

would help that wave of retirements be more predictable and orderly.

Unfortunately, the Senate amendments to this bill left out these critical provisions. It is very disappointing, and unfair to Federal employees, that they are used to generate the revenue for these important changes, but that a portion of that revenue will not fund important reforms that will make the Federal personnel system more efficient. I will continue to work with my colleagues to ensure that these inequities and inefficiencies in the Federal retirement system are addressed.

Mr. WU. Madam Speaker, I rise today in support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, and ask my colleagues to agree to the Senate amendments.

The statistics being heard on this floor are handed out on this floor like candy. Because numbers are often passed off as nothing more than empty words, we fail to recognize what they mean—in this Speaker, I rise today in support case we are talking about people's lives. It was Irving Selikoff, a medical researcher who co-discovered a cure for tuberculosis who said, "Statistics are real people with the tears wiped away."

For instance, smoking-related diseases cause an estimated 440,000 American deaths each year. And a 2004 study by the CDC's National Center for Chronic Disease Prevention and Health Promotion found that cigarette smoke contains over 4,800 chemicals, 69 of which are known to cause cancer.

Ninety percent of adult smokers are addicted to tobacco before they reach the age of 18; 50 percent before the age of 14. Currently the average age of initiation to tobacco is 11.

Forty-eight million adults smoke in the U.S., which is 22.9 percent of the population overall, and 33 percent of youth currently smoke.

Those real people are our parents and children, our family and friends, who suffer the consequences of addiction to tobacco. I want my children to grow up healthy and to make healthy decisions. To help that happen, H.R. 1256 will put in place the proper authority for the Food and Drug Administration to establish regulations over tobacco products. We need the FDA to protect our population from the harmful effects of cigarettes and tobacco products by being able to provide sound, scientific regulations governing these products.

Even with all the warnings, and the money spent on education campaigns, kids are still picking up smoking at the alarming rate of 3,000 a day in the United States.

The health concerns that will face these children are costly, painful, and deadly.

But they are also ultimately preventable.

I am acutely concerned that tobacco companies have used Portland, Oregon, as a test market for new smokeless tobacco products. Products like snus, or other tobacco-based nicotine delivery products have been repeatedly tested in markets like Portland.

Many of these products look like candy and taste sweet. They are an addictive tobacco trap for children and should be either banned or heavily regulated away from kids.

I ask my colleagues to agree to the Senate amendments to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, and send this bill to the President's desk for him to sign.

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

The SPEAKER pro tempore. Pursuant to House Resolution 532, the previous question is ordered.

The question is on the motion offered by the gentleman from California (Mr. WAXMAN).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 307, nays 97, not voting 30, as follows:

[Roll No. 335]

YEAS—307

Abercrombie	Doyle	Lee (CA)
Altmire	Dreier	Lee (NY)
Andrews	Driehaus	Levin
Arcuri	Duncan	Lipinski
Austria	Edwards (MD)	LoBiondo
Bachus	Edwards (TX)	Loebsock
Baird	Ellison	Lofgren, Zoe
Baldwin	Ellsworth	Lowe
Barrow	Emerson	Luján
Bartlett	Engel	Lungren, Daniel E.
Bean	Etheridge	Lynch
Becerra	Fallin	Maffei
Berkley	Farr	Maloney
Berman	Fattah	Manzullo
Berry	Filner	Markey (CO)
Biggett	Fleming	Markey (MA)
Bilbray	Fortenberry	Marshall
Bilirakis	Forster	Massa
Bishop (GA)	Frank (MA)	Matheson
Bishop (NY)	Frelinghuysen	Matsui
Blumenauer	Fudge	McCarthy (CA)
Bocieri	Gerlach	McCarthy (NY)
Bono Mack	Giffords	McCaul
Boren	Gonzalez	McCollum
Boswell	Gordon (TN)	McDermott
Boucher	Granger	McGovern
Boyd	Grayson	McKeon
Brady (PA)	Green, Al	McMahon
Brady (TX)	Green, Gene	McMorris
Bralley (IA)	Griffith	Rodgers
Brown (SC)	Grijalva	McNerney
Brown-Waite,	Gutierrez	Meek (FL)
Ginny	Hall (NY)	Meeks (NY)
Burton (IN)	Hall (TX)	Melancon
Butterfield	Halvorson	Michaud
Camp	Hare	Miller (MI)
Cantor	Harman	Miller (NC)
Cao	Harper	Miller, George
Capito	Hastings (FL)	Minnick
Capps	Heinrich	Mitchell
Capuano	Herseth Sandlin	Mollohan
Cardoza	Higgins	Moore (KS)
Carnahan	Hill	Moore (WI)
Carney	Himes	Moran (VA)
Carson (IN)	Hinchev	Murphy (CT)
Cassidy	Hinojosa	Murphy (NY)
Castle	Hirono	Murphy, Patrick
Chastor (FL)	Hodes	Murphy, Tim
Chandler	Holden	Murtha
Clarke	Honda	Nadler (NY)
Clay	Hoyer	Napolitano
Cleaver	Inslee	Neal (MA)
Clyburn	Israel	Nye
Cohen	Jackson (IL)	Oberstar
Connolly (VA)	Jackson-Lee	Obey
Conyers	(TX)	Olver
Cooper	Johnson (GA)	Ortiz
Costa	Johnson (IL)	Pallone
Costello	Johnson, E. B.	Pascrell
Courtney	Kagen	Pastor (AZ)
Crenshaw	Kanjorski	Paulsen
Crowley	Kaptur	Payne
Cuellar	Kildee	Pelosi
Cummings	Kilpatrick (MI)	Perlmutter
Dahlkemper	Kilroy	Peters
Davis (AL)	Kind	Peterson
Davis (CA)	King (NY)	Pingree (ME)
Davis (IL)	Kirk	Platts
DeFazio	Klein (FL)	Kosmas
DeGette	Kosmas	Poe (TX)
Delahunt	Kratovil	Polis (CO)
DeLauro	Kucinich	Pomeroy
Dent	Lance	Price (NC)
Dicks	Langevin	Putnam
Dingell	Larsen (WA)	Quigley
Doggett	Larson (CT)	Rahall
Donnelly (IN)	LaTourette	Rangel

Rehberg	Sherman	Towns
Reichert	Shimkus	Tsongas
Reyes	Simpson	Turner
Richardson	Sires	Upton
Rodriguez	Skelton	Van Hollen
Rogers (AL)	Slaughter	Velázquez
Ros-Lehtinen	Smith (NJ)	Visclosky
Roskam	Smith (TX)	Walden
Ross	Smith (WA)	Walz
Rothman (NJ)	Snyder	Wamp
Roybal-Allard	Space	Wasserman
Rush	Speier	Schultz
Ryan (OH)	Spratt	Waters
Salazar	Stark	Watson
Sánchez, Linda T.	Stearns	Watt
T.	Stupak	Waxman
Sarbanes	Sutton	Weiner
Schakowsky	Tanner	Welch
Schauer	Tauscher	Wexler
Schiff	Taylor	Wittman
Schock	Teague	Wolf
Schrader	Terry	Woolsey
Schwartz	Thompson (CA)	Wu
Scott (GA)	Thompson (MS)	Yarmuth
Scott (VA)	Tiberi	Young (AK)
Serrano	Tierney	Young (FL)
Sestak	Titus	
Shea-Porter	Tonko	

NAYS—97

Aderholt	Graves	Neugebauer
Akin	Guthrie	Olson
Alexander	Heller	Paul
Bachmann	Hensarling	Pence
Barton (TX)	Herger	Perriello
Bishop (UT)	Hoekstra	Petri
Boehner	Hunter	Pitts
Bonner	Inglis	Posey
Boozman	Issa	Price (GA)
Boustany	Jenkins	Radanovich
Bright	Johnson, Sam	Roe (TN)
Broun (GA)	Jordan (OH)	Rogers (KY)
Burgess	King (IA)	Rohrabacher
Buyer	Kingston	Rooney
Calvert	Kirkpatrick (AZ)	Royce
Campbell	Kissell	Ryan (WI)
Carter	Lamborn	Scalise
Chaffetz	Latham	Schmidt
Coble	Latta	Sensenbrenner
Coffman (CO)	Lewis (CA)	Sessions
Cole	Linder	Shadegg
Conaway	Lucas	Shuler
Culberson	Lummis	Shuster
Davis (KY)	Mack	Smith (NE)
Davis (TN)	McClintock	Souder
Diaz-Balart, L.	McCotter	Thompson (PA)
Diaz-Balart, M.	McHenry	Thornberry
Flake	McHugh	Tiahrt
Forbes	McIntyre	Mica
Fox	Moore	Westmoreland
Franks (AZ)	Miller (FL)	Whitfield
Garrett (NJ)	Moran (KS)	Wilson (SC)
Goodlatte	Myrick	

NOT VOTING—30

Ackerman	Ehlers	Lewis (GA)
Adler (NJ)	Eshoo	Luetkemeyer
Baca	Gallegly	Marchant
Barrett (SC)	Gingrey (GA)	Miller, Gary
Blackburn	Gohmert	Nunes
Blunt	Hastings (WA)	Rogers (MI)
Brown, Corrine	Holt	Ruppersberger
Buchanan	Jones	Sanchez, Loretta
Childers	Kennedy	Sullivan
Deal (GA)	Kline (MN)	Wilson (OH)

□ 1154

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. ESHOO. Madam Speaker, I was not present during Senate Amendment to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, on June 12, 2009. Had I been present I would have voted "yea."

#### GENERAL LEAVE

Mr. WAXMAN. I ask unanimous consent that Members have 5 legislative

days to revise and extend their remarks.

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

There was no objection.

#### PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted a privileged report (Rept. No. 111-146) on the resolution (H. Res. 449) of inquiry requesting the President to provide certain documents in his possession to the House of Representatives relating to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare, which was referred to the House Calendar and ordered to be printed.

#### PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted a privileged report (Rept. No. 111-147) on the resolution (H. Res. 462) requesting that the President transmit to the House of Representatives all information in his possession relating to specific communications with Chrysler LLC ("Chrysler"), which was referred to the House Calendar and ordered to be printed.

#### PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. OBEY. Madam Speaker, I ask unanimous consent that the managers on the part of the House may have until 11:59 p.m. on June 12, 2009, to file a conference report on H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

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

There was no objection.

#### PERMISSION TO FILE PRIVILEGED REPORT ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2010

Mr. OBEY. Madam Speaker, I ask unanimous consent that the Committee on Appropriations may have until 11:59 p.m. on June 12, 2009, to file a privileged report on a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved.

□ 1200

#### LEGISLATIVE PROGRAM

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

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend for yielding.

On Monday, Madam Speaker, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Tuesday, the Former Members Association will have their annual meeting on the floor at 8:30 a.m. The House will then meet at 10:30 a.m. for morning-hour debate and 12 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. And on Friday, as is unusual, the House will meet at 9 a.m. for legislative business.

Madam Speaker, we will consider several bills under suspension of the rules. A complete list of suspension bills will be noted by the end of the day.

In addition, we will consider a conference report on H.R. 2346, the Supplemental Appropriations Act on the 2010 Commerce, Justice, Science, and Related Agencies Appropriation Act and the 2010 Homeland Security Appropriations Act. And I yield back.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

I would say to the gentleman that he has noticed two appropriations bills for next week: Commerce, Justice and Science; and the Homeland Security appropriations bills. Madam Speaker, I would ask the gentleman, does he expect the House, as is its custom, to consider these bills under an open rule? And I yield.

Mr. HOYER. I thank the gentleman for yielding.

It certainly would be our intent to proceed with an open rule on the consideration of the Commerce, Justice and State bill—I guess it's Science now. The intent, of course, as the gentleman knows based upon our discussions, is that we will finish all 12 appropriation bills individually between now and the 30th of July. This will give the Senate and the House the opportunity to agree on a conference report on the 12 appropriation bills and hopefully enact those bills and send them to the President prior to the onset of the fiscal year October 1. If we do that, of course, it will be unusual, and it is an ambitious schedule. But because of that, it will be necessary for us to consider these bills in an effective, but also efficient, fashion and stay within

time constraints that will allow us to accomplish those 12 bills within that time frame. I am hopeful that as Mr. OBEY and Mr. LEWIS proceed and the subcommittee Chairs proceed, that we can agree on that occurring.

As the gentleman and I have discussed, we will see how the first bill goes, or the second or third, and hopefully they will go in that fashion. The only constraint that we want is to utilize the time so we can effect the objective of passing these bills by the August break so we will have time to finish them before the beginning of the fiscal year.

I would tell my friend that, in addition to that, there would be one, however, additional request that the chairman of the Appropriations Committee has made—with which I strongly agree and that I think is fair to all the Members and to the committee Chairs and subcommittee Chairs—and that is that there will be a requirement for preprinting an amendment. There will be no selection in the CJS bill of amendments, but there will be a requirement that they be preprinted and included in the RECORD.

If, however, I want to assure the gentleman, there is some problem with the RECORD reflecting an amendment that has been prefiled but doesn't make it in the RECORD, we would proceed as if that had been included in the printed RECORD.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

As the gentleman knows, in 2005 this House did abide by a schedule such as the one that he proposes, and did so under an open rule on each bill.

I ask the gentleman if, given this preprinting requirement that we are proceeding under, if there is a need for a perfecting amendment that comes upon the adoption of an amendment, how is it that we will be necessarily guaranteeing Members' perfecting amendments the right to be heard? Will there be a UC granted for such a perfecting amendment? I yield.

Mr. HOYER. I thank my friend for yielding.

I have discussed this matter with the chairman of the Appropriations Committee, and it is his view—and I share that view, certainly—that in that instance granting a unanimous consent would be appropriate. Obviously, if the circumstances change and such an amendment were necessary, I think the gentleman will find that the chairman is inclined—and I believe the subcommittee chairman will be inclined—to give unanimous consent to achieve that objective.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would say to the gentleman that the Speaker of the House has announced a goal of considering the cap-and-trade bill on the floor prior to the July 4 recess. I would ask the majority leader, does he expect the Speaker's goal to be met? And I yield.

Mr. HOYER. I thank the gentleman for yielding.