Requesting Entity: 17540 West Laraway Rd, Joliet, IL 60433

Description of Request: Prairie Bluff Preserve occupies much of the groundwater recharge zone for the seeps at Lockport Prairie Nature Preserve. Modifying how storm water is managed at the preserve and using best management practices, along with restoring naturalized plant communities across this portion of the recharge area, will increase water infiltration and stabilize the seepage flow at LPNP. This is important for protecting the rare habitats and would address several goals and objectives contained in the federal recovery plans for these species.

**EARMARK DECLARATION**

**HON. FRANK A. LoBIONDO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 2996

Requesting Member: Congressman FRANK LoBIONDO (NJ-02)

Bill Number: H.R. 3183  
Account: Army Corps Construction  
Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$400,000 for the Lower Cape May Meadows, Cape May Point Environmental Restoration Project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183  
Account: Army Corps O&M  
Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$100,000 for the Salem River, NJ ongoing dredging maintenance project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183  
Account: Army Corps O&M  
Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$500,000 for the NJ Intracoastal Waterway ongoing dredging maintenance project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183  
Account: Army Corps Construction  
Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$2,000,000 for ongoing construction of the Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, NJ shore protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183  
Account: Army Corps Construction  
Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$300,000 for ongoing construction of the Townsend Inlet to Cape May Inlet, NJ shore protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183  
Account: Army Corps Construction  
Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$500,000 to begin construction of the Great Egg Harbor to Townsend Inlet, NJ shore protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183  
Account: Army Corps Construction  
Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$200,000 for ongoing construction of the

Cape May Inlet to Lower Township, NJ shore protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183  
Account: Army Corps O&M  
Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$250,000 for ongoing maintenance dredging of Absecon Inlet, NJ.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183  
Account: Army Corps Construction  
Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$6,500,000 for ongoing construction of the Great Egg Harbor Inlet and Peck Beach, NJ shore protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183  
Account: Army Corps Section 205  
Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide the Army Corps authority to continue construction of the Pennsville, NJ section 205 Small Flood Control project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183  
Account: DOE EERE  
Legal Name of Requesting Entity: South Jersey Economic Development District

Address of Requesting Entity: 226 North High Street, Millville, NJ 08332

Description of Request: Provide an earmark of \$500,000 to construct wind turbines in Sea Isle City, NJ and Penns Grove, NJ on publicly owned land that cannot be utilized otherwise because they currently serve as municipal waste sites.

#### HONORING EULA TATE

### HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Ms. KILPATRICK of Michigan. Madam Speaker, I rise today to honor the life of Eula Tate, a strong leader, social activist, and union advocate. Eula passed away on Saturday, July 11, 2009. Through four decades of social activism, Eula Tate demonstrated how one individual can live the American dream and be a positive influence for social justice.

In 1967, Eula was hired at Chrysler's Trenton Engine plant, in Trenton, Michigan. While at Chrysler, she worked as an assembler and forklift driver, served as chief steward and became Vice President of UAW Local 630. Eula was a Councilmember for the City of Ypsilanti from 1981-1991, and also served as Ypsilanti's senior chief executive officer, a member of the City's Budget Committee, and Mayor Pro Tem. Eula's service as Ypsilanti's

Mayor Pro Tem was the first for an African American woman in the State of Michigan.

Eula also worked as a faculty member at Michigan State University for the School of Labor and Industrial Relations, Union Minorities and Women's Leadership Training Project. She came to UAW's Washington office in 1991 and continued her role as Legislative Representative/Lobbyist until her retirement in 2007. Eula was a staunch advocate for equal rights for all people. In her position as UAW's Legislative Representative/Lobbyist, Eula worked for passage of key legislation affecting families, women, and minorities. Eula also improved people's lives overseas by being an International Election official in South Africa's first free elections.

Eula held a bachelor's of science degree from the University of Michigan, a master's degree in public administration from George Mason University and was working on a Ph.D. in public policy and administration with a concentration on women leadership in the labor movement in the 21st century from Walden University in Baltimore, Maryland.

She was a lifetime member of the Coalition of Labor Union Women, CLUW, and recently served as Interim Executive Director and Administrative Assistant to the President of CLUW. She was also a life member of the NAACP and Delta Sigma Theta Sorority, Inc. Eula has been listed in "Who's Who Among American Women", "Black Women in Michigan" and "Who's Who among Black Americans".

Eula is survived by her five adult children: Jennifer, Stephen, Yomika, Ronald, and Donald.

Madam Speaker, I will miss her smile, sense of humor and her sisterhood. I pay tribute to the life and work of Eula Tate and express my deepest condolences to her family and to all who knew, loved, and were touched by her life.

#### EARMARK DECLARATION

### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for FY 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3170  
Account: Salaries and Expenses  
Legal Name of Requesting Entity: Arkansas Research and Technology Park  
Address of Requesting Entity: University of Arkansas, 119 Ozark Hall, Fayetteville, AR 72701

Description of Request: Through the development of the Arkansas Research and Technology Park, the University of Arkansas Technology Development Foundation, the City of Fayetteville, the State of Arkansas, and the region are building an economic development engine, focused on innovation and Northwest Arkansas entrepreneurial strength that is attracting and retaining knowledge-based, highly

skilled jobs and the production of technology-based business cluster formation. The ARTP provides the physical infrastructure and environment to encourage research and development. Therefore the ARTP is viewed as the cornerstone toward developing the building blocks essential to growing and sustaining a knowledge-based economy in Arkansas.

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EARMARK DECLARATION

**HON. SPENCER BACHUS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of H.R. 3170—Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3170—Financial Services and General Government Appropriations Act, 2010

Account: Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: The University of Alabama

Address of Requesting Entity: Box 870114, Tuscaloosa, AL 35487

Description of Request: Provide \$100,000 for the Preparing the Workforce of the Future project at the University of Alabama. The project will provide comprehensive and relevant workforce information in order to prepare a ready workforce, which will help reduce poverty in Alabama and support economic development. This project directly supports the goals of the Small Business Administration by helping to generate jobs, help retain existing jobs, and prepare American regions for growth and success in the worldwide economy. The budget for the project is \$1,000,000. Specifically within the budget, \$182,000 will go toward salaries, \$76,000 toward graduate student stipends, \$60,000 toward benefits, \$36,000 toward tuition, \$100,000 toward local area dissemination, and \$249,000 toward survey. Total direct cost is \$703,000; indirect costs are \$297,000. This request is consistent with the intended and authorized purpose of the Small Business Administration (SBA), Salaries and Expenses Account. The University of Alabama will meet or exceed all statutory requirements for matching funds where applicable.

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EARMARK DECLARATION

**HON. DAVID DREIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170, Financial Services Appropriations Act, FY2010.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 3170, Financial Services Appropriations Act, FY2010

Account: Small Business Administration  
Legal Name of Requesting Entity: Fairplex  
Address of Requesting Entity: 1101 West McKinley Avenue, Pomona, CA 91768

Description of Request: Provide an earmark of \$350,000 for the construction of the Fairplex Trade and Conference Center, an 85,000 square foot, state-of-the-art conference and exhibition center, complete with broadband connectivity, campus-wide wireless integration as well as satellite two-way communications geared to attracting and benefiting small businesses. The project is sited in the country's third largest non-port Foreign Trade Zone (FTZ) and will provide the ability to display and demonstrate goods and services to international markets via established channels with the local economic council and area universities. 100% of the funds will be utilized for ongoing construction of the center. The majority of the total cost of the project is from non-federal sources including Fairplex (a non-profit organization), the City of Pomona, Los Angeles County, and private donations. This project is consistent with the mission of the Small Business Administration.

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EARMARK DECLARATION

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Labor, Health and Human Services, Education and Related Agencies request.

Requesting Member: Congressman JEFF MILLER

Project Name: Hometown Heroes Reach Out and Raise Hope

Account: Department of Labor

Legal Name of Requesting Entity: University of West Florida, Pensacola, FL

Address of Requesting Entity: 11000 University Parkway, Pensacola, Florida, 32514

Description of Request: \$450,000—Hometown Heroes Reach Out and Raise Hope. I requested these funds to provide combat-wounded veterans the opportunity to earn a Master of Social Work degree which will enable them to work in the veteran's hospitals, mental health programs, substance abuse treatment programs, and hospitals. Combat-wounded veterans and veterans with service related disabilities are well suited for this work because of their own life experiences. They will assume vital professional roles in the community and will enjoy a satisfying lifelong professional career helping others. Program funding will be utilized to administer the program, recruit program participants from military rehabilitation hospitals, and pay for educational accommodations each participant will need to participate in the program based on his/her unique disabilities. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass

through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

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HONORING MRS. BETTY  
MORGAVAN

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to recognize Mrs. Betty Morgavan. Betty has served the Croatian community in Northwest Indiana and beyond for many years, and for her efforts she will be honored at a banquet celebrating her 50 years of service to the Croatian Fraternal Union on Sunday, July 19, 2009, at the Croatian Fraternal Lodge 170 in Merrillville, Indiana. Her complete dedication and her endless enthusiasm put forth toward her community and the Croatian Fraternal Union has allowed her the opportunity to enrich the lives of countless people.

Betty was born on June 1, 1930, to George and Vica Chelich. Her parents immigrated to the United States from Croatia early on in their adult life, and they settled in Northwest Indiana. Betty is one of three children. She has one brother, John Chelich, and one sister, Ann Chelich Lieber, who is a Croatian Fraternal Union Lodge 170 board member. As a child, Betty attended Saint Mark's Elementary School and went on to graduate from Lew Wallace High School in Gary, Indiana. On October 7, 1940, Betty married Vince Morgavan, and they had three children, Helen, Ray, and Elizabeth. Betty's husband Vince was her counsel, confidant, and her most staunch ally, and they were married for almost 57 years. The two shared a wonderful marriage as well as a strong desire to help the community.

In 1959, Betty won her first official position within the lodge when she became Club Secretary. It was during those years as Secretary that Betty became inspired by her mentor and President of Lodge 170 at the time, Nicholas Erbesti. Betty's commitment to the Croatian community grew stronger, and she was elected President of Lodge 170 in 1980. During her time as President, Betty initiated the sale of the original hall on 36th Avenue and Broadway because the members decided they needed a larger space for their events and the growing community. During the late 1980s, Betty assembled a team of dedicated members to build the largest Croatian Fraternal Home in the United States and Canada, and to this day there is no lodge in all of the Croatian Fraternal Union that has a building of this size. In 1991, the \$1.5 million dollar building opened. It stands as a testament to the hard-working immigrants who inspired their children to build things they themselves could hardly imagine. Under Betty's leadership, Lodge 170 grew to become the third largest membership lodge in the country. Because of her selfless dedication and undying motivation to improve this community and to keep the Croatian culture and traditions alive in Northwest Indiana as well as nationwide, Betty was re-elected by the lodge members for twenty-eight years in a row. She also had the honor of being elected to the Croatian Fraternal

Union National Board for several years. In addition, Betty was also a delegate to many of the union's national conventions.

In 2008, Betty retired from her post as lodge President. Today, Betty enjoys spending time with her six grandchildren. She continues to remain an inspiration to the Croatian Fraternal Union and continues her service as a member. The beloved Croatian community could not have asked for a more devoted and loyal servant, and she is worthy of the highest praise.

Madam speaker, Mrs. Betty Morgavan has always given her time and efforts selflessly and has truly been an inspiration to so many people throughout the years. She continues to be a tremendous source of pride for the Croatian community and for the people of Northwest Indiana. I respectfully ask you and my other distinguished colleagues to join me in commending Betty on her 50 years of service to the Croatian Fraternal Lodge 170! "Hvala Za Sve!" "Thanks for Everything!"

COMMENDING THE WORK OF MR. FRANK STEPHENSON OF TENNESSEE

### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to commend and honor a prolific religious leader from Tennessee's Fourth Congressional District, Frank Stephenson of Kingston, Tennessee.

Frank will turn ninety years old in the coming weeks, and has much to show for his years of service to his faith and country. At the age of twenty-one, Frank joined the Marine Corps to serve America in the Second World War. He quickly made Sergeant, and served as Administrative Orderly for the Commandant for the 5th Naval District until March of 1945, but Frank's selfless dedication would reach beyond his years in the Armed Forces.

Only two years after leaving the Marines, Frank left for the Prairie Bible Institute in Alberta, Canada, and committed the remainder of his life to the calling of religious ministry. Upon graduation, Frank returned to his home state and started his first church in Cross Lanes, West Virginia. Frank would go on to found and minister at several other churches through the years, traveling across America to share his faith with others, and for over twelve years ministered to Tennesseans and Kentuckians on King of Kings Radio.

Currently, Frank lives in Kingston, Tennessee, with Kathleen, his wife of sixty-three years. Frank and Kathleen have four children, six grandchildren and six great-grandchildren. As Frank prepares to celebrate this incredible milestone, I ask that my colleagues join me in rising to celebrate his commitment to faith and family, his work to promote faith in God and Christian values, and the indispensable role Frank has played in our community. We wish him all the best for his ninetieth birthday, and in the coming years as he continues to live among cherished family and friends in Tennessee.—

### EARMARK DECLARATION

#### HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Energy and Water Appropriations Act.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Energy and Water Appropriations Bill

Account: Corps of Engineers, Section 107

Legal Name of Requesting Entity: Port of New Orleans

Address of Requesting Entity: 1350 Port of New Orleans Place, New Orleans, LA 70130

Description of Request: I have secured \$100,000 for the Port of New Orleans. This will be a good use of taxpayer dollars because the authorized dredging and maintenance project would provide a minimum 45-foot draft access at the Napoleon Avenue Container Terminal in the Port of New Orleans to enable terminal use by deep draft ships and to allow the Port to remain competitive in attracting and retaining international business. I certify that neither I nor my spouse has any financial interest in this project.

### EARMARK DECLARATION

#### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information regarding project funding I requested as part of Fiscal Year 2010 Financial Services Appropriations bill H.R. 3170:

Requesting Member: TIMOTHY V. JOHNSON  
Bill Number: Fiscal Year 2010 Financial Services Appropriations bill

Account: Small Business Administration

Legal Name of Requesting Entity: Illinois State University

Address of Requesting Entity: Campus Box 4040, Hovey 310, Normal, IL 61790-4040

Description of Request: \$100,000 for a program to assist small to medium sized companies in Illinois in the expansion of exports by providing international planning, marketing and distribution expertise. It is my understanding that this funding will be used as follows: \$50,000 for personnel; \$40,000 for faculty and student travel; and \$10,000 for supplies, marketing, and printing.

### EARMARK DECLARATION

#### HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on

earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170, the Department of the Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Representative JUDY BIGGERT

Bill Number: H.R. 3170

Account: SBA Salaries and Expenses

Legal Name of Requesting Entity: Benedictine University

Address of Requesting Entity: 5700 College Road, Lisle, IL 60532

Description of Remarks: Provide an earmark of \$250,000 for the Women's Entrepreneurial Education and Workforce Development Initiative at Benedictine University. This recently established, innovative program specifically designed to empower women in the workforce. The program is designed to reach diverse, low-middle income women for job skills training and professional development. Students will enjoy financial literacy and collaborative leadership course work in addition to lectures from notable female educators and executives in the Chicago-land area.

### EARMARK DECLARATION

#### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding congressionally directed appropriation projects I sponsored as part of H.R. 3183, FY 2010 Energy and Water Development and Related Agencies Appropriations Bill.

Agency/Account: Army Corps of Engineers—Construction

Amount: \$1,000,000

Requesting Entity: Brazos River Authority

This funding would be used toward the federal portion of the flood control project underway between the Army Corps of Engineers and the Brazos River Authority that was authorized in 1999.

Agency/Account: Army Corps of Engineers—Investigations

Amount: \$220,000

Requesting Entity: City of Abilene

This funding would be used for the federal portion of the flood control project between the Army Corps of Engineers and the City of Abilene. The funds will complete development of a detailed study of local flood protection alternatives in the Elm Creek Watershed.

Agency/Account: Department of Energy—EERE

Amount: \$1,000,000

Requesting Entity: Texas Tech University, Wind Science and Engineering Center, 2500 Broadway, Lubbock, TX 79409

This funding is requested to focus on further extension and applications of the capabilities and facilities of the Texas Tech Wind Power Research Facility and its use as a unique national asset, will characterize the Gulf of Mexico offshore wind resource, will continue the development and application of wind-driven reverse osmosis water purification systems, and will continue outreach and education of the associated technologies, their applications, and results.

## EARMARK DECLARATION

**HON. JERRY MORAN**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3183

Agency/Account: Corps of Engineers, Section 205

Legal Name of Requesting Entity: City of Concordia

Address of Requesting Entity: 701 Washington Street, Concordia, KS 66901

Description of Project: I have secured language for the Army Corps of Engineers to provide assistance to The Concordia project which is located on an unnamed tributary on the south side of the City of Concordia. An existing embankment on that stream serves as a detention dam during heavy rainfall events and protects a residential and commercial development immediately downstream. This embankment breached as a result of heavy rainfall in 1950 and flood waters devastated the downtown business district. The embankment was restored, but not designed to current or any acceptable engineering standards, and its condition makes the risk of flooding to the housing and business district immediately downstream very high. The project will develop a plan to construct a safe and reliable flood protection project in partnership with the City of Concordia. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3183

Agency/Account: Department of Energy, EERE

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS 66506

Description of Project: I have secured \$500,000 for the Kansas State University Center for Sustainable Energy. The Kansas State University Center for Sustainable Energy has become a partner in the Alliance for Biotroleum Ventures which will serve as a catalyst for transforming America's energy landscape by integrating the Midwest's vast capabilities and resources. The K-State Center for Sustainable Energy provides broad-based expertise in biomass design, production, and conversion to fuels and chemicals, as well as in biofuel/bioproduction utilization. The Center is K-State's focal point for research, education, and outreach on biotroleum-based fuels and products. Funding will be used to support the work the K-State University Center for Sustainable Energy is doing in regards to the Alliance for Biotroleum Ventures. This includes integrating renewable Midwest biomass and public-private "biotroleum" resources to advance technology to production scale for rapid national deployment. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3183

Agency/Account: Department of Energy, EERE

Legal Name of Requesting Entity: Cloud County Community College

Address of Requesting Entity: 2221 Campus Drive, P.O. Box 1002, Concordia, KS 66901

Description of Project: I have secured \$750,000 for Cloud County Community College Renewable Energy Center of Excellence.

Located on campus, the proposed center will house Cloud County Community College's (CCCC's) Wind Energy Technology (WET) program and wind technician education training. The facility will also be available for regional wind conferences, public and private industry training, and workshops related to other renewable energy initiatives. CCCC's Wind Energy Technology program is preparing a qualified workforce for the emerging wind industry estimated to increase by 80,000 jobs by 2020. The curriculum blends on-campus, online and distance learning, and field opportunities for students. Funding will be used to establish the CCCC Renewable Energy Center of Excellence and to help develop curriculum and program standards for the WET program. I certify that neither I nor my spouse has any financial interest in this project.

## EARMARK DECLARATION

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. PAUL. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I obtained as part of H.R. 3183, the Energy and Water bill

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: DOE, EERE

Legal Name of Requesting Entity: Galveston Wharves

Address of Requesting Entity: PO Box 328, Galveston, TX 77553

Description of Request: An earmark of \$250,000 to fund Solar Energy Project at the Port of Galveston, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$675,000 to fund investigations at Port Freeport, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$200,000 to fund investigations at Sabine Pass to Galveston Bay, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$500,000 to fund infrastructure improvement in Houston-Galveston Navigation Channels, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$2,500,000 to fund infrastructure improvement in Clear Creek, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$8,000,000 to fund infrastructure improvement in the Texas City Channel, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, O&M

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$1,790,000 to fund infrastructure improvement in Cedar Bayou, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, O&M

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$3,316,000 to fund improvements in Freeport Harbor, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, O&M

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$13,095,000 to fund infrastructure improvement in Galveston Harbor, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, O&M

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$2,264,000 to fund infrastructure improvement in Victoria Harbor, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183  
Account: USACE, O&M

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$26,046,000 to fund infrastructure improvement in the GIWW, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183  
Account: USACE, O&M

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$4,627,000 to fund infrastructure improvement in the Matagorda Ship Channel, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183  
Account: USACE, O&M

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$4,000,000 to fund infrastructure improvement in the Texas City Ship Channel, Texas.

#### EARMARK DECLARATION

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Labor, Health and Human Services, Education and Related Agencies request.

Requesting Member: Congressman JEFF MILLER

Project Name: Pensacola Incentive—Based Model for Healthcare Transformation

Account: Department of Health and Human Services

Legal Name of Requesting Entity: University of West Florida, Pensacola, FL

Address of Requesting Entity: 11000 University Parkway, Pensacola, Florida, 32514

Description of Request: \$400,000—Pensacola Incentive-Based Model for Healthcare Transformation. This project will provide funds to pilot and evaluate alternative incentive structures (e.g., cost reduction, direct payment, etc.) to encourage participation of doctors and other providers in Health Information Technology (HIT) networks. HIT seeks to minimize costs by sharing information. But then what incentives will encourage doctors to use HIT and abandon the more lucrative procedure-based system? The proposed project will determine the best strategies to increase adoption and use rates. Advances in HIT will improve the quality of life and economic potential via better health care outcomes and reduced health care expenditures. The lessons from this pilot program are transferrable nationally. The research design will compare dif-

ferent incentive structures in terms of ease of use, provider awareness, use rates, and efficacy in outcomes. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

#### EARMARK DECLARATION—

### HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Financial Services Appropriations Act.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Financial Services Appropriations

Bill Account: Small Business Administration, Salaries and Expenses

Name of Requesting Entity: West Jefferson Medical Center

Address of Requesting Entity: 1101 Medical Center Boulevard, Marrero, LA 70072

Description of Request: I have secured \$100,000 for the West Jefferson Medical Center. This funding will be used for training of Certified Nurse Assistants and Phlebotomists. There is an opportunity to increase technical competencies while responding positively to patient needs. The enhanced skills provided by the training will lead to improved quality of care, improved patient satisfaction, reduced employee turnover, and enhanced employee effectiveness and productivity. I certify that neither I nor my spouse has any financial interest in this project.

#### EARMARK DECLARATION

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3170

Account: Small Business Administration, Salaries and Expenses

Legal Name of Requesting Entity: Alabama Small Business Institute of Commerce

Address of Requesting Entity: 3331 Rainbow Drive, Suite E, Rainbow City, Alabama 35906

Description of Request: "Alabama Small Business Institute of Commerce business training, \$100,000." Taxpayer justification—It is my understanding that this funding will be used to hire more business counselors to train small business owners throughout the Third Congressional District on how to contract with the Federal Government. East Alabama has many opportunities for Federal government contracting. Contracting is a complex but advantageous way for small businesses to find and maintain work. Contracting assistance is a needed service especially with the expected growth due to the recent BRAC decision and the overall economic situation.

HONORING JACQUELINE BASNEY AND ANGELIQUE'S BRIDAL SALON IN BLAINE, MINNESOTA FOR HOSTING A "MILITARY EXTRAVAGANZA"

### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mrs. BACHMANN. Madam Speaker, I rise today to honor Jacqueline Basney and the employees of Angeliq's Bridal Salon in Blaine, Minnesota for their thoughtful commitment to the military families of Minnesota. For the second year, Angeliq's has hosted a "Military Extravaganza." This past weekend, they gave away 50 wedding gowns to women who are either serving or engaged to someone serving in the military at no cost to the couple. As owner of Angeliq's, Jackie gives away the freshly cleaned and repaired sample gowns of discontinued styles. "These dresses are like new and just beautiful," she says.

Inspired after hearing of a similar event at another shop, Jackie went a step further by involving local vendors from the Twin Cities area to donate limo rides, photography sessions, tuxedo rentals—everything needed for the perfect wedding. Even more, the event is a way of connecting families who share the same uncommon situation. One set of four women lined up at eleven o'clock the night before and by the time they had picked their dresses the next morning, they were good friends, taking photos and exchanging phone numbers and promising to stay in touch. You simply can't put a price tag on that kind of support—particularly for women so in need of a little extra friendship for the sacrifices they make for our nation.

To take part in the event, couples submit letters and Jackie reads each one. Learning how they met and their plans for their life together lead her to tears at just the idea that she'll be a part of their wedding days. This year was especially moving when one lucky bride-to-be called her fiancé in Iraq and he personally thanked Jackie for her special gift. But Jackie seeks no thanks, saying it's only their way of paying it forward as "they pay us back double."

While these service men and women are separated by time and distance, Angeliq's is committed to making their big day the best it can be. Madam Speaker, I rise today to honor and thank everyone at Angeliq's Bridal Salon in Blaine, Minnesota and especially Jacqueline Basney for helping the men and women in our military in this unique way.



While many couples enjoy the luxury of planning and preparing together, this event brings families and strangers together in a way many never expected, but are eternally grateful to have experienced.

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EARMARK DECLARATION

**HON. ROBERT B. ADERHOLT**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170, the Financial Services and General Government Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 3170

Account: Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: Alabama Small Business Institute of Commerce, Rainbow City, AL

Address of Requesting Entity: P.M.B. 172, 3331 Rainbow Drive, Suite E, Rainbow City, AL 35906

Description of Request: "For small business training, \$100,000"

The funding would be used to provide education and workforce training to Alabama's workforce. The Alabama Small Business Institute and PTAC will partner together to provide assistance to Alabama small business owners with education and workforce development geared towards procuring government contracts. The Industrial Systems Technology and Machining Training will help meet the Federal government's mission of increasing training opportunities to create qualified workers through the nation's community college system. Approximately \$65,000 will be allocated for salaries and \$35,000 for equipment, supplies, travel and related costs.

Requesting Member: ADERHOLT

Bill Number: H.R. 3170

Account: Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: Alabama Technology Network, Birmingham, AL

Address of Requesting Entity: 500 Beacon Parkway West, Birmingham, AL 35209

Description of Request: "For the Alabama Center for Advanced Woodworking Technology, \$350,000"

The funding would be used to assist with the renovation, wiring, and expansion of an existing building. The renovation would provide a new location in the facility to house the woodworking facility. The funds would also be used to provide for the physical relocation of the equipment from its current location. The purpose of the funding is to facilitate the growth and development of Alabama's secondary wood processing industries and be a part of local, state and national efforts to recruit, train and retain wood related industries. \$257,500 will be used to disassemble, relocate, reassemble, install, and purchase any additional equipment, materials, supplies, and services to allow ACAWT to renovate and operate in the new facility. \$92,500 will be allocated towards any renovations including additional equipment, services, marketing, and costs necessary to restart operations.

Requesting Member: ADERHOLT

Bill Number: H.R. 3170

Account: Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: Northeast Alabama Community College, Rainsville, AL

Address of Requesting Entity: 138 Alabama Highway 35, Rainsville, AL 35986

Description of Request: "For industrial systems technology and machining training, \$335,000"

The funding would be used to assist with the renovation and equipping of a building purchased by Northeast Alabama Community College that will provide the necessary facilities for instruction in the areas of welding, machining, and industrial systems technology (maintenance). \$280,000 will be used for equipment and \$55,000 will be used for salaries.

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EARMARK DECLARATION

**HON. DEAN HELLER**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. HELLER. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction—Rural Nevada

Legal Name of Requesting Entity: Nevada Statewide: Washoe County Dept of Water Resources, The City of Fernley, Nevada

Address of Requesting Entity: 4930 Energy Way, Reno, NV 89502; 595 Silver Lace Blvd., Fernley, NV 89408

Description of Request: \$3,000,000. Funds will be used to support Sec. 595 of WRDA 1999 to provide rural localities in Nevada with funding for the design and construction of water supply, wastewater treatment, environmental restoration and surface water protection projects.

Specifically, the Washoe County Department of Water Resources will use some of these funds for a multi-phased project that will provide water service to residents currently using domestic wells. Declining water levels and deteriorating water quality are resulting in domestic well failures. In addition, on-site septic systems are contributing contaminants to the groundwater, resulting in residents consuming water that does not meet federal and state water quality standards. The Washoe Department of Water Resources has been working in phases to construct a community water system which will provide residents with a reliable supply of water that meets all state and federal drinking water standards.

Additionally, the City of Fernley, Nevada will use some of these funds for a project that includes the design, property acquisition, and construction of a surface water intake for the Fernley Water Treatment Plant. The plant currently utilizes groundwater as its only source of water, so this project will increase the flexibility in the management of Fernley's water re-

sources. The City of Fernley currently holds approximately 10,000 acre-feet of surface water rights that cannot be utilized without such a facility. This project allows the City of Fernley to utilize a source of water that increases the flexibility of Fernley's water resources. This project enhances Fernley's drought tolerance and introduces surface water to its potable water customers with a lower concentration of arsenic than Fernley's groundwater.

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3183

Account: Department of Energy—Science

Legal Name of Requesting Entity: Desert Research Institute

Address of Requesting Entity: 2215 Raggio Parkway, Reno, NV 89512

Description of Request: \$750,000. This funding will help the Desert Research Institute create a statewide center to house and use all available data needed to better understand the current and potential future distribution of water resources within Nevada. Water has become, and will continue to be, the most important limiting resource for the semi-arid urbanizing western United States. This project seeks to fully understand current distribution of water, while also being able to predict accurately the impacts of future conditions (e.g., growth and climate change) on the availability of water.

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TRIBUTE TO DR. RAPHAEL  
KATZEN

**HON. STEVE DRIEHAUS**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. DRIEHAUS. Madam Speaker, today we celebrate the life of Dr. Raphael Katzen as well as his 60-year career and vast accomplishments in the biofuel industry.

Called the "biofuel world champion" by a dear friend, Raphael Katzen was a pioneer in the ethanol industry. Dr. Katzen saw ethanol grow from a World War II emergency measure to a five billion-gallon industry. Beside establishing Raphael Katzen Associates International, Inc., a company well known and respected for its focus on innovation and next-generation technology, Dr. Katzen was named a fellow of both the American Institute of Chemical Engineers and the American Institute of Chemists. Among his many accolades, Dr. Katzen received the prestigious Professional Practice Award of the American Institute of Chemical Engineers, an award that earned him recognition by the Ohio House of Representatives. He also received the C.D. Scott Award of the Symposium on Biotechnology and Bioengineering. In 1996 Dr. Katzen was honored for his lifetime of achievements in bioengineering by election to the National Academy of Engineering.

While all of Dr. Katzen's accomplishments are impressive, perhaps most memorable will be his timeless drive and innovation that kept him on the cutting edge of technology development. Even in his 90s, he could still be found asking tough questions and pushing the envelope at industry conferences.

On behalf of the Congress of the United States and the citizens of Ohio's First Congressional District, it is an honor to recognize the life and career of this remarkable man.

## INTRODUCTION OF THE ACCESS TO BOOKS FOR CHILDREN (ABC) ACT

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mrs. MALONEY. Madam Speaker, today, I am pleased to reintroduce the Access to Books for Children Act (ABC Act), which strives to make buying books for kids as easy as A-B-C. The bill would provide vouchers for purchasing educational books to low-income mothers of infants and children participating in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

The American Academy of Pediatrics recommends daily reading to a child beginning when the child is just 6 months old. Children who are exposed to books and reading before they start school are much more likely to graduate from high school than those who are not. The ABC Act will put books in the homes of children who may not otherwise have them, in order to help those children develop the reading skills to set them on the path to success.

## EARMARK DECLARATION

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Energy and Water request.

Requesting Member: Congressman JEFF MILLER

Project Name: Adaptive Supervisory Control and Data Acquisition (SCADA) Technology for Infrastructure Protection

Account: Department of Energy—Electricity Delivery and Energy Reliability

Legal Name of Requesting Entity: Florida Institute for Human and Machine Cognition

Address of Requesting Entity: 40 South Alcaniz Street, Pensacola, Florida, 32502

Description of Request: \$750,000—Adaptive Supervisory Control and Data Acquisition (SCADA) Technology for Infrastructure Protection. I requested these funds to develop a system-centric defense infrastructure for Supervisory Control and Data Acquisition (SCADA) systems that will greatly improve their intrinsic resilience to environmental effects and malicious attacks. The proposed defense mechanism will be part of the communications infrastructure of the SCADA system and, without modifying the monitoring and control protocols, will introduce system diversity which will increase reliability and resilience preventing a local compromise from becoming a threat to the whole infrastructure or causing cascading failure. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

## EARMARK DECLARATION

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—the Financial Services and General Government Appropriations Act, 2010:

Small Business Administration (Salaries and Expenses)—Pennval Road Green Technology Incubator, Township of Woodbridge, N.J., \$250,000.

The entity to receive this funding is: Township of Woodbridge, One Main Street, Woodbridge, NJ 07095.

Woodbridge Township seeks to redevelop a brownfields site on Pennval Road into a Green Technology Incubator as a means of attracting economic development and encouraging job growth in the Township and the region. Consistent with the recently adopted New Jersey Energy Master Plan, which prioritizes the creation of a green technology and industrial sector in New Jersey alongside other goals such as enhanced conservation and efficiency, Woodbridge is embarking upon a redevelopment that will rely upon sustainable construction technologies for its physical facilities that will house the Incubator and promote business development and job creation specifically focused on fostering a clean energy/technology business cluster in the Township.

As conceived, the Pennval Road Green Technology Incubator will involve construction of facilities using energy efficient design, encourage the location of businesses or organizations which generate or facilitate generation of forms of renewable energy, energy efficient transportation and industrial process firms, and academic and public/private energy research and consulting activities. Woodbridge will also be establishing academic partnerships with local institutions of higher education to teach sustainable best practices onsite and provide real-world experiences for their students in the businesses that choose to locate themselves at the Incubator. Finally, a portion of the redevelopment area is being set aside as the site of a solar array to generate renewable energy that will power the Incubator and potentially other users in the vicinity.

## HONORING ANTHONY MICHAEL STASIAK II

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Anthony Stasiak II of Kansas City, Missouri. Anthony is 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 376, and earning the most prestigious award of Eagle Scout.

Anthony has been very active with his troop, participating in many scout activities. Over the many years Anthony 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 Anthony Stasiak II for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## EARMARK DECLARATION

**HON. DONALD A. MANZULLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the earmark I secured as part of H.R. 3170, Financial Services and General Government Appropriations Act, 2010.

My request, totaling \$100,000, will come from the Small Business Administration's (SBA) Salaries and Expenses account for the River District Association to develop and recruit small businesses in the downtown River District in Rockford, Illinois. The aim of this Small Business Development Initiative is to create an environment that encourages new small business development, enhances the growth of existing small businesses, and creates sustainable jobs for downtown Rockford, the second largest city in Illinois. The downtown area still faces significant challenges with numerous vacant buildings, blighted areas, and lagging private investment in Rockford's urban core. This problem has grown more acute in recent months with the unemployment rate in Rockford reaching 14.5 percent in May, one of the highest rates in the nation. The initiative will consist of market knowledge research, business growth strategies, and a cooperative marketing campaign centered on encouraging people to patronize businesses in downtown Rockford. The entity to receive funding for this project is the River District Association located at 127 North Wyman Street, Rockford, Illinois, 61110.

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBEY, and the Ranking Minority Member, Representative JERRY LEWIS, and the Chairman of the Financial Services Appropriations Subcommittee, Representative JOSÉ SERRANO, and the Ranking Minority Member, Representative JO ANN EMERSON, for working with me in a bipartisan manner to include this critical request in this spending bill.

## IN HONOR OF JOHN BRADFORD

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. FARR. Madam Speaker, I rise today to honor the public service career of Mr. John Bradford on the occasion of his retirement from the United States Forest Service. After over thirty years, John is giving up the every day pressures and demands of Forest Service management for the every day pressures and demands of a gentleman farmer. I have had

the great pleasure of working with John for the last eight years during his tenure as the district ranger of the Los Padres National Forest's Monterey Ranger District, known to the rest of the world as Big Sur. Having represented the Big Sur coast at the local, state, and now federal level, for more than thirty years, I can attest to the combination of vibrant community and stunning beauty that define the Big Sur region. John excelled in navigating the Big Sur communities various cross currents while protecting the incredible resources under his charge.

Growing up, John spent a lot of time with wood and in the woods. He is a forth generation member of a family-owned San Joaquin Valley commercial lumber company, the Modesto and Stanislaus Lumber Co. As an adolescent and young man, he was active in the Boy Scouts, attaining the rank of Eagle Scout and managing several Boy Scout camps in the Sierras and Southern California. During this time he became familiar with the Forest Service and decided he wanted to be a forester rather than a lumberman.

John began his Forest Service career in 1978 as a forestry technician on the Shasta Trinity National Forest. The next dozen years saw John in a variety of timber management jobs on national forests throughout California and Arizona. On the Modoc National Forest, John led the reforestation of hundreds of acres, an accomplishment of which he is particularly proud. In the mid-1990s, John shifted his focus to planning, becoming the National Environmental Policy Act (NEPA) coordinator for the Tahoe National Forest. From 1999 to 2001, John worked with the Forest Service Region V office on several regional planning efforts. In 2001, he achieved his career goal of becoming a district ranger. It was the good fortune of my district that John achieved that goal as the district ranger of the Monterey District.

During his tenure in the Monterey District, I worked with John on many different projects, both big and small. In 2002, I authored legislation that expanded the Monterey District's designated wilderness by over 55,000 acres. John worked closely with my office in helping shape the final bill and in implementing it once passed. John took the lead in incorporating the Bixby ranch into Forest Service ownership following a controversial purchase. John regularly participated in the quarterly Big Sur Multi Agency community meeting that I co-chair where the Big Sur community engages in a free and open dialogue with the various public agencies that have a role in managing Big Sur resources. Most recently, John was at the center of the multi agency response to the 2008 combined Basin Complex and Indians fires that covered over 240,000 acres combined—one of the largest wildfires in California history.

Madam Speaker, I know I speak for the whole House in expressing gratitude to John and his wife Julie, also a career Forest Service employee, for devoting his life to public service. We thank him for a job well done and wish him every success in his future life in retirement.

## EARMARK DECLARATION

**HON. DEAN HELLER**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. HELLER. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3170—Financial Services and General Government Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3170—Financial Services and General Government Appropriations Act, 2010

Account: Small Business Administration—Salaries and Expenses

Legal Name of Requesting Entity: Western Nevada Development District

Address of Requesting Entity: 704 West Nye Lande, Suite 201, Carson City, NV 89701

Description of Request: \$250,000. These funds would contribute to the Western Nevada Development District's small business job creation efforts, which extend over Carson City, Douglas, Lyon, Mineral, Pershing, and Storey Counties in Western Nevada. In the current economic climate, small businesses have been especially affected, and the efforts of the Western Nevada Development District in promoting job creation will help spur local economic development.

CONGRATULATING THE CLARK-RANGE LADY BUFFALOES ON WINNING THE STATE CHAMPIONSHIP

**HON. LINCOLN DAVIS**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. DAVIS of Tennessee. Madam Speaker, when the Maury Dandridge High School girls basketball team went 39–0 in 1966, it was the last time that a Tennessee girls basketball team would accomplish that feat for over four decades. This month, the Lady Buffaloes of Clarkrange, Tennessee did just that, winning thirty-nine straight games without defeat and marking themselves as the best in Tennessee for 2009.

This year's victory marks the eighth state championship for Clarkrange High School. In the hunt for this year's prize, the Lady Buffaloes trailed only twice throughout the entire tournament: once in the quarterfinals with Forest High School, and on the opening shot against Oliver Springs High School.

Four members of this year's championship were chosen for Tennessee's All State team this year: Hannah Green, Molly Heady, Tasha Phillips and Kelli Reed. It was the committed effort of the entire team that propelled this year's Lady Buffaloes to victory. Coach Lamar Rogers called this year's squad his "Dream Team," and he could not be more correct.

For their hard work and dedication, and for the inspiration they provided to all of Fentress County, I ask my colleagues to rise and join me today in congratulating the Lady Buffaloes of Clarkrange, Tennessee, for their extraordinary victory.

## EARMARK DECLARATION

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Financial Services and General Government request.

Requesting Member: Congressman JEFF MILLER

Project Name: Turnaround Business Assistance Program (TBAP)

Account: Small Business Administration  
Legal Name of Requesting Entity: University of West Florida, Pensacola, FL

Address of Requesting Entity: 11000 University Parkway, Pensacola, Florida 32514

Description of Request: \$262,000—Turnaround Business Assistance Program (TBAP). I requested these funds to provide small business management and technical intensive care via the Florida Small Business Development Center Network's statewide professional counselor programs. This will be a teamed approach beginning with current business assessments and long-term technical assistance to halt the acceleration of and turnaround small businesses in default and/or closure positioning with the Small Business Administration and/or other lender institution loan program funds. According to the Small Business Administration and ADP, small business goods producers lost 80,000 jobs and service provider small businesses lost 201,000 jobs nationally in December 2008. These figures are higher than normal and with continuing economic downturn, business closings, rising defaults on loans, and a national lack of access to capital, overall small business failure rates and defaults will spiral out of control. At any given time, approximately 20–30 percent of all companies are in need of turnaround assistance. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

## EARMARK DECLARATION

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996.

Requesting Member: JOHN M. SHIMKUS  
Bill number: H.R. 2996—Interior and Environment Appropriations Bill

The Account: STAG Water and Wastewater Infrastructure Project—Sharpsburg and Neighborhood Area Water System

Requesting Entity: Sharpsburg and Neighboring Area Water System is located at PO Box 355 Taylorville, IL 62568.

The funding will be used for the installation of infrastructure to serve the Sharpsburg and Neighboring Area Water System to serve residents on regional system that will replace bad wells.

“A JET EVEN THE MILITARY  
DOESN’T WANT”

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. FRANK of Massachusetts. Madam Speaker, Congress is currently facing the choice of whether to support or hinder the efforts of President Obama and Secretary of Defense Gates to bring some sense of rationality to the military procurement process. In spite of the enormously difficult budget situation we find ourselves in, both short-term and long-term, this House recently approved legislation authorizing the procurement of twelve additional F-22 fighter planes at an initial cost of \$369 million, which if completed would carry an expected final price tag of \$2 billion. With President Obama threatening a veto should this provision remain in the final version of the Defense Authorization bill, this issue will likely require the further consideration of all Members in the coming months. In this regard, I am submitting into the RECORD an article written by Lawrence Korb and Krisila Benson, published on July 9, 2009 in *The Philadelphia Inquirer*.

I particularly appreciate the stress that these writers place on two key points. First, that these additional fighter planes are entirely unwanted by Secretary Gates, Air Force Secretary Michael Donley, and Air Force Chief of Staff Norton Schwartz. They are not even on the Air Force's list of unfunded requests, described in the article as “items excluded from the budget for which [the Air Force] would nevertheless like funding—a wish list of sorts.”

The other important point, which explains the Department of Defense's lack of interest in further planes, is that the F-22 was “designed to fight next-generation Soviet fighters that never materialized,” and is of no help in addressing the air-to-ground challenges we are facing now and are likely to face in the future. For example, the F-22 is entirely unsuitable for the irregular warfare and counter-insurgency operations we are facing in Afghanistan and Iraq, which is why it has seen no action whatsoever in either of these conflicts. Furthermore, with no other rival to its air-to-air supremacy either existing or in development, there is no serious support for the claim that the 187 F-22's that have already been approved would be inadequate for any reasonable contingency.

I strongly encourage Members to read this informative article.

A JET EVEN THE MILITARY DOESN’T WANT

(By Lawrence Korb and Krisila Benson)

Congress decided to end production of the costly F-22 Raptor fighter jet at 187 planes after a debate on the 2009 supplemental war budget last month. But the very next day, the House Armed Services Committee stripped \$369 million for environmental

cleanup from the fiscal 2010 budget to fund an additional 12 F-22s. The Senate Armed Services Committee went a step further, providing \$1.75 billion for seven more F-22s without clearly identifying the source of funds.

The F-22 costs nearly \$150 million per plane—twice what was projected at the outset of the program. Factoring in development costs, the price tag increases to about \$350 million per plane for the current fleet of 187.

It may look as if the House Armed Services Committee has added “only” \$369 million. But given that it would provide funds for 12 additional F-22s, each with a price tag of \$150 million (excluding development costs), the real cost to American taxpayers would be about \$2 billion.

The F-22 is the most capable air-to-air fighter in the Air Force inventory. Yet it has only limited air-to-ground attack capabilities, which makes it unsuitable for today's counter-insurgency operations. In fact, the F-22 has never been used in either Iraq or Afghanistan. It was designed to fight next-generation Soviet fighters that never materialized, and, as Defense Secretary Robert Gates has noted, it is nearly useless for irregular warfare.

The F-22 has no known enemy. It is the most advanced fighter plane in the world, and there are no other planes that could threaten its supremacy in air-to-air combat. The United States already has 187 F-22s on hand or on order—a silver-bullet force that is more than adequate to deal with any likely contingency. In fact, Gates said that even if he had \$50 billion more to spend, he would not buy any more F-22s.

The Air Force leadership itself no longer supports continued production of the F-22. Air Force Secretary Michael Donley and Air Force Chief of Staff Gen. Norton Schwartz have publicly said they would prefer to move on. The plane is not in the Defense Department's proposed budget for fiscal 2010 (which begins in October). It's not even on the Air Force's list of unfunded requests, which consists of items excluded from the budget for which it would nevertheless like funding—a wish list of sorts.

Why are congressional committees willing to override the military and civilian leadership of the Pentagon on the F-22? The latest in a string of arguments offered by proponents in Congress is the need to protect our industrial base—as if our technical capacity to develop and produce fighter planes is in immediate, grave danger. This argument overlooks the fact that the Obama administration's fiscal 2010 budget includes 28 F-35 Joint Strike Fighters—planes better suited for air-to-ground combat.

Moreover, as has been noted by the chairman of the Joint Chiefs of Staff, Adm. Mike Mullen, the era of producing manned aircraft is coming to an end. Mullen correctly points out that there will be a shift toward unmanned aircraft.

The F-22 is not an isolated case of unnecessary congressional equipment purchases. Congress has added \$2.7 billion to the 2009 supplemental budget to buy more C-17 and C-130 aircraft—planes neither requested nor needed by the Defense Department. It also added \$600 million to the 2010 budget for an unneeded alternate engine for the F-35, which will mean buying 50 fewer aircraft.

An administration policy statement issued on June 24 said the president's senior advisers would recommend a veto of a bill containing funding for more F-22s. If the entire Congress approves either of the armed services committees' recommendations on the F-22, President Obama should indeed veto the bill. Only then will Congress get the message that in this era of exploding national debt,

we cannot waste billions on unnecessary military equipment.

HONORING THE LIFE OF U.S. AIR  
FORCE CAPTAIN GEORGE BRYAN  
HOUGHTON

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. SHULER. Madam Speaker, I rise today with a heavy heart to honor the life of an esteemed constituent, Captain George Bryan “G.B.” Houghton of Candler, North Carolina. Captain Houghton, a member of the 421st Fighter Squadron, was killed on June 22, 2009 while on a nighttime Air Force training mission in Utah. This young man showed remarkable courage and dedication while serving our country. His family is in my thoughts and prayers.

Captain Houghton began his Air Force career while attending Enka High School where he was actively involved in the Air Force Junior ROTC Program. Through his hard work and dedication, Mr. Houghton achieved the rare honor of serving on the program's color guard as a freshman, and he eventually became the program's Corps Commander.

His dedication and leadership skills earned him an appointment to the United States Air Force Academy where he graduated with a degree in civil engineering in 2002. Captain Houghton earned his pilot wings at Laughlin Air Force Base, and between 2003 and 2008, he trained over 150 Air Force pilots.

Captain Houghton dedicated his life to serving others, from leading fellow Junior ROTC participants to training many men and women who are now defending and protecting our liberty. Every day we enjoy freedoms made possible by this heroic young man and the thousands of other members of our military who have risked or given their lives to protect us, to ensure that the United States remains the land of the free and the home of the brave.

I offer a prayer of comfort to the family he has left behind: his wife, Josephine Houghton; his parents, George and Darlene Houghton; brothers, Daniel and Patrick Houghton, and maternal grandparents, JoAnn and Herschel Greene.

Madam Speaker, I ask my colleagues to join me in expressing our remorse at the passing of Air Force Captain George Bryan Houghton, an outstanding leader and an American hero, and I ask that we remember the men and women who sacrifice so much to protect our nation and ensure our freedom.

EARMARK DECLARATION

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. SIMPSON. Madam Speaker, I rise today to defend funding for the Idaho TechConnect Proof of Concept Center. This project received \$285,000 in the FY2010 House Financial Services bill.

Idaho TechConnect is a non-profit organization. It was created as a state-wide private-

public cooperation that would bridge the gaps in the state's innovation pipeline. It has received significant funding from the Idaho State Legislature since its birth in 2007. In addition, the Idaho National Laboratory has provided funds to assist in its efforts.

The hi-tech industry is an important industry to the United States and to Idaho and the government plays an important role in helping to foster and encourage new innovations and ideas. The Idaho TechConnect Proof of Concept Center assists people and organizations with novel innovations from early stage projects to the launch of a viable start-up business or to license the product or service to an existing business. Over the last 3 years Idaho TechConnect has worked with more than 1,000 companies and individuals as well as all of Idaho's universities and colleges and the Idaho National Lab to get more ideas out of the research and development funding. It has been very successful at discovering ideas and assessing their potential. These funds will assist its efforts to turn promising ideas into products and services and assist businesses in efforts to mature these innovations into market-ready products and services.

The Center will provide assistance with business models, intellectual property strategy, and access to capital, resulting in more ideas becoming products. Innovation is key to creating new jobs and fostering new businesses and growing current ones. This funding will assist businesses and public entities in their efforts to mature their innovative ideas into market-ready products and services. During these difficult economic times, the federal government should seek every means possible to foster real economic growth and make our economy stronger in the short term but particularly in the long-term.

IN HONOR OF FRANK PINNEY

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. FARR. Madam Speaker, I rise today to honor the public service career of Mr. Frank Pinney on the occasion of his retirement as Chief of the Big Sur Volunteer Fire Brigade after thirty-five years, seventeen as Chief. I have known Frank for a long time and have called him many things over the years: chief; mayor, community volunteer, community leader, mentor, neighbor, trusted advisor, public safety expert, friend, and above all, public servant. It is in this last capacity that I speak today about the great difference that Frank has made to the community that he has called home for nearly forty years.

Frank Pinney arrived in Big Sur in the early 1970s. At that time Big Sur residents relied upon Monterey based crews for fire protection along 70 miles of remote rugged coastline. It could take an hour or more for those trained firefighters to arrive at a house fire or other emergency. Soon after he arrived in Big Sur, Frank joined a community based effort to organize its own volunteer fire protection service. And so in August 1974, the Big Sur Volunteer Fire Brigade was born with Frank Pinney among its first members.

Frank soon displayed an unsurpassed commitment to the Fire Brigade's public safety

mission. In 1975, he became the Brigade's training officer and in 1978 won election as the Brigade foreman. Other milestones included engine company captain, 1982 Outstanding Firemen of the Year, and Assistant Chief for Administration in 1985. He also assisted the Brigades development by spearheading the effort to secure its 501(c)(3) non-profit status in 1983 and managing the capital fund and actual construction of the Brigade's firehouse in 1991. All of this work and devotion culminated in 1992 with Frank's election as Brigade Chief, a role in which he became synonymous with the Brigade itself.

Over the course of his career with the Brigade, Frank was at the heart of efforts to protect the local community and the millions of annual visitors to Big Sur from common car accidents to major wildfires. This included service during the 1977 Marble Cone fire, 1983 El Niño land slides, and the 1985 Rat Creek fire. As Chief he helped lead the response as a member of the incident command to the 1996 Sur fire, the 1998 winter land slides, and the 1999 Kirk fire.

Frank surpassed all this work with his efforts during last year's monumental Basin Complex fire. The Basin Complex fire, and the adjacent Indians fire, burned over 240,000 acres of Big Sur coastland and back country and over 25 homes. This event became one of the largest wildfires in California history and nearly destroyed the heart of the Big Sur community. Frank participated in the Basin Complex incident command and played a critical role in bringing his local knowledge and experience to the Forest Service and Cal Fire leadership running the massive fire fighting effort.

"Public service," "community organizing," and "volunteerism" are all frequently heard in conversations today. But these words alone fail to do justice to Frank for he has been the very embodiment of these ideals—all the more so in light of the purely voluntary nature of his Fire Brigade work.

Madam Speaker, I know I speak for the whole House in both commending Frank Pinney for his dedication to the public good and in holding out his public service record as an example for the whole nation.

HONORING MR. ERNEST K. BUCK  
OF PALL MALL, TENNESSEE

**HON. LINCOLN DAVIS**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to celebrate and remember the life of Mr. Ernest Buck of Pall Mall, Tennessee. Ernest lived a long, full life in service to his country and community, and served as a model citizen for his neighbors, family and friends.

Ernest began his career as a student at Lincoln Memorial University, before transferring to Middle Tennessee State University and later to Tennessee Polytechnic Institute, where he graduated in 1936. For 42 years, Ernest dedicated himself to teaching young men and women of Tennessee at the York Agricultural Institute in Fentress County. This alone might endear him to his community, but Ernest went to incredible lengths, even beyond his work as a teacher, to serve those around him at every turn.

During the Second World War, Ernest traveled to Ypsilanti, Michigan, to serve his country making B-24 bombers and later to Oak Ridge, Tennessee, to continue the war effort. After the war, Ernest returned home to carry out his service as a member of the Greers Chapel Church, the Young Farmers and Homemakers, the York Institute Advisory Council, and the Union Bank Board of Directors. Ernest was also a Director of the Fentress Farmers Co-Op, and served with the Fentress County Retired Teachers Association and the Fentress County Historical Association.

I hold a special place for Mr. Buck, because when my mother was young, he was her teacher at York Agricultural Institute. He was my teacher as well, and a good friend, and I am better today for having known and learned from him at an early age. Tennessee was blessed to enjoy Ernest Buck's grace and service for ninety-six years, and while his presence is missed he will no doubt live on in the countless lives he touched.

EARMARK DECLARATION

**HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally directed finding, I am submitting the following information regarding funding included in H.R. 3170—Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3170

Account: Financial Services, SBA

Legal Name of Recipient: SEKTDA

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of \$685,000 for economic and small business development in southern and eastern Kentucky. SEKTDA is a non-profit, region-wide initiative created to attract travelers and tour industry businesses to the area. SEKTDA's 47 county region is in one of the most depressed areas in the United States and economic and small business development is essential. These funds will contribute to the economic growth of the region.

EARMARK DECLARATION

**HON. JOHN SULLIVAN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. SULLIVAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for three project funding requests that I made and were included within the text of H.R. 3183—The FY 2010 Energy and Water Appropriations Act.

Project 1

Project: Arkansas River Corridor Project

Project Amount: \$100,000

Account: Corp of Engineers Investigations



Legal Name of Requesting Entity: (INCOG) Tulsa County/Program Management Group  
Address of Requesting Entity: 601 S Boulder, Suite 1200, Tulsa, OK 74119

Description of Request: Funding will be used for an authorized project (WRDA) within the Tulsa Region that has great environmental benefits and future economic benefits to the region. The projects risks a stall/fail in the engineering design process if the Corps of Engineers is not provided with this funding needed to continue their portion of the project. The Water Resources Development Act of 2007 authorizes the Corps of Engineers to participate in the ecosystem restoration, recreation and flood damage reduction components of the Arkansas River Corridor Master Plan.

Project 2

Project: Green TU Algae to Green Fuels Energy Project

Project Amount: \$750,000

Account: Department of Energy EERE

Legal Name of Requesting Entity: The University of Tulsa

Address of Requesting Entity: 600 S College Ave, McClure Hall, Tulsa, OK 74104

Description of Request: Funding will be used to enhance the University of Tulsa's algal research program by supporting several algae-to-fuels projects in an effort to stimulate green fuels research. Specifically, TU has identified five specific project areas that require additional development: algae growth mechanisms and kinetics, optimization of the catalytic conversion process, optimization of the fuel conversion reactions, process simulation, and directed evolution of algae.

Project 3

Project: Jenks Energy Management Equipment

Project Amount: \$250,000

Account: Department of Energy EERE

Legal Name of Requesting Entity: Jenks Public Schools

Address of Requesting Entity: 205 East B Street Jenks, OK 74037

Description of Request: Funding will be used to allow the Jenks Public School District to continue in a ten-year energy management program to increase savings in electricity and natural gas usage. Jenks Public Schools will add additional direct digital control systems software and thermostats to automate and track usage for the remaining 23 buildings throughout district campuses.

#### LEGISLATION TO CODIFY TITLE 51, U.S. CODE—NATIONAL AND COMMERCIAL SPACE PROGRAMS

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. CONYERS. Madam Speaker, Ranking Member LAMAR SMITH and I are introducing a bill to codify into positive law as title 51, United States Code, certain general and permanent laws related to national and commercial space programs. This bill was prepared by the Office of the Law Revision Counsel, as part of its ongoing responsibility under 2 U.S.C. 285b to prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States.

The new positive law title replaces the existing provisions, which are repealed by the bill. The bill is not intended to make any substantive changes in the law. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

This bill is substantially identical to H.R. 4780, which LAMAR SMITH and I introduced in the last Congress, on December 18, 2007, with a few revisions to respond to comments received. As there has already been significant opportunity for public review and comment, the Committee intends to move expeditiously to consider the bill after the House returns from its August recess.

The bill, along with a detailed section-by-section explanation of the bill, can be found on the Law Revision Counsel website at <http://uscod.house.gov/cod>. Interested parties are invited to submit comments to Rob Sukol, Assistant Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2-304 Ford House Office Building, Washington, DC, 20515-6711, (202) 226-2411, as well as to the Committee.

#### TRIBUTE TO FRED THERER

### HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. MACK. Madam Speaker, I rise today to honor Mr. Fred Thierer of Cape Coral upon his retirement from Fort Myers High School after 31 years of teaching and coaching.

Fred's success both in the classroom and on the football field has left a lasting impact on the Fort Myers community. He has worked as a science teacher, a driver's education instructor, a baseball coach, and an assistant football coach for over three decades. Fred estimates that he has taught more than 7,000 students in Southwest Florida how to drive—no wonder we have some great drivers in our region!

Any one of us who has played competitive sports understands the valuable lessons of hard work, teamwork and commitment. Fred understands these qualities as well and has worked to instill them in every student he coaches.

Fred's enthusiasm and passion for teaching and coaching has inspired thousands of students over the last 31 years. Although he is retiring, he plans to continue assisting the Fort Myers High School football team as a volunteer coach, and he and his wife remain active members of their community.

Madam Speaker, Fred's efforts have helped to make Southwest Florida a great place to live, work and visit, and I'm proud to call him my friend. I wish Fred and his wife Sharon all the best during his retirement.

#### TRIBUTE TO THE WOMEN AIR SERVICE PILOTS OF WORLD WAR II

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a group of truly exceptional women who live in my Congressional District and whose service to our country was honored today by the passage of a bill awarding the Congressional Gold Medal to the Women Air Service Pilots of World War II.

Inspired by the attacks on Pearl Harbor, Margot DeMoss (Riverside, CA), MaryAnn Dreher (San Clemente, CA) and Jane Fohl (San Clemente, CA) answered our nation's call to duty by joining the Women Air Service Pilots of World War II, also known as the WASP.

Created on August 5, 1943, the WASP was charged with the critical task of delivering battle-ready planes from the factory line to military bases around the world. After just 16 months, the WASP had established itself as a premier ferrying squadron. Of the more than 25,000 women that applied for training, only 1,879 were accepted to participate in the rigorous program that would eventually produce 1,074 outstanding female pilots.

The WASP founder, world famous aviator Jacqueline Cochran, challenged the status quo by asking for permission to commission WASP directly as Service Pilots, a procedure used routinely with male pilots but prohibited for women. She lobbied passionately, but eventually lost her battle both with the Comptroller General of the Army Air Force and in the halls of Congress, leading to the WASPs disbanding in 1944.

I believe that these women pioneers deserve to be acknowledged not just for their remarkable bravery and sacrifice, but for reminding us all that an uncompromising commitment to America—to its values, ideals and traditions—is a unifying force. I am a proud co-sponsor of H.R. 2014, Representative LEANA ROS-LEHTINEN's bill, awarding the Congressional Gold Medal to the Women Air Service Pilots of World War II, and I am pleased that the women of WASP will finally receive the recognition they so rightfully deserve.

#### EARMARK DECLARATION

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3170, "Making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: Small Business Administration—Salaries and Expenses

Project Amount: \$100,000



Legal Name of Requesting Entity: City of Alcoa, 223 Associates Boulevard, Alcoa, TN 37701

Description of Request: The funding will be utilized to develop infrastructure servicing the new Pellissippi Research Centre on the Oak Ridge Corridor. The vision embraced by a regional partnership is the creation of a world-class community aimed at attracting research and development firms.

INTRODUCTION OF THE WOMEN'S  
HEALTH OFFICE ACT

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mrs. MALONEY. Madam Speaker, I rise today along with Representative CHRIS MURPHY and Representative TAMMY BALDWIN to introduce the Women's Health Office Act. This critical bill which will help close the serious gaps in health care for women, by providing statutory authorization for the offices of women's health in five federal agencies which currently are not protected by law.

Many people are shocked when they learn that women were excluded from most medical research studies until 1985. That means it has been just 24 years since we began to understand that women are more prone to ailments like osteoporosis, lupus, and depression. Just recently in 2004, we learned that women who were treated in emergency rooms were less likely than men to receive life-saving medications for heart attacks because doctors did not fully understand the different symptoms of a heart attack in women.

How much do we still not know?

For years, the offices of women's health in key federal health agencies have been conducting vital research to identify disparities in women's health care, and spearheading innovative programs to close those gaps. However, only two of those offices are federally authorized and protected by law: the Office of Research on Women's Health at the National Institutes of Health, and the Office for Women's Services at the Substance Abuse and Mental Health Services Administration.

This bill will give permanent authorization to the federal offices located in the Department of Health and Human Services, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Food and Drug Administration. Without it, those five offices will always be vulnerable to understaffing, underfunding, or complete elimination.

Recent initiatives like the establishment of the White House Council on Women and Girls shows that we're finally starting to get it—women have unique experiences, needs, and interests, and these need to be considered and addressed. In no area of public policy is this more true than with health care. I urge my colleagues to support the Women's Health Office Act, to put those offices of women's health on a secure footing and give women the kind of health care they need and deserve.

CELEBRATING THE LIFE OF MRS.  
GENEVA WEST OF PALL MALL,  
TENNESSEE

**HON. LINCOLN DAVIS**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to remember the life of my friend and neighbor, Mrs. Geneva West of Pall Mall, Tennessee.

Geneva was a dedicated mother and wife, and dedicated herself to her community throughout her ninety years of life. For forty years, Geneva committed herself to the education of young Fentress County students as an elementary school teacher, spending many of those years in a one-room school house. Geneva also served Fentress County for nineteen years as the President of the Fentress Farm Bureau Women. She even was elected State Farm Bureau Woman of the Year, receiving this recognition at the State Convention in 2003.

Even after retiring from her career in education, Geneva continued to contribute to the community as a member of the Retired Teachers Association and the Jamestown Garden Club. She also served as a Volunteer at the Jamestown Regional Medical Center, caring for those who were ill and needed care. Many of Geneva's friends will also remember her as a dedicated churchgoer. Geneva was a member of the United Methodist Church for most of her life, and taught Sunday School for twenty-six years.

Geneva's husband, her two children and a number of grand-children and great-grand-children will no doubt remember a loving, committed family-woman who modeled a positive and dedicated spirit throughout her life. She will be missed in our community, and I would ask that my colleagues rise with me to honor her life and memory.

HONORING EULA TATE

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Ms. LEE of California. Madam Speaker, on behalf of the Congressional Black Caucus I rise today to honor the extraordinary life of Eula Tate. A talented and determined leader for civil rights, Ms. Tate left an indelible mark on both Michigan and the District of Columbia. Ms. Tate recently passed away on July 11, 2009.

Eula Tate attended Wayne County Community College for two years before transferring to and graduating from the University of Michigan. She began her career as an assembler for Chrysler in 1967 at the Trenton Engine plant in Trenton, Michigan, but quickly realized the harsh injustices within the workforce. Eager to make a real change to help those in her same position, Eula Tate served as a Councilmember for the City of Ypsilanti from 1981 to 1991. She continued her service to her community by going on to serve as Ypsilanti's senior chief executive officer, Mayor Pro-Tem and member of the City's Budget Committee.

Passionate about providing young people with the ability to arm themselves with the knowledge and community stewardship she was fortunate enough to obtain, Tate went on to serve as a faculty member at Michigan State University for the School of Labor and Industrial Relations, Union Minorities and Women's Leadership Training Project.

Realizing that there was much work to be done and wanting to make a difference in the legislation that directly affects Labor Union workers, Eula Tate came to the United Auto-workers Washington office in 1991 and continued her role as Legislative Representative/Lobbyist until her retirement in 2007. All who had the honor of knowing Tate knew that she worked every moment of every day to bring about fairness and justice to Americans across the nation. And she provided a tremendous amount of support and assistance to members of the Congressional Black Caucus. For that we are deeply grateful.

On behalf of the Congressional Black Caucus, I would like to thank Eula Tate's family for sharing this wonderful, inspiring, visionary spirit with us, especially her children Jennifer, Stephen, Yomika, Ronald and Donald and a host of other friends and family who were very dear to her heart. Eula Tate's astounding impact and legacy will live on through the countless people who loved her so dearly and, of course, through her remarkable works of service to the Labor Union community and to the state of Michigan. We will deeply miss this drum major for justice. May her soul rest in peace.

ILLINOIS SCHOOL FOR THE DEAF

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. SCHOCK. Madam Speaker, I rise today to honor the Illinois School for the Deaf and Mr. Albert Caswell. On January 20, 2009, the Illinois School for the Deaf traveled to Washington, DC, to witness the inauguration of President Barack Obama. Inspired by these young children and with the thought that perhaps one day one of those children may also stand on the west front of the U.S. Capitol, I would like to enter into the CONGRESSIONAL RECORD a poem penned by U.S. Capitol Guide Albert Carey Caswell. Mr. Caswell was able to spend some time with them on that day and wrote the following tribute.

CAN YOU HEAR ME?

Can you hear me?  
I can hear you!  
Not with my ears!  
But, with something far much more greater,  
so true!  
For it's with my heart . . .  
That, I can hear you too . . .  
Look at me!  
I'm just the same as you!  
For what I've lost . . .  
For inside, I've gained so much more so too!  
For I can feel you . . .  
And, I can read you . . .  
I'm just a kid like you!  
And, I want to grow up to be happy . . . and  
so healthy, oh so much so too!  
Just, because I can't hear you . . .  
Doesn't mean, I can't understand you!  
I can read you!  
Like a book!

For our Lord God, has given me other gifts  
that I can use. . . .  
For your coming though to me, loud and  
clear. . . .  
For I've developed my senses, so much great-  
er so here. . . .  
We're all the same!  
Some of us even, have the same names. . . .  
So hear me!  
Do not fear me!  
Be near me, be my friend. . . . so tried and  
true. . . .  
There's, so much more we can learn about  
each other. . . . me and you  
For, I can hear you!  
In our world, there is such a special bond.  
. . . .  
That, in the quiet world is so formed. . . .  
At first, you may not understand. . . . but  
it's in our heart where it is born. . . .  
I can teach you!  
I can reach you!  
In all I do!  
Life lesson's so very true. . . .  
For, I will not give up!  
Nor give in!  
On this Inauguration Day, I see how far  
dreams can take you to!  
And yet I ask, "Why, must children have so  
much courage then so too?"  
For some things, are so hard to understand  
. . . .  
As where faith must begin and end. . . .  
Reach out, and take my hand. . . .  
Let's be friends, me and you. . . .  
There's so much more together we can learn  
and do!  
Little children as Heroes should not have to  
be. . . . but are put on this earth for all  
to teach!  
Can you hear me?  
I can hear you!  
And one day up in Heaven. . . . I know, my  
Lord I will view. . . .  
And, I will begin to cry. . . .  
When, I look into his eyes. . . . and I hear for  
the first time. . . .  
My very first words!  
"I love you!"

#### EARMARK DECLARATION

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3183, Energy and Water Development and Related Agencies Appropriations bill, FY2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations bill, FY2010

Account: Department of Energy, Science  
Legal Name of Requesting Entity: Barry University

Address of Requesting Entity: 11300 NE 2nd Avenue, Miami Shores, FL 33161

Description of Request: I have secured \$1,200,000 to fund Phase II of the Institute for Collaborative Sciences Research which is intended to create a state-of-the-art research infrastructure through new laboratory and teaching space in health care and physical sciences programs. The focus of the Institute will be to prepare minority leaders for future work in

healthcare professions while facilitating important research that has a direct benefit on minority populations in my South Florida community.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations bill, FY2010

Account: Department of Energy, Science  
Legal Name of Requesting Entity: Miami-Dade College Hialeah Campus

Address of Requesting Entity: 1780 W 49th Street, Hialeah, FL 33012

Description of Request: I have secured \$400,000 to implement a Physical and Biological Sciences Laboratory Learning Center at Miami Dade College's Hialeah Campus. Funding will develop both face-to-face and virtual Physical and Biological Science labs, and technology-enhanced learning systems to support student recruitment, retention and graduation rates in Science career fields. Having these options will allow students to use technology to conduct experiments and test hypotheses in class under the direct supervision of an instructor or in the traditional wet lab setting. The Physical and Biological Sciences Laboratory Learning Center at MDC-Hialeah Campus will promote graduation rates in degree programs in the sciences fields. The national need for college educated workers in STEM fields is well documented.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations bill, FY2010

Account: Army Corps of Engineers, Investigations account

Legal Name of Requesting Entity: Miami-Dade County

Address of Requesting Entity: 111 NW 1st Street, Suite 1032, Miami, FL 33128

Description of Request: I have secured \$600,000 for dredging of the Miami Harbor at the Port of Miami which includes the design, preparation of plans and specifications for bidding. The Chief of Engineers has recommended the deepening project to 50–52 feet and Congress has authorized the project (Title I, Water Resources Development Act of 2007). It is essential that the Planning, Engineering, and Design (PED) begin in FY09. Extended delay in the proposed dredging improvements could be detrimental to the economy of South Florida and the nation. Cargo growth at the Port of Miami has been phenomenally strong. However, the industry standard container ship is becoming larger, and the Port cannot handle the newer ships without deeper channels. In addition, the Port has been facing increasing competition from foreign ports with existing significantly deeper channels and faces lost business to foreign ports (such as Freeport).

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations bill, FY2010

Account: Army Corps of Engineers, Construction account

Legal Name of Requesting Entity: South Florida Water Management District

Address of Requesting Entity: 3301 Gun Club Road, West Palm Beach, FL 33406

Description of Request: I have secured \$210,239,000 to continue authorized projects

included in the comprehensive South Florida Everglades Ecosystem Restoration project.

#### RECOGNIZING BISBEE'S WARREN PARK

### HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Ms. GIFFORDS. Madam Speaker, I rise today to pay tribute to a small but historically significant outpost of the great American pastime: Warren Ballpark in Bisbee, Arizona.

Baseball was invented, nurtured, and popularized in our great Nation. We are well aware of how this uniquely American game saw us through two world wars, a Great Depression, and innumerable challenges, both at home and abroad. Baseball is a fixed star; it will always be with us to bolster our spirits in times of need—times such as we face today.

It is with this storied past in mind that I recognize Bisbee's Warren Ballpark on the occasion of its 100th anniversary.

Warren Ballpark probably is not well-known outside of my district in southeastern Arizona but its place in baseball's history is as sure as a homerun. It is truly a field of dreams.

A recent editorial in the Sierra Vista Herald captured the essence of my message today: "The story of our ballpark is representative of a time when baseball was THE spectator sport and when every community of size and significance had its own minor league team."

The first game at Warren Ballpark was played between the home team and a team from El Paso, Texas, on June 27th, 1909—three years before Arizona became a state! At the time, Bisbee was a booming mining town with a population close to that of Tucson and Phoenix. The year that first game was played was also the year that one of Arizona's most renowned political figures, Barry Goldwater, was born and the year that the famed Apache warrior, Geronimo, died. In 1909 William Howard Taft assumed the Presidency from Theodore Roosevelt and the Pittsburgh Pirates beat the Detroit Tigers in the World Series.

Much has happened since the glory days of Ty Cobb and Honus Wagner. Our Nation, my State and the game of baseball have all undergone countless changes. Yet Warren Ballpark remains. It is, therefore, appropriate that this body acknowledge Warren Ballpark as a historical treasure for our Nation and the community of Bisbee.

Warren Ballpark, it has been home to minor league teams affiliated with major league teams such as the Chicago Cubs, New York Yankees, Brooklyn Dodgers, and Cleveland Indians. The park saw the beginning of many great careers and hosted players who not only entertained America on the field, but protected her off the field as they answered the call of duty in World Wars I and II and the Korean war.

Baseball is still played on the old field of Warren Ballpark. The local high school team, the Bisbee Pumas, plays its games there, as does the Bisbee Copper Kings. The games draw enthusiastic supporters from Bisbee and surrounding communities.

Mike Anderson, founding member of Friends of Warren Ballpark, stated it well. He said "this is baseball on an intimate basis—the type of

thing that can never take place on a television screen, nor can it be replicated in a cavernous facility where one has to look at a scoreboard video screen to see the expression on a player's face." To those who have the good fortune of attending a game at Warren Ballpark, it is history, and life, and community all rolled into one.

I commend this local and national treasure for the 100 years of entertainment and enjoyment it has given to the community and for its unique place in the history of our national pastime.

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EARMARK DECLARATION

**HON. ZACH WAMP**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. H.R. 3183, The Fiscal Year 2010 Energy and Water Appropriations Act contains the following funding:

Requesting Member: Representative ZACH WAMP

Account: U.S. Corp of Engineers—Construction

Legal Name Requesting Entity: U.S. Corp of Engineers—Nashville District

Address: U.S. Army Corps of Engineers, Nashville District at 110 9th Avenue South, Nashville, Tennessee

Description of Request: The Chickamauga Lock is a major economic engine in the Tennessee Valley region. Commodities passing through the lock have origins and destinations in 17 states in the South, Midwest and Mid-Atlantic regions, traveling an average 1,400 miles. Over the last several years, 2.5 million tons passed through the lock annually, and the forecasted traffic demand is expected to grow considerably. The U.S. Army Corps of Engineers indicates that replacement of the existing lock is far more economical than continuing costly maintenance and repair. Funding in the amount of \$1 million is included for the U.S. Army Corps of Engineers, to replace the Chickamauga Lock.

Distribution of funding: Construction 100%

Requesting Member: Representative ZACH WAMP

Account: U.S. Corp of Engineers—Operations and Maintenance

Legal Name Requesting Entity: U.S. Corp of Engineers—Nashville District

Address: U.S. Army Corps of Engineers, Nashville District at 110 9th Avenue South, Nashville, Tennessee

Description of Request: The current Chickamauga Lock has been in operation on the Tennessee River since 1940 and is a major economic engine in the Tennessee Valley region. As use of the lock is increasing, the infrastructure is severely aging, jeopardizing its ability to support additional traffic loads. An extensive maintenance program, well beyond what is normally conducted, is underway to extend the life of the current lock until the replacement lock can be built. Funding in the

amount of \$3.775 million is required for the U.S. Army Corps of Engineers to fix and replace gates, pumps, piping and tension connections to the guide wall.

Distribution of funding: Maintenance 100%

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EARMARK DECLARATION

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Spunky Bottoms Restoration, Brown County, IL

Bill Number: H.R. 3183—FY 2010 Energy and Water Appropriations Act

Provisions/Account: Department of Energy—Energy Efficiency and Renewable Energy

Name and Address of Requesting Entity: The entity to receive funding for this project is Biofuels Manufactures Inc. at 801 W. Main Street, Peoria, IL 61606.

Description of Request: The funding would be used to create a new biofuels manufacturing plant using innovated feedstocks.

I also submit the below detailed explanation of the Upper Mississippi River Restoration, IL, IA, MN, MO, & WI

Bill Number: H.R. 3183—FY 2010 Energy and Water Appropriations Act

Provisions/Account: U.S. Army Corps of Engineers—Construction

Name and Address of Requesting Entity: The entity to receive funding for this project is the U.S. Army Corps of Engineers, located at Clock Tower Building, P.O. Box 2004, Rock Island, IL 61204.

Description of Request: The funding would be used to continue projects which are vital to the ecological restoration of the Upper Mississippi River and Illinois Waterway, including habitat creation and long-term monitoring.

I also submit the below detailed explanation of the Emiquon Floodplain Restoration, IL

Bill Number: H.R. 3183—FY 2010 Energy and Water Appropriations Act

Provisions/Account: U.S. Army Corps of Engineers—Continuing Authorities Program

Name and Address of Requesting Entity: The entity to receive funding for this project is the U.S. Army Corps of Engineers, located at Clock Tower Building, P.O. Box 2004, Rock Island, IL 61204.

Description of Request: The funding would be used to restore the Illinois River floodplain within the Thompson Drainage and Levee District.

I also submit the below detailed explanation of the Spunky Bottoms Restoration, Brown County, IL

Bill Number: H.R. 3183—FY 2010 Energy and Water Appropriations Act

Provisions/Account: U.S. Army Corps of Engineers—Continuing Authorities Program

Name and Address of Requesting Entity: The entity to receive funding for this project is the St. Louis District of the U.S. Army Corps of Engineers, located at 1222 Spruce Street, St. Louis, MO 63103.

Description of Request: The funding would provide habitat restoration along the Illinois

River by reconnecting the river with the backwater lakes and wetlands that once existed along the river.

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EARMARK DECLARATION

**HON. LINCOLN DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3170, Financial Services and General Government Appropriations Act, FY2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, FY2010

Account: Small Business Administration, Salaries and Expenses account

Legal Name of Requesting Entity: Chamber South

Address of Requesting Entity: 6410 SW 80th Street, South Miami, FL 33143

Description of Request: I have secured \$100,000 to start a job incubator program in Richmond Heights, Florida. Richmond Heights is a part of un-incorporated Miami-Dade County with a predominant African-American population. Due to the recent economic recession, the population of Richmond Heights has experienced severe job loss. Chamber South works to foster economic and job growth in South Florida, especially Richmond Heights. They bring together local business, government entities such as the SBA and local residents to encourage economic production.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, FY2010

Account: Small Business Administration, Salaries and Expenses account

Legal Name of Requesting Entity: Miami-Dade College

Address of Requesting Entity: 300 NE 2nd Avenue, Miami, FL 33132

Description of Request: I have secured \$300,000 to establish an Institute for Intermodal Transportation to provide careers addressing the future needs of the transportation industry. A major focus is to provide small businesses with opportunities to train and retrain their workforce, as well as providing certifications and degree programs. The Intermodal Transportation Training Center allows MDC to effectively meet the training requirements of all forms of transportation, and transportation related activities. The planned location of the Intermodal Transportation Center is at the Miami International Airport (MIA), which would situate the School in close proximity to the Miami Intermodal Center (MIC) currently under construction. This location would serve as a benefit to both the MIC and the school as a trained and skilled workforce is developed by the School to meet the ongoing employment needs at the MIC. Courses at MIA are set to begin January 2010.

RE-INTRODUCING LEGISLATION TO  
GRANT FEDERAL FIREFIGHTERS  
“TRADE TIME”

**HON. JOHN P. SARBANES**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. SARBANES. Madam Speaker, I rise today to re-introduce legislation from the 110th Congress that would correct a longstanding disparity between professional firefighters who are employed by States, counties, or municipalities and Federal firefighters.

In 1985, Congress amended the Fair Labor Standards Act so that firefighters around the country could engage in a practice called “trade time.” Trade time allows two firefighters, solely at their option and with the approval of their supervisor, to switch shifts without affecting the pay rate of either firefighter. The Congress made this change because firefighters work uncommon schedules involving 24 hour shifts and 72 hour work weeks, followed by a period of time away from the firehouse. Trade time enables firefighters to meet personal obligations such as attending a child’s birthday or assisting a sick family member without exhausting their annual leave. It also ensures that firehouses across the country can maintain staffing requirements and keep our communities safe.

Federal firefighters are not covered under the Fair Labor Standards Act and therefore have been ineligible for trade time. I am introducing this bill to amend Federal employee labor law to fix this problem.

Federal firefighters work side-by-side with their non-federal colleagues, so this is an issue of equity. Correcting this inequity will help Federal agencies recruit and retain firefighters. Just like other firefighters, Federal firefighters risk their lives on a daily basis. They also accept the irregular hours that their jobs require. This legislation merely gives them some modest flexibility to balance that irregularity and meet their family obligations.

I hope my colleagues will support this simple but overdue legislation.

IN HONOR AND RECOGNITION OF  
MARVIN HAROLD “BOBBY”  
CALDWELL

**HON. TRAVIS W. CHILDERS**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. CHILDERS. Madam Speaker, I rise today to recognize Mr. Marvin Harold “Bobby” Caldwell on the occasion of his 85th birthday. Mr. Caldwell was born on July 18, 1924, in the Pleasant Hill community, Alcorn County, Mississippi to Joseph Sidney and Mary Edna Caldwell. When he was six months old, his parents bought a 35 acre farm on which Mr. Caldwell still lives today. Mr. Caldwell learned early how hard life could be. At the age of five, his father was killed after becoming tangled in the gear of a mule and died. By the age of 7, Mr. Caldwell was driving the cotton wagon to the gin to have the cotton baled. Upon arriving at the gin, often the older people would allow him to have his cotton baled first so he could get home before dark.

Hard work as a child paid off and at the age of 21, Mr. Caldwell went to work at E.I. Dupont and Company in New Jersey to work on the production of the Atomic Bomb. Upon returning home to Mississippi, he worked at the Sanford Hosiery Mill until it closed at which time he became a general contractor until retiring. Mr. Caldwell has always had a special place in his heart for children and in 1971 was elected to the Alcorn County School Board on which he served for 36 years. As of today, he is still active in his home church, Pleasant Hill United Methodist Church, is a 32 degree Mason, York Rite, Shrine Club and Eastern Star Member.

I thank my colleagues for joining me today to honor Mr. Bobby Caldwell for a life of service and congratulate him on his birthday.

EARMARK DECLARATION

**HON. JOHN FLEMING**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. FLEMING. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the “Fiscal Year 2010 Energy and Water Development and Related Agencies Appropriations Act.” I have requested funding for the following projects in Fiscal Year 2010:

JBK Johnston Waterway, Mississippi River to Shreveport, LA (CG). Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. Refinements to the J. Bennett Johnston Waterway channel alignment are necessary to improve the safety and reliability of the navigation channel as well as to reduce maintenance dredging costs, and include reinforcing or capping out existing revetments as well as adding additional contraction structures (dikes) to improve navigation conditions.

JBK Waterway, Mississippi River to Shreveport, LA. (O&M). Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. FY10 request would provide for basic operations and maintenance and maintenance dredging along the J. Bennett Johnston Waterway in northwest Louisiana. Any remaining funds will be used to address backlog maintenance projects along the waterway.

Red River Below Denison Dam, AR, LA & TX, (CG). Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. The levees in Louisiana associated with the Red River Waterway project have been incorporated into the Federal System; however, they are old and do not meet current construction standards. FY10 funding would be used to continue design and construction of the Red River Below Denison Dam project (LA, AR & TX), which includes the rehabilitation of levees and revetment reinforcements that threaten the integrity of the levee system. The overall project provides flood protection to about 1.7 million acres, half of which are located behind levees.

Red River Emergency Bank Protection, AR, LA, OK & TX, (CG). Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. This U.S. Army Corps of Engineers project is located in northwest Louisiana, southwest Arkansas, southeast Oklahoma, and northeast Texas. FY10 funds would pro-

vide for revetment, dikes, or cutoffs for protection of critical infrastructure and land along the Red and Old Rivers between the mouth of Old River at its juncture with the Mississippi River and Denison Dam, Texas.

Bossier Parish Flood Protection Study. Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. Federal funds would be used to conduct a reconnaissance study investigating alternatives to address water resource problems and needs in Bossier Parish, LA. Funds would be used to complete the reconnaissance phase and prepare and negotiate the Project Management Plan and Feasibility Cost-Sharing Agreement. Project requires 50 percent local match. Local sponsors include; Bossier Levee District, Bossier Parish and Bossier City.

Cross Lake, LA, Water Supply Improvements. Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. Federal funds will be used to conduct a feasibility study that will evaluate options including additional pumping capacity on Cross Lake at lower elevations as well as new pumping stations and water treatment facilities on the Red River. The holding capacity of the already shallow lake (8.5 ft) is decreasing due to siltation, contributing to increasing difficulty in managing it as a water supply source. This study has been expanded into a regional water resource study to include all of Bossier and Caddo Parishes.

Red River Navigation, Southwest Arkansas, AR (GI). Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. Federal funds would be used to conduct a reconnaissance study along the Red River in northwest Louisiana, southwest Arkansas, northeast Texas and southeast Oklahoma to investigate the federal interest and possible alternatives for a project to extend navigation from Shreveport, LA, to Index, AR.

Consistent with the Republican Leadership’s policy on earmarks, I hereby certify that to the best of my knowledge, this request: 1) is not directed to an entity or program that will be named after a sitting Member of Congress, 2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark, and 3) meets or exceeds all statutory requirements for matching funds where applicable. I also hereby certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

**HON. JOHN M. McHUGH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. McHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 3183

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: SUNY Morrisville

Address of Requesting Entity: Post Office Box 901, Morrisville, NY 13408

Description: The purpose of the project is to provide \$200,000 to demonstrate the feasibility of using algae production as a renewable fuel source while incorporating carbon sequestering and aquaponic technologies into one demonstration scale model. Aquaponics is the combination of hydroponics and aquaculture, whereby the waste products of each system are utilized by each other, increasing cost effectiveness.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 3183

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Lewis County Industrial Development Agency

Address of Requesting Entity: 7642 N. State Street, Lowville, NY 13367

Description: The purpose of the project is to provide \$500,000 for upgrades to necessary biomass components that will improve energy efficiency while further reducing already permit compliant emissions by 50 percent.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 3183

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Council for International Trade, Technology, Education and Communications, Inc.

Address of Requesting Entity: Box 8561 Main Street, Room 101, Potsdam, NY 13699

Description: The Center for Advanced Ferrite Production in collaboration with Syracuse University Industrial Assessment Center will demonstrate that mature manufacturing industries in the Northeast may be made globally competitive through aggressive investment in energy efficiency measures. This project will be a model for other New York manufacturing businesses.

#### EARMARK DECLARATION

### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the House passed version of H.R. 3170, the Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 3170

Provision: Title V, Independent Agencies, Small Business Administration, Salaries and Expenses

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: Clemson University, Clemson, SC 29634

Description of Request: The purpose of this appropriation is to provide \$100,000 for the Clemson University Advanced Materials Innovation Center. With many manufacturing jobs going overseas, there is a critical need in the United States, and particularly in South Carolina, of incubators such as the Advanced Ma-

terials Innovation Center to accelerate the creation of knowledge-based companies. The United States must also continue to develop new advanced materials to ensure continued military superiority. The Advanced Materials Innovation Center at Clemson's Advanced Materials Center in Anderson County will serve as a research and development campus for start-up companies devoted to cutting-edge research, development, and job creation in the advanced materials fields. The Innovation Center will also house fledgling high-technology companies that focus on such advanced materials as optics, nanotechnology, and biomaterials. These federal funds will be used to develop laboratories at the Advanced Materials Innovation Center. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of my spouse or me.

#### EARMARK DECLARATION

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. H.R. 3170, The Fiscal Year 2010 Financial Services and General Government Appropriations Act contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Account: Small Business Administration—Salaries and Expenses

Legal Name Requesting Entity: University of Memphis

Address: 303 FedEx Institute, Memphis, Tennessee 38152

Description of Request: The University of Memphis requested funding for an entrepreneurial training program to promote new business growth targeting science and technology-based and minority-owned businesses. Federal funding is needed for University of Memphis experts and students to develop business plans, evaluate new technologies and provide legal expertise to small businesses and entrepreneurs. The program will have a significant impact on the economy and encourage investment and jobs in the Memphis metropolitan area and the mid-south region. The University of Memphis received \$685,000 for the entrepreneurial training program.

Distribution of funding:

Salaries and Center Administration 20%

Equipment 13%

Business and Legal Services and Training 47%

Education and Conferences 20%

#### CONGRESSIONAL RECOGNITION FOR FORT HUACHUCA BROWNIE TROOP 2181

### HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Ms. GIFFORDS. Madam Speaker, I rise today to honor the leaders and members of Fort Huachuca Brownie Troop 2181, from Si-

erra Vista, Arizona, for their initiative in coordinating and conducting the Fort Huachuca Sun Oven Cook-off. This event will take place on the U.S. Army's Fort Huachuca on Saturday, July 18.

On that day, using specially designed solar ovens and only the power of the sun, the 18 members of Troop 2181 will prepare a spaghetti feast and then cakes for auction. In doing so, they will raise funds to purchase solar ovens for needy members of their community while simultaneously educating people about the benefits and capabilities of solar energy.

Solar energy is the most abundant and widely available energy source on our planet. It is also clean, safe, and affordable. As the United States and other countries across the globe look for ways to secure a more peaceful, prosperous, and sustainable future, solar technologies have an important role to play. I applaud the members of Troop 2181 for their leadership in demonstrating the benefits of solar energy in their community and for using the proceeds to help those in need.

In performing this project, the members of Troop 2181 will learn valuable lessons about the power of public service and the many benefits of solar energy. They will learn about areas where help is needed in their community, and they will learn that they can make a positive difference.

I wish to single out a few people who deserve special recognition for their leadership in making this project a reality: Ken Robinson, Command Information Chief for the Fort Huachuca Public Affairs, was influential in paving the way for this project; Valerie McCaffrey, Chair of Baja Arizona Sustainable Agriculture, helped secure the solar ovens at cost; and Kristen Engasser has performed exemplary service as leader of Troop 2181.

I applaud all of these community leaders for empowering the young people of Southern Arizona and helping them develop critical leadership skills that will allow them to create a better world.

#### EARMARK DECLARATION

### HON. JOHN M. MCHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. MCHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—Financial Services and General Government Appropriations Act of 2010

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 3170

Account: Salaries and Expenses

Legal Name of Requesting Entity: New York College of Environmental Science and Forestry

Address of Requesting Entity: Bray Hall 224, Syracuse, NY 13210

Description: The purpose of the project is to fund the New York State Forest Community Economic Assistance Program. It would fund dedicated research and outreach for forest-products community businesses and provide assistance with technical manufacturing and financial management issues. It would also

serve these communities in overcoming the challenges of navigating complex regulatory and public policy matters. Forest-based manufacturing, small business and tourism generate \$8.8 billion annually and employ over 72,000 workers. This program would work to maintain and enhance these types of forest community economic activities.

INTRODUCTION OF THE "PROFIT  
ACT OF 2009"

**HON. MARY JO KILROY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Ms. KILROY. Madam Speaker, today I introduce legislation, the "Provide a Return on Financial Investment for the Taxpayer Act of 2009," or "PROFIT Act of 2009," which will maximize the American taxpayers' return on its investment in troubled financial institutions through the Troubled Asset Relief Program (TARP) and make the payback process between Treasury and the banks transparent to the public.

During the wake of the economic crisis, American taxpayers assumed an enormous financial risk when they bailed out these institutions.

To compensate for this risk, banks that received TARP funds were required to give Treasury warrants for the future purchase of common shares, allowing American taxpayers an opportunity to profit from the possible upside of their investment.

However, the Congressional Oversight Panel (COP), in its July 10, 2009, oversight report, found that Treasury would be more likely to maximize taxpayer returns if it sold the warrants through an open, public and transparent auction instead of the current process that allowed 11 banks to repurchase their warrants at just 66 cents on the dollar.

In fact, COP found that if Treasury uses this same approach to repurchase all remaining outstanding warrants, estimated at between \$8.1 billion to \$12.3 billion, American taxpayers would lose out on as much as \$2.7 billion.

American taxpayers took enormous risks in bailing out Wall Street and should be compensated.

EARMARK DECLARATION

**HON. TIM MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Request Number 1

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Legal Name of Requesting Entity: Phipps Conservatory and Botanical Gardens

Address of Requesting Entity: 1059 Shady Avenue; Pittsburgh, PA 15232

Amount: \$500,000

Description of Request: The CTI Waste to Energy System at the Phipps Conservatory will reduce the amount of waste directed to Western Pennsylvania landfills, create 10 jobs in the immediate area, and serve as a model for the future of waste management. This project is a concrete application of technology that addresses our nation's dependence on foreign-controlled fossil fuels and intelligently manages waste. This project will serve all Americans as part of the foundation for a data-driven discussion of energy and waste management policies.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Request Number 2

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Canonsburg Lake, PA appropriation is of particular interest to my district and importance to my constituents.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Section 206

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Pittsburgh

Address of Requesting Entity: 100 Liberty Avenue, Room 1828; Pittsburgh, PA 15222

Description of Request: This project will implement a Corps of Engineers Section 206 Aquatic Restoration Feasibility Study. Restoring the aquatic ecosystem of the lake that has been severely degraded by sediment deposition. Dredging the sediment from the lake is proposed to enhance the ecosystem for fish species and other aquatic life, restore adequate water levels and create additional wetlands on site.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Request Number 3

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Locks And Dams 2, 3 And 4 Monongahela River Appropriations is of particular interest to my district and importance to my constituents.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Pittsburgh

Address of Requesting Entity: 100 Liberty Avenue, Room 1828; Pittsburgh, PA 15222

Amount: \$6,210,000

Description of Request: The Lower Monongahela River Project is located in

Southwestern Pennsylvania and was authorized for construction by the Water Resources Development Act (WRDA) of 1992. This project addresses the deteriorated condition of the navigation facilities along the Lower Monongahela River. The project is to build a new dam at 2 (Braddock), new locks at 4 (Charleroi) and then to remove the Locks and Dam at 3 (Elizabeth), creating a single 30 mile pool. The dam at 2 is now complete but the old dam 3 cannot be removed until the locks are completed at 4. Specific concerns were the very real risks of navigation system failure related to the poor structural condition of Locks & Dam 3, and the fact that industry must continue to rely on a single chamber at Locks 4 on the Monongahela River. Ground was broken in 1994 and the project was to be completed in 2004 or in 10 years. However, the slow pace of funding forced inefficient decisions, which now mean the best schedule for total project completion, now 2016, provided that the project continues to receive optimal funding. The funding delays created greater than normal maintenance problems. The condition and sustained operability of Locks and Dam 3, and Locks 4 is a significant and growing concern. The 100-year-old Locks and Dam 3 are among the oldest structures operating on the inland navigation system, and the most structurally deficient navigation facility on the Monongahela River. The larger locks will afford industry a 27 percent savings in economy scale. The challenge is to put the Lower Monongahela River Project on an efficient funding schedule.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Request Number 4

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Upper Ohio Navigation System Study, PA Appropriations is of particular interest to my district and importance to my constituents.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Pittsburgh

Address of Requesting Entity: 100 Liberty Avenue, Room 1828; Pittsburgh, PA 15222

Amount \$1,250,000

Description of Request: The Upper Ohio River, defined as Emsworth, Dashiields, and Montgomery (EDM) Locks and Dams, is a multi-year feasibility investigation to determine the best navigation improvement project. EDM are the three oldest locks on the Ohio River navigation system. Two major problems associated with the locks are: (1) their structural condition; and (2) the lock chamber sizes are too small to efficiently accommodate modern tow configurations.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.



H. RES. 644, RULE ON CONSIDERATION OF THE BILL (H.R. 3170) MAKING APPROPRIATIONS FOR FINANCIAL SERVICES AND GENERAL GOVERNMENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 16, 2009*

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of the Rule for consideration of H.R. 3170 making appropriations for financial services and general government for the fiscal year ending September 30, 2010.

The Financial Services Appropriations bill is a key part of efforts to restore the stability of, and the public confidence in, America's financial institutions. It makes needed investments in strengthening the Securities and Exchange Commission's ability to enforce rules that govern investments and financial markets and to detect and prosecute fraudulent schemes, and it permits the District of Columbia to continue operating in accordance with the decisions and policies established by its own local leadership.

Along with these issues, the bill also supports America's auto dealers. Specifically, it

requires automobile companies who have taken federal funding to reinstitute agreements with dealerships they have dropped in recent bankruptcy proceedings. As you know, this country made an investment in General Motors and Chrysler, two of the nation's largest manufacturers. Given the potential impact to workers as well as car dealers, many of whom are in my district in Houston, I supported this government investment. However, in the aftermath, nearly 3000 auto dealers today face extinction. The restructuring with GM and Chrysler have cost these dealers their right to continue selling these cars. This bill simply provides dealers the same rights they would have had before GM and Chrysler's bankruptcy proceedings started.

Previously GM and Chrysler had notified arbitrary dealers that their relationship was ending, essentially immediately, leaving dealers with millions of dollars invested in car stock, no options for consolidation and little leverage for liquidation. There was no transparency to the system that shut down many profitable dealerships that have been local institutions for decades, and no proof from auto makers that shutting down those dealerships will actually be financially beneficial to the makers. This legislation builds on the efforts of Congress in a letter sent to the Treasury Department Auto Task Force on May 19, and a letter sent to President Obama today.

We all recognize that the economy is not favorable to the auto industry right now: we have already seen layoffs from manufacturers and we expect to see many dealerships consolidate and close this year. However, forced, arbitrary closure of dealers by manufacturers will not necessarily be financially beneficial to automakers, and it certainly will not help the local economies where dealers are integral to the business community. These dealerships employ hundreds of people across my district in good-paying jobs, they sponsor our community services projects in Houston and across the country; moreover, these dealers have been household names for generations.

Some may say that auto dealers are standing in the way of change. I say they want change in the industry, and in fact they want only to be a part of that change. Each car dealer represents dozens of employees left without income or health care, and a major hit to the local economies of these towns. At a time when our nation is reeling from the loss of hundreds of thousands of jobs each month and struggling to address health care reform, I congratulate Mr. SERRANO and his staff in working to craft legislation to prevent hundreds of dealerships from shuttering their doors. Madam Speaker, I support the resolution, the underlying bill, and America's auto dealers and I ask my colleagues to do the same.

# Daily Digest

## HIGHLIGHTS

The House passed H.R. 3170, Financial Services and General Government Appropriations Act, 2010.

## Senate

### Chamber Action

*Routine Proceedings, pages S7583–S7665*

**Measures Introduced:** Twelve bills and five resolutions were introduced, as follows: S. 1458–1469, and S. Res. 212–216. **Page S7639**

#### Measures Reported:

S. 1462, to promote clean energy technology development, enhanced energy efficiency, improved energy security, and energy innovation and workforce development. (S. Rept. No. 111–48)

S. 345, to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the “Tropical Forest and Coral Conservation Act of 2009”. (S. Rept. No. 111–49)

S. 954, to authorize United States participation in the replenishment of resources of the International Development Association, with amendments. (S. Rept. No. 111–50)

S. 955, to authorize United States participation in, and appropriations for the United States contribution to, the African Development Fund and the Multilateral Debt Relief Initiative, to require budgetary disclosures by multilateral development banks, to encourage multilateral development banks to endorse the principles of the Extractive Industries Transparency Initiative. (S. Rept. No. 111–51)

S. 1415, to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, with amendments. **Page S7639**

#### Measures Passed:

*Trademark Act of 1946:* Senate passed H.R. 3114, to authorize the Director of the United States Patent and Trademark Office to use funds made

available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, clearing the measure for the President. **Page S7664**

#### Measures Considered:

**National Defense Authorization Act:** Senate continued consideration of S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, taking action on the following amendments proposed thereto: **Pages S7591–S7636**

##### Adopted:

Leahy Amendment No. 1613 (to Amendment No. 1511), of a perfecting nature. **Pages S7632–33, S7634**

78 yeas to 13 nays (Vote No. 232), Brownback Amendment No. 1610 (to Amendment No. 1511), to clarify that the amendment shall not be construed or applied to infringe on First Amendment rights. **Pages S7631–32, S7634**

Reid (for Leahy) Amendment No. 1511, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes. **Pages S7591, S7607–08, S7623–24, S7627–31**

##### Rejected:

By 29 yeas to 62 nays (Vote No. 231), Hatch Amendment No. 1611 (to Amendment No. 1511), to prevent duplication in the Federal government. **Pages S7633–34**

##### Withdrawn:

Reid (for Kennedy) Amendment No. 1539 (to Amendment No. 1511), to require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials. **Page S7630–31**

##### Pending:

Thune Amendment No. 1618, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in

which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

**Pages S7635–36**

During consideration of this measure today, Senate also took the following action:

By 63 yeas to 28 nays (Vote No. 233), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on Reid (for Leahy) Amendment No. 1511 (listed above).

**Page S7635**

A unanimous-consent agreement was reached providing that the following be the only amendments on the subject of hate crimes remaining in order during the pendency of the bill: Leahy or designee alternative to Sessions death penalty; Sessions amendment relative to death penalty; Sessions amendment relative to service members; and Sessions amendment relative to attorney general regulations, and that debate on any of the amendments listed above be limited to 40 minutes each; provided further, that Senate resume consideration of the bill at approximately 1 p.m., on Monday, July 20, 2009, and resume consideration of Thune Amendment No. 1618 (listed above), following the disposition of Leahy Amendment and Sessions Amendment, and provided that upon the disposition of Thune Amendment No. 1618 (listed above), Senator Levin be recognized to offer the Levin/McCain amendment relating to the F22, with debate on the amendment limited to 2 hours, with the time equally divided and controlled between Senators Levin and Chambliss, or their designees; provided that upon the use or yielding back of that debate time, Senate vote on or in relation to the amendment, with no amendment in order to the Levin/McCain amendment prior to a vote.

**Pages S7630–31**

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency and related measures dealing with the former Liberian regime of Charles Taylor; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–27)

**Page S7638**

**Nominations Received:** Senate received the following nominations:

Jacqueline A. Berrien, of New York, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2014.

Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring May 21, 2014.

Anne S. Ferro, of Maryland, to be Administrator of the Federal Motor Carrier Safety Administration.

Joseph G. Pizarchik, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

**Page S7665**

**Messages from the House:** **Pages S7638–39**

**Measures Referred:** **Page S7639**

**Additional Cosponsors:** **Pages S7639–42**

**Statements on Introduced Bills/Resolutions:** **Pages S7642–53**

**Additional Statements:** **Page S7638**

**Amendments Submitted:** **Pages S7653–63**

**Authorities for Committees to Meet:** **Pages S7663–64**

**Privileges of the Floor:** **Page S7664**

**Record Votes:** Three record votes were taken today. (Total—233) **Pages S7634–35**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 11:27 p.m., until 1 p.m. on Monday, July 20, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7664.)

## Committee Meetings

(Committees not listed did not meet)

### START TREATY

*Committee on Armed Services:* Committee met in closed session to receive a briefing to examine the START Treaty follow-on agreement from Rose Gottemoeller, Assistant Secretary of State for Bureau of Verification, Compliance, and Implementation; and Michael Nacht, Assistant Secretary of Defense for Global Strategic Affairs.

### FORECLOSURE PREVENTION

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine home foreclosure prevention, after receiving testimony from Herbert M. Allison, Jr., Assistant Secretary of the Treasury for Financial Stability; William Apgar, Senior Advisor for Mortgage Finance, Department of Housing and Urban Development; Joan Carty, The Housing Development Fund, Bridgeport, Connecticut; Mary Coffin, Wells Fargo Home Mortgage, Des Moines, Iowa; Allen H. Jones, Bank of America, Annandale, Virginia; Diane E. Thompson, National Consumer Law Center, Godfrey, Illinois, on behalf of the National Association of Consumer Advocates; Curtis Glovier, Fortress Investment Group, New York, New York, on behalf of the Mortgage Investors Coalition; Paul S. Willen, Federal Reserve Bank

of Boston, Boston, Massachusetts; and Thomas Perretta, Stamford, Connecticut.

### LONG-TERM BUDGET OUTLOOK

*Committee on the Budget:* Committee concluded a hearing to examine the long-term budget outlook, after receiving testimony from Douglas W. Elmendorf, Director, Congressional Budget Office.

### COMPETITION IN THE HEALTH CARE MARKETPLACE

*Committee on Commerce, Science, and Transportation:* Subcommittee on Consumer Protection, Product Safety, and Insurance concluded a hearing to examine competition in the health care marketplace, after receiving testimony from Richard A. Feinstein, Director, Bureau of Competition, Federal Trade Commission; Len M. Nichols, New America Foundation, and David Balto, Center for American Progress Action Fund, both of Washington, D.C.; Mark Riley, Arkansas Pharmacists Association, Little Rock, on behalf of the National Community Pharmacists Association; and Grace-Marie Turner, Galen Institute, Alexandria, Virginia.

### U.S. COMPETITIVENESS IN A CLEAN ENERGY ECONOMY

*Committee on Environment and Public Works:* Committee concluded a hearing to examine United States competitiveness while moving toward a clean energy economy, after receiving testimony from John Doerr, Kleiner Perkins Caufield and Byers, Menlo Park, California; John Krenicki, GE Energy Infrastructure, and Harry C. Alford, National Black Chamber of Commerce, both of Washington, D.C.; and Julian L. Wong, Center For American Progress Action Fund, Atlanta, Georgia.

### INSTABILITY, TERRORISM AND ECONOMIC DISRUPTION IN RELATION TO OIL

*Committee on Foreign Relations:* Committee concluded a hearing to examine instability, terrorism, and economic disruption in relation to oil, after receiving testimony from Richard L. Morningstar, Special Envoy for Eurasian Energy, William Hudson, Acting Deputy Assistant Secretary for Near Eastern Affairs, Richard J. Schmierer, Ambassador to Oman, and Phillip Carter III, Principal Deputy Assistant Secretary for African Affairs, all of the Department of State.

### NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of David H. Thorne, of Massachusetts, to be Ambassador to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador to the

Republic of San Marino, who was introduced by Senator Kerry, Donald S. Beyer, Jr., of Virginia, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein, who was introduced by Senator Warner, Anne E. Derse, of Maryland, to be Ambassador to the Republic of Lithuania, and Howard Gutman, of Maryland, to be Ambassador to Belgium, all of the Department of State, after the nominees testified and answered questions in their own behalf.

### NOMINATIONS

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the nominations of Christine M. Griffin, of Massachusetts, to be Deputy Director, Office of Personnel Management, who was introduced by Senator Kerry, and Stuart G. Nash, to be an Associate Judge of the Superior Court of the District of Columbia, who was introduced by Representative Norton, after the nominees testified and answered questions on their own behalf.

### ALASKA NATIVE CORPORATIONS CONTRACTING

*Committee on Homeland Security and Governmental Affairs:* Ad Hoc Subcommittee on Contracting Oversight concluded a hearing to examine contracting for Alaska native corporations, after receiving testimony from Debra S. Ritt, Assistant Inspector General for Auditing, and Joseph G. Jordan, Associate Administrator for Government Contracting and Business Development, both of the United States Small Business Administration; Shay D. Assad, Acting Deputy Under Secretary of Defense for Acquisition and Technology; Sarah Lukin, Native American Contractors Association, and Jacqueline Johnson-Pata, National Congress of American Indians, both of Washington, D.C.; Julie E. Kitka, Alaska Federation of Natives, Inc., Anchorage, Alaska; Mark J. Lumer, Cirrus Technology Inc., Huntsville, Alabama; and Christina J. Schneider, Purcell Construction Corp., Watertown, New York.

### WORKFORCE INVESTMENT ACT

*Committee on Health, Education, Labor, and Pensions:* Subcommittee on Employment and Workplace Safety concluded a hearing to examine the Workforce Investment Act of 1998, after receiving testimony from Jane Oates, Assistant Secretary of Labor for the Employment and Training Administration; Martha Kanter, Under Secretary of Education; Michael L. Thurmond, Georgia Department of Labor Commissioner, Atlanta; Clyde McQueen, Full Employment Council, Kansas City, Missouri; Rick S. Bender, Washington State Labor Council AFL-CIO, Seattle;

William E. Kiernan, University of Massachusetts Boston Institute for Community Inclusion (UCEDD); Mary W. Sarris, North Shore Workforce Investment Board, Salem, Massachusetts; Kathy Lynn Cooper, Washington State Board for Community and Technical Colleges, Olympia; and Stephen Wing, CVS Caremark, Twinsburg, Ohio.

#### NOMINATION

*Committee on the Judiciary:* Committee concluded a hearing to examine the nomination of Sonia Sotomayor, to be an Associate Justice of the Supreme Court of the United States, after receiving testimony from Representatives Velázquez and Serrano; Peter N. Kirsanow, Commissioner, United States Commission on Civil Rights; Louis J. Freeh, former Director, Federal Bureau of Investigation, Department of Justice; Dustin McDaniel, Arkansas Attorney General, Little Rock; Mayor Michael Bloomberg, Robert M. Morgenthau, New York County District Attorney, Theodore M. Shaw, Columbia Law School, and Patricia M. Hynes, Association of the Bar of the City of New York, all of New York, New York; Kim J. Askew and Mary M. Boies, both of the American Bar Association, Wade Henderson, Leadership Conference on Civil Rights, Chuck Canterbury, National Fraternal Order of Police, Charmaine Yoest, Americans United for Life, Ramona E. Romero, Hispanic

National Bar Association, Nicholas Quinn Rosenkranz, Georgetown University Law Center, and David B. Rivkin, Jr., Baker and Hostetler LLP, all of Washington, D.C.; Frank Ricci and Ben Vargas, both of the New Haven Fire Department, and Kate Stith, Yale Law School, all of New Haven, Connecticut; Linda Chavez, Center for Equal Opportunity, Falls Church, Virginia; David B. Kopel, Independence Institute, Golden, Colorado, on behalf of the CATO Institute; Ilya Somin and Neomi Rao, both of George Mason University School of Law, Arlington, Virginia; Tim Jefferies, P7 Enterprises, Scottsdale, Arizona; John O. McGinnis, Northwestern University School of Law, Chicago, Illinois; JoAnne A. Epps, Temple University Beasley School of Law, Philadelphia, Pennsylvania, on behalf of the National Association of Women Lawyers; David B. Cone, Stamford, Connecticut; Sandra S. Froman, Tucson, Arizona; and Stephen P. Halbrook, Fairfax, Virginia.

#### BUSINESS MEETING

*Select Committee on Intelligence:* Committee ordered favorably reported an original bill to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government.

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## House of Representatives

### *Chamber Action*

**Public Bills and Resolutions Introduced:** 16 public bills, H.R. 3230–3245; and 5 resolutions, H. Res. 651–652, 654–656 were introduced.

**Pages H8301–02**

**Additional Cosponsors:**

**Pages H8302–03**

**Reports Filed:** Reports were filed today as follows:

H.R. 1196, to authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives (H. Rept. 111–210);

H.R. 1604, to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections, with an amendment (H. Rept. 111–211); and

H. Res. 653, providing for the consideration of the bill (H.R. 1018) to amend the Wild Free-Roam-

ing Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros (H. Rept. 111–212). **Page H8301**

**Chaplain:** The prayer was offered by the Guest Chaplain, Rev. Elizabeth Hanley, Abiding Savior Lutheran Church, Cameron, Texas. **Page H8187**

**Oath of Office—Thirty-Second Congressional District of California:** Representative-elect Judy Chu presented herself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from Ms. Cathy Mitchell, Chief of Elections Division, Secretary of State, State of California, indicating that, according to the unofficial returns of the Special Election held July 14, 2009, the Honorable Judy Chu was elected Representative to Congress for the Thirty-Second Congressional District, State of California. **Page H8200**

**Whole Number of the House:** The Speaker announced to the House that, in light of the administration of the oath to the gentlewoman from California, Ms. Chu, the whole number of the House is adjusted to 434. **Page H8200**

**Privileged Resolution—Intent to Offer:** Representative Walden announced his intent to offer a privileged resolution. **Page H8201**

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, July 14th:

*Providing for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909:* H.R. 1442, amended, to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909, by a  $\frac{2}{3}$  yeas-and-nays vote of 422 yeas with none voting "nay", Roll No. 548; **Pages H8199–H8200**

*Authorizing the conveyance of certain National Forest System lands in the Los Padres National Forest in California:* H.R. 129, amended, to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, by a  $\frac{2}{3}$  yeas-and-nays vote of 422 yeas with none voting "nay", Roll No. 549; **Page H8201**

*Joint Ventures for Bird Habitat Conservation Act of 2009:* H.R. 2188, amended, to authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, by a  $\frac{2}{3}$  yeas-and-nays vote of 400 yeas with none voting "nay", Roll No. 550; **Pages H8201–02**

*Providing for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway:* H.R. 409, amended, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, by a  $\frac{2}{3}$  yeas-and-nays vote of 406 yeas with none voting "nay", Roll No. 551; **Pages H8202–03**

*Expressing support for designation of June as "Home Safety Month":* H. Res. 543, to express support for designation of June as "Home Safety Month", by a  $\frac{2}{3}$  yeas-and-nays vote of 416 yeas to 9 nays with 3 voting "present", Roll No. 554; and **Pages H8204–05**

*Celebrating the 30th anniversary of June as "Black Music Month":* H. Res. 476, amended, to celebrate the 30th anniversary of June as "Black Music Month", by a  $\frac{2}{3}$  yeas-and-nays vote of 418 yeas with none voting "nay", Roll No. 572. **Page H8269**

Agreed to amend the title so as to read: "Celebrating the goals and ideals of Black Music Month". **Page H8269**

**Committee Election:** The House agreed to H. Res. 651, electing a Member to a certain standing committee of the House of Representatives: Committee on Education and Labor: Representative Chu. **Page H8216**

**Financial Services and General Government Appropriations Act, 2010:** The House passed H.R. 3170, making appropriations for financial services and general government for the fiscal year ending September 30, 2010, by a yeas-and-nays vote of 219 yeas to 208 nays with 1 voting "present", Roll No. 571. **Pages H8191–99, H8203–04, H8205–69**

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Tiahrt motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 225 yeas to 195 noes, Roll No. 570. **Pages H8266–68**

Agreed to:

Serrano manager's amendment (No. 1 printed in H. Rept. 111–208) that (1) increases FY 2010 funding for the Consumer Product Safety Commission by \$4,875,000 to the auth level of \$118,200,000 and FY2010 funding under GSA Federal Buildings Fund will be reduced by the same amount; (2) transfers \$250,000 from the GSA's Federal Building Fund operations account to the National Credit Union Administration's Community Development Revolving Loan Fund; and (3) prohibits the use of funds for first-class travel for employees of agencies funded by the bill, in contravention of Federal regulations and **Page H8233**

Paulsen amendment (No. 2 printed in H. Rept. 111–208) that increases the appropriation for the Financial Crimes Enforcement Network (FinCEN) of the Treasury Department by \$15 million and offsets from the GSA Rent Account by the same amount. **Pages H8233–34**

Rejected:

Price (GA) amendment (No. 3 printed in H. Rept. 111–208) that sought to strike funding for the President's Council of Economic Advisers (\$4.2 million) (by a recorded vote of 146 yeas to 279 noes, Roll No. 555); **Pages H8234–35, H8255–56**

Emerson amendment (No. 4 printed in H. Rept. 111–208) that sought to reduce funding for the



Help America Vote Act by \$50 million (by a recorded vote of 172 ayes to 250 noes, Roll No. 556);

**Pages H8235–37, H8256–57**

Blackburn amendment (No. 5 printed in H. Rept. 111–208) that sought to provide that each amount appropriated or otherwise made available by the Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent (by a recorded vote of 184 ayes to 247 noes, Roll No. 557);

**Pages H8237–38, H8257**

Broun (GA) amendment (No. 6 printed in H. Rept. 111–208) that sought to prohibit funding made available in this bill from paying the salaries of specific positions in the Council on Environmental Quality (by a recorded vote of 149 ayes to 282 noes, Roll No. 558);

**Pages H8238–39, H8257–58**

Flake amendment (No. 7 printed in H. Rept. 111–208) that sought to prohibit \$100,000 from being used for the small business incubator project of the University of West Georgia in Carrollton, Georgia, and reduce the amount of Section 511 of the bill by the same amount (by a recorded vote of 89 ayes to 342 noes, Roll No. 559);

**Pages H8239–41, H8258–59**

Flake amendment (No. 8 printed in H. Rept. 111–208) that sought to prohibit \$200,000 from being used for the Commercial Driver Training Institute project of Arkansas State University in Newport, Arkansas, and reduce the amount of Section 511 of the bill by the same amount (by a recorded vote of 115 ayes to 314 noes, Roll No. 560);

**Pages H8241–42, H8259**

Flake amendment (No. 9 printed in H. Rept. 111–208) that sought to prohibit \$285,000 from being used for the Proof of Concept Center of Idaho TechConnect, Inc., in Nampa, Idaho, and reduce the amount of Section 511 of the bill by the same amount (by a recorded vote of 94 ayes to 336 noes, Roll No. 561);

**Pages H8242–43, H8259–60**

Flake amendment (No. 10 printed in H. Rept. 111–208) that sought to prohibit \$200,000 from being used for the Greenstone Group project of the Northeast Entrepreneur Fund in Virginia, Minnesota, and reduce the amount of Section 511 of the bill by the same amount (by a recorded vote of 93 ayes to 337 noes, Roll No. 562);

**Pages H8243–44, H8260–61**

Flake amendment (No. 11 printed in H. Rept. 111–208) that sought to prohibit \$150,000 from being used for the Green Business Incubator Project of Montgomery County, Maryland, and reduce the amount of Section 511 of the bill by the same amount (by a recorded vote of 114 ayes to 318 noes, Roll No. 563);

**Pages H8244–47, H8261**

Flake amendment (No. 12 printed in H. Rept. 111–208) that sought to prohibit \$100,000 from

being used for the Activity Based Total Accountability project of the Florida Institute of Technology, and reduce the amount of section 511 of the bill by the same amount (by a recorded vote of 102 ayes to 326 noes with 1 voting “present”, Roll No. 564);

**Pages H8247–49, H8261–62**

Flake amendment (No. 13 printed in H. Rept. 111–208) that sought to prohibit \$90,000 from being used for the Commercial Kitchen Business Incubator project of the El Pajaro Community Development Corporation in Watsonville, California, and reduce the amount of section 511 of the bill by the same amount (by a recorded vote of 120 ayes to 311 noes, Roll No. 565);

**Pages H8249–50, H8262–63**

Flake amendment (No. 14 printed in H. Rept. 111–208) that sought to prohibit \$125,000 from being used for the Defense Procurement Assistance Program of the Economic Growth Connection of Westmoreland in Greensburg, Pennsylvania, and reduce the amount of section 511 of the bill by the same amount (by a recorded vote of 119 ayes to 312 noes, Roll No. 566);

**Pages H8250–51, H8263**

Flake amendment (No. 15 printed in H. Rept. 111–208) that sought to prohibit \$100,000 from being used for the Myrtle Beach International Trade and Conference Center of the City of Myrtle Beach, South Carolina, and reduce the amount of section 511 of the bill by the same amount (by a recorded vote of 99 ayes to 332 noes, Roll No. 567);

**Pages H8251–53, H8263–64**

Flake amendment (No. 16 printed in H. Rept. 111–208) that sought to prohibit \$100,000 from being used for the Tech Belt Life Sciences Greenhouse project of the Pittsburgh Life Sciences Greenhouse in Pittsburgh, Pennsylvania, and reduce the amount of section 511 of the bill by the same amount (by a recorded vote of 104 ayes to 325 noes, Roll No. 568); and

**Pages H8253–54, H8264–65**

Flake amendment (No. 17 printed in H. Rept. 111–208) that sought to prohibit \$900,000 from being used for an infrastructure expansion project to promote small business of the City of Loma Linda and the City of Grand Terrace, California, and reduce the amount of section 511 of the bill by the same amount (by a recorded vote of 74 ayes to 356 noes, Roll No. 569).

**Pages H8254–55, H8265**

H. Res. 644, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 216 yeas to 213 nays, Roll No. 553, after agreeing to order the previous question by a yea-and-nay vote of 227 yeas to 200 nays, Roll No. 552.

**Pages H8191, H8198–99, H8203–04**

A point of order was raised against the consideration of H. Res. 644 and it was agreed to proceed with consideration of the resolution by voice vote.

**Page H8191**

**Presidential Message:** Read a message from the President wherein he notified Congress that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–58). **Pages H8274–75**

**Senate Message:** Message received from the Senate today appears on page H8187.

**Senate Referrals:** S. 509 was referred to the Committee on Veterans Affairs. **Pages H8187, H8300**

**Quorum Calls—Votes:** Nine yea-and-nay votes and 16 recorded votes developed during the proceedings of today and appear on pages H8199–H8200, H8201, H8202, H8202–03, H8203, H8204, H8205, H8255–56, H8256–57, H8257, H8258, H8258–59, H8259, H8260, H8260–61, H8261, H8262, H8262–63, H8263, H8264, H8264–65, H8265, H8267–68, H8268 and H8269. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 11:55 p.m.

## Committee Meetings

### FOOD SAFETY

*Committee on Agriculture:* Held a hearing to review current issues in food safety. Testimony was heard from the following officials of the USDA: Jerold Mande, Deputy Under Secretary, Food Safety; and Cindy Smith, Acting Administrator, Marketing and Regulatory Programs; Mike Taylor, Senior Advisor to the Commissioner, FDA, Department of Health and Human Services; and public witnesses.

### DEFENSE APPROPRIATIONS FY 2009

*Committee on Appropriations:* Subcommittee on Defense met in executive session and approved for full Committee action the Defense appropriations for fiscal year 2010.

### PROSECUTING LAW OF WAR VIOLATIONS

*Committee on Armed Services:* Held a hearing on Prosecuting Law of War Violations: Reforming the Military Commissions Act of 2006. Testimony was heard from the following officials of the Department of Defense: VADM Bruce E. MacDonald, USN, The Judge Advocate General, U.S. Navy; LTG Jack L. Rives, USAF, The Judge Advocate General, U.S. Air Force; LTG Scott C. Black, USA, The Judge Advocate General, U.S. Army; and BG James C. Walker,

USMC, Staff Judge Advocate to the Commandant, U.S. Marine Corps.

### MANAGING SERVICES CONTRACTS

*Committee on Armed Services:* Subcommittee on Defense Acquisition Reform Panel held a hearing on Managing Services Contracts: What Works and What Doesn't? Testimony was heard from the following officials of the Department of Defense: BG Wendy Masiello, USAF, Air Force Program Executive Officer, Combat and Mission Support, U.S. Air Force; Jeffrey P. Parsons, Executive Director, Army Contracting Command, U.S. Army Materiel Command, U.S. Army; and Jerome F. Punderson, Naval Sea Systems Command, U.S. Navy.

### OVERSIGHT—ELECTROMAGNETIC AIRCRAFT LAUNCH SYSTEMS

*Committee on Armed Services:* Subcommittee on Seapower and Expeditionary Forces held an oversight hearing for the Electromagnetic Aircraft Launch Systems (EMALS). Testimony was heard from the following officials of the U.S. Navy: VADM David Architzel, USN, Principal Deputy, Assistant Secretary of the Navy, Research, Development, and Acquisition; CAPT. Brian Antonio, FORD Class Program Manager; and CAPT Randy Mahr, EMALS Program Manager (PMA 251).

### NUCLEAR WASTE MANAGEMENT BUDGETING

*Committee on the Budget:* Held a hearing on Budgeting for Nuclear Waste Management. Testimony was heard from Christopher A. Kouts, Acting Director, Office of Civilian Radioactive Waste Management, Department of Energy; Michael F. Hertz, Deputy Assistant Attorney General, Civil Division, Department of Justice; and Kim P. Cawley, Unit Chief, Natural and Physical Resources Cost Estimates Unit, CBO.

### AMERICA'S AFFORDABLE HEALTH CHOICES ACT OF 2009

*Committee on Education and Labor:* Continued markup of H.R. 3200, America's Affordable Health Choices Act of 2009.

Will continue tomorrow.

### AMERICA'S AFFORDABLE HEALTH CHOICES ACT OF 2009

*Committee on Energy and Commerce:* Began markup of H.R. 3200, America's Affordable Health Care Choices Act of 2009.

Will continue tomorrow.

### FINANCIAL REGULATIONS CONSUMER ADVOCATES' PERSPECTIVES

*Committee on Financial Services:* Held a hearing entitled "Community and Consumer Advocates' Perspectives on the Obama Administration's Financial Regulatory Reform Proposals." Testimony was heard from public witnesses.

### FEDERAL RESERVE'S CONSUMER PROTECTION ROLE

*Committee on Financial Services:* Subcommittee on Domestic Monetary Policy and Technology held a hearing entitled "Regulatory Restructuring: Safeguarding Consumer Protection and the Role of the Federal Reserve." Testimony was heard from Elizabeth A. Duke, Governor, Board of Governors, Federal Reserve System; and public witnesses.

### CHINESE INTERROGATION VS. CONGRESSIONAL OVERSIGHT—UIGHURS AT GUANTANAMO

*Committee on Foreign Affairs:* Subcommittee on International Organizations, Human Rights and Oversight, hearing on Chinese Interrogation vs. Congressional Oversight: The Uighurs at Guantanamo. Testimony was heard from Allan Liotta, Principal Director, Detainee Affairs, Department of Defense; and public witnesses.

### COMBATING BORDER VIOLENCE

*Committee on Homeland Security:* Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled "Combating Border Violence: The Role of Interagency Coordination in Investigations." Testimony was heard from Kumar Kibble, Deputy Director, Office of Investigations, Immigration and Customs Enforcement, Department of Homeland Security; and the following officials of the Department of Justice: Anthony Placido, Assistant Administrator, Intelligence, Drug Enforcement Administration; and Bill McMahon, Deputy Assistant Director, Bureau of Alcohol, Tobacco, Firearms and Explosives.

### BANK OF AMERICA AND MERRILL LYNCH—PRIVATE DEAL TO FEDERAL BAILOUT

*Committee on Oversight and Government Reform,* and the Subcommittee on Domestic Policy, continued joint hearings entitled "Bank of America and Merrill Lynch: How Did a Private Deal Turn Into a Federal Bailout? Part III." Testimony was heard from Henry Paulson, former Secretary of the Treasury.

### RESTORE OUR AMERICAN MUSTANGS ACT

*Committee on Rules:* Granted, by a non-record vote, a structured rule providing for consideration of H.R. 1018, the Restore Our American Mustangs Act. The

rule provides one hour of general debate in the House equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The rule waives all points of order against provisions of the bill, as amended. The rule provides that the bill, as amended, shall be considered as read. The rule makes in order the amendment printed in part A of the report of the Committee on Rules if offered by Rep. Rahall or his designee, which shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent. The rule also makes in order the amendment in the nature of a substitute printed in part B of the report, if offered by Representative Hastings of Washington or his designee, which shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI. The rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Rahall and Representative Hastings of Washington.

### FAA AVIATION WEATHER SERVICES

*Committee on Science and Technology:* Subcommittee on Investigations and Oversight held a hearing on Providing Aviation Weather Services to the FAA. Testimony was heard from David Powner, Director, Information Technology Management Issues, GAO; Jack Hayes, Assistant Administrator, National Weather Service, NOAA, Department of Commerce; and Richard Day, Senior Vice President, Operations, FAA, Department of Transportation.

### SPACE RELEVANCE

*Committee on Science and Technology:* Subcommittee on Space and Aeronautics held a hearing on Enhancing the Relevance of Space to Address National Needs. Testimony was heard from public witnesses.

### HIGHWAY BILL—SMALL BUSINESS NEEDS

*Committee on Small Business:* Subcommittee on Investigations and Oversight held a hearing entitled "The Upcoming Highway Bill and Ensuring It Meets the Needs of Small Businesses." Testimony was heard from public witnesses.

**GREEN BUILDINGS**

*Committee on Transportation and Infrastructure:* Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on Green Buildings Offer Multiple Benefits: Cost Savings, Clean Environment and Jobs. Testimony was heard from Kevin Kampschroer, Acting Director, Office of Federal High-Performance Green Buildings, GSA; Drury Crawley, Lead Mechanical Engineer, Office of Building Technologies, Department of Energy; Ray Uhalde, Senior Advisor, Department of Labor; and a public witness.

**LONG-TERM SURFACE TRANSPORTATION AUTHORIZATION**

*Committee on Transportation and Infrastructure:* Subcommittee on Highways and Transit held a hearing on The Importance of a Long-Term Surface Transportation Authorization in Sustaining Economic Recovery. Testimony was heard from Roy Kienitz, Under Secretary, Policy, Department of Transportation; Carlos Braceras, Deputy Director, Department of Transportation, State of Utah; and public witnesses.

**WOMEN VETERANS ISSUES**

*Committee on Veterans' Affairs:* Subcommittee on Disability Assistance and the Subcommittee on Memorial Affairs and Health held a joint hearing on Eliminating the Gaps: Examining Women Veterans' Issues. Testimony was heard from Randall V. Williamson, Director, Health Care, GAO; the following officials of the Department of Veterans Affairs: Bradley G. Mayes, Director, Compensation and Pension Service; and Lawrence Deyton, M.D., Chief, Public Health and Environmental Hazards Office, both with the Veterans Health Administration; and Irene Trowell-Harris, RN, Director, Center of Women Veterans; and public witnesses.

**VA STATE APPROVING AGENCIES**

*Committee on Veterans' Affairs:* Subcommittee on Economic Opportunity held a hearing on State Approving Agencies. Testimony was heard from Representative Timothy H. Bishop of New York; Keith M. Wilson, Director, Office of Education Service, Veterans Benefits Administration, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

**AMERICA'S AFFORDABLE HEALTH CHOICES ACT OF 2009**

*Committee on Ways and Means:* Began markup of H.R. 3200, America's Affordable Health Choices Act of 2009.

Will continue tomorrow.

**Joint Meetings****REGIONAL IMPACT OF IRAN CRISIS**

*Commission on Security and Cooperation in Europe.* Commission concluded a hearing to examine the impact of the Iran crisis on its OSCE neighbors, after receiving testimony from David Kramer, former Assistant Secretary of State; Stephen Blank, United States Army War College, Department of Defense; and Jennifer Windsor, Freedom House, Washington, D.C.

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**COMMITTEE MEETINGS FOR FRIDAY,  
JULY 17, 2009**

*(Committee meetings are open unless otherwise indicated)*

**Senate**

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Economic Policy, to hold hearings to examine the elements of a national manufacturing strategy, 10 a.m., SD-538.

**House**

*Committee on Appropriations,* to mark up the Labor, Health and Human Services, Education, and Related Agencies appropriations for fiscal year 2010, 9 a.m., 2359 Rayburn.

*Committee on Education and Labor,* to continue markup of H.R. 3200, America's Affordable Health Care Choices Act of 2009, 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* to continue markup of H.R. 3200, America's Affordable Health Care Choices Act of 2009, 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* to mark up H. Res. 591, Requesting that the President transmit to the House of Representatives all information in his possession relating to certain specific communications with and financial assistance provided to General Motors Corporation and Chrysler LLC, 9:30 a.m., followed by a hearing entitled "Industry Perspectives on the Obama Administration's Financial Regulatory Reform Proposals," 11 a.m., 2128 Rayburn.

*Committee on Ways and Means,* to continue markup of H.R. 3200, America's Affordable Health Care Choices Act of 2009, 9 a.m., 1100 Longworth.

## Next Meeting of the SENATE

1 p.m., Monday, July 20

## Senate Chamber

Program for Monday: Senate will resume consideration of S. 1390, National Defense Authorization Act, and after a period of debate, vote on certain amendments.

## Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, July 17

## House Chamber

Program for Friday: To be announced.

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