

treatment regimen with their pregnancy prevention goals. Similarly, it would mean making family planning services more widely available through PMTCT programs, because many HIV-positive new mothers wish to delay or prevent a subsequent pregnancy. Finally, in high-prevalence countries, it would mean promoting greater integration of HIV counseling and testing services into family planning programs, so that more sexually active women at risk of HIV are likely to be tested and to receive appropriate counseling and treatment.

These strategies are more than academic. The Elizabeth Glaser Pediatric AIDS Foundation, the largest provider of PMTCT services under PEPFAR, has been striving to incorporate contraceptive services into its programs because "care and treatment staff members are uniquely positioned to address HIV-positive women's needs concerning future pregnancy plans and counsel them based on their social circumstances, health status, and ART regimen." Indeed, as negotiations in Congress got underway last month to reauthorize PEPFAR, the Foundation wrote to the House Foreign Affairs Committee to urge broadening the use of PEPFAR funds in order to support these "essential prevention services. . . . As implementers, we cannot overstate the importance of [integration] to the work we do on the ground to prevent the spread of HIV."

For individual women who live where HIV is rampant, the interrelatedness of HIV prevention and unintended pregnancy prevention is a practical reality. Yet most international program donors, including the United States government, have viewed them as complementary goals but separate and unrelated outcomes. All along, the fact of contraception as HIV prevention has been hiding in plain sight. It is time to seek it.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes:

Ms. RICHARDSON. Mr. Chair, I move to strike the last word.

I rise to oppose any effort, including the Paul Amendment (No. 523), which would terminate International Security Assistance Funding. I oppose any such attempt because cutting international security funding is unwise and short-sighted, and would undercut U.S. interests in the Middle East.

Given the turmoil in the Middle East, it is essential that the United States keep its commitment to Israel's security by fully funding the \$3 billion in U.S. aid pledged to Israel for Fiscal Years 2011 and 2012.

The dramatic events in Egypt and Tunisia underscore the importance of Israel to the United States and the fragility of Israel's security situation. At a time when Israel is facing increased security threats, cutting U.S. aid to Israel would send exactly the wrong message to Israel and its potential adversaries about the strength and reliability of America's commitment to Israel's security.

Mr. Chair, international security assistance funding is not a "handout" or "giveaway" to Israel, Egypt, Jordan, or to Pakistan. Rather, this investment provides several tangible benefits to the United States: by helping Israel maintain its qualitative military edge, QME, American assistance has promoted peace with Egypt and Jordan, and made Israel secure enough to make significant concessions in peace agreements with these countries and dramatic peace overtures to the Palestinians and to Syria; Israel's battlefield use of American equipment and shared know-how has helped the United States improve both its equipment and tactics especially while fighting two wars in Iraq and Afghanistan; aid to Israel also fuels economic growth here at home since Israel is required to spend 74 percent of U.S. aid in the United States, which helps create American jobs.

Mr. Chair, while other countries in the Middle East wrestle with change and instability, the United States can count on Israel as our trusted, reliable, and democratic ally. Israel in turn must be able to count on the United States. Nothing will send a clearer message to Israel and any potential adversaries of America's unshakeable commitment than defeating any and all attempts to terminate security funding for Israel.

GAO DOCUMENT ON PORT OF BELLINGHAM

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. McDERMOTT. Mr. Speaker, I submit the following Report for the RECORD which I referenced during debate on my Amendment No. 99 to H.R. 1.

DECISION

Matter of: Port of Bellingham.

File: B-401837.

Date: December 2, 2009.

Lee P. Curtis, Esq., Troy E. Hughes, Esq., and Maggie L. Croteau, Esq., Perkins Coie LLP, for the protester.

James H. Roberts, III, Esq., Van Scoyoc Kelly PLLC, for Port of Newport, an intervenor.

Mark Langstein, Esq., Lynn W. Flanagan, Esq., and Diane M. Canzano, Esq., Department of Commerce, for the agency.

Glenn G. Wolcott, Esq., and Ralph O. White, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Agency had no reasonable basis to determine that awardee's proposed pier was located outside a designated floodplain area and therefore complied with the solicitation's limitations regarding lease of property located within a base floodplain.

2. Where awardee's proposed pier construction was within a designated floodplain area, agency failed to properly consider whether there was any practicable alternative to selecting awardee's proposal, as was required by the terms of the solicitation.

DECISION

Port of Bellingham, of Bellingham, Washington, protests the award of a lease by the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), to Port of Newport, of Newport, Oregon, pursuant to solicitation for offers (SFO) No.

09WSA0200C to provide office, warehouse, and related space for NOAA's Marine Operations Center-Pacific (MOC-P).

We sustain the protest.

BACKGROUND

The SFO at issue here was published in November 2008, and contemplated the award of a long-term operating lease to support the activities of NOAA's MOC-P.¹ Among other things, the solicitation sought offers to provide 31,000 square feet of office, warehouse and related space, 1,960 linear feet of pier space, and 20,000 square feet of equipment laydown space. Agency Report (AR), Tab 7, SFO, at 5. The solicitation provided that the lease award would be based on the offer determined to be most advantageous to the government based on application of the following evaluation factors: location of site; site configuration and management; quality of building and pier, availability; past performance and project financing; quality of life; and price. AR, Tab 7, SFO amend. 3, at 2. The solicitation also provided that: "An award of contract will not be made for a property located within a base flood plain or wetland unless the Government has determined that there is no practicable alternative." SFO at 7.

In February 2009, five offers were submitted by four offerors, including Newport and Bellingham.² Upon review and evaluation of the offers, the agency determined that four of the five offers were in the competitive range.³ By letters dated April 20, 2009, the agency advised each of the offerors of their inclusion in the competitive range and identified various issues for discussions.

Concurrent with its ongoing evaluation of proposals, the agency contracted with an engineering firm to perform an environmental assessment (EA) of the various offers, as required by the National Environmental Policy Act of 1969 (NEPA).⁴ In June 2009, the agency published a draft EA that provided in-depth environmental analysis regarding each of the four offered sites; the final EA was published in July with no substantive changes. Among other things, both the draft and final EA stated, under the heading "Floodplains," as follows:

[Newport's] proposed dock would be within the 100-year [base] flood plain^[5] (Zone A2),^[6] and is therefore likely to be impacted by flooding, particularly if the finished level of the dock is below an elevation of nine feet NGVD [National Geodetic Vertical Datum].^[7] Additionally, there is some potential for the structure to affect the characteristics of flooding in the area, by trapping debris against the piles of the dock and/or altering the way in which floodwaters circulate/flow within the bay.^[8]

AR, Tab 20, Final EA, at 5-96.

During discussions with Newport, the agency brought the floodplain matter to Newport's attention, stating:

It appears that the offered site and pier are in the 100 year flood plain.^[9] This would be all parts of the site lower than 9 feet National Geodetic Vertical Datum (NVGD) . . . are within the 100-year floodplain (Zone A2 on the FEMA map, base flood elevation of 9 feet NVGD). Please confirm in your Final Revised Proposals (FRP's) that the finished site level and structures will be above the 100 year flood plain (see SFO Section 1.7).

AR, Tab 15, Letter from Contracting Officer to Newport, May 14, 2009, at 1.

In response, Newport did not alter the location of its proposed pier, nor did it provide any meaningful explanation as to why the pier should be considered to be outside of the floodplain area.¹⁰ Nonetheless, Newport concluded its response to the agency by stating: "all proposed facilities and structures will be