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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

THE ECONOMIC CASE FOR CLEAN ENERGY

The SPEAKER. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. I rise today to reemphasize the economic need for the American Clean Energy and Security Act. I proudly supported the energy bill's recent passage here in the House because I know that in addition to protecting our environment and providing for greater national security, it will also control spiraling energy costs and create American clean energy jobs.

Our friends on the other side have attempted to obfuscate the issue by labeling the landmark legislation as a tax bill. They have even cited a study claiming a precise-sounding figure, and at first their mistake perhaps could be forgiven. Perhaps they simply didn't understand the study they cited.

However, Professor John Reilly of MIT, one of the authors of that very study, sent a letter to minority leader JOHN BOEHNER stating that the Republican citation was simply not correct, given the study's data.

That letter was dated April 1. Yet, our friends on the other side persist in using this inaccurate figure. Madam Speaker, I'm here to set the record straight.

Shall we talk about increasing energy prices? How about a $700 energy increase on every American household if we don't take action. This isn't a tax. This is the cost of doing nothing. This is more than a $700 increase each year that has already occurred in this decade due to rising electricity and gasoline prices.

Of course, the costs could be much higher if we used last year's $4 a gallon cost during the summer. However, even using the current price of $2.59, the average yearly per capita increase in gasoline costs this decade has been more than $400 per household. Excluding last year's $4 a gallon cost, the price of a gallon of gasoline this decade has doubled—from $1.26 a gallon in 2000, to $2.59 currently.

Since 2000, the price of electricity in the United States increased more than 38 percent, thereby pushing the average yearly household bill from $800 to $1,100 a year.

We know that we send hundreds of billions of dollars each year to foreign countries to import oil. The U.S. imports roughly 9.4 million barrels of oil every day. That equates to more than $230 billion every year—$230 billion we could be reinvesting in our economy—creating American energy jobs—rather than sending it overseas, often to countries that view us as a meal ticket at best, or an enemy at worst.

Madam Speaker, we have also heard from the other side that the American Clean Energy and Security Act would eliminate jobs. Perhaps they don't realize that the current system of energy generation is already costing us thousands of jobs.

For instance, the U.S. Department of Labor states that employment in the mining industry will decline every year through at least 2014. This isn't recession related. This is simply an industry in decline. If we do nothing, more Americans will lose their jobs.

We know the cost of doing nothing—continuing increases in energy costs and continuing job losses—costs American families can no longer afford. However, with the American Clean Energy and Security Act, we will create jobs—green jobs—here in America. The Act will create incentives for American companies to innovate and to expand their investment in alternative sources of energy.

Madam Speaker, we know we can generate American jobs in the renewable energy sector if we just make the investment. From 2000 to 2008, for example, the wind power industry alone—before the passage of this bill—created 35,000 jobs. Of course, wind energy still makes up only a small percentage of electricity generation—less than 1 percent.

Imagine if we could make a concerted effort for renewable energy. We could greatly expand those gains and create hundreds of thousands of American clean energy jobs.

Madam Speaker, the business community understands the importance of energy reform. Companies like eBay, Nike, Starbucks, Levi Strauss, the Gap, Symantec, and Sun Microsystems have formed the Business for Climate and Innovative Energy Policy Coalition to advocate for these clean energy jobs and for this bill. These businesses support reducing greenhouse gas pollution, establishing a renewable energy standard, and investing in job creation. They know that if we do nothing, the costs associated with continued global warming will reach $271 billion by 2025.

America has always been the land of innovation. However, as we recently have seen in the automotive industry, we cannot rest on past laurels. There are costs to doing nothing.

I commend my colleagues in the House for the support of the bill. Together, we have made a statement that will address rising energy costs; we will wean America off its dangerous dependence on foreign oil; and we will work to avoid the catastrophic costs of global warming; and create American jobs. I hope the Senate will act swiftly.

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

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FEDERAL GOVERNMENT RACKS UP RECORD-BREAKING $1 TRILLION DEFICIT

The SPEAKER pro tempore (Ms. DEGETTE). The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. My colleague from Virginia promises jobs from the cap-and-tax bill. If you believe that, then you probably believe the Democrats when they promised that the stimulus bill would provide jobs.

The Obama administration and congressional Democrats promised that their trillion-dollar stimulus would create jobs immediately and unemployment would not rise above 8 percent. But since the stimulus bill passed, 1.96 million Americans have lost their jobs. I suspect that we'll do a lot worse than that under their cap-and-tax bill.

Let me fill you in on some of the economic statistics that we have right now. At the beginning of July, our national debt clocked in at $11.5 trillion. If you don't have a calculator in hand, that's $37,609.23 for every man, woman, and child in America.

But the real news is not simply that the national debt is more than $11.5 trillion. The real news is the Treasury Department announced yesterday that for the first time the Federal budget deficit has topped $1 trillion. The first time in our history.

To clarify, the deficit is different than the debt in the sense that the deficit generally refers to the amount of overspending in a given year. That means so far in fiscal year 2009, the Federal Government has spent $1 trillion more than it has collected in taxes.

Rather than trim our budget and make do with less, like the rest of America, Congress has decided to up the ante and will not just maintain current government spending levels, but will significantly increase spending in the coming year.

This kind of runaway spending is part of why we're hearing reports that our $1 trillion deficit is just the beginning of the story. In fact, some experts are predicting that the deficit could reach $2 trillion this fall.

What do these record deficits mean for Americans? Massive deficits can only continue for so long. I think we've all heard stories of how crushing debt has forced some businesses or families into bankruptcy. At some point, the pile of cards is coming down, either as the interest rates on the debt spirals up higher, or as those who lend to America run out of cash to loan or simply out of patience for Uncle Sam's spendthrift ways. The American people are hurting. Millions are out of work, and hundreds of thousands lose their jobs each month.

The government spent $18 billion in June just to pay the interest on the national debt, which works out to $600 million a day in interest payments. Eventually, American families are going to have to foot this bill.

American people know we cannot borrow and spend our way back to a growing economy. As a record-breaking $1 trillion deficit causes the national debt to increase at an historic pace, Congress will either have to slash spending in unprecedented ways or raise taxes. And judging by how the current Democrat majority in Congress has proceeded thus far, I'm very skeptical about any meaningful spending cuts. You can probably guess what that means. Let's just say that the tax hike forecast doesn't look good for the American people.

Democrats are on the side of more government and more taxes. Republicans are on the side of the American people.

WATER INFRASTRUCTURE FINANCING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. One issue that is too often out of sight and out of mind is the quality and the condition of our drinking water and wastewater pipes under the ground.

Just 6 months ago, we all watched in shock as rescue workers airlifted people from vehicles caught in a massive rush of water caused by a water main rupture on River Road just outside of Washington, D.C., because of the failure of a single, corroded pipe installed over 40 years ago. In fact, 72,000 miles of sewer main and water pipe are over 80 years of age.

This morning, there was a water main break that closed 23rd Street at I, near the George Washington Hospital.

The EPA estimates that American communities suffered more than 240,000 water main breaks last year. Combined with overflowing combined sewer systems causing contamination, property damage, disruption in water supply and, often, massive traffic jams.

The American Society of Civil Engineers estimates an average of 6 billion gallons of water is lost every day through leakage—enough to fill over 9,000 Olympic-sized swimming pools. The Engineers have given our Nation's drinking water and wastewater infrastructure a D-minus grade in their most recent report—sadly, a grade that was not improved over the report from 5 years ago.

The House of Representatives recognized the need to upgrade water infrastructure earlier this year, passing H.R. 1262, the Water Quality Investment Act, which would update and reauthorize Clean Water State Revolving Loan Funds. But they simply don't have enough money.

The EPA's most recent estimate is there is an over $500 billion gap between current investment and projected needs over the next 20 years. Surface and air transportation infrastructure, while facing their own challenges, at least have a dedicated source of funding. Water does not.

In the spring of 2005, the famous Republican pollster, Frank Luntz, released a poll that showed Americans would support a sustainable, dedicated source of water funding for infrastructure.

□ 1045

He found the public sees clean water as an even higher priority than investments made in transportation and airways—71 percent prioritized water above other infrastructure. It is time to stop talking about it and do something: creating a dedicated firewall trust fund for water infrastructure.

This afternoon, I will introduce legislation to create this trust fund financed by a number of funding mechanisms that are simple, equitable and adequate for $10 billion a year. The Water Protection and Reinvestment Act will establish a trust fund to finance clean water and drinking water infrastructure. Most of the money will go through the State revolving funds for sewage and drinking water improvements.

The financing mechanisms in the Water Protection and Reinvestment Act will include a fee based on water-based beverages, products that are disposed of in wastewater, pharmaceutical products, and corporate profits. These fees would be assessed at the manufacturer level so they will be easy to administer and will have a minimal impact on the consumer. They will be at a level that is so low that it would not place the entire burden on any one industry or group of consumers. With a mix of funding, everyone will contribute to a solution from which everyone will benefit from.

I am pleased that the legislation already has a diverse support of stakeholders from the Associated General Contractors, American Rivers, the National Association of Clean Water Agencies, and Rural Community Assistance Partnership, and a wide range of bipartisan original cosponsors, including Congressmen NORM DICKS, STEVE LATOURETTE, MICHAEL SIMPSON, and THOMAS PETRI, representing a base of support from thoughtful, bipartisan legislators.

While the funding question is always complicated, the public is with us. In January of this year, pollster Frank Luntz released a new poll—and remember, he is the famous Republican pollster—finding that a nearly unanimous 94 percent of Americans are concerned about the state of our Nation's infrastructure. He found that this concern cuts across all regions of the country: urban, rural, suburban. He found that 84 percent of the public wants the Federal Government to spend more money to improve infrastructure, and that 81 percent of Americans are personally prepared to pay 1 percent more in taxes for the cause.

The need is clear. The public is supportive. My hope is that my colleagues will join me in a solution that will

make all of our communities more livable, and our families safer, healthier, and more economically secure.

HONORING MASTER SERGEANT STEVE HOOD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. CHILDERS) for 5 minutes.

Mr. CHILDERS. Madam Speaker, I rise today to honor the life of an American hero, a Mississippi hero, Master Sergeant Steve Hood of the Mississippi Highway Patrol. On May 29 of this year, Master Sergeant Hood of Guntown, Mississippi, died in the line of duty, the first in a decade. A 28-year veteran State trooper, he passed before his time.

Master Sergeant Hood started his career as a State trooper in 1982 after graduating from the Mississippi Highway Patrol Academy. It was clear when I attended his funeral last month, he was a man who brought comfort and friendship to all he met.

Along with his dedicated service to the people of Mississippi, family and friends will remember him as a Christian who was actively involved in Harrisburg Baptist Church and one who enjoyed singing. Just last year, Master Sergeant Hood returned to duty after recovering from a near-fatal tractor accident that reaffirmed and strengthened his faith.

Master Sergeant Hood was a devoted husband to his wife, Lisa, and a loving father to his children, Matthew, Stacie and Stephanie, and a loyal colleague of his fellow troopers.

Please join me today in remembering the life of Master Sergeant Steve Hood and mourning his death. I thank my colleagues for honoring this Mississippi and American hero, Master Sergeant Steve Hood, and his family at this time.

ENSURE BROADCAST FREEDOM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 5 minutes.

Mr. PENCE. Madam Speaker, the American people love a fair fight; and so do I, especially where the issues of the day are being debated. In a free market, though, fairness should always be determined based upon the equality of opportunity, not equality of results. Everyone should, in effect, have a chance to make their case.

That's why it is so disturbing to many of us that some of the leading voices in Congress over the last 2 years have been calling for Congress to enforce an idea of fairness on the airwaves of America in the form of restoring the so-called fairness doctrine. But our Nation should always proceed with caution whenever some would achieve fairness by limiting the fairness of others.

The American people cherish their freedom. It is, in effect, a blood-bought right. There is totality of agreement on this floor about that. In fact, I believe that is why President Ronald Reagan repealed the so-called fairness doctrine after it had been in place for almost four decades back in 1987. The fairness doctrine regulated the content of radio for much of the last century, and limited the ability of radio stations to deal with controversial issues without meeting a standard of equal time or balance or record keeping. As a result of that, as many of us old enough to remember will attest, talk radio as we know it today virtually did not exist before 1987.

Well, with some of the talk of restoring the fairness doctrine to the law of the land, Congressman GREG WALDEN of Oregon and I have been working over the last 2 years to ensure broadcast freedom. We have authored the Broadcaster Freedom Act which is cosponsored by every Republican in the House of Representatives. This week we will bring to the floor a broadcaster freedom amendment as part of the Financial Services Appropriations bill. Many who are watching may not know that the Federal Communications Commission receives its entire budget through the Financial Services Appropriations bill, and we believe this is an opportune time, as we were able to do 2 years ago, to use the power of this Congress and the people in this Congress on both sides of the aisle to advocate for the freedom of the airwaves of America by limiting the ability of the Federal Communications Commission to bring back the so-called fairness doctrine.

But first, for the uninformed, the fairness doctrine is something of an Orwellian and Depression-era Federal Communications Commission rule that was devised back in 1949. As I mentioned, it required radio broadcasters to present both sides of an opinion when discussing controversial topics. It put unelected bureaucrats at the FCC in charge of enforcement in determining what speech was legal. Because of lack of clarity in the commission's ruling, broadcasters more often than not opted to offer noncontroversial programs in lieu of hours of paperwork, countless legal fees, and a potential threat to their broadcast license.

Recognizing the chilling effect the regulation was having on broadcast freedom, the FCC began to overturn its own ruling on the fairness doctrine in 1985. Following that change in policy and President Reagan's veto of attempts to reinstate it, the results have been dramatic.

Think about it. Before the fairness doctrine was repealed, there were some 125 talk radio stations in America. Now there are more than 2,000. While names like Limbaugh, Hanity, Laura Ingraham, and other conservative giants are better known to many, the truth is when you look at the totality of the talk radio marketplace, from the local level to the regional level to the national level, there is an extraordinary diversity of opinion. Many progressive, moderate, and liberal programs succeed extraordinarily well at the local level in many markets around the country.

Unfortunately, in spite of this recent history and the breakout of broadcast freedom since 1987, there has been talk in the last several years about the need to level the playing field of radio broadcasting by restoring the fairness doctrine. Let me say from my heart, I believe it is dangerous to suggest that a government bureaucracy would be a competent arbiter of free speech. As a former radio talk show host myself, I know personally what the fairness doctrine meant to radio back in the day, and I know it would ultimately muzzle what is the dynamic public discussion that we call talk radio in America today.

Let me be clear on this. I believe the broadcaster freedom amendment that we will bring this week gives Members of this body an opportunity to say ''no'' to the fairness doctrine and to say ''no'' to a new iteration of it that takes the formation of regulations under the rubric of localism, I believe will be met by broad and bipartisan support. If memory serves, 2 years ago when I brought the Pence amendment banning the fairness doctrine from being implemented by the FCC, more than 305 Members of Congress voted for it, including 100 Members of the Democrat majority.

So I urge support for the broadcaster freedom amendment. Join us in embracing freedom on the airwaves of America.

65TH ANNIVERSARY OF LIBERATION OF GUAM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Guam (Ms. BORDALLO) for 5 minutes.

Ms. BORDALLO. Madam Speaker, the events of World War II seem to be lost in translation, interpreted as events that occurred rather than events that affect. For many, the events of the past no longer shape our views of the future. For this reason, I come to the Chamber this morning to speak about an important chapter in American history. A chapter that too few Americans know.

Early this morning, Congressman SABLAN and I were joined by the Honorable David Hayes, Deputy Secretary of the Interior, Major General Donald Goldhorn, former Congressman Ben Blaz, Congressman JOE WILSON, and friends of Guam in laying a wreath at the Tomb of the Unknown Soldier in Arlington. We honored the soldiers, the sailors, the airmen, the marines, and Coast Guardsmen who participated in the battle in the liberation of Guam and the Northern Marianas during World War II.

Our ceremony also honored the liberated, the Chamorros, the indigenous people of Guam, who remained steadfast in their loyalty to the United

States during the war and who endured enemy occupation.

Tuesday, July 21, 2009, marks the 65th anniversary of the liberation of Guam. Guam was attacked by the Imperial Japanese forces on December 8, 1941, at the same time that Pearl Harbor, Hawaii, was attacked, the different dates owing to the international dateline. Guam was subsequently invaded by the Imperial Japanese forces on December 10, 1941, and occupied until liberation on July 21, 1944.

The story of the people of Guam and the campaign to liberate them from occupation is an American story of courage and sacrifice. It is an important part of American history, and one of pride and determination in the face of overwhelming obstacles, barriers constructed by the Japanese war machine in the form of forced labor, forced marches, internment and public executions, and a true test of loyalty, a test that had not been asked but for a very few civilian communities under the American flag in the 20th century.

So I come to the floor today to bring honor to the Chamorros who were occupied, and to the servicemen who liberated them. The liberation of Guam from enemy occupation during World War II marked a pivotal point in Guam's history and was a key battle for the Allied Forces in ending the war in the Pacific.

The liberation of Guam by the United States Armed Forces from the Imperial Japanese Empire allowed for the first time the installation of air bases that would house land-based aerial bombers, putting them in reach of the main island of Japan. The air offenses launched from the Mariana Islands were effective in subduing the Imperial Japanese war effort, bringing the war to an end and saving the lives of many.

Prior to the Japanese invasion, Guam Armed Forces consisted of 153 marines, 271 U.S. Navy personnel, 134 civilian construction workers, and 247 Chamorro members of the Insular Guard. The Insular Guard protected the community on Guam during the invasion. During the occupation, the Imperial Japanese Forces attempted to turn the Chamorro people against the United States. But the Chamorro people remained steadfastly loyal to the United States through the 32-month occupation.

On the eve of the American landings on the island in 1944, all 22,000 Chamorro inhabitants of Guam were forced to march to Mannengon Hills and other locations to be interned in concentration camps to maintain control of the population in fear of an uprising.

This is a true story of American courage. The Chamorro people of Guam were loyal Americans at the time, and it was the first time that a foreign power invaded U.S. soil since the War of 1812. Despite fear of their captors and their will, the Chamorro people remained steadfast in their loyalty, and were brave in providing aid to the American soldiers hiding from enemy capture. These acts of courage were punishable by death. Some experienced horrific events, massacres at Malesso' and Tinta and Faha' where Japanese soldiers herded families into caves and threw hand grenades and delivered small arms fire until dozens lay dead. Their loyalty was put to the extreme test of sacrifice.

So as we approach Liberation Day next week on Guam, we remember our elders who lived through the occupation and also the several thousand members of the U.S. Armed Forces who gave their lives while defending and liberating Guam.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at noon.

PRAYER

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

Lord, hear the prayers of Your people from across this Nation. Bring the hearts of all believers together in an act of praise and thanksgiving for Your endowment of freedom and the desire to serve You by our work and the compassionate love we show this day.

Make us instruments of peace in the midst of a world filled with suspicion, competition and self-deception.

In us and through us, manifest the gift of reconciliation and solidarity that this Congress may be strong in its purpose to serve the common good of the people and give You the glory You deserve, both now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PASCRELL 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 with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2965. An act to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.

ELECTING A MINORITY MEMBER TO A STANDING COMMITTEE

Mr. PENCE. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 640

Resolved, that the following member be, and is hereby, elected to the following standing committee:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT—Mr. Harper.

Mr. PENCE (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 Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HEALTH CARE

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

Mr. PASCRELL. Mr. Speaker, I rise to express how important it is that we pass comprehensive health reform this year that expands health insurance coverage, reins in spending, and is fiscally responsible.

The health reform package that the committees will consider this week shows a genuine commitment to reversing the current unsustainable trends, to providing stability for hard-working Americans, and to being fiscally responsible. There is no question that we must take action and that our actions must be fully paid for. With these ground rules, we face difficult decisions, many of which may not be politically popular, but my colleagues and I on Ways and Means are fully committed to paying for this essential legislation.

Our current path in delivering health care is unsustainable, and I share with you some disturbing figures from my home State of New Jersey that illustrates the point.

New Jerseyans are paying more and getting less. Between 2000 and 2007, the average New Jersey worker's share of family premiums nearly doubled, outpacing the growth in wages nearly five times over.

Mr. Speaker, we must act this week, and we must act with all due resolve.

DO NOT MAKE THE CIA A POLITICAL PINATA

(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. Mr. Speaker, now is not the time for us to make a political pinata out of the CIA. How long ago was it that 9/11 occurred? And what did the commission on 9/11 tell us? It said we did not have adequate intelligence. We had lost an entire generation of intelligence operatives as a result of prior action by this Congress.

We can talk about the Church Committee report. We can talk about what happened during the Carter administration. We can talk about what happened in the Clinton administration. We thought we didn't need human intelligence; we could do it all with electronic.

The way to attract people, bright young people, committed patriots, to this country's intelligence is not to go after the CIA, is not, after the fact, for what appears to be political reasons, to threaten criminal investigations of those who are doing nothing more than trying to save this country from attack by others who would try and kill innocent Americans.

This outrage must stop. Do not make the CIA a political pinata, for whatever purpose.

A GOOD DAY TO STAND UP FOR COMPREHENSIVE HEALTH CARE REFORM

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

Mr. ELLISON. Mr. Speaker, what a glorious day and a great time to be in Congress. We have an opportunity to preside in this 111th Congress when we pass comprehensive health care reform with a public option.

You know, the fact is that millions of Americans are looking forward to the day when they don't have to worry about being excluded for a preexisting condition, when they will have true portability, when we can unlock the true entrepreneurial talent of America because people will be able to go and pursue their entrepreneurial dreams without fear of losing health care.

The fact is the other team, look, they had their day. They tried and all we have gotten is sicker at a higher expense, and we've been dying earlier. We haven't seen better outcomes with status quo health care, and people who stand for the status quo, they have had their shot and their time has run.

So, Mr. Speaker, thank you for presiding today. This is a good day to stand up for comprehensive health care reform and a strong, robust public option.

IN TRIBUTE TO WARREN TOWNSHIP, NEW JERSEY

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

Mr. LANCE. Mr. Speaker, I rise today to congratulate Warren Township, New Jersey, for being named one of Money magazine's top 100 places to live for 2009. Warren Township was ranked sixth in the Nation in the magazine's annual rankings.

Located in the heart of the Watchung Mountains 35 miles west of New York City in Somerset County, New Jersey, Warren Township is not your typical big city suburb. Once described as ''the greenest place in New Jersey,'' Warren Township is home to major corporations like Chubb Insurance and Citigroup. Yet the community retains its rural character through open space and its 72 working farms.

Good schools and family friendly township recreation, among other things, make Warren Township just one of the many great places in New Jersey to live, work and raise a family.

Congratulations to Warren Township. I'm proud to be the township's representative in Washington.

DEFENDING ARIZONA VALUES CAMPAIGN

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, wherever I go in my district, I hear the same thing. Folks feel like greater Arizona's values are not being represented in Washington.

In this historic and challenging time, it is more important than ever for someone to stand up for what is important to us. I am determined to give voice to our values.

Today, I am launching my ''Defending Arizona Values'' campaign to continue my fight for the ideals I was raised with in rural Arizona. I will take on big government to make it more accountable and responsive to our needs, instead of just offering handouts and weighing us down with bureaucracy. I will also work to preserve our tradition of self-reliance.

As part of this effort, I am proud to announce that I have signed on as a cosponsor to the Federal Reserve Transparency Act. We need more oversight and accountability in our government, and auditing the Fed is a valuable step in the right direction.

PAYING TRIBUTE TO THE LIFE OF ALBERTA KINNEY

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Mr. Speaker, today I rise to pay tribute to the life of Alberta Kinney, an Amherst, New York, resident who answered the Nation's call to service during World War II.

In 1944, Alberta became part of the first group of women to fly military aircraft for the United States. The primary mission of the Women Airforce Service Pilots, or WASP as they came to be known, was to fly noncombat military missions so that their male counterparts could be deployed to combat.

The WASP did much more than fulfill wartime needs, overcoming significant hurdles to carry the torch for Amelia Earhart and pass it on to Sally Ride.

Last month, after the President signed into law a measure that honors Alberta and her fellow WASP with a Congressional Gold Medal, it was our hope that she would be able to travel to Washington in the near future to take part in a ceremony commemorating this honor. But sadly, Alberta passed away this past Friday evening.

On behalf of the people of western New York, I extend my deepest sympathies to Alberta's loved ones and ask the House to join me in honoring this distinguished member of the Greatest Generation.

THE SIGNIFICANCE OF HEALTH CARE REFORM

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to highlight the significance of health care reform for our country and to emphasize the importance of keeping the real VIPs, the people, involved in the process.

Health care reform is evolving rapidly, and I want to ensure that the people back home have real input into what is going on here in Washington, DC.

Earlier this year, I set up a Health Care Advisory Committee, which I meet with every month and which my staff deals with on a daily basis. Members of the advisory committee not only receive the news that's happening here on Capitol Hill with respect to health care, but they actually give us their input of what they're hearing and what they want to see in a health care reform bill. Their expert opinions are so valued in our ability to try to decide what to do here. And next week I will hold a town hall meeting where people back home can come and actually give us their ideas and listen to what is going on here with the development of health care reform.

I encourage all of my colleagues to go home and to hold these types of meetings and to listen to what the people really want.

$18 MILLION CAN'T BUY CREDIBILITY

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

Mr. REHBERG. As some are toasting the success of the so-called stimulus, unemployment rates spiral out of control. Now the White House plans to spend 18 million taxpayer dollars to redesign the Web site that tracks how many jobs have been ''saved or created'' by the stimulus.

Montanans shouldn't be asked to foot the bill for a Web site that only serves as political damage control for a failing big government policy. We'd rather know the reality on the ground. That's why I launched a Web site that lets my constituents report their experiences with the stimulus. Montana Stimulus Watch didn't cost taxpayers millions of dollars, but it did bring to light that a company had to lay off 24 workers because stimulus dollars went to an out-of-State contractor to pave a Montana road.

I doubt those layoffs will be counted in the slippery ''saved or created'' formula, but then again, $18 million can't buy credibility.

WOMEN IMMIGRANTS—THE NEW FACE OF MIGRATION IN AMERICA

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

Ms. HIRONO. Mr. Speaker, today I hosted a panel discussion on the results of a historic poll on women immigrants to America. Today, women comprise half or more of the immigrants entering this country. Women are the new face of migration in America.

Among the findings of this historic poll, many women immigrants acknowledge speaking little or no English, while confronting anti-immigrant discrimination, lack of health care, and low-paying employment, well below the status of the professional work most did in their home countries.

Thirty-eight percent of the women came to join family members; 22 percent to make a better life for their children. Their top two biggest challenges were helping their children achieve success and being able to hold their families together.

The poll data paralleled my mother's own experience in bringing me and my brothers to the United States from Japan in the mid-1950s: her desire to build better futures for us; her early, low-paying, no-benefits jobs; her determination to keep the family together as head of household.

The importance of family to women immigrants is something we can all relate to and support as we discuss and debate immigration reform.

□ 1215

MAYOR FOR A DAY

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

Mr. ROSKAM. A few years ago, my predecessor, Congressman Henry Hyde, started a great program. It was an initiative to invite young men and women to participate in a civic conversation. It's in Elmhurst, Illinois, and it's a Mayor for a Day program.

I am pleased to announce that Brad Martin of Brian Middle School was the winner of the Mayor for a Day program. I won't read his whole essay. You can go to my Web site and check it out.

But essentially he said that if he were a mayor for a day, he would start a CARE program, which essentially stands for Caring and Respecting Everyone. I think in this day and this age in the 111th Congress, all of us can learn from the wisdom of Brad Martin.

WHEN IS ENOUGH, ENOUGH?

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

Ms. SPEIER. When is enough enough? AIG is getting ready to pay out more in retention bonuses. This is on top of the $165 million they paid out in March to the same executives whose credit default swaps and other poorly designed financial products drove the world economy off a cliff.

The only difference is this time around they are trying to get the American people to say that what they're doing is right.

Give me a break.

Taxpayers have already infused $170 billion into AIG. And where is their break? A teacher in my district gets $60,000 a year. A bench scientist coming up with a cure for cancer gets maybe $200,000 a year. An ER doc saving people's lives every single day gets maybe $350,000 a year.

AIG has asked the administration's compensation czar, Kenneth Feinberg, to sign off on these bonuses—even while acknowledging he has no authority to stop them. Why? Because AIG wants cover.

I urge Mr. Feinberg to reject AIG's request.

GOVERNMENT PROPAGANDA SIGNS

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

Mr. POE of Texas. Mr. Speaker, if there's one thing the Feds are really good at, it's wasting money. And thanks to the so-called stimulus bill, there are billions of citizen dollars floating around loose being blown by the wasteacrats.

In a report released last week by the Government Accountability Office, we found out that the money is not being used to create permanent jobs in the private sector as it was intended. It's actually being used to pay for overspending in State budgets and expand government bureaucracy.

In some States, Mr. Speaker, they're erecting signs to try to convince people that the government stimulus boondoggle is a success. Here's one of those signs. This sign is being posted where no construction has actually started—and the signs cost $2,000 in Pennsylvania and New York. New Jersey pays $3,000 for a sign like this. Who's making these signs—Michelangelo?

When Big Government is in charge of the job creation business instead of private industry, it's easier to create million-dollar public relations propaganda signs than it is to create real jobs.

And that's just the way it is.

HEALTH CARE

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

Mr. McDERMOTT. Mr. Speaker, we're closing in on a moment in American history that has taken over 70 years to reach. In the mid-1930s, Franklin Delano Roosevelt considered a proposal that would extend health care coverage to every American. But he withdrew the idea because the political will was not up to the challenge at the time. But times have changed.

President Obama has called on the Congress to pass comprehensive health care reform legislation—and he has the support of the American people behind him, especially the middle class.

There are countless facts and figures to support his effort. There are maps, there are charts, there are all kinds of spread sheets, but there is one fact that stands out above all others: Every American today either faces his or her own health care crisis or knows someone who is.

When Americans play by the rules but see their economic lives threatened and destroyed because of their medical expenses, America must change. We are at the crossroads of providing a fair deal for the American people. But we cannot take progress for granted. Times like this don't come along very often. We cannot afford to let this one fall short.

CONGRATULATING MS. SUSAN LEWIS ON 45 YEARS OF EDUCATIONAL SERVICE

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

Mr. BOOZMAN. I rise today to honor Ms. Susan Lewis, who spent her life in the classroom devoting her time to educating our youth. Ms. Lewis is retiring from 45 years of teaching. More than 30 of those years were spent at Coleman Junior High in Van Buren, Arkansas, teaching algebra.

Coleman Junior High will undoubtedly be losing an amazing individual who contributed to the lives of two generations of Arkansans. Her time in the classroom provided her students the necessary tools for building a brighter future.

Ms. Lewis exemplifies the idea that with good teachers there is improved student achievement. Her hard work and dedication made her a model for

success for students and her coworkers. We are blessed to have had such a caring teacher as Ms. Lewis. I commend her for her service as well as her good work and wish her continued success in future endeavors.

I ask my colleagues today to join with me in honoring Ms. Lewis, a wonderful teacher who has always and will be dedicated to the students of the Third District of Arkansas.

HEALTH CARE CHOICE FOR THE AMERICAN PEOPLE

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

Mr. GRIJALVA. Private health insurance companies have two-thirds of all Americans that have insurance enrolled in their plans, and they pay one-third of the overall costs for health care in this country. Two-thirds of that cost is borne by the American taxpayer and the working middle class of this country.

You will hear in the next few days a lot of harping about the cost of health care reform for this Nation. I think the only way—and I believe sincerely—to reduce health care costs, bring private insurance companies under control by having a competitive plan, is to have a public option.

A public option does not deny people health care because of preexisting conditions—a public option in the free marketplace that competes with private insurance, and a public option that extends health benefits and opportunities to all Americans.

If we are going to do health reform right, we must provide competition for public insurance, and we must provide opportunity and choice for the American people.

THE WOMEN'S FUND OF MIAMI-DADE COUNTY

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

Ms. ROS-LEHTINEN. The Women's Fund of Miami-Dade County is a catalyst for social change and economic justice, assisting women to reach their full potential. Together with the Research Institute on Social and Economic Policy at Florida International University, the Women's Fund published a report entitled: Portrait of Women's Economic Security in Greater Miami, which reflects the dire economic situation facing women.

More than half of working women do not earn adequate income to cover their most basic necessities. Eighty-six percent of single mothers do not have enough income to be self-sufficient. Nearly 20 percent of women who work are underemployed. And only one-fourth of women have a retirement or pension plan.

The numbers in these categories are even lower than the national average but reflect the problem of women across the country.

Here in Congress I work to empower women to be self-sufficient and support policies that enhance women's economic security, including legislation to provide paid parental leave to Federal employees.

I will continue to work for south Florida women by promoting initiatives that protect the rights of women across the Nation.

HEALTH CARE CRISIS ALSO AN ECONOMIC CRISIS

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

Mr. DRIEHAUS. Mr. Speaker, until we fix health care in this country, families and small businesses will bear a heavier and heavier financial burden that will slow economic recovery and stifle growth and investment.

In Ohio, health care costs for small businesses have grown 30 percent in recent years. Employer coverage across the State has declined, so that now less than half of all small businesses offer health care coverage benefits to their employees.

The average Ohio family that does receive health care coverage from their employer pays nearly $13,000 in premiums every year. And because more than 1 in 10 Ohioans lives without any health insurance, Ohio's economy loses between $3.5 billion and $7 billion every year due to lost productivity.

The health care crisis is an economic crisis, and part of fixing our economy is ensuring that every single American has quality, affordable health care. The status quo is no longer tolerable for Ohio and no longer tolerable for America.

AMERICANS DESERVE A BETTER SOLUTION

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

Mr. TIAHRT. Mr. Speaker, the trillion-dollar stimulus bill produced by the Obama administration and congressional Democrats is not working. Unemployment is nearing double digits—and rising. Americans are hurting as they struggle to find work and pay the bills. So, what's next?

Despite all the broken promises, now the liberals want to meddle with the health care system and spend another trillion dollars. For their plan to work, Democrats are proposing tax hikes on everything from small businesses to the elimination of the tax deduction for charitable contributions to tax hikes on your favorite soft drink at the convenience store.

Americans deserve a better solution. House Republicans have a plan that won't bankrupt us or increase private insurance rates. In fact, the Republican plan will reduce health care costs, expand access, increase the quality of care for Americans. Most importantly, the plan ensures that medical decisions are made by patients and their doctors—not government bureaucrats.

The Democrat's government-run health care program is the wrong decision for America. Let's support the plan that offers Americans the freedom and choices they deserve without strangling future generations with insurmountable debt.

MEANINGFUL REFORM NEEDED

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

Mr. BRALEY of Iowa. Mr. Speaker, as a member of the Health Subcommittee I have been a strong supporter of meaningful health care reform, including a robust public health insurance option.

But there's a problem with the plan that's on the table because it incorporates a Medicare reimbursement system that isn't fair. And all you have to do is look at States like Iowa and Minnesota, which consistently rank in the top five in terms of quality patient outcomes and in the bottom five in Medicare reimbursement. Or look at the State of Louisiana, where we spend more per Medicare patient than any other State, and Louisiana is ranked 50th in objective patient outcome measurements.

That system is flawed. When you base the public health insurance option on Medicare plus 5 percent, you perpetuate an inefficient system.

Medical economists will tell you the most effective way to take this head on is to address the problem of over-utilization in geographic parts of the country which waste money and result in poor patient outcomes.

Unless we incorporate those incentives into this public option and address this problem with Medicare, we will never have meaningful reform.

STIMULUS BILL NOT WORKING

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

Mr. PENCE. Will Rogers once said: The opposite of progress is Congress. Watching the debate on the floor today, I start to get a better idea about what he meant.

At a time when our country is facing the worst recession in a quarter of a century, the Democrat majority here in Congress just got done passing a national energy tax that will raise the cost of utilities for every American household. And now they're down here on the floor talking about raising taxes for a government takeover of health insurance. All the while, millions of Americans are out of work, hundreds of thousands of Americans continue to lose their jobs every month.

Now, when this trillion-dollar stimulus bill was passed in February, we

were told that it would create jobs immediately. It would hold unemployment below 8 percent. Well, unemployment is now 9.5 percent. It's the worst in 26 years.

Almost 2 million people have lost their jobs since the so-called stimulus bill passed. And yet, the President just said, It's done its job. This weekend, he said the stimulus was ''working exactly as we anticipated.''

With all due respect to the President of the United States and my Democrat colleagues, the stimulus bill is not working. And the American people know it. The American people deserve a recovery plan that will create real jobs and real recovery—and that's fiscal discipline in Washington, D.C., and tax relief for working families, small businesses, and family farms.

□ 1230

HEALTH CARE REFORM

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

Mr. HIMES. Mr. Speaker, the cost and inefficiency of our health care system is embarrassing. It is the only word. American families pay $1,100 extra every year through their health insurance premiums to fund care for the patients who are unable to pay their hospital bills. The U.S. meanwhile ranks 42nd in the world in life expectancy, and the overuse of invasive medical procedures is dangerous to many. Unexpected health care expenses is the leading cause of bankruptcy amongst American families.

The system is bankrupting the Government of the United States, of Connecticut and of the other 49 States. We have got to get this reform right. It is critical to American families, to fiscal prudence, and to the future of this country. It won't be easy, but inaction is simply not an option.

CREDIT CARD CONGRESS

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

Mr. CHAFFETZ. Mr. Speaker, I rise today with grave concern about this ''credit card Congress.'' Every problem seems to come with a spending plan, and no amount of money seems to be enough.

The national deficit is our annual discrepancy between tax revenue and public expenditures. We just exceeded the $1 trillion deficit mark for this year, and we still have a long way to go this year. Our national debt is the cumulative amount of money the American people owe; and over the course of the past Congresses, it, too, has skyrocketed.

As of June 30, the national debt stood at $11.5 trillion. During the month of June, the national debt increased by over $223 billion. The government spent over $18 billion in interest payments in just the month of June. That is $600 million a day.

Because the Congress did not have the self-discipline to spend less than it took in, $600 million of your money is going out the door in interest payments. We can no longer afford to run Congress on a credit card.

H.R. 2738

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

Mr. TEAGUE. Mr. Speaker, during the 4th of July recess, I traveled home to visit with constituents and speak with them about their problems and find ways in which we could help them.

As is often the case, my constituents continue to inspire me with their willingness to take on hard challenges and help their family and neighbors in need. Many throughout my district volunteer their time to drive veterans to medical appointments, even though the drive can last over 3 or 4 hours. It is tough, but oftentimes it is what needs to be done for a veteran needing medical services.

That is why I have introduced H.R. 2738, a bill that would direct the Secretary of the VA to reimburse family caregivers of disabled veterans for travel expenses, including lodging and food, when they take vets for appointments and treatments. Rural veterans face too many obstacles when seeking medical treatment, and I believe this legislation will make their lives a little easier and help get them the care that they need. We made a lot of promises to our veterans, and it's about time we begin to honor them.

I hope that my colleagues will support this very important piece of legislation, and I urge its passage.

STRENGTHENING AMERICA'S HEALTH CARE SYSTEM

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

Mr. FORTENBERRY. Mr. Speaker, as Congress takes on the essential task of strengthening our health care system, we have an extraordinary opportunity here to do something good and right for the American people. While the challenges before us are multiple, shifting the health care paradigm from a system that treats the symptoms of sickness and disease to one that promotes life-long wellness and prevention for all Americans would be a very good and meaningful start.

The current health care debate, which focuses on a loosely defined, government-operated ''public option,'' has yet to address several underlying complexities within our system. But the essential question here is really simple: How do we improve health outcomes and reduce costs while protecting vulnerable persons? A thorough policy debate must be grounded in these cornerstone objectives to effectively improve the quality of and access to health care for all Americans, or else we are simply discussing a new government-financing mechanism without regard to unsustainable cost projections.

RECOGNIZING HARLAN AND CHARLIE STOKES

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

Mr. KLINE of Minnesota. Mr. Speaker, today I rise to honor the actions of two brave men from my district, Mr. Harlan Stokes and his son Charlie.

Last August, Harlan, an Eagle Scout himself, and Charlie, who was well on his way to earning his Eagle Scout rank, set out to conquer Longs Peak in the Rocky Mountain National Park. Little did they know they would need all of their scout training before the day was done.

As the two reached the top of the mountain, a powerful storm hit, bringing with it gale-force winds, rain and hail. Harlan and Charlie quickly headed down the mountain; but as they went down, they found other less prepared hikers. Bravely staying to help, they gathered those they had found and ran for shelter in a nearby cave. Over the next 2 hours, the father-son duo selflessly cared for 23 hikers while they themselves began to suffer from hypothermia.

As a result of their courageous actions, all 23 hikers made it off the mountain safely. To honor their heroism, the two were awarded one of the Boy Scouts' most prestigious awards, the National Medal of Merit.

Today we salute their bravery and honor their selflessness. Harlan and Charlie's story exemplifies the qualities of the Boy Scouts of America and represents the best that America has to offer.

GOVERNMENT INTRUSION INTO THE HEALTH CARE SYSTEM

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

Mr. BROUN of Georgia. Mr. Speaker, Americans are hurting because of the high cost of health care. I am a medical doctor. We need to fix the system. It is affecting everybody. It is health care financing that is the problem. Why are health care expenses so high?

In my rural south Georgia medical practice, I had a lab. Congress passed a bill called CLIA, the Clinical Laboratory Improvement Act, that shut down my lab. Prior to being shut down, if a patient came to see me with a red, sore throat and running a fever, I would do a CBC, a complete blood count, to see if they had a bacterial infection and thus needed antibiotics, or a viral infection where antibiotics are not going

to help. I charged $12 to do the test in 5 minutes. CLIA shut my lab down. I had to send patients across the way to the hospital, 2 to 3 hours at $75.

It is government intrusion into the health care system that has caused this high cost. We have got to get the government out of it. This public option is going to force everybody from their private insurance over to a public insurance where the system is already broken, where we are having rationing of care and where a government bureaucrat is going to make health care decisions for you. The American people need to stand up and say ''no'' to this public option.

HARD TIMES IN THE FIRST DISTRICT OF SOUTH CAROLINA

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

Mr. BROWN of South Carolina. Mr. Speaker, like the rest of the Nation, it has been a hard summer for the First District of South Carolina.

Just last week, Georgetown County's International Paper cut their hours, and the Mittal Steel Mill closed indefinitely, putting 275 South Carolinians out of work. With 14.7 million unemployed Americans, this number seems small; but with no end in sight, closings like this will continue nationwide.

More than 4 months after the stimulus bill's passage, we still face the highest unemployment rate in 25 years. South Carolina itself has a rate of over 12 percent, the fourth highest in the Nation.

Sadly, the Democrats' only answer is more Federal spending and a cap-and-trade national energy tax that will increase energy costs for every American, sending millions of jobs overseas.

These are not plans for prosperity, and the administration must be held accountable for them and their failed stimulus, a plan pushed through Congress with false promises of immediate relief.

The Republican plan, though ignored, would have cost half as much and created twice as many jobs, but, as every American continues to ask, ''Where are the jobs,'' we vow to work towards real solutions for American families, small businesses and manufacturers.

OUR NATIONAL DEBT OF $11.5 TRILLION

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

Mr. WESTMORELAND. Mr. Speaker, as we heard a previous speaker say, the national debt right now, as of June 30, stood at $11.5 trillion.

How much is 1 trillion? Does everybody know how much 1 trillion is, Mr. Speaker? I don't know, but I would like to explain it. One million seconds, 1 million seconds is a little over 11 days. One billion seconds is 31 years and 8 months, 31 years and 8 months for 1 billion seconds. How many years is 1 trillion seconds? One trillion seconds is 31,710 years; 31,710 years is made up by 1 trillion seconds.

Mr. Speaker, if I were to give somebody $1,000 a second, 60 seconds a minute, 60 minutes an hour, 24 hours a day, 7 days a week, 52 weeks a year, 365 days, it would take me 31.7 years to spend $1 trillion.

THE EFFECTS OF THE STIMULUS BILL

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, back in January of this year, this administration issued a report called, ''The Job Impact of the American Recovery and Reinvestment Act,'' the stimulus. This study said that ''a key goal of the administration is that it should save or create 3 million jobs by the end of 2010.''

When this Congress passed the stimulus and spent $800 billion, they said, We will start adding jobs rather than losing them. As a matter of fact, Majority Leader HOYER said, There will be an immediate jolt in jobs. This will be creating jobs immediately.

Let's see, it has been 5 months since the bill passed. Here is a chart. The blue line shows what they predicted. The red line shows the loss of jobs that actually occurred. Millions of jobs have been lost despite their spending $800 billion of the taxpayers' money. And now Vice President BIDEN has the temerity to say, Well, we misread the economy.

Well, do you know what, Mr. Speaker? Every single Republican did not misread the economy. That is why every single Republican voted against that $800 billion stimulus, because we knew that it would spend too much, that it would borrow too much, and that it would eventually tax too much of the American taxpayer.

ENOUGH TAXING AND SPENDING

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

Mr. SCALISE. Mr. Speaker, yesterday the deficit for this year exceeded $1 trillion, just in this year. In fact, since President Obama has taken office, more than 2 million Americans have lost their jobs. And now with that backdrop, what is this administration talking about? First of all, the President is going around saying, The stimulus bill has done its job and is working exactly as we anticipated. Did they anticipate a bill that would cost $800 billion in money we don't have and now 2 million more Americans losing their jobs?

It is time we get this right. While the White House is talking about even another stimulus bill, the American people are saying enough is enough. Stop the spending, the borrowing and the taxing and let's get Americans back to work. Let's actually provide that relief to small businesses and average American families that we, on the Republican side, proposed and President Obama didn't even want to look at.

It's time to bring bipartisanship and real solutions to this problem that is facing our country instead of that tired old adage of spending and spending and borrowing and now taxing with this cap-and-trade and this health care government takeover. We have got to get back on track.

AMERICANS DESERVE BETTER

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

Ms. FOXX. Mr. Speaker, the American people are hurting, and Republicans want to help. President Obama and Democrats in Congress promised that their stimulus plan would bring immediate relief. Republicans knew better.

Unfortunately for the American people, the results are rolling in: 2 million American jobs have been lost since the stimulus was signed into law. More than 400,000 jobs were lost in the month of June alone.

Just when you thought it was clear that we can't spend, borrow and tax our way to a growing economy, Democrats propose a government takeover of health care that will lead to higher taxes, more government spending and even further job losses. The American people deserve a real plan for real recovery, not yet another excuse to increase spending, raise taxes, and grow government.

The Republican economic plan brings fiscal discipline back to Washington and lets money stay in the hands of the American people.

THE RESTORATION OF AMERICA'S GLOBAL POSITION

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

Mr. COHEN. Mr. Speaker, when President Obama came into office, there was a hole in the ideas of America and the policy of America as great as the Grand Canyon, one of our great treasures.

Unfortunately, the lack of ideas in policy, which shouldn't be a hallmark of this country, was so great that President Obama has had to do much, and this 111th Congress has tried to help him. We didn't have an energy policy, and the flora and the fauna of this Earth and this country's energy independence and this country's reliance on fossil fuels is a very scary proposition.

We are the only industrialized country in the world without a health care policy, and we have 47 million people without health care. That is unacceptable. Our position among the nations of the world was at a low ebb. President Obama has restored that.

This Congress is trying to put America where it should be as a place of great ideas and policies, and we have got an 8-year hole to fill. It has been difficult. But we are doing the best we can with the difficult situation we have been given.

I'm proud to work with President Obama and this Congress and put America and the ship of state afloat and going in the right direction.

□ 1245

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PILOT COLLEGE WORK STUDY PROGRAMS FOR VETERANS ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (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, United States Code, as amended.

The Clerk read the title of the bill, as amended.

The text of the bill, as amended, is as follows:

H.R. 1037

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 ''Pilot College Work Study Programs for Veterans Act of 2009''.

SEC. 2. FIVE-YEAR PILOT PROGRAM FOR ON-CAMPUS WORK-STUDY POSITIONS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Veterans Affairs shall conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of qualifying work-study activities for purposes of section 3485(a)(4) of title 38, United States Code, including work-study positions available on site at educational institutions.

(b) TYPE OF WORK-STUDY POSITIONS.—The work-study positions referred to in subsection (a) may include positions in academic departments (including positions as tutors or research, teaching, and lab assistants) and in student services (including positions in career centers and financial aid, campus orientation, cashiers, admissions, records, and registration offices).

(c) REGULATIONS.—The Secretary shall issue regulations to carry out the pilot project under this section, including regulations providing for the supervision of work-study positions referred to in subsection (a) by appropriate personnel of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2010 through 2014 to carry out the pilot project under this section.

(e) SOURCE OF FUNDS.—Notwithstanding any other provision of law, this section shall not be carried out with any funds provided for or under any authority of the Readjustment benefits program described by the list of Appropriated Entitlements and Mandatories for Fiscal Year 1997 contained in the Conference Report to accompany H.R. 2015 of the 105th Congress, the Balanced Budget Act of 1997 (H. Report 105–217). No funds shall be obligated for the purpose of carrying out this section except discretionary funds appropriated specifically for the purpose of carrying out this section in appropriation Acts enacted after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I would like to thank the chairwoman of the Subcommittee on Economic Opportunity of the Veterans' Committee, STEPHANIE HERSETH SANDLIN of South Dakota, for introducing this bill, the Pilot College Work Study Programs for Veterans Act of 2009. It would direct the VA to conduct a 5-year pilot project to expand on existing work study activities for student veterans to participate in work study positions in academic departments and in student services.

As this committee's chairman and a former university professor, I understand the financial hurdles of paying for college and strongly support all methods to make education more affordable for our brave veterans.

This legislation provides an additional avenue for student veterans to help pay for college and places them on a par with other students in the same financial situation. Furthermore, these new work study positions would provide student veterans with much needed job skills that they can use in their professional career.

Our chairwoman, Ms. STEPHANIE HERSETH SANDLIN, will be speaking on this bill, and I urge all our colleagues to join me in reaffirming our country's commitment to our veterans by supporting this H.R. 1037.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself as much time as I might use.

I rise in support of H.R. 1037, as amended, introduced by the distinguished chair of the Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN. The Pilot College Work Study Program for Veterans Act of 2009 would expand the number and types of work study positions at colleges and universities.

The types of work study jobs that can be funded through the Montgomery GI Bill are too restrictive. Expanding the types of jobs veterans may hold at schools benefits student veterans financially, but more importantly, in my view, it places them in positions where nonveteran students and faculty will see the advantages and results of military service to the Nation. Too often our young people see only the entitlement side of life that requires no commitment to something other than themselves.

Just as the original GI Bill opened higher education to the masses of citizen soldiers after World War II, improved the experiences of all students, including nonveterans, this bill will broaden the impact on veterans throughout the Nation's higher educational system.

I am reminded of the statement by James B. Conant, president of Harvard University, shortly after the World War II generation filled the campuses. In recanting his earlier concerns, he stated, and I quote: The mature student body that filled our colleges in 1946 and 1947 was a delight to all who were teaching undergraduates. For seriousness, perceptiveness, and studiousness and all other undergraduate virtues, the former soldiers and sailors were the best in Harvard's history.

Mr. Speaker, H.R. 1037, as amended, will provide our veterans on campus a unique opportunity to earn while they learn, to build their resumes and to influence campus life. Too often our young citizens see a distorted image of veterans, and this bill will help replace that image with one of men and woman who are dedicated to education and to making meaningful contributions to society.

By enlarging the types of work study jobs veterans can hold on campus, we are putting them in the forefront of student life. As teaching assistants, administrative staff, student counselors, and other high-visibility jobs, nonveteran students and faculty will see them just as Harvard President Conant did over 60 years ago.

I urge my colleagues to support this legislation and reserve the balance of my time.

Mr. FILNER. I would yield as much time as she may consume to our dynamic chair of the Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN of South Dakota.

Ms. HERSETH SANDLIN. Mr. Speaker, I thank the chairman, the distinguished gentleman from California, for yielding.

I rise today in strong support of H.R. 1037, the Pilot College Work Study Programs for Veterans Act of 2009, as amended, which the Veterans' Affairs Economic Opportunity Subcommittee passed on June 4 and the full committee approved on June 10.

I was proud to introduce this important legislation, and I would like to thank the full committee chairman, Mr. FILNER, the ranking member, Mr. BUYER, for their leadership in support of this legislation, as well as the support of Congressman GRIJALVA of Arizona, who was an original cosponsor. I have been pleased to be able to work with the distinguished ranking member of the subcommittee, Mr. BOOZMAN of Arkansas, in a bipartisan way to advance this legislation to the full committee and now to the floor. I also

want to thank Congressman TEAGUE of New Mexico for offering an amendment to this bill during the subcommittee markup that clarified the effective end date of the pilot program.

This legislation works to expand and improve the educational benefits available to our country's veterans by directing the Secretary of the Department of Veterans Affairs to conduct a 5-year pilot project that tests the feasibility and advisability of expanding the scope of work study activities available to veterans receiving educational benefits through the VA.

Currently, eligible student veterans enrolled in college degree programs, vocational programs or professional programs, are eligible to participate in the work study allowance program. However, they are limited to positions involving VA-related work, such as processing VA paperwork, performing outreach services, and assisting staff at medical facilities or the offices of the National Cemetery Administration. Thus, veterans aren't afforded opportunities similar to those offered to non-veteran students.

This pilot program would expand the qualifying work study activities allowed to include positions in academic departments, such as tutoring or assisting with research, teaching and lab work, as well as student services such as positions in career centers, financial aid, orientation, cashiers, admissions, records, and registration offices.

Given the wide variety of tasks our men and women in uniform perform while serving their country, our Nation should be capitalizing on the unique training and skill sets that veterans who are pursuing their degrees bring to their educational institutions.

This pilot program will run from 2010 to 2014 and will give the VA an adequate opportunity to determine if this expanded work study program should be further expanded.

This bill also requires the Secretary of the VA to publish regulations on the supervision of veterans participating in these expanded work study positions.

Educational benefits are one of the essential benefits that our country gives its veterans. These benefits help our veterans take that experience that they have gained while serving, and translate that knowledge into college degrees and other types of professional development. The money we, as a Nation, invest in the education of veterans, has a direct positive economic benefit for the country.

As chairwoman of the Economic Opportunity Subcommittee, I look forward to continuing to work in a bipartisan manner with Mr. BOOZMAN and our subcommittee members to ensure veterans are receiving the best possible educational benefits.

On a personal note, Mr. Speaker, it has been 20 years now, but as a work study student myself, I wouldn't want any of my contemporaries then, and certainly the young men and women who are serving in uniform today, to be denied particular opportunities available in an academic environment to pursue their own educational aspirations or to serve their fellow students on campus in any capacity that VA education benefits are intended to provide.

So again, I want to thank Chairman FILNER for his leadership on this issue, and I urge all of my colleagues to support this legislation.

Mr. BOOZMAN. I yield the gentleman from Georgia (Mr. BROUN) 3 minutes.

Mr. BROUN of Georgia. I rise today in support of the veterans of this country.

Mr. Speaker, I served in the United States Marine Corps. I'm also an original intent constitutionalist, and I believe very firmly that most Americans understand that a national defense, a strong national defense, and thus, supporting our military men and women as well as the veterans, is critically important. It's important for the veterans, the retirees, those who are on disability. It's extremely important to them.

It is also important to our current active duty troops for us to support veterans, because how are we going to get people to stay in the military to be senior NCOs, senior officers or flag officers if we do not fulfill the promises that we make to the men and women who come into the military to begin with? And thus, it is also important in the recruiting process. How are we going to recruit good men and women to come into the military, make it a career, if we don't fulfill the promises that we have made to them as they enlist or are commissioned in the military?

Mr. Speaker, we have broken promises to the veterans. We have broken many promises. In my district, I have two stellar VA hospitals, the Charlie Norwood Veterans Medical Center in Augusta, Georgia. I also have a veterans clinic just outside of Athens, Georgia, that gives stellar care to our veterans. But veterans are denied the health care, educational needs and other things that they have been promised, and it's a travesty. We have to stop denying the veterans the promises that we have made them, and it's absolutely critical for our national defense.

Mr. FILNER. I have no further speakers and am prepared to yield back.

Mr. BOOZMAN. Mr. Speaker, I just want to say, to thank Ms. HERSETH SANDLIN for bringing this forward. I, like her—and it has been a little bit more than 20 years—enjoyed the ability of participating with work study. I know how important it is and how important it will be to these students if we can extend this even further to our military.

So I urge all of my colleagues to support this bill. It's a good one. I appreciate Chairman FILNER and Mr. BUYER for bringing this forward and would urge its adoption.

I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1037, as amended.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1037, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the operation of House Resolution 640 is stayed pending the acceptance by the House of a resignation creating a vacancy on the committee concerned.

There was no objection.

WILLIAM C. TALLENT DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 402) to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the ''William C. Tallent Department of Veterans Affairs Outpatient Clinic''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WILLIAM C. TALLENT DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, shall be known and designated as the ''William C. Tallent Department of Veterans Affairs Outpatient Clinic''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the outpatient clinic referred to in subsection (a) shall be considered to be a reference to the William C. Tallent Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

□ 1300

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

Mr. Speaker, this naming bill comes to us from the gentleman from Tennessee (Mr. DUNCAN). He is a great supporter of veterans and of this Nation, and I am going to leave it to him to explain what Mr. Tallent has done to deserve this honor.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield as much time as he might consume to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, this is a bill to name the Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the William C. Tallent Veterans Outpatient Clinic.

I first want to thank Chairman FILNER and Mr. BOOZMAN, the gentleman from Arkansas, for bringing this legislation to the floor today and for their assistance and for the help of the staff on both sides in regard to this bill.

In East Tennessee, Mr. Speaker, there is perhaps no person better known for devotion to area veterans than Bill Tallent. While the story of his service in World War II reads like a Hollywood script, his lifelong dedication to fellow veterans, his humble demeanor and his career as a public servant make him the perfect candidate for the naming of the Veterans Outpatient Clinic in Knoxville.

Following his capture by the Nazis during the Battle of the Bulge, Mr. Tallent spent 6 months as a prisoner of war. At his capture, notorious Nazi General Josef Sepp Dietrich lined him and his fellow soldiers up against a wall and ordered their execution; but through the grace of God, a fellow soldier persuaded the general to spare them and, instead, ship them to a prisoner of war camp. Mr. Tallent survived long enough to engineer an escape 6 months later with one other soldier, the only one willing to risk certain execution if captured.

As he made his way across Germany, wearing tattered clothes and sleeping in graveyards at night to avoid Nazi troops, Mr. Tallent and his fellow soldier searched for the American front line. One day, while on a scavenger trip into a nearby German town and while looking for food, a Buick carrying an American general came speeding down the street. Bill Tallent jumped in front of the car and gave a salute. He was rescued. His bravery, determination and sacrifice during this experience earned him two Purple Hearts and one Bronze Star.

While Bill Tallent's prisoner of war story is legendary, so is his service to veterans. Mr. Tallent founded the Smoky Mountain chapter of American Ex-Prisoners of War, where he served as its commander. During his tenure, he helped compile the prisoner of war stories of other members, and he gave the publication to the Knox County Public Library for posterity. He has spoken to many civic clubs and to other groups about his experiences and about his dedication to veterans and to this country.

He was also appointed by the Governor to serve on the Veterans Administration Home Policy Board, where Mr. Tallent was instrumental in bringing a veterans' nursing home to Knoxville.

Bill Tallent's lifelong service to veterans also includes serving as commander of the Military Order of the Purple Heart, chapter 356; as a member of the Veterans of Foreign Wars, chapter 173; and as a member of the Disabled American Veterans, chapter 26.

In addition to his service to veterans, Mr. Tallent devoted his professional career to the public good, serving as Knox County Commissioner of Finance from 1953–1980, being reelected to that position several times.

Mr. Speaker, there is, perhaps, no greater sacrifice an American can make than that of serving his country during a time of war. Bill Tallent not only answered that call but did so with courage and humility. In 2003, he told the following to my hometown newspaper, the Knoxville News Sentinel:

''I would not go through what I went through again if you paid me $1 million a day to do it. But I would do the same thing again, without compensation, just for the privilege of living as a free American.''

Mr. Speaker, I think we can all agree we need more Bill Tallents in this world. I appreciate this opportunity to honor Bill Tallent, and this country is a better place today because of him and because of his service to this country. I urge my colleagues to support this legislation to name the Veterans Outpatient Clinic in Knoxville, Tennessee as the William C. Tallent Veterans Outpatient Clinic.

Mr. FILNER. Mr. Speaker, I have no further speakers, and I am prepared to yield back the balance of my time.

Mr. BOOZMAN. Mr. Speaker, we've all seen the old World War II movies where the hero barely escapes death or captivity through the valiant efforts of others or by his own wit or ingenuity. William C. Tallent was one of those true American heroes who has done both.

Serving in the United States Army as part of the 28th Infantry Division of World War II, as Mr. DUNCAN said, he was captured and, along with other American troops, was nearly executed. Mr. Tallent spent 6 months in captivity at a POW camp before escaping with another American soldier willing to face execution if recaptured by the Germans. For his bravery, determination and sacrifice during the war, Bill Tallent, who was twice wounded, was awarded two Purple Hearts and a Bronze Star.

Naming the VA Outpatient Clinic in Knoxville, Tennessee as the William C. Tallent Department of Veterans Affairs Outpatient Clinic is a fitting tribute to a great public servant, veteran and servicemember. I appreciate Mr. DUNCAN's bringing this forward, and I urge my fellow Members to support it.

Mr. Speaker, I rise today in support of H.R. 402, a bill to designate the VA Outpatient Clinic in Knoxville, Tennessee, as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic" which would honor a valiant World War II hero and servant to his fellow veterans.

Mr. Speaker, we have all seen the old World War II movies where the hero barely escapes death or captivity through the valiant efforts of others, or by their own wit and ingenuity. William C. Tallent is one of those true American heroes who has done both. Serving in the United States Army as part of the 28th Infantry Division in World War II, he was captured by German troops in 1944 and, along with other American troops, was nearly executed by General Josef Sepp Dietrich. Instead, the successful pleading of his commanding officer saved his and his comrades' lives just before the execution order was given.

Bill Tallent spent six months in captivity at a POW camp before escaping with another American soldier willing to face execution if recaptured by the Germans. They made their way to the American front line, sleeping in cemeteries and scrounging for food. They were found by U.S. forces, while foraging for food. For his bravery, determination, sacrifice during the war, Bill Tallent, who was twice wounded, was awarded two Purple Hearts and a Bronze Star.

During an interview in 2003 by the Knoxville News-Sentinel, Bill Tallent said best what drives Americans to fight for their country in times of war; he stated "I would not go through what I went through again if you paid me one million dollars a day to do it. But I would do the same thing again, without compensation, just for the privilege of living as a free American."

Bill Tallent has continued his dedication to our Nation's veterans through his work in various veteran organizations. He established the Smoky Mountain Chapter of American Ex-Prisoners. In his role as commander of this organization, he worked to preserve the memory of POWs by collecting the stories of other POW members and then depositing them in the Knox County Public Library. Appointed to the Veterans Administration Home Policy Board by the Governor, Mr. Tallent played an important role in bringing a state veteran's home to Knox County.

Naming the VA Outpatient Clinic in Knoxville, Tennessee, as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic" is a fitting tribute to a great public servant, veteran, and servicemember.

Mr. Speaker, I urge the full support of my colleagues on this legislation

We have one additional speaker. I yield such time as he may consume to the gentleman from Georgia (Mr. BROUN).

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

Mr. Speaker, I rise in support of this bill, and I agree with my good friend JIMMY DUNCAN from Tennessee. We need more people in this country serving this Nation.

As I spoke earlier, I think we are doing a tremendous disservice to our

veterans in this country by not fulfilling the promises that we've made to them. The way that we can get more people into the military, the way that we can get more folks, good people, who will be willing to serve our Nation, is to be able to fulfill the promises that we give them on enlistment or on a commissioning.

We are not doing that. We are not fulfilling those promises. We are not giving those people the kind of health care that they so desperately need, and we are certainly not helping their spouses, because we are not giving them the health care financing that they need either.

So, Mr. Speaker, I rise today not only in support of this bill to name this facility in Knoxville after this hero, but we have to remember the heroes in Iraq and in Afghanistan today, those heroes I see at the VA hospital in Augusta, Georgia—the Charlie Norwood VA Medical Center—those heroes I see at the Eisenhower Medical Center in Fort Gordon, Georgia, those heroes who have lost a leg or an arm, those heroes who want to go back to their units in theater to continue to fight for our freedom.

We cannot turn our backs upon those heroes, just like we cannot turn our backs upon the past heroes. I think it's a travesty the way this government has treated our veterans. We're not doing them right. It verges on criminal because we have broken our promises, and we need to fulfill those promises, and I'll do everything I can as a Member of Congress in supporting the veterans in my 10th Congressional District in Georgia. As a physician, I understand their medical needs. I'll do everything I can as the Congressman from the 10th Congressional District of Georgia to make sure that our veterans have all of the promises made to them fulfilled. This government has broken promises. It continues to break promises. It has got to stop, and I'll do everything I can to fulfill those promises.

I thank the gentleman for yielding.

Mr. BOOZMAN. Before yielding back, I would just like to again thank the gentleman from Tennessee, Mr. DUNCAN, for bringing forward this, really, very nice and very timely recognition of Mr. Tallent. I urge all of my colleagues to support this bill.

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

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 402.

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

There was no objection.

Mr. FILNER. I thank Mr. DUNCAN for bringing us this wonderful story of Bill Tallent, and I urge my colleagues to unanimously support H.R. 402.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 402.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SYMPATHY FOR VICTIMS OF JUNE 22 METRORAIL CRASH

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 612) expressing the profound sympathies of the House of Representatives for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends, and associates.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 612

Whereas late in the afternoon on Monday, June 22, 2009, two 6-car trains on the Metrorail Red Line, Train 112 and Train 214, were on the same track headed toward the Shady Grove Station;

Whereas at 4:59 p.m., Train 112 crashed into Train 214, which was waiting for another train boarding at the Fort Totten Station;

Whereas 9 people died in this accident, including train operator Jeanice McMillan, 42, of Springfield, Virginia, who loved her job and was filled with pride when her son Jordan enrolled in college; Ana Fernandez, 40, originally from El Salvador, who lived in Hyattsville, Maryland, with her husband and 6 children and was on her way to one of her two jobs when she died in the collision; and 7 residents of the District of Columbia: Mary Doolittle, 59, of Northwest, who was the face of the American Nurses Association internationally and who was helping with global accreditation for nurses; Veronica Dubose, 29, of Northwest, who was headed to her first day of school for classes to become a certified nurse; Dennis Hawkins, 64, of Southeast, who worked as a non-instructional aide and a data entry clerk for Whittier Education Center and taught vacation Bible school at Bethesda Baptist Church; LaVonda (''Nikki'') King, 23, of Northeast, a mother of 2 sons who was engaged to be married and who had just bought the hair salon LaVonda's House of Beauty; General David Wherley, 62, of Southeast, the recently retired commander of the D.C. Army and Air National Guard, a command pilot who converted the D.C. National Guard from weekend warriors to Army troops performing the duties of enlisted soldiers in fields of battle in both Iraq and Afghanistan while working tirelessly to improve conditions at home for the people of the District of Columbia, especially the children, and who decided to make the city his home; his wife, Ann Wherley, 62, who retired as a mortgage banker but did not retire as a mother, grandmother, and loving wife of General Wherley ever since they were high school sweethearts at York Catholic High School; and Cameron Williams, 37, of Northwest, who grew up in Takoma Park and who worked a night job in maintenance as a contract laborer;

Whereas according to emergency first responders, 76 people reported injuries and 51 people were taken to hospitals for treatment as a result of this accident; and

Whereas the Board of Directors of the Washington Metropolitan Area Transit Authority voted on June 23 to establish an emergency hardship relief fund of $250,000 from a reserve fund to provide financial help for the victims of the accident, including assistance with funeral, medical, and other expenses: Now, therefore, be it

Resolved, That the House of Representatives expresses its profound sympathies for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends, and associates.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. I yield myself such time as I may consume.

Mr. Speaker, I introduced House Resolution 612 on July 7 with members of the National Capitol Region delegation as well as with others in the House. It is with a heavy heart that I call up for consideration House Resolution 612, which expresses the profound sympathies of the House of Representatives for the victims of the tragic Red Line Metrorail accident on June 22, 2009, and for their families and friends and associates, and also recognizes the dozens of people who were injured.

I appreciate the work and courtesy of Chairman ED TOWNS, of Ranking Member DARRELL ISSA, of Chairman STEPHEN LYNCH, and of Ranking Member JASON CHAFFETZ for their efforts in bringing forward this resolution and for seeing to it that the resolution was marked up at the earliest markup meeting of the Committee on Oversight and Government Reform.

Let us begin, Mr. Speaker, by allowing each of us to take a moment on the floor of the House today to remember the nine people who were lost as a result of this tragic accident. I ask for a moment of silence.

Thank you, Mr. Speaker.

Seven of the nine were from the District of Columbia. One was from Maryland. Another was from Virginia.

Mary ''Mandy'' Doolittle, of the District, served the American Nurses Association by spreading its work globally.

Veronica DuBose, of the District, was a devoted mother of two who was on her way to a nursing class.

Ana Fernandez, of Hyattsville, Maryland, was a mother of six who worked tirelessly, often holding more than one job to help provide for her family.

Dennis Hawkins, of the District, was on his way to teach vacation Bible school at Bethesda Baptist Church.

LaVonda ''Nikki'' King, of the District, was a young mother who looked forward to opening her own beauty salon that was already planned to occur.

Cameron Williams, of the District, was headed to his nighttime maintenance job.

Of the nine, I personally know only Major General David F. Wherley, recently retired as commander of the D.C. National Guard, and his wife, Ann. General Wherley was a fighter pilot and commander of the 113th Fighter Wing at Andrews Air Force Base who rose to head the D.C. National Guard itself.

The general was especially devoted to his troops and to the children of the city, initiating programs for both. Ann Wherley, herself a professional, was a major force in the general's life and in his work. I thank the Appropriations Committee for honoring my request to have a D.C. tuition assistance bill named for the general, who was the first to bring this concern to me for introduction, and I will soon seek a proper authorization in a pending bill.

□ 1315

Jeanice McMillan, finally, was the operator of train 112. All the available evidence showed that Ms. McMillan did everything within her power to avert the accident. Ms. McMillan worked herself up the Metro workplace ladder to realize her goal of sending her only son to college. Mr. Speaker, the loss of precious lives that resulted from the June 22 accident touched their families uniquely and tragically. However, I also ask the House to remember these families who share the Washington Metropolitan Area Transit Authority system with several hundred thousand Federal employees and with our own House and Senate congressional staff. Today let us also share with those who lost their lives as well as with those who were injured our thoughts, prayers and our deep determination to do all that we can to assure improved safety for all. I urge adoption of House Resolution 612.

I reserve the balance of my time.

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

I rise in support of House Resolution 612, expressing the profound sympathies of the House of Representatives for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends and associates. Today we, as a body, express our profound sympathy and support for the victims of this most serious and worst accident in Metro's history.

On June 22 a train heading towards Fort Totten on the Red Line slammed into an idling train in front of it and killed nine people and injured nearly 80 others. The crash occurred at approximately 4:59 p.m. We are greatly saddened by this unnecessary tragedy and senseless loss of life, but our grief cannot compare to the families and friends who lost loved ones that day. Today we extend our sympathies to those who were lost and injured. The nine Metro riders killed on that fateful day were from all walks of life, a reflection of our Nation's Capital and its residents.

As we express our sympathy for the victims, I would also like to commend the D.C. and regional emergency personnel who responded to the accident and did their jobs with competence and compassion. I would also like to recognize the heroism of the other train passengers who helped to free those who were trapped, fashioned tourniquets and comforted the injured. In addition to the death and injury to the victims, there's been tremendous damage done to the morale of Metro riders and to Metro's reputation. A recent Washington Post editorial commented on the crash as having ''shattered many riders' assumptions about the safety of the system.'' Clearly there is much work to be done to ensure nothing like this terrible accident ever happens again.

But today in this House it is time we take a moment to honor and express our profound sympathy for the victims of this tragic Metrorail accident of June 22 and their families, friends and associates. I urge my colleagues to join me in expressing our sympathies on this day by passing House Resolution 612.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield 1 minute to the majority leader, Mr. HOYER of Maryland, who has led the delegation on matters pertaining to WMATA, or the Metro, and especially this accident.

Mr. HOYER. I thank the chairlady, my colleague and friend, ELEANOR HOLMES NORTON. I thank Mr. WESTMORELAND for helping this legislation come to the floor.

Today the House pauses in solemn remembrance of the nine men and women who lost their lives when two Metro trains collided on June 22. It was, as has been said, the deadliest crash in Metro's history. Those whose lives we lost were a cross section of our Washington region. They never asked or expected to be memorialized together, but they were brought together in tragedy. Together we can say their names:

Mary Doolittle, 59 years old, of Washington, D.C.;

Ana Fernandez, 40 years old, of Hyattsville, Maryland, my district;

Dennis Hawkins, 64 years old, of Washington, D.C.;

LaVonda ''Nikki'' King, 23 years old, of Washington, D.C.;

Veronica Dubose, 29 years old, also of Washington, D.C.;

Cameron Williams, 36 years old, also of Washington;

Major General David F. Wherley Jr., 62 years old, and his wife Ann Wherley, 62 years old, both of Washington, D.C.;

And lastly, Jeanice McMillan, 42 years old, of Springfield, Virginia. Ms. NORTON mentioned her activity and the professionalism with which she carried out her duties. It is clear that what happened was a computer failure or a line failure, some failure which was supposed to automatically notify the train that was moving that there was a train stopped in front of it. That mechanism failed. Today nine families are incomplete. There are nine fresh wounds that will be very slow in healing. Nothing, of course, can reverse those deaths; but we must learn from them, and we must act to prevent such tragedies in the future. On a practical level, we must ensure that funding is sufficient to accomplish that objective. On a personal level, we can choose to take from this the reminder of the fragility and uncertainty of our own lives and to act on that knowledge every day.

On June 22 we lost nine irreplaceable men and women. May we honor their memories by acting to prevent a future tragedy and by instilling confidence in the safety of America's subway.

Mr. MORAN of Virginia. Mr. Speaker, thank you, Ms. NORTON, for bringing this resolution to the House floor for its consideration.

Monday, June 22 tragedy struck Washington.

Around 5:00 p.m. at the start of the evening rush hour, Metro Train 112 struck Train 214 as it was waiting for a third train to finish boarding passengers at the Fort Totten Station.

Nine people lost their lives and 76 others were injured, 41 of whom were transported to nearby hospitals for treatment.

We are all saddened by the loss of life and I wish once again to express my condolences to the family and friends of those who suffered an injury or lost a loved one on that tragic Monday.

I also wish to express my appreciation to Metro and the emergency responders who were on the scene immediately with assistance.

As we gain insight on the cause of the accident, I will be working with my colleagues, many of whom are cosponsors of this resolution, to ensure this type of tragedy is never allowed to happen again.

We are in fact working to secure the funding to replace the older type ''1000'' rail cars that failed to hold up during the crash and any other resources Metro needs to restore full service.

The tragedy has brought us together as a region, and together we will work to make sure Metrorail remains a transportation system that is safe, efficient, affordable and secure.

Mr. WOLF. Mr. Speaker, I rise today to join my House colleagues in support of this resolution expressing sympathy to the victims of the Metrorail accident on June 22.

I want to share my heartfelt condolences to the families and friends of those that lost their lives in this tragic accident.

The Washington metropolitan area congressional delegation has pledged to work together to ensure that Metro has the funding it needs

to address safety issues and to adequately maintain the system.

Again, I express my deepest sympathies to those affected by this horrible accident.

Mr. VAN HOLLEN. Mr. Speaker, on June 22, our legion experienced a terrible tragedy as two metro trains collided on the red line, resulting in 9 deaths and nearly 80 injured. I rise to express deep sympathy to the families of all those who lost their lives—Mandy Doolittle, Veronica DuBose, Dennis Hawkins, LaVonda "Nikki" King, Major General David Wherley and Ann Wherley, Cameron Williams, and train operator Jeanice McMillan.

I also want to especially recognize the life of my constituent, Ana Fernandez of Hyattsville. Ana will be remembered for her dedication to her family, especially her six children ages 2 to 21. She emigrated to the United States 20 years ago to secure a better life and worked tirelessly to support her parents and son back in El Salvador and her five children here in the U.S. She was able to realize her dream of sponsoring her eldest son for a visa, and he arrived only 18 days before the accident. Her family and community speak of her kindness, generosity, and indomitable spirit. I send sincere condolences to her children, her husband, her parents, and her entire family.

In the hours and days after the accident, we received reports of courage and kindness on those metro trains—from the passengers who comforted and assisted each other to the first responders who rushed to the scene and treated the injured. Almost immediately, local and federal agencies, including WMATA, the National Transportation Safety Board, the Federal Transit Administration, and the Tri-State Oversight Committee, as well as the Amalgamated Transit Union, got to work to find out what caused the crash and what must be done to ensure the safety of the system. I want to particularly commend John Catoe and the staff at WMATA for their efforts in these past few weeks.

Out of this tragedy, we must renew our commitment to America's subway and make the safety improvements necessary to ensure that such a devastating accident never happens again. I am pleased that the Transportation-HUD Appropriations Subcommittee included $150 million for WMATA in its bill, which is the full federal share of the dedicated funding authorized by last year's Passenger Rail Investment and Improvement Act. I urge my colleagues to support that vital funding. This accident must be a wake-up call—we cannot afford to wait.

Mr. WESTMORELAND. Mr. Speaker, I have no further speakers, so I will yield back the balance of my time.

Ms. NORTON. Mr. Speaker, having no further speakers, again, let me urge my colleagues to join me in supporting H. Res. 612.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 612.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING WAYMAN LAWRENCE TISDALE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 469) honoring the life of Wayman Lawrence Tisdale and expressing the condolences of the House of Representatives on his passing.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 469

Whereas Wayman Lawrence Tisdale was born and raised in Tulsa, Oklahoma, and became a outstanding athlete as a student at Booker T. Washington High School;

Whereas in 1982 Mr. Tisdale was named Oklahoma's only McDonald's All American and was named Converse National High School Player of the Year;

Whereas Mr. Tisdale's 3-year career at the University of Oklahoma, from 1982 to 1985, has left a legacy of excellence and respect for the program and the sport of basketball;

Whereas Mr. Tisdale in 1983, 1984, and 1985 received the honor of being named Big Eight Player of the year for the University of Oklahoma;

Whereas Mr. Tisdale was named to the All-American team 3 times in 3 years while at the University of Oklahoma;

Whereas Mr. Tisdale played on the U.S. Olympic team in 1984 and received a gold medal;

Whereas Mr. Tisdale was named the Most Valuable Player for the Big Eight Tournament Championship in 1985;

Whereas Mr. Tisdale and was selected as the No. 2 overall draft pick in the National Basketball Association in 1986;

Whereas Mr. Tisdale left his mark on the sport of professional basketball with the Indiana Pacers, Sacramento Kings, and Phoenix Suns, scoring more than 12,800 points and pulling down more than 5,000 rebounds in a 12-year career;

Whereas Mr. Tisdale subsequently released 8 albums of jazz music following his extraordinary basketball career;

Whereas in 1995 Mr. Tisdale's jazz album Power Forward reached No. 4 on Billboard's Contemporary Jazz chart, and Mr. Tisdale's album Way Up reached No. 1 on Billboard's Top 10;

Whereas Mr. Tisdale has been an inspiration to those in the Jazz community;

Whereas Mr. Tisdale served as a testament and example to the power of perseverance and positive thinking in the midst of personal trial; and

Whereas Mr. Tisdale's admirable character has served as a strong example to thousands of Americans to persevere and not be bound by one calling in life, but to achieve all which they hope and aspire to for themselves and their families: Now, therefore, be it

Resolved, That the House of Representatives expresses—

(1) gratitude to Wayman Lawrence Tisdale for his exceptional character and for the example that he served as a testament to the powers of positive thinking; and

(2) profound sorrow at the death of Mr. Tisdale and condolences to his family, friends, and colleagues, and to the State of Oklahoma that he represented so well.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself as much time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I am pleased to present H. Res. 469 for consideration, honoring the exceptional life of Wayman Lawrence Tisdale and expressing sincere condolences on his passing.

H. Res. 469 was introduced by our colleague, Representative TOM COLE of Oklahoma, on May 21, 2009, and reported out of the Oversight Committee by unanimous consent on June 18, 2009. Additionally, this resolution enjoys the bipartisan support of over 50 Members of Congress.

Born in Fort Worth, Texas, on June 9, 1964, Wayman Tisdale grew up in Tulsa, Oklahoma, where he developed his dual affections for the sport of basketball and what Wayman considered his first love, music. Notably, while Wayman was considered one of the most heavily recruited high school basketball players in the Nation, he always continued to play bass guitar during morning services at his father's Tulsa church.

Wayman subsequently accepted a basketball scholarship from the University of Oklahoma where he was a three-time All-American from 1983 to 1985, including his freshman year, marking the first time that a freshman has been named as a first-team All-American since freshmen were allowed to play again in the 1971–1972 season. During his collegiate career with the University of Oklahoma Sooners, Wayman was also honored as Big Eight Conference player of the year for three consecutive seasons and still holds Oklahoma's career record with 2,661 points and career rebounding record with 1,048 rebounds. In addition, he remained devoted to music, as he continued to play bass guitar at Sunday services in Tulsa and even played in the Oklahoma Sooners band.

In honor of his remarkable achievements as a Sooner, in 1997 Wayman became the first player in any sport to have his jersey number, number 23, retired by the University of Oklahoma and in April of 2009 was inducted into the National Collegiate Basketball Hall of Fame.

Prior to his selection as a second overall pick in the 1995 NBA draft by

the Indiana Pacers, Wayman honorably represented his country as a member of the 1984 U.S. Olympic basketball team which won the gold medal in Los Angeles. He then embarked on an impressive 12-season professional basketball career as a power forward and center with the Pacers, the Sacramento Kings and the Phoenix Suns.

Upon his retirement from the NBA in 1997, Wayman continued to develop his musical talent and subsequently became an award-winning contemporary jazz musician. Wayman had launched his professional music career with the 1995 release of his jazz album, Power Forward, which reached number four on Billboard's Contemporary Jazz Albums chart. He subsequently released seven additional jazz albums, all of which reached the Top Ten on Billboard's Contemporary Jazz Albums chart, including three albums that went to number one.

In addition to his success on the basketball court and his influence on jazz music, Wayman will be equally remembered for his exceptional character, positivity and heart. As noted by his former Indiana Pacers teammate Reggie Miller, Wayman ''was the nicest man in the world with the biggest heart and an even bigger smile. I thank him for befriending me and for showing me there is more to life than just basketball.''

Regrettably, Wayman Lawrence Tisdale passed away on May 15, 2009, at the young age of 44. Mr. Speaker, let us honor this exceptional athlete, musician and man through the passage of H. Res. 469. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague, my friend and the author of this resolution from the State of Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of this bill to honor a great American and a great Oklahoman, Wayman Lawrence Tisdale. I would like to thank Chairman TOWNS and Ranking Member ISSA for their work on the bill. As the gentlelady from the District of Columbia so aptly noted, Wayman Lawrence Tisdale was an all-star basketball player and a brilliant jazz musician. However, Tisdale was not only an exceptional athlete and musician, he brought a positive spirit to everything he did and should serve as a role model to all Americans. Even when he faced personal adversity, he maintained an optimistic attitude and brought joy to all of those surrounding him.

□ 1330

Wayman Tisdale was raised in Tulsa, Oklahoma, and the youngest of six children of a distinguished Baptist minister and a loving wife. At 6′9″, Wayman excelled as a basketball player at Booker T. Washington High School where he was named Oklahoma's only McDonald's All American and was named Converse National High School Player of the Year. Though Tisdale had many scholarship offers, he chose to remain close to home and attend the University of Oklahoma.

After arriving at the University of Oklahoma, Tisdale quickly distinguished himself as one of the greatest basketball players the school has ever seen. In his 3-year college career, he received the honor of being named Big 8 Player of the Year in 1983, 1984, and 1985. Mr. Speaker, he was also named to the All American Team three times in 3 years while at the University of Oklahoma.

Tisdale averaged 25.6 points a game and 10.1 rebounds a contest during his career with the Sooners. He still holds Oklahoma career records for points and rebounds. Tisdale also owns the school's single-game scoring mark and career marks for points per game, field goals, and free throws attempted and made. Tisdale was a member of the gold medal U.S. Olympic team of 1984 and was the number two NBA draft pick in 1986. While in the NBA, Mr. Speaker, Wayman Tisdale played with the Indiana Pacers, the Sacramento Kings, and the Phoenix Suns scoring more than 12,800 points and pulling down more than 5,000 rebounds in a 12-year professional career. On November 22, 2009, Wayman Tisdale will be formally inducted into the National College Basketball Hall of Fame.

Mr. Speaker, in addition to a remarkable basketball career, Mr. Tisdale distinguished himself as a jazz musician. As the son of a Baptist minister, he became intrigued by the bass guitarists at his father's church and began teaching himself to play guitar and bass. He recorded and released eight albums of jazz, one of which reached No. 1 on Billboard's Top 10; another one reached No. 4 on Billboard's Contemporary Jazz chart.

In addition to his solo career, Tisdale also collaborated with some of the most popular musicians in smooth jazz, including solo artists Dave Koz, Brian Culbertson, Kirk Whalum, David Sanborn, Jonathan Butler, and Everette Harp. In 2002, Wayman received the distinction of the Bassist of the Year in the National Smooth Jazz Awards.

Though Tisdale was a remarkably talented basketball player and musician, it's perhaps his positive spirit that distinguished him above all else. Mr. Speaker, in my home State of Oklahoma, we are justly proud of Will Rogers who liked to say he never met a man he didn't like. Well, I can't testify as to whether that was true of Mr. Tisdale or not, but I'm certain that Mr. Tisdale never met a man who didn't like him.

Friends and relatives have noted that Wayman was also upbeat, had a remarkable ability to smile at everyone he met, even in the darkest circumstances. Former coaches and players have said that Tisdale was able to turn the national spotlight on the University of Oklahoma basketball program not only by his incredible talent on the court, but by his positive spirit and his sheer charisma as a player and as a person.

Our Governor, Governor Brad Henry, referred to him as ''one of the most inspirational people I have ever known.'' Fellow Olympic team member and close friend, Sam Perkins, said that Tisdale was ''a real friend who's got your back and would do just about anything for you.''

In 2007, Wayman Tisdale was diagnosed with bone cancer, which ultimately resulted in the removal of part of his leg. During this ordeal, Tisdale maintained a very positive spirit, which should serve as an example for all Americans and all people who struggle with hardship and disease. When referring to his battle with cancer, he said, ''You don't change because things come in your life. You get better because things come in your life.'' Tragically, Mr. Tisdale passed away due to complications from cancer on May 15, 2009.

Despite his personal struggles, Tisdale excelled at two separate careers. His strong spirit and the positive attitude that he brought to everything that he did should serve as an inspiration to everyone. It's only fitting that Congress should pay tribute to this outstanding American.

Again, I urge the passage of H. Res. 469.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to my friend and regional Member, Mr. CONNOLLY of Virginia.

Mr. CONNOLLY of Virginia. Mr. Speaker, I thank the gentlewoman from the District of Columbia, and I, of course, support the resolution in front of us.

I rise, however, today to recognize the nine individuals who perished in the June 22 Metrorail crash on the Red Line. I pray that we'll never have to experience such a tragedy again.

One of those individuals was my constituent, Jeanice McMillan of Springfield, Virginia. She was the operator of the train, and she took heroic measures to try to have manual override on an automatic system that apparently failed to detect a stationary train in front of her. Her efforts saved lives; and in the course of her heroic efforts, she, of course, sacrificed her own. Her memory is an important memory, and it needs to be honored here in the United States Congress along with the other victims of that tragedy. Hopefully, the measures we are going to try to undertake this next week will go a long way to mitigating the possibility of such a tragedy recurring in the system.

Metro is important to metropolitan Washington; it's important to the Nation's Capital. It is America's subway. We need to invest in it. And in the name and memory of my constituent, Jeanice McMillan, and the other victims of that tragedy on June 22, I

would hope we'll take such actions soon.

Mr. Speaker, I rise today to recognize each of the nine individuals who perished in the June 22 Metrorail crash on the Red Line and I pray that we will never have to experience such a tragedy again.

However, I want to single out the life and service of my Northern Virginia constituent, Jeanice McMillan of Springfield, who was the operator of one of the trains involved in the crash.

In the moments before she lost her life in the line of duty, Ms. McMillan's prompt and professional actions undoubtedly saved the lives of many passengers riding in the front cars of the train.

Investigators have determined that Ms. McMillan successfully activated the manual emergency brakes in an attempt to slow down the train as it hurtled toward the Fort Totten station after the train's automatic controls failed to react to the presence of another train on the tracks ahead of it.

Unfortunately, Ms. McMillan and eight passengers died when the front car of her train telescoped in the horrific crash.

Ms. McMillan began her career at Metro in 2007, after a decade of service in the United States Postal Service. By all accounts, she was an exemplary and conscientious public employee who put the welfare of others ahead of her own in her private and professional lives.

Ms. McMillan made sacrifices at home to help fund her son Jordan's college education just as she made the ultimate sacrifice at work to save the lives of others in the moments before the two Metro trails collided on that fateful day.

As I have done privately, I express my deepest condolences to the McMillan family, particularly Vernard and Jordan, and I wish them all the best.

Since the wreck, there has been renewed interest in the relatively poor safety record of the aging 1000–series cars, like the one that telescoped so dramatically in the wreck. Today, 290 of these 1000–series cars are in Metrorail's fleet of 1,126 cars. If Congress and the President approve funding the Federal Government's $150 million matching share of dedicated funding, there will be sufficient revenue to replace these with much safer cars that are less prone to telescoping.

The regional delegation has been working tirelessly to ensure that the Federal government matches the $150 million that Virginia, Maryland, and Washington, D.C., have already identified to ensure that the Washington Metropolitan Transit Authority (WMATA) can conduct the necessary maintenance to prevent disasters like this in the future.

I appreciate the leadership of Chairman JOHN OLVER from the Appropriations Transportation Subcommittee for including this request in his mark up this week, and I thank my colleagues-from the National Capital Region for their commitment to ensuring that WMATA has the resources it needs to provide the safest possible transit service.

I ask my colleagues to join us in honoring the lives of those lost by supporting the necessary investments to help ensure such tragedies are prevented in the future.

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

Ms. NORTON. Mr. Speaker, I have no further speakers so I am prepared to reserve.

Mr. WESTMORELAND. Mr. Speaker, I urge all of the Members to support the passage of H. Res. 469.

I rise in support of H.R. 469 honoring the life of basketball star and jazz musician Wayman Tisdale and expressing condolences to his family on his death.

Today, we honor Wayman Tisdale, for his life accomplishments and for his demonstration of positive thinking, particularly in the last couple of years of his life as he battled cancer.

Mr. Tisdale's inspirational and enthusiastic way in which he lived his life serves as an example for us all. He was a star basketball player, showing a profound gift for the sport during his time at Oklahoma University in the mid-1980s. He is considered an OU basketball legend, having been a three-time All-American during his time at the university and was OU's all-time leader in scoring and field goal percentage. Mr. Tisdale was a member of the men's basketball team in the 1984 Olympics and assisted in their gold medal win.

He went on to be the second overall pick in the 1985 NBA Draft by the Indiana Pacers, and played for a total of 12 NBA seasons for the Pacers, the Sacramento Kings, and the Phoenix Suns until his retirement from the NBA in 1997.

Though his professional basketball career came to an end at that point, Mr. Tisdale did not, in any sense, slow down. He continued to participate in basketball camps for youngsters. He also became known as a talented jazz musician, releasing his first CD in 1995, which achieved the Number four spot on Billboard's Contemporary Jazz chart and also gained a spot on the R&B charts. His subsequent albums were also successful, with many earning spots on Billboard's Top 10.

Mr. Tisdale's accomplishments in his life are a reflection of his motivational frame of mind. He was noted and admired for his positive thinking, even after he was diagnosed with bone cancer in 2007. The diagnosis led to surgeries and eventually the amputation of his right leg, but Mr. Tisdale never lost his positive outlook.

Sadly, Mr. Tisdale passed away suddenly on May 15, 2009. Though he has left this world, he will forever be remembered for the optimistic and confident manner in which he led his life and, by example, encouraged us to do the same.

In a press interview in June of 2008, he said "You go through things. You don't change because things come in your life. You get better because things come in your life."

Many people can attest that they are better for having had Mr. Tisdale as a role model and a part of their lives. I rise today and ask my colleagues to join me in honoring Mr. Tisdale and expressing our condolences to his family in his passing by supporting H. Res. 469.

I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I strongly urge my colleagues to join me in supporting H. Res. 469, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 469.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

CELEBRATING BLACK MUSIC MONTH

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 476) celebrating the 30th anniversary of June as ''Black Music Month,'' as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 476

Whereas in 1979, the month of June was proclaimed ''Black Music Month'' and all people in the United States were encouraged to learn more about the important role that African-American artists have played in shaping history and culture;

Whereas America's rich heritage is influenced by the diversity of its people and the important contributions of Black culture;

Whereas America's cultural story is heavily influenced by the celebration and struggle of Black people through their musical expression;

Whereas many genres of music, such as gospel, jazz, blues, rock and roll, rhythm and blues, and soul that were an integral part of American culture, trace their roots back to the banks of the Mississippi River in cities like Memphis, St. Louis, New Orleans, and other cities like Kansas City and Chicago;

Whereas the amount of musical talent and skill that came from the Mississippi Delta and the myriad of towns in this region is undeniable;

Whereas these genres of music illustrate the complexities of the African-American experience and they give a voice to many social movements and inspiration to countless generations of people in the United States;

Whereas as early as the 1860s, the ragtime artist Scott Joplin broadened the operatic and classical worlds and Black traveling brass bands trekked to Beale Street in Memphis, ''Home of the Blues and Birthplace of Rock and Roll'', to perform;

Whereas gospel music and its artists like Thomas Dorsey, Lucy Campbell, Dr. Herbert Brewster, Mahalia Jackson, Aretha Franklin, Shirley Caesar, and Kirk Franklin are a special part of the American tradition that spawned future musical genres;

Whereas the mid-20th Century saw the emergence of groundbreaking jazz and blues artists such as W.C. Handy, Bessie Smith, Lena Horne, Charlie Parker, Lionel Hampton, Max Roach, Billie Holiday, Count Basie, Ella Fitzgerald, Nat King Cole, Miles Davis, Etta James, John Coltrane, Charles Mingus, Thelonious Monk, Wynton Marsalis, Louis Armstrong, Professor Longhair, James Booker, the Neville Brothers, Muddy Waters, Albert King and B.B. King;

Whereas conductor and producer Quincy Jones was heavily influenced by the improvisational nature of jazz performed in Harlem by Sarah Vaughn, Duke Ellington, and Dizzy Gillespie;

Whereas multifaceted Harry Belafonte expanded the African Diaspora's music by introducing calypso to America; Odetta,

known as the voice of the Civil Rights Movement, had a powerful musical repertoire; Sammy Davis, Jr. impressed the world as crooner and a renowned entertainer; and Ray Charles, ''The Genius'', consolidated gospel, country, and blues music to influence rock and roll music and help to create soul music;

Whereas legends like James Brown, Bo Diddley, and Little Richard helped the transition from blues to rock & roll music with ease, Tina Turner riveted sold out audiences domestically and abroad, and Jimi Hendrix created a new musical form;

Whereas Jackie Brentson, Howlin' Wolf, The Staple Singers, Otis Redding, Rufus and Carla Thomas, Al Green, Willie Mitchell, Johnny Taylor, Isaac Hayes, and songwriter David Porter combined to place more than 167 hit songs in the Billboard Top 10 Pop charts and a staggering 243 hits in the Top 100 R&B charts at Sun Studios, Hi Records, and Stax Records in Memphis;

Whereas Stax, dubbed ''Soulsville USA'', had a revolutionary sound that earned eight Grammys and an Oscar;

Whereas the Motown empire attracted creative individuals such as Smokey Robinson, The Four Tops, Holland Dozier Holland, Martha Reeves, The Temptations, The Supremes, Marvin Gaye, The Jacksons, and Stevie Wonder to Detroit;

Whereas Hitsville USA produced an astonishing amount of Top 100 hits that spanned over three decades and by the 1970s was the largest independent record company in the world;

Whereas by the 1970s and 80s, new genres of music emerged in the form of funk, rhythm and blues, hip hop, and rap in cities across the country including Los Angeles, Philadelphia, New York City, and Atlanta;

Whereas African-American music illustrates exceptional musicianship;

Whereas African-American composers, writers, singers, instrumentalists, and producers are at the top of many charts and in the Gospel Music Hall of Fame, the Blues Hall of Fame, and the Rock and Roll Hall of Fame;

Whereas African-American music embodies an original expression of the human experience by entertaining, inspiring, and stirring countless people in the United States and around the world; and

Whereas June 2009 marks the 30th anniversary of ''Black Music Month'': Now, therefore, be it

Resolved, That the House of Representatives celebrates the goals and ideals of ''Black Music Month''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I present H. Res. 476 for consideration. This resolution expresses our support for the goals and the ideals of Black Music Month.

H. Res. 476 was introduced by my colleague, Representative STEVE COHEN of Tennessee, on May 21, 2009, and reported out of the Oversight Committee by unanimous consent on June 18, 2009. Additionally, this resolution enjoys the support of nearly 70 Members, of which I am included.

Mr. Speaker, as we celebrated Black Music Month this past June, I thought of the impact African American music has had on American culture. Both socially and artistically, Black music is one of the most interesting trends in American history. African American music finds its roots in the slave culture of the rural South of the United States. Blues and gospel music comes from the plantation songs of slaves. As Blacks moved north into cities such as Memphis and St. Louis, Chicago and Detroit in the early parts of the 20th century, the music transitioned and became urbanized. Blues became jazz and combined with gospel music to form soul.

It was not until the post-World War II era that mainstream America began to feel the effects of Black music when musical geniuses such as Robert Johnson, Muddy Waters, Louis Jordan, B.B. King, Chuck Berry, Bo Diddley, Little Richard and countless others began to play on the radio.

In the 1960s, soul music and rhythm and blues crossed over Black music further into the mainstream. Black music legends such as James Brown and Berry Gordy's Detroit Motown machine and Jimi Hendrix let the world know that Black music was a force to be reckoned with.

As Black music moved into the 1970s and 1980s, it took new forms. Disco, rap, and a new form of rhythm and blues would produce modern-era musical geniuses, such as the greatest entertainer of all time who just recently passed, Michael Jackson. Other musical greats, like George Clinton; Prince; and Kurtis Blow; Earth, Wind & Fire; and a host of others also helped Black music grow to phenomenal levels.

So what is the impact of Black music? The impact of Black music most notably is it told mainstream America that it is okay to express your feelings and your emotions as you see them. Black music informed America what was going on in African American communities, and it broke barriers that allowed Black people to further integrate into American society.

So, Mr. Speaker, I want to urge all of my colleagues to support the 30th anniversary of Black Music Month.

I reserve the remainder of my time.

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

American music reflects the culturally diverse heritage of the United States. It is almost impossible to envision American music without recognizing the influence and contributions from African Americans. The roots of Black music can be traced to the Mississippi Delta and cities such as New Orleans, Chicago, and Kansas City. The great State of Georgia has offered music greats such as Ray Charles, Otis Redding, Gladys Knight, and James Brown, among many others. They have illustrated the personal experiences through their music, thus inspiring millions of fans and countless generations of Americans.

I ask my colleagues to join me in support of this resolution celebrating the 30th anniversary of June as Black Music Month.

I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, we will yield as much time as he needs to our distinguished Member from Tennessee, Representative STEVE COHEN.

Mr. COHEN. Mr. Speaker, I would like to thank the distinguished Representative from California (Ms. WATSON) for the time.

H. Res. 476 celebrates the 30th anniversary of Black Music Month. It was first introduced by President Jimmy Carter, and President Carter recognized the influence—I guess, the Waldons kind of helped President Carter get going in Georgia, in Macon, Georgia, and of course that was James Brown, and there were a whole lot of folks there that Jimmy Carter was impressed with and the Allman Brothers, too, but he certainly was a James Brown guy in Georgia.

□ 1345

I was at an event this weekend, Mr. Speaker, in Memphis at Anthony F. Elmore's home honoring African culture, and there was a gentleman who played the drums at the beginning of the presentation. And after he finished he made a comment. He said, Without Africa, there would not be a beat. There wouldn't be a beat.

And I thought about that and I thought about this resolution and realized that he was correct. The beat's what it's about, a lot of folks believe. It's what makes music what it is or rock and roll or blues or jazz. A lot of times, I mean it's lyrics and so many things, but the beat's what it is, and that's what's unique about this contribution to music is the beat.

It came from the Mississippi River. It came from the Delta. Memphis is the home of the blues and the birthplace of rock and roll. It's my hometown, and St. Louis had the blues, too. W.C. Handy was from Memphis and a great innovator, and he spent time in both Memphis and in St. Louis. And then if you spin off a little bit to Kansas City, Charlie Parker, who was really the father of bebop and jazz, and Kansas City, where they've got a jazz museum, and he got a special kind of music going and went to New York with Dizzy Gillespie and Max Roach and some other jazz greats and brought a jazz form that I guess had its roots not only in Kansas City, but also in New Orleans with Louis Armstrong and James Booker, who was such a great keyboard performer and gave birth to folks like Professor Longhair that tickled the

ivories in a special manner that's the New Orleans style. It's really a gumbo of music that comes out of New Orleans with the Neville Brothers, the Marsalis family and Louis Armstrong, who did such a special music out of New Orleans.

It all emanated from the Delta, and it came from—whether it be gospel, as Ms. WATSON commented, or blues, it evolved and brought about a new art form.

In Memphis, we had Stax Records, where Otis Redding from Georgia came to record his music. Isaac Hayes, my good friend and who was a chief in Ghana and passed just about a year ago this month, produced Shaft, and he took a special experience to Los Angeles with the Watts Music Festival. And Isaac Hayes was performance art and just beyond music. He was a unique individual who took a certain style and a certain music. Isaac never knew how to read music but he knew how to write it and produce it, and he was a genuine American, unique musician and hero.

Isaac Hayes came out of Memphis, the Bar-Kays and so many people out of Stax Records. There was also Hi Records in Memphis where Willie Mitchell produced Al Green. And Memphis is very proud of its musical heritage, which is preserved in the Stax Soulful Music where the Stax Records were on McLemore, and at the same time there was Motown in Detroit with Stevie Wonder and Martha Reeves and the Vandellas and the Supremes and on and on and on.

Memphis and Detroit both are very proud of our musical traditions and histories, and we support those; Memphis in particular, where Elvis Presley was a transformative individual that took an African American musical heritage and combined it with some Tennessee country or rockabilly and produced rock and roll. And he, like Michael Jackson, were crossover figures that had a major influence on American society because they told youth that race wasn't an issue. The music got beyond race.

America has had a problem over its history with race, and one thing Elvis Presley did is it told a lot of young white people that it was cool to shake your leg and to like music and to show some emotion and expression. And Michael Jackson showed a lot of people that what he produced was fine in different cultures, and it wasn't necessarily one race that liked that particular music or another and was a transformative effect.

The reason we celebrate Black Music Month is because of the tremendous contributions that this country has received from musicians that are African American. And whether it's jazz, whether it's blues, whether it's gospel with Mahalia Jackson and Aretha Franklin and other people from the pulpit, or whether it's other forms where Nat King Cole or Sammy Davis or Lena Horne made such an impression or Marian Anderson, it's a particularly special place and it's allowed, I think, a transcendent voice for a civil rights movement.

Harry Belafonte did calypso, a different type of music, but Harry Belafonte was strong in the civil rights movement and helping move this country forward. And I think there was a lot of African American music that helped make the civil rights movement happen and make people understand, by identifying with performers in music in ways they otherwise could not identify with African Americans because of our segregated society, about how wrong it was that segregation existed and allow an opportunity for people to see that from a more personal, visceral level, and to make this country change and become the more perfect union that it needs to become and to live up to the ideals that our Founding Fathers had about a society where all men were created equal, which really wasn't true for so many years.

I think music has had a great influence, and black music has had an influence on our country that is special, and the reason we honor Black Music Month is we remember those ideals and remember these people that were creative in our society over the years. Some young people don't know about jazz. They don't know about a Lionel Hampton and what he could do with a xylophone or some of the other great performers, and we need to know that history and revere it.

I had a dear friend named Warren Zevon who died in 2003. He was a folk singer, a rock and roller, but he knew he was going to die. And when he was close to death, he talked with a man named Jorge Calderon who cowrote with him, and they were talking about dying. And he said to him, he said, Warren, it's not bad. He said, You will get to see Miles. And here was rock and roll folk singers, and what were they talking about was Miles Davis because he transcended music and race. Miles Davis, he was something special, and there were so many performers like that.

And that's the reason why it's important that we recognize that heritage and that history, what it's meant to America, not just in entertainment but in social change, and that's why I'm proud to join the 70 cosponsors and to speak in behalf of this resolution and ask that we pass H. Res. 476, that we encourage schools and teachers to teach the arts, to teach music and to teach this heritage so that people understand how music can really move a country and a society forward.

Mr. WESTMORELAND. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I would be remiss if I did not remention the contributions of Michael Jackson, whose passing on June 25, 2009, coincided with the June celebration of Black Music Month. Through his innovation in the field of music, music video and dance, and subsequent global crossover appeal, Mr. Jackson paved the way for generations of African American musicians and left an indelible mark on the music industry, created a new genre and a new popular culture.

Mr. BISHOP of Georgia. Mr. Speaker, I rise in support of H. Res. 476, which celebrates the thirtieth anniversary of Black Music Month.

Music has long been intertwined with the Black experience, especially in the United States. Its roots stretch back to the rhythms of Africa which were first brought to the shores of America by our enslaved ancestors hundreds of years ago.

Black music also provided the soundtrack to freedom and the Civil Rights Movement. The movement's unofficial anthem, "We Shall Overcome," and other Negro spirituals were sung by civil rights marchers in churches and on the road from Selma to Montgomery.

Today, it is almost impossible to imagine a style of contemporary music that has not been influenced by Black music. Jazz, gospel, rock and roll, rap, hip hop, R&B—all of these styles have become highly influential in the United States and across the globe. African American composers, writers, singers, instrumentalists, and producers also are at the top of many music charts. They have been enshrined in the Gospel Music Hall of Fame, the Blues Hall of Fame, and the Rock and Roll Hall of Fame.

Musicians such as Elvis Presley, the Rolling Stones, and the Beatles were inspired by African American artists like Sam Cooke, Aretha Franklin, James Brown, Otis Redding, Chuck Berry, Little Richard, Smokey Robinson, and others. These talented musicians also have paved the way for African American artists today because their music is a powerful, multigenerational, and creative force.

I want to commend Representative STEVE COHEN for bringing this resolution to the House floor today. Black music in all of its genres has both served to instill pride in our culture and bring people of all races together to enjoy its powerful rhythms and harmonies. I urge my colleagues to support H. Res. 476 on final passage.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

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.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESIGNATION AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Standards of Official Conduct:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the Committee on Standards of Official Conduct, effective today.

Sincerely,

JOHN KLINE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

MOTION TO ADJOURN

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. BROUN of Georgia. Mr. 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 22, nays 380, not voting 30, as follows:

[Roll No. 531]

YEAS—22

Bartlett
Barton (TX)
Blackburn
Broun (GA)
Camp
Campbell
Chaffetz
Crenshaw
Flake
Garrett (NJ)
Gohmert
Hensarling
Johnson (IL)
Johnson, Sam
King (IA)
Olson
Paul
Pence
Price (GA)
Souder
Tiahrt
Young (AK)

NAYS—380

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
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
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
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)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—30

Barrett (SC)
Bishop (GA)
Bishop (UT)
Bono Mack
Boucher
Calvert
Cantor
Carnahan
Clay
Conyers
Culberson
Dingell
Doyle
Edwards (TX)
Filner
Grijalva
Mack
Meeks (NY)
Olver
Rothman (NJ)
Sarbanes
Schrader
Sestak
Shea-Porter
Stearns
Sullivan
Sutton
Towns
Wittman
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1421

Messrs. CAPUANO, MELANCON and MORAN of Virginia and Ms. SPEIER changed their vote from ''yea'' to ''nay.''

Mr. FLAKE changed his vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 531, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted "nay."

Mr. STEARNS. Mr. Speaker, on rollcall No. 531, I was unavoidably detained. Had I been present, I would have voted "no."

PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL ENHANCEMENT ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1044) to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1044

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 ''Port Chicago Naval Magazine National Memorial Enhancement Act of 2009''.

SEC. 2. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.

(a) TRANSFER REQUIRED; ADMINISTRATION.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C. 431; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

''(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

''(d) TRANSFER OF LAND.—The Secretary of Defense shall transfer a parcel of land, consisting of approximately 5 acres, depicted within the proposed boundary on the map titled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005, to the administrative jurisdiction of the Secretary of the Interior if the Secretary of Defense determines that—

''(1) the land is excess to military needs; and

''(2) all environmental remediation actions necessary to respond to environmental contamination related to the land have been completed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable laws.

''(e) PUBLIC ACCESS.—The Secretary of the Interior shall enter into an agreement with the Secretary of Defense to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future, the National Memorial ceases to be an enclave within the Concord Naval Weapons Station.

''(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.''.

(b) SENSE OF CONGRESS ON REMEDIATION AND REPAIR OF NATIONAL MEMORIAL.—

(1) REMEDIATION.—It is the sense of Congress that, in order to facilitate the land transfer described in subsection (d) of section 203 of the Port Chicago National Memorial Act of 1992, as added by subsection (a), the Secretary of Defense should remediate remaining environmental contamination related to the land.

(2) REPAIR.—It is the sense of Congress that, in order to preserve the Port Chicago Naval Magazine National Memorial for future generations, the Secretary of Defense and the Secretary of the Interior should work together to develop a process by which future repairs and necessary modifications to the National Memorial can be achieved in as timely and cost-effective a manner as possible.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 1044 provides that the Port Chicago Naval Magazine National Memorial be managed as a unit of the National Park System. Currently the area is managed as an affiliated site by the National Park Service.

On July 17, 1944, 320 men were killed in an explosion at the Port Chicago Navy ammunition loading base in the San Francisco Bay area. This was the largest homeland disaster during World War II.

Of the dead, 202 were African American enlisted men who were assigned to moving ammunition, a highly dangerous job for which they had not received adequate training. Fearful of another explosion, 258 of their surviving fellow sailors refused to work without more training. In response, the Navy charged 50 men with mutiny, and all were convicted.

The public outrage over the unjust convictions was a key factor in the Navy's 1946 decision to end race-based assignments and President Truman's 1948 order to integrate all of the Armed Forces.

In 1992, Congress designated the Port Chicago Naval Magazine National Memorial. The pending measure furthers that commitment by providing that the Port Chicago Naval Magazine National Memorial be managed as a unit of the National Park System, a change that acknowledges the actual role the NPS is playing on the ground in maintaining and interpreting the memorial.

The sponsor of this measure, Education and Labor Committee Chairman GEORGE MILLER, has worked tirelessly with the Army and the Navy, as well as the National Park Service, to move this legislation forward. Chairman MILLER is to be commended for his hard work on this bill.

I support H.R. 1044 and urge its adoption by the House today.

I reserve the balance of my time.

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

Mr. Speaker, I rise to support H.R. 1044, but I do regret that sadly so many of the men who are being memorialized by this legislation are not alive to witness this action today. Time has robbed us of many who survived the explosion. We should all be thankful that the Almighty blessed us with men like those who sacrificed in so many ways at the Port Chicago magazine.

Mr. Speaker, I support this legislation.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I submit for the RECORD the following exchange of letters between the Committee on Natural Resources and the Committee on Armed Services concerning H.R. 1044.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 22, 2009.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR NICK: On February 12, 2009, H.R. 1044 was introduced and referred to the Committee on Armed Services for a period to be subsequently determined by the Speaker, for consideration of such provisions as fall within the jurisdiction of the Committee.

Our Committee recognizes the importance of H.R. 1044 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 1044. I do so with the understanding that by waiving further consideration of the bill, the Committee does not waive any future jurisdictional claims over similar measures. In the event of a conference with the Senate on this bill, the Committee on Armed Services reserves the right to seek the appointment of conferees.

I would appreciate the inclusion of this letter and a copy of your response in the CONGRESSIONAL RECORD during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, June 23, 2009.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Washington, DC.

DEAR IKE: Thank you for your willingness to expedite floor consideration of H.R. 1044, a bill to provide for the administration of the Port Chicago Naval Magazine National Memorial as a unit of the National Park System.

I appreciate your willingness to waive rights to further consideration of H.R. 1044, even though your Committee has a jurisdictional interest in the matter and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Armed Services if a conference is held on this matter.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of H.R. 1044 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman, Committee on Natural Resources.

At this time, Mr. Speaker, I would like to introduce the gentleman from California, the sponsor of this legislation, Mr. MILLER, to take as much time as he may consume.

Mr. GEORGE MILLER of California. I thank the gentlewoman and chair of the subcommittee for yielding me this time and for bringing this bill to the floor at this time.

I rise in strong support of the Port Chicago Naval Magazine National Memorial Enhancement Act of 2009.

It is fitting that we are taking up this legislation today, as this week marks the 65th anniversary of the munitions explosion at the Port Chicago Naval Magazine facility in California, a disaster that killed more than 300 people and wounded hundreds more. Port Chicago was the site of the worst home front disaster of World War II, and it was a turning point in American history.

When sailors were ordered to resume work a few weeks, or even sooner, after the deadly explosion, white sailors were given time off to grieve and to deal with the aftermath of the explosion. Black sailors were ordered to go back to work immediately, and most of them refused to return to work to their dangerous assignments until such time as supervision, training, and working conditions could be improved and they could be told why that explosion took place.

In response, the Navy charged 50 men with conspiring to mutiny. All were convicted. The majority of the men killed at Port Chicago and all those

convicted of mutiny were African Americans.

The injustice and the legal battles that followed strongly influenced the Navy's move toward desegregation in 1945, and President Truman's 1948 executive order desegregating 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.''

When this bill becomes law, the National Park Service will be able to budget for the memorial's needs, and an interpretive center authorized here will allow veterans, students, and other visitors to learn about Port Chicago even if they can't access the site all of the time, which is located currently within the Concord Naval Weapons Station.

This legislation was approved by the House last year as part of the National Defense Authorization Act earlier this year, and I want to thank the Committees on Natural Resources and Armed Services for helping to expedite its consideration again today.

In particular, I want to recognize Chairwoman MADELEINE BORDALLO for managing this legislation here today; Chairman RAHALL of the Natural Resources Committee for its timely consideration and presentation to the floor; DOC HASTINGS, ranking member of the Natural Resources Committee; Chairman RAÚL GRIJALVA of the National Parks, Forests, and Public Lands Subcommittee, ROB BISHOP, ranking member of that subcommittee; Chairman IKE SKELTON of the Armed Services Committee; JOHN MCHUGH, former member of Armed Services; and BUCK MCKEON, who now holds that position on the Armed Services Committee.

I also want to thank the staff for the two committees, including Leslie Duncan, David Watkins, and David Sienicki, and Ben Miller, my legislative director.

I urge all my colleagues to support H.R. 1044.

Again, I would like to thank the gentlewoman for yielding me this time.

□ 1430

Mr. HASTINGS of Washington. I have no more speakers on my side, and if the gentlelady is the last speaker on that side, I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I rise today in strong support of H.R. 1044—The Port Chicago Naval Magazine National Memorial Enhancement Act of 2009. I would like to thank my colleague from California, Congressman GEORGE MILLER, for offering this resolution and for his lengthy and dedicated work to ensure that history records the real story of the bravery and heroism of those injured and killed at Port Chicago on July 17, 1944.

On that day, 320 sailors and civilians were killed when munitions caches being loaded onto ships at Port Chicago, California, accidentally detonated. In addition, 390 sailors and civilians were injured in the explosion. The vast majority of the dead and injured were enlisted African Americans serving our country during World War II.

Following the accident, when servicemen protested the dangerous process of loading munitions and the apparent lack of interest or will to remedy the process, the men were court-martialed for being "mutinous" and sentenced to prison terms. The group came to be known as "The Port Chicago 50."

This accident happened during a time when segregation in all aspects of American life still raged in our country. Even men who put their lives on the line for our country were not spared from the effects of racism. Not surprisingly, both the ensuing reparations for family members and the shameful trial of these men were loaded with racial overtones.

The least we can do then is to upgrade the status of the Memorial erected in honor of those killed at Port Chicago to that of a National Park, so that we can direct appropriate Federal funds to repair and maintain the Memorial.

In addition, I hope we can take the additional step of exonerating these men and expunging their criminal records. In the meantime, let's honor the fallen of Port Chicago by supporting H.R. 1044.

I again thank my colleague, Mr. MILLER, for offering this bill.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

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. 1044, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

NORTHERN MARIANA ISLANDS SUBMERGED LAND CONVEYANCE

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 934) to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN SUBMERGED LANDS TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—The first section of Public Law 93–435 (48 U.S.C. 1705) is amended by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''Guam,'' each place it appears.

(b) REFERENCES TO DATE OF ENACTMENT.—For the purposes of the amendment made by subsection (a), each reference in Public Law 93–435 (48 U.S.C. 1705) to the ''date of enactment'' shall be considered to be a reference to the date of the enactment of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I call up for the consideration of the House H.R. 934, which is the first bill introduced by our colleague, the gentleman from the Commonwealth of the Northern Mariana Islands, Mr. KILILI SABLAN. I thank the gentleman for bringing the subject matter of this bill to our attention.

This measure provides equity to the CNMI. It is the only U.S. territory that does not control its submerged lands. The bill before us would simply convey the submerged lands surrounding the Commonwealth of the Northern Mariana Islands extending out to 3 nautical miles to the Government of the CNMI. This is the same treatment of submerged lands afforded to Guam, American Samoa, and the U.S. Virgin Islands.

I would like to thank Mr. SABLAN for introducing this legislation and for making H.R. 934 one of his first legislative priorities as the delegate from the CNMI.

Mr. Speaker, I urge support for this important legislation, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of H.R. 934, and I yield myself as much time as I may consume.

Mr. Speaker, under this legislation, the Commonwealth of the Northern Mariana Islands will have parity with other U.S. territories by gaining jurisdiction over its submerged lands out to 3 geographic miles. The other territories were given jurisdiction over submerged lands out to 3 geographic miles in the 1974 Submerged Lands Act. It is time that the Commonwealth is given the same authority, and this legislation provides that.

And with that, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the author of the bill and the gentleman from the CNMI, Mr. SABLAN, for as much time as he may consume.

Mr. SABLAN. Mr. Speaker, I want to thank the gentlewoman from Guam,

the distinguished chairwoman of our subcommittee, MADELEINE BORDALLO, for her leadership on many matters pertaining to the insular areas and to the Mariana Archipelago islands that we represent here in Congress. I want to especially thank her for her support of H.R. 934.

On February 25, 2005, the people of the Northern Mariana Islands awoke to the news that the Ninth Circuit Court of Appeals had affirmed a lower court ruling stating that the submerged lands and the waters above them surrounding our islands do not belong to us; rather, they are the property of the United States of America. The decision came as a shock.

For at least 3,500 years, the Chamorro and Refaluwasch people have lived on these islands and fished and sailed in the waters around them. Never did we think them not our own, nor did the people of the Northern Mariana Islands ever believe, in entering the Covenant of Political Union with the United States of America, that we were relinquishing our rights and title to the submerged lands and waters surrounding us. These lands and waters have always been an integral part of our existence, essential to our being and livelihood and to the sense of who we are; yet the Ninth Circuit ruled otherwise.

In doing so, the Court did, however, ''recognize the importance of the submerged lands to the culture, history and future of the Northern Mariana Islands,'' and acknowledged that Congress, if it chose, could remedy the situation and return these lands to the people of the Northern Mariana Islands, and that is what H.R. 934 does.

The bill conveys to the people of the Northern Mariana Islands the submerged lands surrounding our islands and extending 3 geographic miles outward from their coastlines. The measure is supported by the elected leadership of the Commonwealth of the Northern Mariana Islands.

I ask to enter into the RECORD this letter jointly signed by Governor Benigno R. Fitial, Speaker of the House Arnold I. Palacios, and Senate President Pete P. Reyes, in which the three confirmed their support of H.R. 934.

I would also like to add to the RECORD a second letter of support. This is from the Friends of the Monument, an organization that worked for and successfully achieved the designation of large areas of the waters and lands in the Marianas as the Marianas Trench Marine National Monument.

The Monument is one of the largest marine conservation areas in the world, which we share with our neighbor, Guam, 115,000 square miles, and protects the world's deepest ocean, the Marianas Trench, 35,813 feet deep.

It is the understanding of all parties that H.R. 934 gives the Commonwealth of the Northern Mariana Islands the same ownership rights over the submerged land surrounding our islands as are possessed by Guam, the Virgin Islands and American Samoa.

This conveyance includes the three northernmost islands in the Northern Mariana Islands, which constitute the ''Island Unit'' in the Marianas Trench Marine National Monument by Presidential proclamation on January 6, 2009.

It is also understood that after this bill is enacted into law, the people of the Commonwealth of the Northern Mariana Islands will have the option of exercising full control over the submerged lands surrounding these three islands, or deciding to include those submerged lands within the Monument under comanagement with responsible Federal agencies.

The proclamation committed the Federal Government to providing the Commonwealth with this option, and H.R. 934 expressly provides that it does not amend, repeal or otherwise alter the proclamation and the commitments attached to it.

Mr. Speaker, H.R. 934 is the very first bill that a representative of the people of the Northern Mariana Islands has ever introduced in the United States Congress.

I ask my colleagues to support the measure. I thank the ranking member, Mr. HASTINGS, also for his support of the measure, and I express my hope that this bill giving back to the people of the Northern Mariana Islands what they always believed to be their own will be the first bill introduced by their own representative that is enacted into law.

COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS
Saipan, MP, July 9, 2009.

Hon. GREGORIO C. SABLAN,
CNMI Delegate to the United States,
Washington, DC.

DEAR CONGRESSMAN SABLAN: We are jointly writing to inform you that we are completely united in our support for HR 934. We urge you to push for the passage of this legislation in order to give the CNMI control over the first three miles of its submerged lands.

We support this legislation with a certain understanding of the provisions of H.R. 934 that we urge you to include in the Congressional record, namely, that H.R. 934 would provide for the following: H.R. 934 will give the Commonwealth of the Northern Mariana Islands the same ownership rights over the submerged lands surrounding its islands as are possessed by Guam, the Virgin Islands, and American Samoa. This would include the submerged lands around the three northernmost islands in the Commonwealth, which constitute the ''Islands Unit'' in the Marianas Trench Marine National Monument established by Presidential Proclamation on January 6, 2009. After this bill is enacted into law, the people of the Commonwealth of the Northern Mariana Islands will have the option of exercising full control over the submerged lands surrounding these three islands or deciding to include those submerged lands within the Monument under co-management with the responsible federal agencies. The Proclamation committed the federal government to providing the Commonwealth with this option and H.R. 934 expressly provides that it does not amend, repeal, or otherwise alter the Proclamation.

With this understanding of the contents of H.R. 934, we urge you to support H.R. 934 for the benefit of the people of the CNMI.

Sincerely,

BENIGNO R. FITIAL,
Governor.
PETE P. REYES,
Senate President.
ARNOLD I. PALACIOS,
Speaker of the House.

FRIENDS OF THE MONUMENT,
Saipan, MP, June 23, 2009.

Re Marianas Trench Marine National Monument.

Representative GREG CAMACHO SABLAN,
House of Representatives,
Washington, DC.

HAFA ADAI DELEGATE SABLAN, This letter is a follow-up to the letter we sent you dated April 17, 2009. In that letter we requested for ''the state waters from 0–3 miles surrounding the islands of Uracas, Maug, and Asuncion (to) remain a part of the monument, under the jurisdiction (and ownership) of the Commonwealth and co-managed with the rest of the monument by the Commonwealth and the Departments of Commerce and Interior.''

This was our stance before the declaration of the monument and it is our stance today.

Many promises made by the former Council on Environmental Quality Chairman James Connaughton in the lead up to creation of the monument have been kept. The Commonwealth has received untold amounts of positive media exposure. There is a renewed world-wide interest in exploring the depths of the deepest, darkest place on Earth, as evidenced by the recent expedition by Woods Hole Oceanographic Institute to the bottom of Challenger Deep, only the third such expedition in the history of mankind. The Northern Marianas are also now recognized as the home to one of the most iconic, recognizable geological features on the planet, adding to the richness of our culture and heritage. The creation of the monument will have everlasting positive effects on our economy and the health of our marine environment and will help preserve our unique culture. It has also brought the Commonwealth closer to achieving the goals of the Micronesia Challenge, which seeks to effectively conserve 30% of the near shore resources of all the islands in Micronesia. Most importantly, in the span of just a few months our people have become worldwide leaders in ocean conservation. Perhaps you saw the Friends of the Monument on NBC Nightly News during Earth Week'?

Sadly, several promises remain unfulfilled. During his visit to the Commonwealth in October 2008, Chairman Connaughton promised the people of the Commonwealth that the designation of the monument would give our people (1) co-management of the monument, (2) a visitors center on Saipan, and (3) control of the submerged lands from 0–3 miles around the 14 islands of the Commonwealth.

We remain committed to fulfilling these promises, starting with the control of the submerged lands around all the islands of the Commonwealth. Just so that we are clear, it is our recommendation that ''the state waters from 0–3 miles surrounding the islands of Uracas, Maug, and Asuncion remain a part of the monument, under the jurisdiction (and ownership) of the Commonwealth and co-managed with the rest of the monument by the Commonwealth and the Departments of Commerce and Interior.''

Thank you for taking the time to listen to our concerns. Your staff has been very gracious in allowing us time to share our recommendations and concerns for the Marianas Trench Marine National Monument.

And on a final note, on behalf of the entire Friends of the Monument organization,

thank you for the recent Congressional Commendation. It is quite an honor to be one of the first organizations in the Northern Mariana Islands to be so recognized by the United States Congress.

Thank you and I look forward to your reply,

IGNACIO V. CABRERA,
Chairman, Friends of the Monument.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I just want to welcome the gentleman from the Northern Marianas to this Chamber, and it's great to have him here. This is something that we have wanted for a long time, to have this territory represented here in the U.S. Congress.

This is a good bill. It's a bill that some of us have worked on for years to ensure that the submerged lands are where they belong, that the ownership is there, and that the rights that accrue to that attain to the Northern Marianas.

So I just stand in support of this legislation. Again, welcome, the gentleman from the Northern Marianas. We're glad he's here in Congress where he belongs.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time, and reserve the balance of my time.

Mr. HASTINGS of Washington. I have one additional speaker. I yield 3 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Speaker, I thank the gentleman, my good friend, Mr. HASTINGS, for yielding some time on this issue, and I greatly appreciate the people of the Mariana Islands wanting to control their own property. And I congratulate them on the introduction of this legislation, and I certainly support it. And I think it's very laudable that we are bringing this forward, and I very much support it.

I think States and territories should control their own property. We have too much Federal control of State property and Federal property, and I am glad to see this legislation. And I congratulate you and my friends on the other side for bringing this forward.

I am also concerned about the submersion though of the American taxpayer in just a sea of debt. We have created more debt in this Congress, this administration has proposed more debt over the next 5 years than has been created by every single Presidency since George Washington all the way through George W. Bush. And the American people are drowning in a sea of debt, and we are creating more and more debt for those people. We are robbing our children and our grandchildren of their future. The American people are going to live at a lower standard than we live today because of the debt that we are creating, and I am very concerned about that.

We have got to stop the spending. It's egregious. It's absolutely outrageous the amount of money that's being spent by this Congress. And we see bill after bill, a nonstimulus bill, an omnibus bill, a Wall Street bailout that our previous administration brought to us and that this Congress and this administration continued and spent the other half.

We have a health care bill that's being introduced just today that is going to create more debt, and it's going to destroy the health care system and put a Washington bureaucrat between patients and their doctor. And Washington bureaucrats are going to be making health care decisions for their patients. And the American people need to stand up and say ''no.'' It's going to overwhelm them, a tremendous sea of debt that's being created by this Congress, and it has to stop.

And, Mr. Speaker, I just hope that the American people will understand what's going on here and will rise up, call their Congressman, call their two U.S. Senators and say ''no'' to this health care bill that's being introduced today. ''No'' to the tax and cap, so-called cap-and-trade bill that's nothing but a revenue bill that's not about the environment. Say ''no'' to that. ''No'' to this continued tsunami of spending that's going on here.

We've got a spending addiction here in Congress. I'm an addictionologist. I've practiced addiction medicine in my family practice. In addiction medicine, we say where there is not denial there is not an addiction. Congress has an addiction, a spending addiction, and they are denying it. We are denying it, and the spending has to stop.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, if the gentlewoman is the last speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 934, recognizing the Commonwealth of the Northern Mariana Islands' (CNMIs') ownership of submerged lands lying three geographical miles outside of mainland coastlines.

First and foremost, I want to commend my good friend, Congressman SABLAN of the Commonwealth of the Northern Mariana Islands, for taking the initiative to introduce this important legislation. This bill is an example of the continued efforts by the Congress to support the Territories.

H.R. 934 seeks to officially award the Commonwealth of the Northern Mariana Islands submerged lands that are located three geographical miles outside of mainland coastlines. Submerged lands qualify as lands permanently or periodically covered by tidal waters up to, but not above, the line of high tide. American Samoa, Guam, and the Virgin Islands were granted ownership over our own respective submerged lands by the 93rd session of the Congress, before the Commonwealth of the Northern Mariana Islands became a territory of the United States. The CNMI wishes to be afforded the same opportunities granted to the other territories by having these submerged lands officially recognized as a part of their Territory.

Mr. Speaker, by allowing these submerged lands to be recognized, they will fall under the jurisdiction of the Commonwealth of the Northern Mariana Islands, as opposed to that of the U.S. Seeing as the submerged lands are located so closely to the mainland, having them fall within the jurisdiction of the CNMI will allow for sufficient justice to be served. Commonwealth citizens and officials, instead of officials residing thousands of miles away, will be implementing and enforcing laws that apply to their population.

The U.S. government will still have claim over gas, oil, and other mineral deposits that may be possibly found on these lands. It should be noted that H.R. 934 applies solely to those lands that are submerged; the U.S. government will still have full control and possession of lands above sea level that do not belong to the Commonwealth. Additionally, it does not circumvent any actions that may be taken or regulations that have been put forth by U.S. naval authorities regarding these submerged lands.

It is apparent that H.R. 934 serves to benefit the Commonwealth of the Northern Marina Islands and will not be detrimental to the United States. For these reasons, I urge my colleagues to pass H.R. 934. Again, I thank my colleagues for their support of this legislation.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

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. 934, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

VALIDATING NEVADA LANDS TRANSFER

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 762) to validate final patent number 27–2005–0081, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINAL PATENT AND LAND RECONFIGURATION IN CLARK COUNTY AND LINCOLN COUNTY, NEVADA.

Patent No. 27–2005–0081 and its associated land reconfiguration issued by the Bureau of Land Management on February 18, 2005, is hereby affirmed and validated as having been issued pursuant to and in compliance with the provisions of the Nevada-Florida Land Exchange Authorization Act of 1988 (Public Law 100–275), the National Environmental Policy Act of 1969, and the Federal Land Policy Management Act of 1976 for the benefit of the desert tortoise and other species and their habitat to increase the likelihood of

their recovery. The process utilized by the United States Fish and Wildlife Service and the Bureau of Land Management in reconfiguring the lands as shown on Exhibit 1–4 of the Final Environmental Impact Statement for the Planned Development Project MSHCP, Lincoln County, NV (FWS–R8–ES–2008–N0136) and the reconfiguration provided for in Special Condition 10 of Army Corps of Engineers Permit No. 200125042 are hereby ratified.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

□ 1445

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. I yield myself such time as I may consume.

Mr. Speaker, H.R. 762, introduced by Congressman DEAN HELLER, would validate the final patent to lands in Clark and Lincoln Counties in Nevada. Congresswoman SHELLEY BERKLEY has also worked to advance this bill.

In 2005, the Bureau of Land Management issued a final patent to reconfigure certain leased and patented lands slated for development. This adjustment was intended to provide habitat for the conservation of the endangered desert tortoise.

However, several groups objected to the process that the BLM used to adjust these lands, claiming that it failed to comply with Federal law and that it failed to provide appropriate habitat for the tortoise. The group sued the BLM and the property owners.

In 2007, the parties agreed to settle the lawsuit. H.R. 762 will implement one of several settlement stipulations by validating the final patent to the reconfigured land. All parties to the litigation support this legislation.

In addition to Congressman HELLER, I would like to highly commend Congresswoman SHELLEY BERKLEY for her leadership and tireless efforts in getting this bill to the floor today.

Mr. Speaker, we support H.R. 762, and urge its adoption by the House today.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself as much time as I might consume.

Mr. Speaker, I, too, rise in support of H.R. 762. H.R. 762 will validate an existing patent for land in addition to the associated land configurations located in Clark and Lincoln Counties in Nevada. This action best enables the recovery of the threatened desert tortoise and other species and their habitats.

I, too, would like to congratulate Mr. HELLER of Nevada for bringing this issue to our attention and for moving quickly to resolve this on behalf of his constituents.

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

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time, and would inquire of the minority whether they have any additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I rise today alarmed at the spending that is going on in Washington, D.C. More specifically, I want to talk about the President's ignoring article II, section 2 of the U.S. Constitution that says, when you appoint somebody in a significant role who is part of your administration, you need to have the advice and consent of the U.S. Senate. Irrespective of this, President Obama has named 33 czars outside of the traditional infrastructure of Washington.

Now, in its day, czarist Russia had 18 czars over a 300-year period of time, but here, in a 7-month period of time, President Obama now has 33 czars. I guess his vision is a czarist America. I'm not sure. We have a Great Lakes czar, a regulatory czar, an automobile czar, a Guantanamo closure czar, a TARP czar, a new TARP czar, all kinds of different czars, none of whom have gone in front of the U.S. Senate.

Now, why is going in front of the U.S. Senate important aside from the constitutional requirement?

Well, for one thing, you get an automobile czar who has got some shady business dealings—a 31-year-old who doesn't know a spark plug from a lug nut. Why do you think this person could turn around Detroit? Well, we found out now he's on his way out the door ignominiously. Maybe that embarrassment to the administration could have been prevented had this 31-year-old boy genius auto czar had to sit in front of the Senate as do judicial appointees and cabinet appointees.

I think a lot of people think, well, yeah, the Senate approves Cabinet members, but they also approve deputy under secretaries. Hundreds and even thousands of people have to come before the U.S. Senate for the constitutional requirement. The Constitution can be inconvenient to this administration—I realize that—but again, article II, section 2 says you must seek the advice and consent of the U.S. Senate.

How about the energy czar? The energy czar is a member of some wacko socialist group who believes the way to deal with global warming is for large industrial countries—i.e., the United States of America, and this would be non-czarist America—to shrink their economies in order to offset their emissions. That's the belief of the group that the energy czar belongs to. Wouldn't it be interesting to talk to the energy czar and ask her why she thinks this is a good group to be a member of? What would the socialist group have to offer to the United States of America at this point?

Perhaps the Senate would like to talk to the stimulus accountability czar.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional minute.

Mr. KINGSTON. I thank the gentleman.

The word ''accountability'' attracts my attention because the stimulus accountability czar spent $18 million designing a Web page. A show of hands of how many of you want some of that action. Eighteen million dollars to design a Web page? Talk about stimulating the economy. Boy, that was one way to spend our money. Again, the advice and consent of the U.S. Senate, article II, section 2, may have avoided that type of expenditure.

What do these people get paid, Mr. Speaker? $172,000 a year. Thirty-three people times $172,000—not to mention the myriad of staffs and entourages that we important people in Washington, D.C., have to go everywhere with. You never see somebody just walking in by him or herself. You always see the entourage that tells the whole world ''I am important.'' Therefore, I get back to the constitutional question:

If you are important, and if you have to have this big staff that costs the taxpayers millions of dollars, why not comply with the U.S. Constitution's article II, section 2: advice and consent of the U.S. Senate?

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I have no more time or people asking for time. If the gentlewoman is the last speaker on that side, Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge all Members to support this very good bill.

I yield back the balance of my time.

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. 762.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR SALE OF FEDERAL INTEREST IN SALT LAKE CITY LAND

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1442) to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF FEDERAL REVERSIONARY INTEREST, MT. OLIVET CEMETERY, SALT LAKE CITY, UTAH.

(a) CONVEYANCE REQUIRED.—If, within one year after the completion of the appraisal required by subsection (c), the Mount Olivet Cemetery Association of Salt Lake City, Utah (in this section referred to as the ''Association''), submits to the Secretary of the Interior an offer to acquire the Federal reversionary interest in all of the approximately 60 acres of land in Salt Lake City, Utah, conveyed to the Association under the Act of January 23, 1909 (chapter 37, 35 Stat. 589), the Secretary shall convey to the Association such reversionary interest in the lands covered by the offer. The Secretary shall complete the conveyance not later than 30 days after the date of the offer.

(b) SURVEY.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall complete a survey of the lands described in subsection (a) to determine the precise boundaries and acreage of the lands subject to the Federal reversionary interest.

(c) APPRAISAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal reversionary interest in the lands identified by the survey in subsection (b). The appraisal shall be completed in accordance with the ''Uniform Appraisal Standards for Federal Land Acquisitions'' and the ''Uniform Standards of Professional Appraisal Practice''.

(d) CONSIDERATION.—As consideration for the conveyance of the Federal reversionary interest under subsection (a), the Association shall pay to the Secretary an amount equal to the appraised value of the Federal interest, as determined under subsection (c). The consideration shall be paid not later than 30 days after the date the conveyance is made.

(e) COSTS OF CONVEYANCE.—As a condition of the conveyance under subsection (a), all costs associated with the conveyance under subsection (a), including the cost of the survey required by subsection (b) and the appraisal required by subsection (c), shall be paid by the Association.

(f) DEPOSIT AND USE OF PROCEEDS.—The Secretary shall deposit the proceeds from the conveyance under subsection (a) in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305). The proceeds so deposited shall be available to the Secretary for expenditure in accordance with subsection (c) of such section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the House for its consideration this legislation sponsored by the gentleman from Utah, Representative JIM MATHESON.

In 1909, Congress authorized the transfer of 60 acres of Federal land in Salt Lake City, Utah, to the Mount Olivet Cemetery Association for use as a public cemetery. The legislation contained a reversionary clause to the Federal Government if the land were not used for the purpose of a cemetery.

Today, in order to raise revenue to operate the cemetery, the Mount Olivet Cemetery Association hopes to sell 13 undeveloped acres of this parcel to an adjacent school, and it has requested that the Federal Government relinquish its reversionary interest.

This noncontroversial bill, which was favorably reported out of the Natural Resources Committee by unanimous consent, authorizes the conveyance of the reversionary interest to the association in exchange for appropriate consideration based upon a survey and appraisal of the property.

Mr. Speaker, Congressman MATHESON has worked diligently on behalf of this legislation. The administration supports the bill, and I ask my colleagues to support its passage as well.

I reserve the balance of my time.

Mr. BROWN of South Carolina. I yield myself such time as I may consume.

Mr. Speaker, 100 years ago, a parcel of Federal land in Salt Lake City was conveyed to the Mount Olivet Cemetery Association. H.R. 1442 directs the Secretary to accept an offer from the association to purchase certain reversionary interests in 60 of those acres. The bill requires the sale to be accomplished at no cost to the taxpayer and for the appraised value of the rights.

I support the bill because it reduces, although only by 60 acres, excessive Federal land holdings at a time when the Department of Interior is facing a multibillion-dollar maintenance backlog for the lands it already owns.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the gentleman from Utah (Mr. MATHESON) such time as he may consume.

Mr. MATHESON. Well, first, I thank my colleague from Guam for recognizing me.

I am pleased to rise in support of this bill. You have heard the description of the bill, and if I could, I will just briefly point out what the repercussions are if we don't move this legislation.

This cemetery is a nonprofit entity. It has been around for about 100 years. It is suffering some financial distress in terms of its endowment. It has figured and has looked at choices for how it could maintain itself and create greater financial viability. The notion of selling off a piece of the land that's undeveloped will ensure the integrity of the cemetery for the future. If, in fact, this cemetery were to go bankrupt and if this nonprofit couldn't continue to maintain it, the land would revert back to the Federal Government. I do not think the Bureau of Land Management wants to be in the business of owning and operating a cemetery in Salt Lake City, Utah.

So here we have a situation that is based on legislation that occurred 100 years ago, and today, we're making a substantive solution to a problem that has developed since, and there is no harm to the taxpayer. This is a commonsense bill, but I've got to tell you something: while it sounds simple, it wasn't simple, and I really want to commend the Resources Committee staff for being so helpful in working through this issue to find the right way to get it done. It may have passed the committee by unanimous consent, but that does not mean it did not take a lot of work and effort to make the right decision. So I want to thank the committee staff so much. I want to thank Chairman RAHALL and Subcommittee Chairman GRIJALVA.

I encourage the passage of this bill.

Mr. BROWN of South Carolina. Mr. Speaker, I continue to reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time, and would inquire of the minority whether they have any additional speakers.

Mr. BROWN of South Carolina. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill.

I yield back the balance of my time.

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 question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1500

JOINT VENTURES FOR BIRD HABITAT CONSERVATION ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2188) 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, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLES.

This Act may be cited as the ''Joint Ventures for Bird Habitat Conservation Act of 2009''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) migratory birds are of great ecological and economic value to the Nation, contributing to biological diversity, advancing the well-being of human communities through pollination, seed dispersal, and other ecosystem services, and bringing tremendous enjoyment to the tens of millions of Americans who study, watch, feed, or hunt these birds;

(2) sustainable populations of migratory birds depend on the conservation, protection, restoration, and enhancement of terrestrial, wetland, marine, and other aquatic habitats throughout their ranges in the United States, as well as the rest of North America, the Caribbean, and Central and South America;

(3) birds are good indicators of environmental health and provide early warning of the impacts of environmental change, helping to yield the most out of every dollar invested in conservation;

(4) human and environmental stressors are causing the decline of populations of many migratory bird species, many of them once common, and climate change will exacerbate the impacts of these stressors on migratory bird populations;

(5) the coordination of Federal, State, tribal, and local government natural resource conservation efforts and the formation of partnerships that include a diversity of nongovernmental conservation organizations, private landowners, and other relevant stakeholders is necessary to accomplish the conservation of migratory bird populations, their habitats, and the ecosystem functions they rely on;

(6) hunters, through their purchase of Federal migratory bird hunting stamps and State hunting licenses, have long supported the conservation of migratory birds and their habitats in the United States through the various State and Federal programs that are supported by the fees charged for such purchases;

(7) the Department of the Interior, through the United States Fish and Wildlife Service, is authorized under a number of broad statutes to undertake many activities with partners to conserve natural resources, including migratory birds and their habitat;

(8) through these authorities, the Service has created and supported a number of joint ventures with diverse partners to help protect, manage, enhance, and restore migratory bird habitat throughout much of the United States and to conserve migratory bird species;

(9) the North American Waterfowl Management Plan, adopted by the United States and Canada in 1986, with Mexico joining as a signatory in 1994, was the first truly landscape-level approach to conserving migratory game birds and the wetland habitats on which they depend, and became the foundation for the voluntary formation of Joint Ventures;

(10) since the adoption of the North American Waterfowl Management Plan, joint ventures have expanded their application to all native birds and other wildlife species that depend on wetlands and associated upland habitats, resulting in significant conservation benefits over the last twenty years;

(11) States possess broad trustee and management authority over fish and wildlife resources within their borders, and have utilized their authorities to undertake conservation programs to conserve resident and migratory birds and their habitats;

(12) consistent with applicable Federal and State laws, the Federal Government and the States each have management responsibilities affecting fish and wildlife resources, and should work cooperatively in fulfilling these responsibilities;

(13) other domestic and international conservation projects authorized under the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.) and the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), and additional bird conservation projects authorized under other Federal authorities, can expand and increase the effectiveness of the joint ventures in protecting and enhancing migratory bird habitats throughout the different ranges of species native to the United States; and

(14) the voluntary partnerships fostered by these joint ventures have served as innovative models for cooperative and effective landscape conservation, with far-reaching benefits to other fish and wildlife populations, and similar joint ventures should be authorized specifically to reinforce the importance and multiple benefits of these models to encourage adaptive resource management and the implementation of flexible conservation strategies in the 21st century.

(b) PURPOSE.—The purpose of this Act is to establish a program administered by the Director, in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions to—

(1) promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) coordinate related conservation activities of the Service and other Federal agencies to maximize the efficient and effective use of funds appropriated or otherwise made available to support projects and activities to enhance bird populations and other populations of fish and wildlife and their habitats.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION ACTION.—The term ''conservation action'' means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education;

(B) are conducted on lands or waters that—

(i) are administered for the long-term conservation of such lands or waters and the migratory birds thereon, including the marine environment; or

(ii) are not primarily held or managed for conservation but provide habitat value for migratory birds; and

(C) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(3) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means an Implementation Plan approved by the Director under section 5.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) JOINT VENTURE.—The term ''Joint Venture'' means a self-directed, voluntary partnership, established and conducted in accordance with section 5.

(6) MANAGEMENT BOARD.—The term ''Management Board'' means a Joint Venture Management Board established in accordance with section 5.

(7) MIGRATORY BIRDS.—The term ''migratory birds'' means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) PROGRAM.—The term ''Program'' means the Joint Ventures Program conducted in accordance with this Act.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) SERVICE.—The term ''Service'' means the United States Fish and Wildlife Service.

(11) STATE.—The term ''State'' means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

SEC. 4. JOINT VENTURES PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct, through the United States Fish and Wildlife Service, a Joint Ventures Program administered by the Director. The Director, through the Program, shall develop an administrative framework for the approval and establishment and implementation of Joint Ventures, that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations;

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.); and

(4) support the goals and objectives of—

(A) the North American Waterfowl Management Plan;

(B) the United States Shorebird Conservation Plan;

(C) the North American Waterbird Conservation Plan;

(D) the Partners in Flight North American Landbird Conservation Plan; and

(E) other treaties, conventions, agreements, or strategies entered into by the United States and implemented by the Secretary that promote the conservation of migratory bird populations and their habitats.

(b) GUIDELINES.—Within 180 days after the date of enactment of this Act the Secretary, through the Director, shall publish in the Federal Register guidelines for the implementation of this Act, including regarding requirements for approval of proposed Joint Ventures and administration, oversight, coordination among, and evaluation of approved Joint Ventures.

(c) COORDINATION WITH STATES.—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this Act.

SEC. 5. JOINT VENTURE ESTABLISHMENT AND ADMINISTRATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Director, through the Program, may enter into an agreement with eligible partners described in paragraph (2) to establish a Joint Venture to fulfill one or more of the purposes set forth in paragraphs (1) through (3) of section 2(b).

(2) ELIGIBLE PARTNERS.—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies with jurisdiction over migratory bird resources, their habitats, or that implement program activities that affect migratory bird habitats or the ecosystems they rely on.

(B) Affected regional, local, and tribal governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders.

(b) MANAGEMENT BOARD.—

(1) IN GENERAL.—An agreement under this section for a Joint Venture shall establish a Management Board in accordance with this subsection.

(2) MEMBERSHIP.—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) FUNCTIONS AND RESPONSIBILITIES.—

(A) ORGANIZATION AND OPERATIONS PLAN.—A Management Board, in accordance with the guidelines published by the Director under section 4 and in coordination with the Director, shall develop, publish, and comply with a plan that specifies the organizational structure of the Joint Venture and prescribes its operational practices and procedures.

(B) ADMINISTRATION.—Subject to applicable Federal and State law, the Management Board shall manage the personnel and operations of the Joint Venture, including—

(i) by appointing a coordinator for the Joint Venture in consultation with the Director, to manage the daily and long-term operations of the Joint Venture;

(ii) approval of other full- or part-time administrative and technical non-Federal employees as the Management Board determines necessary to perform the functions of the Joint Venture, meet objectives specified in the Implementation Plan, and fulfill the purpose of this Act; and

(iii) establishment of committees, steering groups, focus groups, geographic or taxonomic groups, or other organizational entities to assist in implementing the relevant Implementation Plan.

(4) USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this Act.

(c) IMPLEMENTATION PLAN.—

(1) SUBMISSION OF PLAN TO DIRECTOR.—Before the Director enters into an agreement to establish a Joint Venture under subsection (a), the Management Board for the Joint Venture shall submit to the Director a proposed Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation that includes biological planning; conservation design; habitat restoration, protection, and enhancement; applied research; and monitoring and evaluation activities.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans referred to in section 4(a)(3) and (4) that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the initial membership of the Management Board and establishes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(G) A strategy to encourage the contribution of non-Federal financial resources, donations, gifts and in-kind contributions to support the objectives of the Joint Venture and fulfillment of the Implementation Plan.

(2) REVIEW.—The Director shall—

(A) coordinate the review of a proposed Implementation Plan submitted under this section; and

(B) ensure that such plan is circulated for review for a period not to exceed 90 days, to—

(i) bureaus within the Service and other appropriate bureaus or agencies within the Department of the Interior;

(ii) appropriate regional migratory bird Flyway Councils;

(iii) national and international boards that oversee bird conservation initiatives under the plans specified in section 4(a)(4);

(iv) relevant State agencies, regional governmental entities, and Indian tribes;

(v) nongovernmental conservation organizations, academic institutions, or other stakeholders engaged in existing Joint Ventures that have knowledge or expertise of the geographic or ecological scope of the Joint Venture; and

(vi) other relevant stakeholders considered necessary by the Director to ensure a comprehensive review of the proposed Implementation Plan.

(3) APPROVAL.—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) the plan provides for implementation of conservation actions to conserve waterfowl and other native migratory birds and their habitats and ecosystems either—

(i) in a specific geographic area of the United States; or

(ii) across the range of a specific species or similar group of like species;

(B) the members of the Joint Venture—

(i) accept the responsibility for implementation of national or international bird conservation plans in the region of the United States to which the plan applies; and

(ii) have demonstrated to the satisfaction of the Director the capacity to implement conservation actions identified in the plan, including (I) the design, funding, monitoring, and tracking of conservation projects that advance the objectives of the Joint Venture; and (II) reporting and conduct of public outreach regarding such projects; and

(C) the plan maximizes, to the extent practicable, coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture to conserve, protect, recover, or restore migratory bird habitats and other fish and wildlife habitat within the operating region of the Joint Venture.

SEC. 6. GRANTS AND OTHER ASSISTANCE.

(a) IN GENERAL.—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award grants of financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) LIMITATION.—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 5.

(c) CONSERVATION ACTION GRANT CRITERIA.—The Secretary, through the Director, within 180 days after date of enactment of this Act and after consultation with representatives from Management Boards and equivalent entities of joint ventures referred to in section 8, shall publish guidelines for determining funding allocations among joint ventures and priorities for funding among conservation action proposals to meet the purpose of this Act and respective Implementation Plans.

(d) MATCHING REQUIREMENTS.—If a Management Board determines that two or more proposed conservation actions are of equal value toward fulfillment of the relevant Implementation Plan, priority shall be given to the action or actions for which there exist non-Federal matching contributions that are equal to or exceed the amount of Federal funds available for such action or actions.

(e) TECHNICAL ASSISTANCE.—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(f) ACCEPTANCE AND USE OF DONATIONS.—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

SEC. 7. REPORTING REQUIREMENTS.

(a) ANNUAL REPORTS BY MANAGEMENT BOARDS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall—

(A) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(B) publish within 180 days after the date of enactment of this Act guidelines to implement this subsection.

(2) CONTENTS.—Each annual report shall include—

(A) a description and justification of all conservation actions approved and implemented by the Management Board during the period covered by the report;

(B) when appropriate based upon the goals and objectives of an Implementation Plan, an estimate of the total number of acres of migratory bird habitat either restored, protected, or enhanced as a result of such conservation actions;

(C) the amounts and sources of Federal and non-Federal funding for such conservation actions;

(D) the amounts and sources of funds expended for administrative and other expenses of the Joint Venture of the Management Board, including all donations, gifts, and in-kind contributions provided for the Joint Venture;

(E) the status of progress made in achieving the strategic framework of the Implementation Plan of such Joint Venture and fulfillment of the purpose of this Act; and

(F) other elements considered necessary by the Director to insure transparency and accountability by Management Boards in the implementation of its responsibilities under this Act.

(b) JOINT VENTURE PROGRAM FIVE-YEAR REVIEWS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall at five years after the date of enactment of this Act and at five-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) REVIEW CONTENTS.—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this Act specified in section 2(b);

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this Act; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this Act address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) CONSULTATION.—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) PUBLIC COMMENT.—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the five-year evaluations conducted pursuant to this subsection.

SEC. 8. TREATMENT OF EXISTING JOINT VENTURES.

For purposes of this Act, the Director—

(1) shall treat as a Joint Venture any joint venture recognized by the Director before the date of the enactment of this Act in accordance with the United States Fish and Wildlife Services manual (721FW6); and

(2) shall treat as an Implementation Plan an implementation plan adopted by the management board for such joint venture.

SEC. 9. RELATIONSHIP TO OTHER AUTHORITIES.

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this Act affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) STATE AUTHORITY.—Nothing in this Act preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

SEC. 10. FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I support H.R. 2188, the Joint Ventures for Bird Habitat Conservation Act of 2009, sponsored by our colleague from Maryland, Representative FRANK KRATOVIL. This bill seeks to highlight the critical importance that migratory birds have with our economy as well as their importance as a bellwether of the health of our environment. However, due to their wide distribution, the only way we can maintain this resource is to work cooperatively, creatively and purposefully with other nations and with all stakeholders to conserve migratory bird habitat.

The gentleman from Maryland's legislation directs the Secretary of the Interior to conduct a program of voluntary Migratory Bird Joint Ventures to establish durable partnerships to conserve bird habitat over entire geographic regions, thereby developing effective long-term strategies to conserve our common migratory bird resource for the benefit of all. The bill is broadly supported by conservation and hunting interests, the States as well as the administration. With that, I commend Mr. KRATOVIL for his leadership on this issue, and I ask Members to support passage of this measure.

I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 2188 would statutorily establish the existing Migratory Bird Joint Venture program. This program, which has been funded as an administrative line item in the U.S. Fish and Wildlife Service budget for over 20 years, has done a remarkable job of conserving some 15.7 million acres of grasslands, forests, wetlands and riparian habitat throughout North America.

By enacting this program into law, we will send a positive message to the international community that the United States is committed to its wildlife treaty obligations. We will also ensure that Congress has an opportunity to periodically examine this program to evaluate its ongoing effectiveness and whether it merits the further expenditure of our taxpayer money in the future.

I would like to recognize the other three bipartisan sponsors of this legislation: Congressmen FRANK KRATOVIL, RON KIND, and ROB WITTMAN.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. Mr. Speaker, the First Congressional District of Maryland is defined by a national treasure, the Chesapeake Bay and the surrounding watershed. During the winter the wetlands and surrounding habitat of the bay are home to a significant population of migratory waterfowl, including American black ducks, mallards, canvasbacks and Canada geese. However, too many of these birds and their habitats are at risk. Protecting these birds is vital because they play an integral role in the ecosystems across the country and serve as invaluable harbingers of environmental change. Protecting their habitats is also imperative to our constituents, who consider themselves passionate outdoorsmen and -women.

Part of our culture and heritage on Maryland's Eastern Shore and elsewhere in the country includes activities such as bird-watching, hunting, hiking, kayaking and fishing. In fact, according to a 2006 survey conducted by the United States Fish and Wildlife Service, 1.6 million individuals participate in hunting and wildlife-watching activities across the State of Maryland, leading to a total of nearly $844 million in economic activity within the region. Waterfowl hunting alone was responsible for 726 jobs and nearly $10 million in State and Federal tax revenue in Maryland. Needless to say, birds in Maryland have a significant recreational, economic and ecological impact. However, for us to have an environment and wildlife that future generations can enjoy, it is essential that we support effective habitat conservation. Joint ventures are effective, voluntary, public-private partnerships designed to protect, restore, enhance and manage migratory bird populations, their habitats and ecosystems.

I was pleased to introduce H.R. 2188, as has already been mentioned by my colleague, along with colleagues HENRY BROWN of South Carolina, Representative RON KIND of Wisconsin and Representative ROB WITTMAN of Virginia. The legislation establishes a voluntary joint venture program, administered by the Fish and Wildlife Service in coordination with other Federal agencies and the States to develop, implement and support cooperative and effective conservation strategies that promote sustainable bird populations, encourage

stakeholder and government partnerships, implement science-driven, landscape-level bird conservation strategies and coordinate related conservation activities. Joint ventures have already leveraged funds and science-based data to protect, restore or enhance over 13 million acres of habitat across this country. Joint ventures falling under the North American Waterfowl Management Plan have invested $4.5 billion to conserve 15.7 million acres of waterfowl habitat. The Atlantic Coast Joint Venture, of which Maryland is a member, focuses on bird habitat in the Atlantic Flyway. The efforts of this joint venture have positively impacted over 280,000 acres across Maryland. Joint ventures successfully coordinate the activities of various stakeholders to protect migratory birds and conserve their habitats. Joint ventures, in sum, are an exemplary model that enjoy strong bipartisan support.

I encourage my colleagues to support this legislation on behalf of all of their constituents who seek to preserve and enjoy both these migratory birds and their habitats.

Mr. BROWN of South Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank my friend from South Carolina for his leadership on this issue and for allowing me to speak for a few moments. This is clearly a bill that is supported on a bipartisan basis and something that ought to move forward. It's something that many care about. I would suggest, however, that what the American people mainly care about right now are the economy and jobs. The economy, spending, borrowing, the national debt.

The national debt, as of June 30, stood at $11,545,275,346,431. Mr. Speaker, I know that's hard to believe; but that's $37,609.23 for every man, woman and child in America. And over the last month, our national debt has increased by $223.7 billion, a remarkable amount of increase. Since the Democrats took control of Congress in January of 2007, the national debt has increased $2.9 trillion. That's over $9,300 a person. At the end of April, the U.S. Government owed China $763.5 billion. This year alone our debt to China has increased by over $36 billion. So the economy is front and center for the American people. It is what is causing them the greatest amount of heartache and the greatest amount of concern. It's what moms and dads across this land are worried about when they tuck their kids in at night. The American people are hurting. Millions of Americans are out of work, and hundreds of thousands continue to lose their jobs each and every month.

Now the present administration, the Obama administration, and the Democrats in charge here in Congress promised that their trillion-dollar ''stimulus'' package would create jobs immediately, they said, and unemployment wouldn't rise over 8 percent if their program was adopted. President Obama, in fact, said recently that the stimulus bill had ''done its job'' and is ''working exactly as we anticipated.'' Well, Mr. Speaker, I know that comes as a surprise to the American people, as 1.96 million Americans have lost their jobs since the stimulus was enacted. I'm not quite certain that they believe the stimulus has ''done its job'' and worked exactly as they anticipated. In June alone almost 500,000 jobs were lost, increasing unemployment to 9.5 percent, the highest level in 26 years. So it's clear that the trillion-dollar stimulus package isn't working, Mr. Speaker; and the American people have a right to know, where are the jobs, where are the jobs?

Now the good news is that Republicans have a real plan, a real plan for a real recovery—fiscal discipline here in Washington; tax relief for working families, small businesses and family farms, the job creation engine of our Nation. So the American people deserve a recovery plan. They do, indeed. They deserve a plan that puts Americans back to work. No more borrowing, no more spending, no more unemployment. Mr. Speaker, the good news is that Republicans have a positive plan, positive solutions for the economy, for jobs, for energy self-sufficiency and, yes, for health reform. So whether it's the economy and jobs that the American people are concerned about, whether it's being able to put gasoline in their cars so they can get to work for their second or third job, trying to make ends meet at home, whether it's providing health care for themselves and their families, positive solutions do exist. The American people want us, as a Congress, to embrace those positive solutions, and I urge the Congress to act in a positive way.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority if they have any additional speakers.

Mr. BROWN of South Carolina. I have no further speakers and yield back the balance of my time.

Ms. BORDALLO. Again, I urge Members to support this bill.

I yield back the balance of my time.

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.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

LOS PADRES FOREST LAND CONVEYANCE

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 129) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE AUTHORITY, LOS PADRES NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE AUTHORITY.—Subject to valid existing rights, the Secretary of Agriculture may convey to the White Lotus Foundation all right, title, and interest of the United States in and to the real property within the Los Padres National Forest in California described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The real property subject to conveyance under this Act is certain land located in Santa Barbara County, California, consisting of approximately 5 acres, as shown on the map titled ''San Marcos Pass Encroachment for Consideration of Legislative Remedy'', dated June 1, 2009.

(c) SURVEY.—The exact acreage and legal description of the real property to be conveyed under this Act shall be determined by a survey satisfactory to the Secretary.

(d) VALUATION.—Any appraisal of the real property to be conveyed under this Act shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions, and the appraisal shall be subject to the approval of the Secretary.

(e) CONSIDERATION.—Consideration for conveyance of real property under this Act shall be in an amount not less than the appraised fair market value.

(f) TREATMENT OF PROCEEDS.—The gross proceeds from the conveyance of real property under this Act shall be deposited in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act''; 16 U.S.C. 484a). The amount so deposited shall be available to the Secretary, without further appropriation, for expenditure in the Los Padres National Forest.

(g) PRE-EXISTING RIGHTS.—As a condition of the conveyance authorized under subsection (a), the Secretary shall require the White Lotus Foundation to continue to allow existing access to any roadway that may be conveyed by this Act.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this Act as the Secretary considers appropriate to protect the interests of the United States.

(i) SURVEY AND ADMINISTRATIVE COSTS.—The White Lotus Foundation shall pay the reasonable costs of survey, appraisal, and any other administrative costs associated with the conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 129 was introduced by our colleague from California, Representative ELTON GALLEGLY. The bill would authorize the Forest Service to sell 5 acres of land within the Los Padres National Forest to resolve an encroachment issue. A portion of a small business owned by the White Lotus Foundation sits on 5 acres of the national forest. The 5 acres in question are separated from the majority of the forest by a road. The foundation was unaware of the encroachment when it purchased the land. Under the terms of the legislation, the White Lotus Foundation will be responsible for all the costs associated with the conveyance, including any necessary reviews under the National Environmental Policy Act.

Mr. Speaker, we support passage of this measure.

I reserve the balance of my time.

□ 1515

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

H.R. 129 corrects a problem resulting from the way a small section of the Los Padres National Forest boundary crosses an old road. This road provides the only access to property owned by the White Lotus Foundation. This bill authorizes the Secretary to sell five acres to the foundation and requires that the sale be accomplished at no cost to the taxpayers.

I support the bill and reserve the balance of my time.

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

Mr. BROWN of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from California, the author of the bill, Mr. GALLEGLY.

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

Mr. GALLEGLY. Mr. Speaker, first of all, I want to thank the gentlelady from Guam (Ms. BORDALLO), my good friend, for her work on this; and I rise today in strong support of H.R. 129.

This bill would authorize the Forest Service to convey a small parcel of land on the perimeter of the Los Padres National Forest to a nonprofit organization, the White Lotus Foundation. In 1983, the White Lotus Foundation inherited property in the hills above Santa Barbara, California, on the border of Los Padres National Forest. After operating in the location for over 25 years, the Forest Service sent a letter to the White Lotus Foundation notifying them of a parcel that was 0.05 acres, just a few actual square feet, of encroachment on the Forest Service land. It required them to remove all encroachments by December 31, 2008, or they would begin enforcement action.

The encroachment in question is located on a loop of the only road that allows White Lotus and the rest of the public access to and from the White Lotus property. Due to the steep topography, the foundation has no other reasonable alternatives.

The loop lies on flat ground which was held for the purpose of providing space for equipment storage for fire and flood emergencies and provided access to a water pump and other necessary equipment. There is no other flat ground on which to move these items, and without this space, the foundation would be forced to cease operations.

My legislation will not cost the taxpayers a single penny. The White Lotus Foundation will pay for the land, the survey, and all administrative costs. There are no exemptions from NEPA or other environmental laws. The land in question is not protected by wilderness or any other specifically designated area.

Finally, my legislation does not even mandate this land be conveyed. It merely allows the Forest Service to convey the land and to determine the amount to be conveyed; meaning, if the Forest Service does not feel this land conveyance is in its best interest, it does not have to sell any Federal land to the White Lotus Foundation.

In closing, I want to thank the chairman, Chairman RAHALL, Ranking Member Mr. HASTINGS, for allowing this legislation to be considered today; and I urge support of this legislation, H.R. 129.

Ms. BORDALLO. Mr. Speaker, I have no additional requests of time and would inquire of the minority whether they have additional speakers.

Mr. BROWN of South Carolina. I think we have one more speaker.

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

Mr. BROWN of South Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. Mr. Speaker, I thank my friend, Mr. BROWN from South Carolina, for yielding.

Mr. Speaker, I rise in support of this legislation and want to remind the American public, Mr. Speaker, if I could speak to them, that we have a tremendous Federal debt and deficit that's growing every moment that this Congress is in session.

We have a tremendous amount of resources all across this country in forests, in Federal property; and I believe we must be good stewards of our environment. It's absolutely critical. In fact, we are charged from a biblical perspective to be good stewards of our environment, and I am a conservationist of the first order. In fact, I began my political activism being involved in the conservation movement. I'm a life member of many conservation movements such as the Wild Sheep Foundation, the Safari Club International, where I was a political action vice president, political affairs vice president for Safari Club International. I'm a member of Quail Unlimited, Ducks Unlimited, and I can go on and on. So my conservation credentials are very numerous.

But we have Federal property all over this country where the Federal Government is not managing it properly. The Park Service can't take care, by their own admission, of the Federal National Park System today. The Forest Service does a much better job than the Park Service does in managing its properties. But we have national forests all over this country that have timber growing. It's a renewable resource.

Mr. Speaker, we can handle some of this Federal deficit and debt by starting to manage these Federal properties in a more responsible, scientific manner that will not harm the environment, will not harm the properties, will not harm—actually will help the wildlife.

So, Mr. Speaker, as I rise to support this legislation, I ask this House, I ask this Congress, I ask the American people to start demanding good management practices of our natural resources, and that's going to include good, responsible wildlife management; that's going to include considering hunting on all Federal properties as a management tool which is absolutely critical in proper wildlife management.

So, Mr. Speaker, I do rise in support of this legislation. I assume that it will pass, and I hope that it does. But we need to look beyond that and start being good stewards of our environment, and we have not been.

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

Mr. BROWN of South Carolina. Mr. Speaker, I urge support of this legislation, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

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. 129, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

MOTION TO ADJOURN

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. BROUN of Georgia. Mr. 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 23, nays 377, not voting 32, as follows:

[Roll No. 532]

YEAS—23

Bachus
Bartlett
Barton (TX)
Blackburn
Broun (GA)
Campbell
Chaffetz
Flake
Hensarling
Johnson (IL)
King (IA)
Olson
Paul
Pence
Price (GA)
Sessions
Shadegg
Shea-Porter
Souder
Stark
Sullivan
Tiahrt
Westmoreland

NAYS—377

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

NOT VOTING—32

Baird
Barrett (SC)
Berman
Bishop (UT)
Carnahan
Clay
Conyers
Davis (IL)
Filner
Gerlach
Gohmert
Grijalva
Gutierrez
Hastings (WA)
LaTourette
Linder
Marchant
McCarthy (NY)
McCaul
McCollum
Miller (NC)
Moran (VA)
Perriello
Rangel
Schakowsky
Schrader
Sestak
Smith (TX)
Speier
Sutton
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1547

Messrs. BOUCHER, AL GREEN of Texas, KAGEN, HOYER, and Ms. CLARKE changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 532, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted "nay."

LAS VEGAS MOTOR SPEEDWAY LAND CONVEYANCE

Mr. BACA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 409) to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 115 acres of Bureau of Land Management land identified on the map as ''Lands identified for Las Vegas Speedway Parking Lot Expansion''.

(2) MAP.—The term ''map'' means the map titled ''Las Vegas Speedway Parking Lot Expansion'', dated March 6, 2009, and on file in the Office of the Director of the Bureau of Land Management.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2. CONVEYANCE OF FEDERAL LAND TO NEVADA SPEEDWAY.

(a) IN GENERAL.—If Nevada Speedway, LLC, submits to the Secretary an offer to acquire the Federal land for the appraised value, notwithstanding the land use planning requirements of section 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to Nevada Speedway, LLC, all right, title, and interest in and to the Federal land, subject to valid existing rights.

(b) APPRAISAL.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land.

(2) APPLICABLE LAW.—The appraisal under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) COSTS.—All costs associated with the appraisal required under paragraph (1) shall be paid by Nevada Speedway, LLC.

(c) PAYMENT OF CONSIDERATION.—As a condition of the conveyance, Nevada Speedway, LLC, shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under subsection (b).

(d) COSTS OF CONVEYANCE.—As a condition of the conveyance, any costs of the conveyance under subsection (a) shall be paid by Nevada Speedway, LLC.

(e) REVERSION.—If Nevada Speedway, LLC, or any subsequent owner of the Federal land conveyed under subsection (a), uses the Federal land for purposes other than a parking lot for the Nevada Motor Speedway, all right, title, and interest in and to the land (and any improvements to the land) shall revert to the United States at the discretion of the Secretary.

(f) COMPLIANCE.—Except as otherwise provided in this Act, the conveyance authorized in this section shall be carried out in compliance with all laws and regulations applicable to the conveyance of Federal land.

SEC. 3. WITHDRAWAL OF FEDERAL LAND.

(a) WITHDRAWAL.—Except as provided in section 2(a) and subject to valid existing rights, the Federal land is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) TERMINATION.—If two years after the date of the enactment of this Act, the conveyance authorized under section 2 has not

been executed, the withdrawal under subsection (a) shall have no force or effect.

SEC. 4. SUNSET.

The authority provided to the Secretary under this Act shall terminate 5 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 409, introduced by Congressman DEAN HELLER, would provide for the conveyance of certain Bureau of Land Management land in Nevada to the Las Vegas Motor Speedway for use as a parking lot.

The Las Vegas Motor Speedway hosts NASCAR and other racing events and can draw as many as 100,000 racing fans to these races. For several years now, the Speedway has been looking for options to expand its parking and accommodate the growing number of fans attending this event.

H.R. 409 would require the conveyance of 115 acres of Bureau of Land Management land to the owners of the Speedway specifically for expansion of the parking lot. This land is adjacent to the land owned by the Speedway which is already used for a parking lot.

The bill further provides that the land be withdrawn from public land, mining, and mineral leasing laws and must be used only as a parking lot. I would add that the Bureau of Land Management supports this conveyance.

We have no objections to H.R. 409, and I urge its adoption by the House today.

I reserve the balance of my time.

Mr. BROWN of South Carolina. I yield myself such time as I may consume.

H.R. 409 directs the Secretary of the Interior to convey to the Las Vegas Motor Speedway 115 acres adjacent to the Speedway at fair market value. The Speedway attracts over 140,000 fans, and the additional acreage is needed to prevent the hazardous driving conditions that result from the backup of cars trying to park in inadequate facilities.

All costs associated with the conveyance, including the appraisal, will be paid by the Speedway. The bill also includes a reversionary clause that would return the land to the Department of Interior should it be used for anything other than a parking lot.

Mr. HELLER should be commended for his work on this bill. I congratulate him for his efforts to reduce—however small—the Federal Government land inventory.

I support the bill.

I reserve the balance of my time.

Mr. BACA. I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. I rise in support of this bill. I like the land transfer aspects of this bill because it's important when we can use Federal lands to address a pressing need, unlike the cap-and-tax energy bill, which tried to address a woody biomass provision which would allow excess wood of decayed trees to be used in the renewable fuel standard. That was one provision of many provisions which really identified the failure of the national energy tax and the cap-and-trade bill.

Now, I have promised to continue to come down to the floor to talk about the failed policy of that bill, the bipartisan ''no'' vote of that bill, and basically about the concerns that I have of my miners in southern Illinois, and really the attack on fossil fuels in this country.

If you have a raceway and a speedway, they are the epitome of either the renewable fuels, as some of the high-speed dragsters are actually ethanol-based fuels, or the technology and the efficiency of reusing fossil fuels in the ability to really compete and improve fossil fuels—the basic foundation of a thriving economy and something that shouldn't be attacked; it should be incentivized.

So, this bill that allows for the transfer of Federal lands for a good process, it also speaks of how we need to look at other uses of Federal land, especially the woody biomass provisions, to say they ought to get renewable credits.

When you have Federal lands that are privately managed and you use the forestry aspects, those wood products get a renewable fuel credit. But those, based upon this energy bill, do not get the renewable credit.

So that was part of the failure of the bill, and that's why, really, the bipartisan vote on the cap-and-tax bill was a strong bipartisan ''no'' vote and primarily for other reasons which talked about Illinois coal miners in the last energy bill—1,200 coal miners from southern Illinois.

So what is our response to the energy needs that we have in this country? It's basically an all-of-the-above process, using woody biomass from our Federal lands, which gets the same credit as privately forested areas. It's also addressing the Outer Continental Shelf provisions; allowing oil and gas exploration; using those revenues to move to renewable technologies—wind and solar; addressing coal and electricity generation from coal. Also, liquid fuels from that. That is a diversified energy portfolio. And of course the provisions of biofuels, which is what we address in the woody biomass provisions.

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

Mr. BROWN of South Carolina. I yield the gentleman 1 additional minute.

Mr. SHIMKUS. I would just remind my colleagues and friends we had a very great debate and a tough vote two weeks ago, but this debate is not going to end. We're going to continue to talk about the effects of raising energy taxes in a time of economic downturn, and the provisions that have been passed in this Chamber, the bipartisan vote, was in opposition to that bill. And we will continue to talk on the floor about that failed policy.

Mr. BACA. I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I support this legislation. I yield back the balance of my time.

Mr. BACA. Mr. Speaker, again, I urge all Members to support the bill, and I yield back the balance of my time.

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.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING HOME SAFETY MONTH

Mrs. HALVORSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 543) expressing support for designation of June as ''Home Safety Month''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 543

Whereas unintentional injuries in the home result in nearly 20,000 deaths and 21,000,000 medical visits on average each year;

Whereas the top 5 causes of unintentional home injury deaths are falls, poisoning, fires/burns, choking/suffocation, and drowning/submersion;

Whereas falls are the leading cause of home injury death among older adults in the United States, and the total direct costs associated with both fatal and non-fatal falls is more than $19,000,000,000 annually for hospitalization, emergency department visits, and outpatient care;

Whereas poisonings are the second leading cause of home injury death in the United States, resulting in nearly 5,000 deaths per year;

Whereas fire and burn injuries are the third leading cause of home injury death and

almost two-thirds (65 percent) of reported home fire deaths resulted from fires in homes with no smoke alarms or no working smoke alarms;

Whereas deaths due to unintentional choking and suffocation injuries are the fourth leading cause of home injury death in the United States and nearly 25 percent of all choking and suffocation deaths occur in the home;

Whereas deaths due to drowning are the fifth leading cause of home injury death in the United States and an average of more than 10,000 events occur in the home each year that require medical care, emergency department treatment, and result in days away from work or school;

Whereas children and older adults have increased rates of unintentional home injury, compared with all other age groups;

Whereas citizens are encouraged to take a hands-on approach to home safety and become aware of the simple and inexpensive steps they can take to reduce the risk of injury in each area of the home; and

Whereas June would be an appropriate month to designate as ''Home Safety Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''Home Safety Month'';

(2) recognizes the contributions of home safety related nonprofit organizations for their ongoing commitment to ensuring families remain safe in their homes;

(3) recognizes the contributions made by the Home Safety Council to the efforts of ''Home Safety Month'' for recently introducing a new and innovative online tool to help adults identify the dangers present in and around the home, designated as www.MySafeHome.org, and for promoting the Hands on Home Safety Campaign, whose goal is to educate and empower both families and businesses to take simple actions that will make homes safe and minimize their risk for potential injuries, or even death;

(4) encourages adults, parents, and caregivers to take greater actions to reduce unintentional injuries and educate themselves on the importance of home safety, for themselves and their loved ones;

(5) encourages manufacturers to develop innovative safety products and features to help lessen the number of home injuries and accidents; and

(6) encourages local and national government leaders to support funding for critical home safety education programs to reduce the risks from home injuries.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. HALVORSON) and the gentleman from Illinois (Mr. SHIMKUS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. HALVORSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. HALVORSON. Mr. Speaker, I yield myself such time as I may consume.

Unintentional injuries in the home result in nearly 200,000 deaths and 21 million medical visits on average each year. The top five causes of unintentional home injury deaths are falls, poisonings, fires and burns, choking and suffocation, and finally, drowning.

Falls are the leading cause of home injury death among older adults in the United States, and the total direct costs associated with both fatal and nonfatal falls is more than $19 billion annually for hospitalization, emergency department visits, and outpatient care.

Poisonings are the second leading cause of home injury deaths in the United States, resulting in nearly 5,000 deaths per year. Fire and burn injuries are the third leading cause of home injury death, and almost two-thirds, or 65 percent, of reported home fire deaths resulted from fires in homes with no smoke alarms or no working smoke alarms.

Deaths due to unintentional choking and suffocation injuries are the fourth leading cause of home injury death in the United States, and nearly 25 percent of all choking and suffocation deaths occur in the home.

□ 1600

Deaths due to drowning are the fifth leading cause of home injury death in the United States, and an average of more than 10,000 events occur in the home each year that require medical care, emergency department treatment, and/or result in days away from work and/or school.

Children and older adults have increased rates of unintentional home injury compared with all other age groups. Home Safety Month recognizes the contribution of home safety-related nonprofit organizations for their ongoing commitment to ensuring families remain safe in their homes.

As part of Home Safety Month, the Home Safety Council recently introduced a new and innovative online tool to help adults identify the dangers present in and around the home designated as www.mysafehome.org. Additionally, the Home Safety Council is also promoting the Hands on Home Safety campaign, whose goal is to educate and empower families, businesses and community leaders to take simple actions that will make homes safe and minimize their risk from potential injuries or even death.

This resolution encourages adults, parents and caregivers to take greater actions to reduce unintentional injuries and educate themselves on the importance of home safety for themselves and their loved ones. At the same time, it also encourages manufacturers to develop innovative safety projects and features to help lessen the numbers of home injuries and accidents, and finally encourages local and national government leaders to support funding for critical home safety education programs to reduce the risks from home injuries.

With that, Madam Speaker, I encourage the passage of this resolution.

I reserve the balance of my time.

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

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

Mr. SHIMKUS. Madam Speaker, I am pleased and honored to be joining my colleague, Congresswoman HALVORSON from the great State of Illinois, in speaking for and managing the minority side in this debate.

I rise today in support of House Resolution 543, expressing support for the designation of June as ''Home Safety Month.'' There have been recent stories that because of the economic downturn, many people are being driven to home repairs. I just put up two shades in the townhouse last night, and I probably can guarantee you that I didn't do it in the safest manner possible.

This is a simple resolution to again call upon the public to understand the dangers inherent around the home and to provide information using a tool available to help them identify areas around the home and what they can do to make their home more safe.

Each year there are nearly 20,000 deaths and 21 million medical visits caused by unintentional falls, people being poisoned, skin burns due to fires, choking hazards and drowning. Unfortunately, most of these hazards occur to the most vulnerable age groups, children and older adults. I encourage the adults, caregivers and parents to educate themselves on the importance of home safety for themselves and their loved ones.

I would like to express my gratitude to the Home Safety Council for their innovative online tool that helps adults identify the dangers that may exist in the home, and I also encourage others to look into the Hands on Home Safety campaign which was identified by my colleague, www.mysafehome.org. The Web site has made great efforts to educate families and businesses on how to avoid potential risks and injuries. I probably should have looked at that Web site before I attempted my little home repair last night.

I would like to thank the author, again, for this resolution, Mrs. DEBBIE HALVORSON of Illinois, for her leadership in helping Americans' well-being and addressing the safety in their homes. I encourage all my colleagues to vote in favor of this resolution.

I reserve the balance of my time.

Mrs. HALVORSON. Madam Speaker, I have no additional requests for speakers. I would like to inquire whether the minority has any additional speakers.

Mr. SHIMKUS. As far as I know, I have one more additional speaker.

Mrs. HALVORSON. I reserve the balance of my time.

Mr. SHIMKUS. Madam Speaker, I yield such time as he may consume to my colleague and friend, Congressman BROUN from Georgia.

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

I'm a physician, and I'm concerned about what goes on in people's homes and the safety in those homes. And I commend the sponsor of this bill for introducing it here before the House.

I think the American people are more concerned about other things now than just home safety. That is certainly everyone's concern, but I think their economic concerns are extremely important to the American people also, Madam Speaker. I also believe that energy independence is of extreme concern to the American people too. Republicans have offered alternatives to the tax-and-cap bill that this House passed just a couple of weeks ago. It is over in the Senate. In my opinion, it should die over there.

The American people must stand up and understand how this is going to increase the cost of not only their energy sources, but it is going to increase the cost of everything that they buy. Out of every dollar that they spend, some of it is going to come to the Federal Government in the nature of an increased energy tax which is going to be disastrous.

We on the Republican side have introduced legislation that would make America independent. But that bill has not seen the light of day on the floor of this House. Why is that? It is because the Democratic majority and the leadership will not allow that to happen. I think if that bill were to come to the floor of the House of Representatives, and the American people were to see it, we would pass it. But if we passed it over this huge energy tax that is in the tax-and-cap bill, then the revenue would not be available to pay for the health care bill. The President recently said he needed that revenue to pay for the health care bill that he has promoted and that is being introduced this week in the House of Representatives, ''Obama Care.''

And Obama Care, as a physician, I can tell you is going to be disastrous for my colleagues and me and for our patients because it is going to insert a Washington bureaucrat between the doctor and the patient, and that Washington bureaucrat is going to be making health care decisions. It is going to be extremely expensive.

Just last night, I held a tele-town hall meeting and asked a question of the people on the line about what concerns them about this Obama Care program that is being proposed by the Democrat majority. Overwhelmingly, they were concerned about the cost, as well as Washington bureaucrats inserting themselves in health care decisions. They were overwhelmingly concerned about the taxes that are going to go up for everybody in this country.

There are a lot of tax increases that we already know are going to be in this bill because we have seen the draft. We understand we are going to have the bill today in final form, at least the final form before all the manager's amendments and before markups are done.

We have a lot of things going on here that the American people need to understand are going to be disastrous for them, for their health care and for their economy. It is going to hurt people. It is going to hurt people because the economy is going to fall just like we are concerned about falls and other things in our home and home safety.

Our grandchildren are going to live at a lower standard than we live today if we keep passing these bills. We have got unprecedented debt. We have got unprecedented deficits. Right now, the most abused credit card in this country today is this card, the voting card that Members of Congress use. This is a credit card that the Chinese are picking up the debt that we are creating with the use of this card.

Madam Speaker, we have to stop this egregious, outrageous spending that this Congress is doing. It is going to kill the American economy. It is going to destroy the health care system that is being proposed in this health care bill that is being presented today. We have got to stop it, Madam Speaker. So it is not just about home safety. It is about economic well being. It is about our children's future.

Madam Speaker, it just grieves me to see the direction that this country is going. It grieves me to know what my two grandchildren that I have now are going to have to face in the way of paying back the debt that we cannot pay, my children can't pay and that my grandchildren and their children probably are going to have a hard time paying too.

So, Madam Speaker, we are heading in a bad, bad direction. The American people need to stand up and understand what is going on and say ''no'' to Obama Care, ''no'' to tax-and-cap, the so-called ''cap-and-trade'' bill, and ''no'' to all of this increased debt and increased deficits which are going to take away jobs that we have already seen in tremendous job losses, take away jobs, and it is going to ruin the economy.

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

Mr. SHIMKUS. Madam Speaker, I have no other speakers, and I yield back the balance of my time.

Mrs. HALVORSON. Madam Speaker, first I would like to thank my colleague from Illinois (Mr. SHIMKUS) for helping today with this bill. We in Illinois do a lot of things in a bipartisan way, and I just want to give him another thanks for helping out and for bringing awareness to home safety issues which are important to all of us. It is a topic that could save people money and their health given the ability that they always have to be aware of things so we can prevent accidents in our home.

Each year an average of more than 7,000 adults aged 65 and older die from unintentional home injuries. Falls alone account for 52.5 percent of all home injury deaths for adults aged 65 to 74.

With this, Madam Speaker, I just encourage everybody to support this and to bring about awareness to Home Safety Month.

I yield back the balance of my time.

The SPEAKER pro tempore (Ms. LEE of California). 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.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 612, by the yeas and nays;
H. Res. 469, by the yeas and nays;
H.R. 1037, by the yeas and nays;
H.R. 402, 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.

EXPRESSING SYMPATHY FOR VICTIMS OF JUNE 22 METRORAIL CRASH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 612, 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 the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 612.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 533]

YEAS—421

Abercrombie	Baldwin	Bishop (UT)
Ackerman	Barrow	Blackburn
Aderholt	Bartlett	Blumenauer
Adler (NJ)	Barton (TX)	Blunt
Akin	Bean	Boccieri
Alexander	Becerra	Boehner
Altmire	Berkley	Bonner
Andrews	Berman	Bono Mack
Arcuri	Berry	Boozman
Austria	Biggert	Boren
Baca	Bilbray	Boswell
Bachmann	Bilirakis	Boucher
Bachus	Bishop (GA)	Boustany
Baird	Bishop (NY)	Boyd

Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
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)

NOT VOTING—11

Barrett (SC)
Carnahan
Clay
Conyers
Cummings
Filner
Johnson (GA)
McKeon
Schrader
Sestak
Young (FL)

□ 1638

Messrs. LUETKEMEYER, TERRY and BRALEY of Iowa changed their vote from ''nay'' to ''yea.''

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.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 533, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted "yea."

HONORING WAYMAN LAWRENCE TISDALE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 469, 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 the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 469.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 534]

YEAS—418

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

NOT VOTING—14

Barrett (SC)
Carnahan
Clay
Conyers
Delahunt
Filner
Hinojosa
Hoyer
McCarthy (NY)
Pence
Schrader
Sestak
Turner
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1647

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.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 534, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted "yea."

PILOT COLLEGE WORK STUDY PROGRAMS FOR VETERANS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1037, 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. FILNER) that the House suspend the rules and pass the bill, H.R. 1037, as amended.

This is a 5-minute vote.

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

[Roll No. 535]

YEAS—422

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
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
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
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)

NOT VOTING—10

Barrett (SC)
Carnahan
Clay
Conyers
Filner
Hoyer
Kirk
Schrader
Sestak
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1656

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. FILNER. Madam Speaker, on rollcall 535, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted "yea."

WILLIAM C. TALLENT DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 402, 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. FILNER) that the House suspend the rules and pass the bill, H.R. 402.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 13, as follows:

[Roll No. 536]

YEAS—419

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

NOT VOTING—13

Barrett (SC)
Carnahan
Clay
Conyers
Filner
Hoyer
Kosmas
Ruppersberger
Schrader
Scott (GA)
Sestak
Wilson (SC)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining on this vote.

□ 1703

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 536, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, on July 14, 2009, I was not present and therefore missed the following votes:

On the passage of H. Res. 612, had I been present, I would have voted "yea."

On the passage of H. Res. 469, had I been present, I would have voted "yea."

On the passage of H.R. 1037, had I been present I would have voted "yea."

On the passage of H.R. 402, had I been present I would have voted "yea."

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 4 of the Ronald Reagan Centennial Commission Act, (Public Law 111–25), I am pleased to appoint Mr. Elton Gallegly of California as a member of the Commission.

Mr. Gallegly has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

WHAT HAS CUBA DONE?

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

Mr. QUIGLEY. Madam Speaker, I rise today to discuss our relationship with our neighbor to the south, Cuba. I applaud President Obama for his plan to re-engage Cuba in a constructive dialogue and support his first steps to that end. But I must ask, what has Cuba done?

Improving the relationship between the United States and Cuba is something I strongly support, but I do not support this partnership at any cost.

I must ask, what has Cuba done? Cuba is still imprisoning political dissidents; Cuba still denies gay and lesbian citizens basic rights like freedom of assembly; Cuba still forbids travel outside the country without official permission.

We cannot tacitly reward this behavior by restoring normal relations with Cuba without asking what has Cuba done. Our ultimate progress is up to Cuba, and our shared diplomacy must be a two-way street.

HONORING DR. ROBERT STEELE

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to honor a constituent who has been invaluable to Pennsylvania agriculture and has served with distinction at Penn State University. Dr. Robert Steele has been dean of the University's College of Agricultural Sciences since July 1, 1997. Dr. Steele has been in charge of Penn State's agricultural program, which includes 12 academic departments serving more than 3,000 students.

Under Dr. Steele's leadership, Penn State has performed significant agricultural research, and I'm grateful for

the support that Congress has shown over the years for this important work. Specific programs at Penn State that I proudly support include agricultural entrepreneurial alternatives, sustainable agriculture, dairy farm profitability, improved dairy management practices, and milk safety.

Dr. Steele is stepping down as dean and returning to the classroom.

Thank you, Dr. Steele, for your many years of service and your dedication to agriculture and higher education. I thank you, Dr. Steele, for your service and leadership. Pennsylvania agriculture is stronger for it.

ENSURING THERE ARE ENOUGH MEDICAID DOCTORS

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

Mr. BURGESS. Madam Speaker, you know we have a problem today in that many patients who are enrolled in Medicaid really face a tough time finding a doctor who will accept their coverage. A recent article in my hometown paper, The Dallas Morning News, highlighted the troubles of a young girl in north Texas covered by Medicaid. She couldn't find a doctor to treat her, stating that because of the lack of Medicaid doctors, ''Medicaid patients often grow sicker while hunting for a doctor.''

We have an obligation to ensure that Americans covered under Medicaid, who also happen to be some of our poorest and neediest patients, children and American pregnant women, can see the doctor they need to see when they need to see them. Expanding the number of Americans who qualify for Medicaid without first making certain that there are enough doctors to see those Medicaid patients is irresponsible and is a disservice to these individuals.

To avoid this crisis, I propose that the Federal Government undertake the changes necessary to address the barriers of access to a doctor for any government program. Throwing more Americans onto the rolls of government-run health care without first ensuring that there will be a doctor to see them is wrong. Coverage should equal access to a doctor and must be part of the national health care debate.

I encourage the people to go to my Web site, www.healthcaucus.org.

MEDICAL LIABILITY REFORM

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

MR. PAULSEN. Madam Speaker, the cost of defensive medicine is a major factor for skyrocketing health care prices for American families. Studies reveal some alarming facts: defensive medicine costs the United States $170 billion per year; a third of orthopedists, obstetricians, trauma surgeons, emergency room doctors, and plastic surgeons can expect to be sued in a given year; liability concerns have driven 7 to 8 percent of all OB/GYNs to stop practicing altogether; and data for 2006 show that 71 percent of all cases are either dropped or dismissed and only 1 percent result in a verdict for the plaintiff; and yet it still costs an average of $25,000 just to defend a lawsuit even if no payment is awarded. The results are higher premiums, less access to treatments, and physician shortages in certain specialties.

Any real health care plan must include long-overdue medical liability reform. Without it, patients and doctors alike will suffer, and the cost of health care for all Americans will continue to go up.

AMERICA'S 33 CZARS

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

Mr. KINGSTON. Madam Speaker, czarist Russia, 18 czars over a 300-year period of time. Czarist Obama Nation, America, 33 czars in 7 months, 33 czars who are running policy from Guantanamo Bay, to energy, to a $790 billion stimulus package, to a myriad of other things and yet none of them have gone before the United States Senate for confirmation even though article II, section 2 of the Constitution says that the President should seek consent and advice from the U.S. Senate before appointing important policy people to his Cabinet.

Now, we do appoint and have the Senate confirm sub-Cabinet members, deputy Cabinet members, a myriad of judges—indeed hundreds if not thousands of people—but 33 people at a salary of $172,000 each are running a parallel government without consent and approval. We need to stop this.

LAUS DEO

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

Mr. GOHMERT. Madam Speaker, of course we have heard our President say we are not a Christian Nation. People can decide for themselves. But I thought it was worth pointing out that when the Washington Monument, right down the Mall from us, was dedicated, they put an aluminum-capped stone on it, four sides, there's writing on all four sides, but on the side that faced the Capitol were the Latin words ''Laus Deo,'' Praise be to God.

Now, the reason they put that facing the Capitol was so that every day when the first rays of God's sun hit the very first thing in this Nation's Capitol, it was the words ''Praise be to God.'' Every morning, the first rays of God's sun hit the first thing in the Capitol is ''Praise be to God.''

Just thought you ought to know.

REAL HEALTH CARE REFORM

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

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today because we had a very important step in the history of America today. The House leadership announced a major initiative on health care reform: the 47 million-plus and growing number of uninsured Americans, the small businesses who get up every day and create the economic engine, the hardworking laborers who work every day, the children of America, just plain America is looking forward to a health reform package that gives a robust and vigorous public option without decreasing quality that says to hardworking Americans, No pre-existing disease or ailment in your family will ever break you again.

That allows for the strength of the integrity of the Federal Government to be a partner in working with those who wish to choose their own insurance which they already have. It is a fair balance, and it is paid for.

And so as we begin this debate, I'm excited to be able to announce that there will be savings, elimination of fraud and abuse, the opportunity for real health care reform.

□ 1715

OUR FINANCIAL INTEGRITY

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

Mr. CULBERSON. Madam Speaker, this is a historic day but not for the reasons my colleague has just specified.

Today is the first day in American history the national deficit has reached $1 trillion. We in this Congress have an obligation to do everything we can to preserve the financial integrity of this Nation for future generations, and as a Texan, I know the solution is very simple. It's one that is embodied in these wonderful stars which were worn by soldiers in the Army of the Republic of Texas.

This is a star worn by a young man who served in the Marine Corps of the Republic of Texas, and the lone star symbolizes for Texans that the solution is, to our problem as a Nation, just leave us alone. Let Texans run Texas. Stick to the Constitution.

The Federal Government needs to stick to the very limited powers set out in the Constitution and otherwise leave us alone. Stay away from my bank accounts, stay out of my pocket, get off my back, out of my way. Stay away from my home, my family, my kids, my job, my church, my synagogue.

Let Texans run Texas. Let Ohio run Ohio. That's what these young men were fighting for in the Army of the Republic of Texas, and that's what we,

as fiscal conservatives, are fighting for here today.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. KOSMAS). 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.

ECONOMIC DEVELOPMENT IS THE KEY TO SUCCESS IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, President Obama has said that our Nation's policy in Afghanistan rests on a three-legged stool. The three legs are: One, security, which means more troops; two, economic development; and three, helping the Afghan Government to do a better job of serving the needs of the Afghan people.

Last week, National Security Adviser James L. Jones gave a frank assessment about the strategy. He made it clear that the most important leg of the strategy is economic development. This is what he said, and I quote him: ''This war will not be won by the military alone. We tried that for years. The piece of our strategy that has to work in the next year is economic development. If that is not done right, there are not enough troops in the world to succeed.''

Madam Speaker, I welcome Jones' comments and agree with him completely about the importance of economic development. The administration must commit more to the economic strategy.

Look at the supplemental funding bill for Afghanistan which Congress passed last month and which I voted against and you will see that we have our priorities wrong. Ninety percent of the bill's funding goes toward purely military operations, while only 10 percent goes to support smart power, which includes economic development, humanitarian aid, and diplomacy. Madam Speaker, a 90/10 split favoring a military option is a doomed strategy that has virtually no chance of succeeding.

To win the battle for Afghanistan, we must show the Afghan people that the United States is helping build better lives for themselves. But after 7 years of occupation, the Afghan people don't see enough evidence that their lives are better now than they were before we arrived. In fact, in some ways, their lives have worsened. That's because we relied almost exclusively on the military leg of the stool and ignored economic development and the other elements of smart power. As a result, some Afghans now join the Taliban out of a sense of resentment and frustration. Some support the Taliban simply because they are poor and the Taliban will pay them.

Mariam Nawabi, a former senior adviser to the Afghan American Chamber of Commerce and an activist for Afghan women, recently was asked what advice she would give President Obama, and here's what she said: ''I would tell him to direct more money into economic development and the creation of jobs. To end the violence, the money needs to reach the villages. If the money doesn't get to the village itself, there is no change and the young men are left without support and become fodder for the Taliban.''

Madam Speaker, we must redirect our mission in Afghanistan. We must shift our resources towards a civilian surge, a surge of experts and workers who can help the Afghan people to develop their economy, and our military forces actually could be redirected to support these efforts. We must also have a diplomatic surge, a surge that engages all of Afghanistan's neighbors in an effort to assist the Afghan people and shore up the central government.

In addition, we must develop a series of rigorous metrics to evaluate the progress of these efforts and report the results to the Congress of the United States and to the American people which will then send the message that our involvement in Afghanistan is not open-ended. We can also use this process to develop a timeline for the full redeployment of our troops and military contractors out of Afghanistan.

And finally, Madam Speaker, the government of Kabul must eliminate corruption. They must respect the rule of law and show that it is working on behalf of the Afghan people.

Madam Speaker, the previous administration failed in Afghanistan because it did not understand the importance of smart power. President Obama does. That's an important step forward. But our next step is to put smart power to work, which will bring peace to Afghanistan, and it will strengthen America's national security.

TAXES ARE THE ROOT OF ALL FEDERAL MISCHIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, the taxacrats are at it again, cooking up new taxes to try to pay for the government takeover of health care. This time they want to raise taxes on small businesses. The so-called rich the taxacrats are targeting are America's entrepreneurs, the engine of the American economy.

Madam Speaker, taxes are the root of all Federal mischief. Businesses with less than 500 employees produce half of America's gross national product and account for the majority of our jobs. The taxacrats want to force these small businesses to buy health insurance for all of their employees, whether they can afford it or not. And if they don't, they will have to pay stiff fines, and of course, that will kill jobs.

The taxacrats also want to take $540 billion in taxes out of budgets of small businesses to pay for their nationalized health care boondoggle. Small businesses need a tax break, not a tax hike.

Madam Speaker, it has always been the American entrepreneurial spirit creating new small businesses that have made this country work. There is an ebb and flow of businesses closing and new ones opening up. But these days, more are closing than opening. By the end of May, commercial bankruptcies were up 52 percent this year compared to the first five months of last year.

Eva Christian owns a popular European-style restaurant called Cafe Boulevard in Dayton, Ohio. She is one of the 8,300 businesses that have already filed for bankruptcy protection this year. Eva is trying to keep her cafe open and her workers employed while she tries to work things out with creditors. She says that the rising cost of food and energy combined with local unemployment have made it tough because her regular customers don't come around anymore. She cannot afford to be forced to give health care coverage to her employees, and her ability to bounce back will be smothered by the taxacrat not only health care proposals but new taxes on small businesses. So she will just close up.

Making matters worse, the high cost of energy is making everything cost more. The taxacrats refuse to expand the drilling for oil and natural gas here at home that would bring not only prices down but create millions of American jobs and not send them to Saudi Arabia. They want to kill the coal industry that supplies most of our electricity. They don't want to build more nuclear power plants that provide limitless clean energy. Their solution is to tax energy consumption on all Americans. All that will do is decrease the energy supply and cause energy costs to go up. There is no transition fuel and no energy source to transition to for at least 10 more years. That's not going to power our industries or fill anybody's gas tank so they can even get to work.

When the government took over General Motors and put it into bankruptcy, the small businesses nationwide that supplied the auto industry took a big hit. Seat belt manufacturers, floor mats, rearview mirrors, spark plugs, windshield wiper blades and electrical wires and washers, including hoses, belts and gaskets, all of the parts and pieces that come together to make automobiles, were losing jobs.

When big business files for bankruptcy, it affects the small businesses that supply them—small businesses, as you may recall, Madam Speaker, that got no bailout. They weren't important enough to keep from failing or politically influential with this administration, so they just went out of business.

When the new Government Motors put hundreds of their dealerships out of business, it hurt the local strip malls, restaurants, dry cleaners, grocery stores, sandwich shops, gas stations, on and on, and that causes financial struggles for the industries who supply these small businesses.

Madam Speaker, America's small businesses offer the best hope for new job creation. The government needs to get out of their way. Stop sucking the oxygen out of the economy with higher taxes and higher energy costs. Let America's entrepreneurs keep more of their own money to pull the country out of this mess. That says it in a nutshell: let them keep more of their own money.

Taxacrats want to control America's economic engine; however, they want to seize the wealth created in this country and spend it on their special friends and special interest groups. America's economy doesn't work that way. No economy ever has. If the government seizes the wealth it created, that these businesses created, however, it kills any incentive to create wealth. Just ask the former Soviet Union. Why do you think they went out of business? Why would anybody in their right mind invest money, blood, sweat, and tears to build a company from scratch only to hand the fruits of their labor over to the government? Governments don't create anything. They just seize it. They don't create jobs. They create taxpayer programs.

America's economy is the most successful in the history of the world, and the reason is easy to figure out: freedom. Freedom to create and grow an idea into a company, a dream to make it a multinational corporation. It makes no sense at all to kill the greatest economy on God's green earth, along with the freedom and liberty that created it. You cannot help the poor by economically killing the rich. It's been said, You don't make the poor rich by making the rich poor. Madam Speaker, taxes are the root of all Federal mischief.

And that's just the way it is.

□ 1730

WE MUST SUPPORT AND DEFEND ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MCMAHON) is recognized for 5 minutes.

Mr. MCMAHON. Late Thursday, Madam Speaker, the House stood in support of our friend Israel and the greater global community by providing $2.2 billion towards Israel's regional security and counterterrorism efforts. More importantly, this appropriation bill takes a firm stand against the active state sponsorship of terror by Iran by cutting off U.S. export credits to foreign companies that help to provide gasoline and other refined products to the Islamic Republic of Iran.

Now I stand by the administration's decision to engage Iran through negotiations. However, the United States must have something concrete to negotiate with first. For this reason, I have strongly advocated for the use of sanctions to wean Iran away from its nuclear ambitions.

As for Israel, it is our fellow democracy, our tried and true ally. Supporting it is essential to the stability and future not only of the Middle East, but of the world. And any democratic nation that has chosen to treat Israel as a suspect state, to impose on Israel embargoes and daunting deadlines for a peace agreement, should know that its actions ultimately do damage to the shared values that all democracies espouse.

Our alliance with our European partners should be held in high regard—and it is. Yet, we must consistently work to maintain this relationship. Yet, a recent decision by the United Kingdom to revoke a number of arms export licenses to Israel following the Gaza war may trigger similar decisions by other EU nations, and comes at a crucial time for Israel's security.

Following the failed Iranian elections in June, the Iranian regime has had its legitimacy wounded and its paranoia increased. Many observers expect the regime to take a posture of increased repression at home and antagonism abroad. In that dangerous environment, Israel's leaders have every right to be concerned for their country's safety.

While hope still exists for a free Iran, Europe, Israel, and the United States must undoubtedly prepare for a more dangerous Iranian regime in the near term. We must be ready for the possibility that Iran will intensify its pursuit of nuclear weapons to overcome the embarrassment of the recent elections.

Incredibly, there seems to be a certain line of thinking in the international community that Iran poses no threat. For example, the day after Iran tested a 1,200-mile range Ashura ballistic missile and displayed the video footage to the world, a group of experts at the East-West Institute released a report on Iranian capabilities that made this astounding statement: ''There is no reliable information at present on the state of Iran's efforts to develop solid-propellant rocket motors and therefore no basis to make this assessment.''

It is this very shocking failure to prepare that puts Israel and the entire international community at risk. In this light, our European allies' decision to place an arms embargo on Israel does not merely represent a double standard, it is decidedly harmful to a democracy faced with the very real prospects of a destructive nuclear neighbor.

Madam Speaker, I urge this Congress and the United States to make the Iranian regime pay a higher cost for its nuclear weapons pursuit. If we needed any further reminder, the protests in the streets of Tehran have made clear that words and actions mean very little to Ayatollah Khamenei. The threat from Iran demands an effective policy response—and our European allies are well-placed to formulate one with us.

You see, even though Iran is an oil exporter, its economy is highly dependent on imported gasoline and other refined petroleum products. We need to embargo this trade. European companies are heavily involved in the Iranian gasoline business. Policymakers need to stop this trade to end this nuclear threat. If the Iranian regime faced damaging economic pressure from a significant reduction in gasoline supplies, it may indeed change its course and an ever-present threat to Israel and to global security may be alleviated.

I think we are all encouraged by the joint statement that came from the G8 Summit in L'Aquila, Italy, expressing concern over Iran's belligerence. And I hope by the next G8 summit in December, the deadline set by the world leaders—our European allies included, we will see real international collaboration to curb the threats of Tehran.

Nothing endangers peace more than a refusal to face facts. Even as we set deadlines for when discussions with Iran might begin, let's remember that they continue to enrich uranium and that a deadline with real consequences must be considered, along with engagement. Otherwise, engagement will be manipulated as a mere tactic for delay.

I am glad that this House chose to face Iran and support Israel with its vote on Thursday, and I have high hopes that the international community will do the same. We must support and defend our friend Israel and end the nuclear threat of Iran.

WHAT'S IN A NAME? THE DEPARTMENT OF THE NAVY AND MARINE CORPS

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. Madam Speaker, I'm pleased to report that 304 of my colleagues in the House, from both parties, have joined me as cosponsors of H.R. 24, legislation to redesignate the Department of the Navy to be known as the Department of the Navy and the Marine Corps.

I'm grateful to Chairman IKE SKELTON, who included the language of H.R. 24 in the National Defense Authorization Act, which passed the full House last month. This is the eighth year in a row that language to properly recognize the Marine Corps has been included in the House version of the bill. Unfortunately, each year the language has been stripped in the Senate.

This year, I'm grateful to have the support of Senator PAT ROBERTS, a former Marine, who introduced the same bill in the Senate, S. 504. With his

help, I'm hopeful that this will be the year that the Senate supports the House position and joins in bringing proper respect to the fighting team of the Navy and Marine Corps.

Madam Speaker, some people might ask, Why is the change so important? Isn't renaming the Department just symbolic? What's in a name?

Well, Madam Speaker, the name of the Marine Corps represents more than two centuries of service alongside the Navy.

What's in a name? The flag raising at Iwo Jima. What's in a name? Scarlet and gold; honor, courage, and commitment; and Semper Fi. What's in a name? More than 1,000 Marines who have given their lives in serving in Iraq and Afghanistan.

As symbolic as a change in the name might be, this is a matter of respect and gratitude to the Marine Corps. The Marines do not serve beneath the Navy. They are one fighting team. That is, the Marine Corps and the Navy as coequal partners.

This legislation is not about changing the responsibilities of the Secretary of the Department, reallocating resources, or altering missions. General Carl Mundy, the 30th Commandant of the Marine Corps, summed up the need for this change when he said, ''This action will accurately align the Secretary's title with his present-day authority and responsibilities. As is, the title is confusing. It is inconsistent with the status of the four Armed Services in the Department of Defense. And it acknowledges only two-thirds of the uniformed servicemembers in the Department.''

Over the course of the Marine Corps' history, including their present-day service around the world, those three words, ''and Marine Corps,'' have been earned through blood and sacrifice.

When the Department of the Navy writes the families of Marines who have been killed, their families deserve to receive the letter from the Department of the Navy and Marine Corps.

Madam Speaker, the Marines fighting today deserve this recognition, and those who are part of the history of the Marine Corps deserve that recognition as well.

Madam Speaker, I want to close my comments by first saying to those in Iraq and Afghanistan, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. And I ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

Madam Speaker, I close three times by asking God, please God; please God; please God, continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE CAPE COD BASEBALL LEAGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 5 minutes.

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing the Cape Cod Baseball League of Massachusetts on its 125th anniversary.

Recognized as ''the'' summer collegiate league in the Nation, the Cape Cod Baseball League today consists of 10 franchises in two five-team divisions. In its early years, during World War I and World War II, the league was populated largely by young GIs fresh from their service. The modern era of the league began in 1963, when it was officially sanctioned by the NCAA.

Throughout its existence, the League has promoted to the big time,—''the bigs''—several Cy Young and Most Valuable Player Award winners, as well as Major Leaguers who achieved Hall of Fame status, as well as decorated scouts and managers, all of whom got their start on the fields of dreams on Cape Cod.

Entering its 125th season, the League continues to offer the most talented baseball players from across the country the opportunity to demonstrate their skills in front of Major League scouts. As the pioneer among the Nation's summer leagues—including, by the way, the use of wooden bats—the Cape Cod Baseball League is truly America's League.

Young players learn the importance of sportsmanship and teamwork not only on the diamond and in the dugout, but also through the generosity of Cape Cod families who open their homes to host these young men during the summer season.

At a time when the integrity of the game is at risk, the Cape Cod Baseball League continues to embody the golden American tradition of wholesome entertainment. Our national pastime has been kept alive in its most pure state, owing to the effort of this volunteer organization, which enables fans to enjoy games at no expense; where visions of striped socks, crackerjacks, and lemonade evoke feelings of nostalgia for the bygone days of America's favorite sport.

The Cape Cod Baseball League stands out as a national treasure that can captivate any spectator through an exciting, competitive, nine-inning baseball game.

On this historic occasion, I am proud to honor the Cape Cod Baseball League for its 125 years of success and for its well-established, beloved reputation among the Cape Cod family, both residents and tourists alike. Congratulations to the players and to the volunteers in that organization, and may you forever be ''Where the Stars of Tomorrow Shine Tonight.''

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING MR. JACK H. JONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. I rise today to honor Mr. Jack H. Jones, who was recently elected Imperial Potentate of Shriners International, which makes him the highest-ranking Shriner in the world.

I want to share with my colleagues, many of whom may be unfamiliar with the work of the Shriners, what they are all about. Shriners International is a fraternity based on fun, fellowship, and the Masonic principles of brotherly love, relief, and truth. There are approximately 375,000 members from the 191 temples, or chapters, in the United States, Canada, Mexico, and Panama.

□ 1745

I am proud to be a Shriner and support their ongoing charitable efforts. Shriners International supports Shriners Hospitals for Children, a one-of-a-kind international health care system of 22 hospitals dedicated to improving the lives of children by providing specialty pediatric care, innovative research and outstanding teaching programs. Since 1922, Shriners Hospitals for Children have significantly improved the lives of more than 865,000 children.

Mr. Jones has been involved with Shriners for more than 30 years. He has served as Imperial Recorder, part of the body that governs the Shriners. Prior to his election to that position, he served on the Elected Divan of Egypt Shriners in Tampa, Florida. His Masonic affiliations include Egypt Shriners, Hillsborough Lodge No. 25 F.&A.M., Tampa York Rite, Tampa Scottish Rite, Red Cross of Constantine, Royal Order of Jesters, and National Sojourners. He also is a 33rd degree Scottish Rite Mason.

Mr. Jones has earned many awards for his service with the Shriners, including the Benjamin Franklin Award for the Grand Lodge of Pennsylvania, the Henry Prince Medal from the Grand Lodge of Massachusetts, and the Andrew Jackson Medal from the Grand Lodge of Tennessee. In 2006, he was presented the Imperial Potentate Award of Merit, which is the highest honor in the Shriners fraternity.

In his new position, the Imperial Potentate will serve as chairman of the Board of Directors for Shriners International and Shriners Hospital for Children. I am certain that his immeasurable talent and experience will greatly help the Shriners and the many people who benefit from their work.

Madam Speaker, I encourage all of our colleagues to congratulate Mr.

Jones on his election as Imperial Potentate and recognize the contributions that Shriners worldwide make to the betterment of our world.

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 Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNEMPLOYMENT, CAP-AND-TAX, AND AFFORDABLE HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Madam Speaker, after losing an additional 467,000 jobs last month, our Nation's unemployment rate reached a 25-year high of 9.5 percent. It is time for the administration and the Democratic majority to admit what the American people know all too well: the vaunted Democratic stimulus bill has failed to stimulate anything other than a few Federal bureaucrats and the Chinese, who are loaning us, with hefty interest, I might add, those stimulus dollars.

When President Obama and the Democratic leadership rammed the 1,073-page stimulus bill through Congress without giving Representatives on either side of the aisle, much less voters back home, a chance to actually read it, they promised that the $1 trillion price tag would go to ''saving or creating 3.5 million jobs.'' Well, Madam Speaker, I must ask the question, Where are the jobs?

To make matters worse, the House passed the ''Pelosi Global Warming Tax'' 2 weeks ago that will only make it harder for businesses and families to survive by piling an additional $3,000 on to every household's energy bill. This cap-and-tax policy, they call it cap-and-trade, but it is a cap-and-tax policy, would further impose artificial emissions standards on American companies and energy producers, increasing the cost of doing business and forcing them to cede market share to overseas competitors who will not be subject to these limits on carbon dioxide emissions. I repeat: they will not be subject to these limits, and I'm talking, of course, about China and India.

And now the same people who turned General Motors into ''Government Motors'' have set their sights on a government-controlled health care system that gives power to bureaucrats rather than doctors, like myself, to make decisions about your care. As we have seen in Great Britain and Canada, the end result would be the virtual elimination of private health insurance and the creation of a one-size-fits-all government health plan that would ration care by limiting the types of treatments patients can receive.

Madam Speaker, instead of another government takeover, we need real solutions which will make health care more affordable and more accessible while leaving critical choices and decisions about their health where they belong, in the hands of patients and their physicians.

REVISIONS TO THE 302(a) ALLOCATIONS FOR THE COMMITTEE ON APPROPRIATIONS ESTABLISHED BY THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 2009 AND 2010

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 422(a)(2) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit for printing in the CONGRESSIONAL RECORD revised 302(a) allocations for the Committee on Appropriations for fiscal years 2009 and 2010. Section 422(a)(2) of S. Con. Res. 13 directs the chairman of the Committee on the Budget to adjust discretionary spending limits for certain program integrity initiatives when these initiatives are included in an appropriations bill. 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) includes an appropriation for such an initiative in accordance with S. Con. Res. 13. A corresponding table is attached.

This adjustment is filed for the purposes of section 302 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this adjusted allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

Any questions may be directed to Ellen Balis or Gail Millar.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302 ALLOCATION

[In millions of dollars]

	BA	OT
Current allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,088,059	1,306,759
Change for program integrity initiatives: H.R. 3170 (Appropriations for Financial Services and General Government):		
Fiscal Year 2009	0	0
Fiscal Year 2010	600	564
Revised allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,088,659	1,307,323

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THANKS AND FAREWELL TO LIZ BIRNBAUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BRADY) is recognized for 5 minutes.

(Mr. BRADY of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

Mr. BRADY of Pennsylvania. Madam Speaker, in the frenetic pace we maintain in Washington, we too seldom acknowledge the invaluable role played by our staffs. As chairman of the Committee on House Administration, on this occasion I wish to note the recent departure of my invaluable committee staff director, S. Elizabeth Birnbaum.

Since her arrival in 2007, Liz has served the committee, the House and the country with distinction, providing me and my colleagues with wise counsel honed during her years of service with the Department of the Interior; with the House Interior and Natural Resources Committee, as it was then known; as a tireless advocate for the health of our nation's waterways at the environmental organization American Rivers, and elsewhere. In addition to her policy advice, Liz also proved a strong, effective, compassionate leader for the committee staff from whom her colleagues could and should have learned much during her tenure.

Madam Speaker, the House Administration Committee may be the most important committee that many Americans have never heard of. We don't write tax or spending bills, we simply run this place. I can assure the House that the committee could not have run this place for the past two years without Liz Birnbaum. We grapple with dozens of administrative matters every day, large and small, each crucial to someone. Although I cannot be certain, because she has so many from which to choose, I suspect Liz might consider her greatest accomplishment to be her legislative and oversight roles in the December 2008 opening of the Capitol Visitor Center, already toured by nearly 1.5 million people.

Liz will be greatly missed, but we can all take comfort that she will not be far away. The President lured Liz back downtown to the Interior Department, where she will direct the Minerals Management Service implementing the Administration's policies concerning resources on federal lands. While the committee's loss is definitely the President's gain, as Liz herself knows, Capitol Hill never lets go of alumni completely. So, on behalf of my committee, the House, and the country, I thank Liz Birnbaum for her dedicated service, wish her well in her next assignment, and fondly look forward to seeing her again soon.

GENOCIDAL HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Madam Speaker, recently the Secretary of State appeared before the House Foreign Affairs Committee and confirmed that it is the administration's goal to include abortion as an integral element of ''reproductive health care'' provided by

the United States overseas. This hearing came on the heels of the Secretary's words of praise for Margaret Sanger as a personal heroine. Margaret Sanger was a notorious American eugenicist who advocated tirelessly for policies to eliminate persons she deemed inferior and unworthy to live, namely the poor, the immigrant, and the black child.

While the Secretary at the hearing did rightfully deplore the racist comments attributed to Margaret Sanger, the administration's policies regrettably continue to champion abortion both here and abroad. This continues despite the fact that more and more Americans oppose the practice, let alone using taxpayer dollars to fund it, or imposing it on persons across the world who may be weaker and more vulnerable.

Margaret Sanger's world view should shock the conscience and evoke equal condemnation from thoughtful persons on both sides of the aisle.

Madam Speaker, for this reason, I was stunned to learn that in a July 12 interview with the New York Times, Supreme Court Justice Ruth Bader Ginsburg echoed the sentiments of Sanger. While explaining the outcome of Harris v. McRae, a 1980 Supreme Court ruling that upheld the Hyde amendment, which disallows Medicaid funding for abortions, Justice Ginsburg said this, ''frankly I had thought that 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.''

Madam Speaker, did you hear those words? Justice Ginsburg, I repeat, actually said this, ''There was concern about population growth and particularly growth in populations that we don't want to have too many of.''

Madam Speaker, to whom was Justice Ginsburg referring? Who would Justice Ginsburg prefer to not have live? It is unfathomable that in this day and age, a Justice of the United States Supreme Court would articulate such a patently genocidal sentiment.

This is more of the same discredited, amoral philosophy of social engineering that offers no comfort, no vision of the common bond of all humanity, particularly for those who are weak and vulnerable among us.

Madam Speaker, it is with a very heavy heart that I have to say such things. I know we have come much further than this in our society. Millions of Americans believe that we are big enough and loving enough as a Nation to embrace the mother and her unborn child and truly care for life. We can do better. We must do better. Women deserve better than abortion, and America deserves better from its leaders.

''GOVERNMENT MOTORS''

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Madam Speaker, 2 days after Independence Day, the remaining GM dealers in the United States received a letter from the General Motors National Dealer Council letting the dealers know that the National Dealer Council strongly opposes the Automobile Dealer Economic Rights Restoration Act of 2009. It is also called H.R. 2743. The letter urged all remaining GM dealers to sign the letter immediately, by no later than 5 p.m. on Tuesday, July 7. They urged the dealers to fax it back to the National Dealer Council urging that they do not support passage of the restoration of economic rights.

I have nothing personally against GM or Chrysler, Madam Speaker. These are great American companies. But what I do object to is the Federal Government effectively taking over these once great companies.

Last Friday, GM emerged from bankruptcy, Madam Speaker, but do the American people even realize that they own a majority share in this company, effectively 61 percent, which is why many people now call it ''Government Motors''? Do they know that 3,400 privately owned dealerships were given pink slips essentially by the Federal Government? 3,400 dealerships were closed down all across the America, not because these dealers were failing? Hardly. In my district dealers were experiencing some of their best months ever for sales, high customer satisfaction and terrific service.

Perplexed and bewildered, 3,400 automobile dealers across the United States were given pink slips essentially by the Obama Auto Task Force; 150,000 jobs are estimated to be at risk of vanishing by this move. And with these jobs goes a part of the American Dream for private property owners and business in our country. The remaining GM dealers carved up the spoils.

Now let me be perfectly clear. I fault none of these existing remaining GM dealers. These actions weren't their fault. Our fear with government owning these car companies is that politics will control GM's remaining decisions, not business. And now with this letter, it seems that politics is prevailing. Existing dealers are urged by GM to work against restoring economic rights to the dealers who saw their businesses' value drained from them overnight.

How can current GM dealers possibly stand up against GM when GM is the Federal Government? Again, dealers are urged to sign a letter that will disadvantage their disenfranchised former competitors. This is a bad business, Madam Speaker. And it perfectly illustrates why we don't want government to own, operate, or control private businesses.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

(Mr. BROUN of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE NATIONAL ENERGY TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Madam Speaker, I appreciate the time to come down to the floor and talk about the bill which recently passed the House, the cap-and-trade, cap-and-tax national energy tax bill, which has a basic premise. The basic premise says that there is too much carbon dioxide in the atmosphere. The solution is to make sure that the emission of carbon dioxide is charged more, and that charge will decrease our reliance on that by forcing people not to use fossil fuels.

It sounds simple. It is not that simple. Fossil fuels is the basic foundational fuel for a thriving economy. And in this economy that we have today, the last thing we want to do is slow that engine by raising costs.

Energy is a component in the cost of everything we do. Here in this Chamber, we appreciate the lights being on. That currently is possible by fossil fuels. Whether that is coal or natural gas, fossil fuels help create that electricity. As we drive back and forth to our districts, the gasoline is a fossil fuel. If we are flying back to our districts, the jet fuel is a fossil fuel. If we add a cost on the use of fossil fuels, the cost for everything increases from the clothes that you wear to the food that you consume and to the houses that you build.

The last time we went through environmental legislation that dealt with the Clean Air Act, there was great devastation of jobs throughout the Midwest. An example is this poster that I bring to the floor numerous times of United Mine Worker members from Peabody No. 10 in Kincaid, Illinois. When the last Clean Air Act amendments were adopted, 1,200 mine workers in this mine alone lost their jobs. There is an effect by the legislation that we pass here on the floor of this House.

□ 1800

And not only did it affect these individual miners, but it affected all the communities from which they have come from because that was the major job creator in this county was those who operated this mine. They not only lost their jobs, but in southern Illinois, 14,000 other mine workers lost their jobs. This is very similar to what happened throughout the rest of the Midwestern States.

The one that really is poignant because the head of the Ohio Coal Association, the Ohio Mining Association came before our committee and said, after the 1990 Clean Air Act amendments, 35,000 coal mine workers lost their jobs. And so that's why those of us from coal-producing areas and those of us who want low-cost fuel have come to the floor and we fought so diligently in opposition to the national energy tax.

Now, if we want to move on the national energy tax and if we want to limit the amount of carbon dioxide because the atmosphere has too much, wouldn't it be important to ensure that the rest of the countries that are developing would also comply? But the bill that passed the House had no provision, had no trigger to ensure that the number one emitter of carbon dioxide would have to comply in a regime, and that's China. Another major emitter of carbon dioxide is India. They're not involved and responsible for moving to limit their emissions. So, for the United States to go into and disarm ourselves by raising our energy costs against countries that compete with us because they can pay their employees more, they don't comply with environmental standards, now we are going to allow them to have cheaper energy, it is just a foolish proposition.

So what have Republicans done? We've come to the floor to talk about what really are the energy demands that we have in this country. We need to decrease our reliance on imported crude oil. The cap-and-tax bill does nothing to decrease our reliance on imported crude oil.

What we have proposed is making sure that we take access of the Outer Continental Shelf, the oil and gas reserves there. The royalties then are used not to continue to bring additional taxes on the American people. The royalties are used to expand wind and solar power that is now developing throughout this country, which we support because we want a diversified energy portfolio. We want to make sure we use our most efficient, cheapest source that we have, which is coal. We want to use it for electricity generation, driving down electricity prices. We also want to use that to produce liquid fuel, so we have a competitor. That is where we decrease our reliance on imported crude oil.

GOVERNMENT REGULATION OF THE FINANCIAL SERVICES SECTOR

The SPEAKER pro tempore (Mr. MAFFEI). Under a previous order of the House, the gentleman from Connecticut (Mr. HIMES) is recognized for 5 minutes.

Mr. HIMES. Mr. Speaker, I rise to address the House this afternoon because, like so many Members of this body, I am engaged in a terribly important exercise of working to think through the next generation of regulation that will oversee the stability and health of our financial services sector. This is a terribly important and challenging thing that we do. We need to make sure that we do what is necessary to have a vibrant, innovative, thriving financial services sector that employs the people of Connecticut and the people of this Nation, that pays taxes in Connecticut and to this Nation, but that we toe the line in such a way that we never find ourselves in the position that we are in today of tens and hundreds of billions of taxpayer dollars being brought to the table to bail out a private industry that took too many risks.

And I rise this evening because I am concerned by the conclusion being drawn by some of the Members of this House, because our regulatory apparatus which, let's face it, was crafted in the 1930s, failed in many respects. And, boy, did it fail in some spectacular aspects. The conclusion seems to be drawn that government cannot regulate, that we should get out of the business, that we should leave the financial services sector entirely to its own devices, that somehow individual responsibility alone will create a stable and vibrant financial services sector.

And so I want to hearken back to the history of this body and this government crafting smart regulation. Think back 110, 120 years ago. American families ate rotten food. They bought snake oil in the guise of pharmaceuticals. They worked in factories that burned down and killed hundreds. They lived in cities that were unsanitary.

And over 120 years, 110 years, maybe starting with the fine Republican, Teddy Roosevelt, this Nation said we can do better. We can put in place smart regulation that protects our citizens and that adds to the quality of life of every American family. And, in fact, that is what happened, and we haven't gotten it quite right. There have been spectacular failures. But over that 120 years, the efforts of this government to craft smart, efficient regulation hasn't destroyed the economy.

The economic growth in this country over that period of time has been nothing short of spectacular. But it has protected American families. Very few families anymore buy snake oil, buy securities that would put Madoff's securities to shame, find themselves working in factories that burn down and nobody gets out because the doors are locked. 110 years, 120 years of success, not unadulterated success. There have been failures. But over time, the efforts of this country to put in place smart and efficient regulation have helped this economy and have helped the quality of life of American families.

And that is what we must do. We must not shrink from the task just because the SEC blew it on the Madoff case or because other regulators weren't watching new and dangerous markets closely enough. We must not shrink from the task of thinking through what new round of financial regulation allows that industry to thrive, allows that industry to provide credit to American families, to small businesses, to allow our economy to grow, but which never, ever puts us in the kind of risky position that we're working so hard to dig ourselves out of right now.

We can do this. There's a century-long tradition of our working constructively in that direction. So I know we can do this. The answer is smart, efficient, modern regulation for the benefit of everyone and the benefit of this economy.

THE MAJORITY MAKERS AND HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. YARMUTH. Mr. Speaker, it's a great honor for me to be here tonight to lead a discussion about the most pressing and the most significant problem to most Americans, and that is the question of health care. I'm here with Members of the class of 2006. We call ourselves the Majority Makers, and from time to time we are here to address matters of great national import with you. But this is a very special topic for the class of 2006.

I remember very well when I began my campaign for Congress back then, in 2006, when many of the headlines of our Nation's newspapers and our television news operations were all about the Iraq war, and people would say to me, Well, I guess everyone's talking about the Iraq war to you. And I said, No, nobody's talking about the Iraq war. It's health care, health care, health care. Everywhere I went, neighborhood picnics, Catholic picnics on Friday night, festivals, businesses, schools, wherever I went, I heard story after story about how Americans were fed up with the health care system that was not serving them. In fact, it was, in many cases, killing them.

Well, here we are, 3 years later, and while health care may not have been on the front pages of the newspapers up till now because we have a severe economic decline and many challenges we're dealing with, this Congress is ready to put health care back on the front pages. And President Obama has already indicated that this is his top priority in his first time in office, and the reasons that that is so are not hard to determine.

It's pretty easy to look around us, look at the numbers and see why we have to take significant, decisive action to improve, to change our health care system. Just a few weeks ago, Dr. Christine Rohmer, who heads the White House's economic team, testified before the House Budget Committee that if we don't make significant steps to reform health care, to get a handle on cost, to bring prices down, that health care, which now comprises 17 percent of our economy, by 2040, would make up 35 percent of our economy.

Well, you don't have to be an economist or a health care expert to know that if health care takes up 35 percent of our economy, it's going to squeeze out most of everything else. In short, it is an unsustainable number. And we can go on and talk about the dramatic impact of Medicare and those types of expenses on the Federal budget as well as on the general economy.

But what most people are concerned about is not the big picture, not the macroeconomic picture; it's the kitchen table picture. It's what happens in your household, what happens to individuals, those people that we meet in all segments of our society from one coast to the other who have had significant difficulties with their health care system. They're small business people who have seen their premiums rise 15, 20, 25 percent every year in spite of the fact that they have very low utilization, healthy people.

We've seen story after story of individuals who, at 55 years of age, lose their job. They can't get COBRA for a very long period of time. They don't qualify for Medicare. They try to go out in the private market and buy insurance, but at 55, most everybody's going to have some kind of preexisting condition that makes them, under current, the current system, uninsurable.

We heard from a couple yesterday in that exact same position. They came to testify to Congress. A woman has had epilepsy since she was 5 years old. Her husband lost his job. Now they go out and try to shop for insurance in the private market, but because she has epilepsy, something totally beyond her control, obviously, the only insurance policy she could get cost $2,600 a month. Now, how many people in this country can afford $2,600 a month for health insurance? $30,000 a year. Well, not very many. But these are stories that are repeated time after time after time.

I have to tell one that was a personal experience of mine, and then I'm going to let my colleagues from the class of 2006 contribute not just their stories about where health care needs to be fixed, but also what this Congress is proposing to do to set America on a sounder course for health care.

Back during my 2006 campaign, we had a young worker, a young woman in her mid-twenties, was a volunteer in our campaign. She was severely disabled, so severely disabled she was wheelchair-bound. And she told me that if she were not covered by SSI, she would have spent, had to spend $3,000 a month just on her prescription medications, but because of SSI, she was able to manage her health care problems.

Now, she had, and I hope she still has, a boyfriend, and they wanted to get married. Her boyfriend worked at a supermarket company. He was making $11 an hour, which, to them, was a great salary. But they couldn't get married, because if they got married, she would lose her disability coverage, and the company where her boyfriend was employed could not, would not put her on the policy because she was so expensive to cover.

□ 1815

So what we have here are two people in love, wanting to get married, wanting to start a family, wanting to do what so many Americans want to do, and because of a health care coverage issue, they cannot get married. In this country, there is no excuse for that situation.

Time after time, all of us run into situations in which people are having to make important life decisions based on whether there is the availability of health care coverage. There is someone who wants to leave a company and wants to start a small business of his own—not able to do it because of coverage. There is somebody who wants to leave a situation, in which he or she has coverage, in order to go back to school to further his education and advance his prospects—can't do it because of insurance coverage. We all know these scenarios all too well.

So this Congress and this President have set out to change the health care system in this country to make sure that every American has peace of mind and security where his or her health care is concerned. That's what we're about, and that's why we're going to put health care back on the front pages and back as the lead story on America's newscasts over the next few weeks, because we are going to do for the American people what we know they want us to do and need us to do.

With that, I would like to yield to my good friend and colleague from Maryland, Mr. SARBANES.

Mr. SARBANES. I want to thank my colleague from Kentucky for organizing this very important discussion today.

We have got some terrific Members who have been very engaged in this health care topic for a long time, and I say ''a long time'' because, even though these are folks who came to this Chamber in January of 2007, all of them are people who have been working on this issue for many, many years. So this is going to be an important discussion tonight, I think a stimulating one, and one that will be enlightening to all of those folks who are very concerned about where we are right now.

Today was an incredible day because today there was introduced in this Chamber the Health Reform Act, which, I think, is going to form the basis of moving us forward in a very meaningful and significant way in this country. This has been a long time in coming, this day. We ran on this issue in 2006, not because we made it up out of thin air but because everywhere we went we heard from constituents and members of the public who were saying this was their number one issue. We ran on it again in 2008 because this was the number one issue that people brought to our attention and because of the stories like the one that JOHN YARMUTH just told. There are legions of those stories that we've heard.

I mentioned that this was the number one issue in '06 and '08 for a specific reason, and that is that there are some on the other side and there are even some in the public who are saying we're moving too fast on this—slow down—that we need to take more time to deliberate. It's a fair point but only to a point, because the people who we were elected by and the people from whom we hear every weekend when we go home to our districts have been clamoring for this kind of reform for decades, and they really can't wait to change the situations they're in right now. So this is a great day because, after decades of struggle and after the past few years when the call for this kind of change has reached a fever pitch, we are at this moment finally at the point where we are putting legislation on the table that is going to make a difference.

I want to yield soon to my colleagues who are here, but let me just mention a couple of things and dispense with some myths.

You know, before we began this exchange, I heard a few folks who were critical of the proposal saying we don't need a government takeover. Well, this bill couldn't be further from a government takeover. What this is doing in a very American way is offering more choices out there. Too many Americans feel that they have been shackled by a private health insurance industry that was more interested in seizing profits for themselves than in really providing high-quality and accessible care to most Americans. Folks are fed up with that. So we're not talking about a government takeover. We're talking about trying to get out from under the takeover that the private health insurance industry has had for so many years. That's what this is about.

The second thing is that this bill invests in primary care and in preventative care. It does the kind of commonsense things that the American people have been calling for for so many years with respect to their health care coverage. Let's treat people on the front end, and keep them from getting sick in the first place rather than waiting for them to get sick on the back end. That makes common sense. The other thing is it invests in our health workforce. If we are going to presume, as we should, to cover everyone in this country and to provide them with health care coverage, we have got to make sure that there are enough caregivers to deliver that care to them.

Let me close with this observation, which is what, I think, most Americans are thinking to themselves. They're thinking: If America could have accomplished all of the things that we've managed to accomplish over the last few decades, even as we were carrying this broken health care system around on our backs, imagine what we could accomplish as a society, as individuals, if we could fix this health care system. Imagine if your mother, who goes to work, who leaves a child at home who has got a fever of 100 degrees, but you don't have to worry because you know that your family has decent health care coverage. Imagine how much more productive you're going to be at work that day. Imagine you're a small business that wants to do the right thing

for your employees, but you could never afford to do it, but now you can. Imagine if you're a large business that's trying to compete with a competitor overseas that has more of a shared obligation from the public and private sectors to help it with the cost of health care. Imagine how much more productive and competitive you could be.

So, given that America has been as successful as we've been all of these years, even with this monkey we've been carrying around on our back, just think of and just imagine the heights we're going to reach as a Nation and as individuals if we can fix this health care system. That's what this bill is all about.

So I want to thank you, JOHN, my colleague from Kentucky, for convening us today to talk about this very, very important issue. Let me yield my time back to you.

Mr. YARMUTH. I thank the gentleman.

He raises a point that, I think, is appropriate to make at this time. We will hear a lot over these few weeks as we're going to be actively engaged in this issue of trying to bring a bill to the floor and of passing it before August 1. You will hear a lot about the Canadian system, and you will hear a lot of fear tactics being thrown at the debate because, right now, those people who are opposing what we are trying to do really have nothing but fear tactics to throw at it.

It's interesting, because we had a hearing in Ways and Means several weeks ago. A gentleman was there who was arguing against our public option, the public option part of the proposal, which basically is a government-run plan that would compete with private insurers and that would compete for your business, for the business of the American people. He kept saying, We don't want Canada. We don't want Canada. We don't want Canada with the long lines and all of these things—all of these myths that have arisen around the Canadian system.

I asked him if he knew how many countries in the world, how many industrialized nations, had a nationalized health insurance system. He said all of them except the United States. How many have universal coverage? All of them except the United States. How many have a blend of public and private where you have a basic level of coverage provided by the government but where people can buy private insurance to enhance their positions? He said, Well, all of them except Canada. I said, So you have chosen the one country in the world that is an outlier. He used that to undermine the arguments for an American plan when we haven't copied anything from Canada in this country, that I know of, except hockey. He really didn't have a response to that.

The point is you will hear a lot of these myths thrown out, and they really don't relate to what we're doing or are trying to do, which is to create a uniquely American solution to a uniquely American problem.

With that, I would like to yield time to my colleague from Massachusetts, Congresswoman NIKI TSONGAS.

Ms. TSONGAS. I want to thank my colleague from Kentucky.

It is an historic day, I think, to be here, discussing the issue of health care. You were talking about how many in our class campaigned on the very important issue of health care. I came in at midterm—a year, maybe 10 months after you all had been elected—as part of a special election process in which the issue of expanding coverage for children under the Children's Health Insurance Program was the defining issue. I ran on a campaign, as many in my class did, to expand children's health coverage. Finally, we have been successful this year with President Obama's signing that most important legislation into law.

I also happened to be running at a time when the new Massachusetts system, which was designed to provide guaranteed access to affordable health care for Massachusetts residents, was coming into play. We had many, many questions around the potential it would have, around the difficulties it might present and around the costs it might impose. In fact, since we began that most important system, 439,000 residents of our State are now covered with quality, affordable health care.

This legislation created a mechanism not unlike the exchange that we are talking about in the legislation that was being proposed today, which creates a place for people to go to assess the different possibilities of health care and to make sensible choices that make sense for them.

What I learned from the Massachusetts experiment, which has become very successful, is that, while we talk very much about what the role of government is, in Massachusetts, the role of government was to be the architect of the system that brought everybody to the table—the employer, the individual and government—to sort out how best each player should play its role. Because we had that cooperative approach, which is what, I think, we see in the legislation that has come to the table today and the successes that that has generated, I think it is a remarkable model that says there is a role for government but that everybody has to play its most important part.

So I think this is, really, a very exciting day for our country. It is the beginning of a process. I look forward to reaching out to my constituents, who will have slightly different perspectives because of their experiences under the Massachusetts model, and to getting their input as we go forward with the most important debate that we are just beginning. I thank you for beginning that today.

I apologize for not staying longer, but the women of the House are playing a softball game later this evening, and I don't want to be too late, even though I'm only going to be cheering, because I don't want to end up in the hospital, in need of care, as a result of my poor game-playing talents. So thank you for beginning this most important discussion.

Mr. YARMUTH. I thank the gentlelady, and I intend to be at the game myself in a most supportive role.

I would like now to introduce one of the physicians of the House. Not too long ago, there was an article in the New York Times that talked about the number of physicians here. They make an extraordinary contribution to our efforts in this field and in many others.

So it gives me great pleasure to yield to my good friend from Wisconsin, Dr. KAGEN.

Mr. KAGEN. Thank you, Congressman YARMUTH. I appreciate the opportunity to join with you and with other Members of the class of 2006, the difference-makers, the Majority Makers, who brought a message of positive change here to Washington in January of 2007. What happened is we had another election in 2008, and we returned because we haven't finished the job yet.

There is an inheritance that our President, Barack Obama, has taken on. I can't think of another time in American history when a President inherited so much in crisis: the housing crisis, where housing construction and prices were falling through the floor, and a financial crisis where the credit markets completely froze up and went into a medical coma—money wasn't being transferred between banks. He inherited a lot. He also inherited 3.7 million people who had lost their jobs during the previous year.

□ 1830

This economic recession that we've slipped into began under the watch of the previous President, and we have a lot of fixing to do. It's going to need a doctor in the House to get things going. But we do have hope now because we have a new way of looking at things. We're taking a positive approach, and we brought forward today a bill that begins the process of healing our fractured health care system.

Now when I ran for Congress and when I got re-elected, I put together a health care advisory team in my district, in northeast Wisconsin, composed of physicians, of medical people involved in hospital administration, insurance people, nurses, everybody that's involved in health care, and we came up with 10 essential elements that should be included in a successful piece of Federal legislation. The first and most important element was no discrimination. We sought to apply our constitutional rights that protect us against discrimination to the health care industry to guarantee that no one would suffer from discrimination, not on the basis of the color of their skin but the chemistry of their skin or, in

the case that you mentioned, the patient with epilepsy. We shall not discriminate against any citizen or legal resident based upon pre-existing medical conditions, and that's in this bill that was submitted today for our consideration.

Now the bill may not be perfect. It certainly hasn't been read all the way through yet. It's only 1,018 pages. But it does have within it, ''No discrimination against any citizen or legal resident due to pre-existing medical conditions.''

The second most essential element of the Eighth Congressional District of Wisconsin's ideas was that we needed a standard plan, a health care benefit plan that was standardized such that each and every insurance company would offer in the marketplace, by openly disclosing the price, a standard plan. That's in this bill. The idea is to create competition, which doesn't exist today, create open and transparent markets that don't exist today because you can't call up an insurance company and ask for the price. They just don't know what to charge you until they find out how to cherry-pick you out or boost up your price. So no discrimination and a standard plan are in this bill. When we do that, when we have an open marketplace with a standard policy that's being sold in a very competitive fashion, I believe we can drive down the price of your insurance premiums by about 22 percent. That's a lot of money when the average cost today is $1,200 to $1,400 a month for a family of four.

The third element, transparency. It's in the bill. The fourth element, incentives, financial incentives to begin to root out waste in the system. I believe, as many people here in Congress and across the country believe, that we're spending enough money across this country now on health care. It just needs to find a better home. Since 47 percent is the overall overhead of the private insurance industry for small business, that means that when a small business sends a dollar in to an insurance company, 47 cents, in my view, is wasted. It's wasted on the bureaucracy within that insurance industry. We can and must do better. We must drive that overhead down to 15 percent; and when we do, we'll save America $39 billion a year which will go right back into our economy. I am absolutely convinced, as are many Members here, that when we reduce the cost of health care for everyone by using the marketplace to leverage things down, leverage the price down, we're going to stimulate our economy because there are two big overheads right now for any small business. It's called health care and energy. If you're in farming, if you are a small business on Main Street or the side streets, you've got an overhead that's health care, number one, and energy, number two. So I'm very pleased to see that these essential elements are in this bill. It's a great day for America. It's a very hopeful day.

I yield back.

Mr. YARMUTH. I thank Dr. KAGEN for his expert contribution. As we move forward, we will rely more and more on those people who have been in the trenches. And for someone who has been in the trenches and knows the problems that face his patients and his colleagues in the medical profession, we will be able to craft a much better piece of legislation. So I thank him for his contribution tonight.

Now it gives me great pleasure to introduce another individual who has been focused on health care throughout his political career, a good friend from Memphis, Tennessee (Mr. COHEN).

Mr. COHEN. Thank you. I appreciate the gentleman from Kentucky bringing up this topic and joining Dr. KAGEN, my colleague; Mr. SARBANES and Ms. TSONGAS, who was with us, in discussion.

I look at the inscription that is over the Speaker's chair here in the United States Capitol, and it's Daniel Webster. Daniel Webster says, ''Let us bring the resources of our Nation, our institutions together,'' and may we do something here that is worth remembering and something worthwhile that may be remembered. I can't think of anything that would be more worthwhile to Daniel Webster's spirit than we could do to have people remember this 111th Congress and to provide the health care that's been sought for so many generations.

I think back to Harry Truman who really had this original concept and wanted to see national health care. You think about what Mr. YARMUTH talked about, the only industrialized nation on the Earth that does not have health care for its people. It is the greatest country on the face of the Earth, but we don't provide health care, and that's somehow an omission that this country has glaringly overlooked. Dr. King would certainly be in favor of such a bill because this is a Nation that has forgotten so many for so long, and we cannot continue to do that and be considered the greatest country on the face of the Earth.

This bill that President Obama talked about today, and has gotten through the committees with Mr. MILLER, Mr. RANGEL, Mr. WAXMAN and Speaker PELOSI, who have worked so hard on it—and there is a comparable bill in the Senate—will see to it that we save money, $500 billion over the next 10 years in Medicare, securing for our seniors a Medicare system that will be affordable and available and offer quality care. It will see to it that we ferret out fraud and waste from the system and make savings that will help reduce our deficit that we're presently experiencing. So there is a fiscal mechanism to this bill as well. It will see that pre-existing conditions cannot be used, as Mr. YARMUTH's couple was used as an example, to deprive people of health care insurance. There is a lot of profit in the system now with advertisements on television, profits for insurance companies and tremendous salaries and profits that are there; and they need to be wrung out of the system. One way we're going to do it is by having this public option plan compete and force insurance companies, if they intend to remain active in the market, to compete with a national system that does not have those same costs and will keep costs down. This will be more quality at a cheaper cost and more people covered. You know, there is a tax that we already have in America. When you have 47 million people—maybe 50 million at this point—without health insurance and 14,000 more people each month who lose their health insurance, when those people get sick, they still get care someplace, sometime, but it's paid for by higher insurance premiums, it's paid for by higher taxes. Where there are community hospitals, they go to emergency rooms. You pay for it—the most expensive care possible in an emergency room which wouldn't be there if the people had insurance because they could go to their doctors—and it's paid for through property taxes by citizens in an expensive manner. This will be eliminated. So for all those cities, including mine, where we have The MED, a community hospital, a trauma center that treats a lot of people that don't have insurance at an expensive rate in the emergency room, those people will have insurance, and they won't be coming to the emergency room, and it won't cost our taxpayers as much which means that that trauma center will be available for trauma care, as it was intended. In case there is a disaster, it will be available as well and that trauma center can survive. There won't be this tax that's put on everybody for taking care of the uninsured in uncompensated care, which hospitals do, and just charge it to you in a higher bill that you get from your physician or from your health care provider. We're paying for it but without any controls. So the system is really out of control. It needs to be restrained.

Now Mr. YARMUTH talked about Canada. And I know that we probably don't want to compare anything we're doing here—except for hockey—to Canada. But I was with a Canadian minister yesterday in Memphis—not a minister in the clerical sense but a government official; and he told me that a lot of people compare our system to yours, he said, ''You know, our people live to an average of 81 years of age, and your people live to 78.'' He said, ''The increase in inflation in our health care is 1 percent a year, and in your system it's 10 percent a year.'' He mentioned some other figures, and this was his perspective. He said, ''I wouldn't trade our system for yours for anything.'' Our system is the most expensive health care on the face of the Earth, but it's not the best. And we're paying for it. And that's wrong. Not enough people get health care. I'm happy to be a part of this Congress, to support this

bill with a strong public plan that will see to it that we can compete with the insurance industry to keep their costs down and to see that everybody has access to health care as this plan will.

I would like to yield to my Wisconsin namesake STEVE and, as my father was a doctor, a fine doctor, Mr. KAGEN from Wisconsin.

Mr. KAGEN. Thank you, Mr. COHEN. I want to thank you for your kind words about what we're about to do together. But let's agree—we're not Canada. We're going to have a uniquely American health care solution. I don't think anybody in this body, I don't think any one legislator here, I don't think anyone watching tonight or across America would argue, we're getting a menu. Now my son works at a pizzeria, and he's a pretty darn good cook. This is Appleton's First & Finest Pizzeria, Frank's Pizza Place. Now if we all go there together and we order a sausage 12-inch medium pizza, it's $12.50. It says it right here. Now if you order that same pizza, what are you going to pay? $12.50. Health care shouldn't be much more complicated than that. The price is openly disclosed at the pizzeria, and they don't discriminate against anybody. They are happy to take any customer on. And just like in health care, they're only as good as their last performance. So they have to compete for business. They compete with the Italian place down the street or the Greek restaurant or the Chinese restaurant or just your home cooking. So what we're suggesting here is that we use the leverage of the marketplace, that we have an open, transparent and competitive medical marketplace and guarantee universal access as we will do. The power of no discrimination, the power of equality, it is, after all, the foundation of our country and our culture. It is equality that we seek, not of outcomes, but equality of opportunity. I think it's time to apply that ''no discrimination'' theme not just to the insurance world saying, No, you can't cherry-pick and discriminate against someone because of a pre-existing condition. It's time to take our equality, our desire for equality and no discrimination to the level of the pharmacy counter. As a doctor, I can tell you, that is where the rubber meets the road. If I write a prescription for a patient, and they can't fill it because they can't afford it, if it's not on their list, we haven't done a thing. We haven't improved that patient's health. So we have to make certain that when you go to the pharmacy counter, you're going to pay the openly disclosed lowest price that they accept as payment in full from anybody.

I'll use just one other example, and then I will yield back. Our veterans. Everywhere I go in Wisconsin, we subscribe, we volunteer; but our veterans didn't go into combat and didn't serve our country for themselves. They serve for our entire Nation. They didn't serve just for themselves; and yet they're the ones that have the VA benefit of that discount for their prescription drug. I think it's time that the soldier's wife or husband had that same benefit of that low-cost prescription drug and their children. And while we're at it, what about their next-door neighbor? What about their community? What about the whole country? If we could use the power, the purchasing power of these United States together in leveraging down prices for everybody, we could have affordable prescription drugs once again. That would bring equality to the pharmacy counter. It's something that needs to be defined very clearly in this piece of legislation. It isn't there yet, but we're going to work together and hopefully get that done.

Mr. COHEN. I would like to ask you two questions before we yield to another Member who wants to participate. What's going to happen with the doughnut hole? The seniors are very concerned about the doughnut hole. Will we be working on that?

Mr. KAGEN. The answer is, yes, we can, and yes, we will. By working together, we can close the doughnut hole; but it's going to take the opportunity and the power and the legality of leveraging down the price by using the government purchasing power. When we, the people, ban together in a purchasing pool to leverage down the prices for prescription drugs, we can get that price down. And I will give you one further hypothetical. If you are the owner of a drug company selling a pill in Mexico City for $1, thank you for openly disclosing that product and that price. That is the price it should be in New York State all the way through to California and the territories. Show me your price, and give every citizen and legal resident that same lowest price that you accept as payment in full. That's the power of the marketplace, and that is equality brought to the pharmacy.

Mr. COHEN. Thank you, Dr. KAGEN. Before I yield back to Mr. YARMUTH, I would just like to ask him a question.

If you have an insurance policy now that you like, can you keep it?

Mr. YARMUTH. Oh, absolutely. I think that's the uniquely American element of this plan that is most important to stress. No one is forced to do anything in this plan. If you like your coverage, if you have employer-sponsored insurance that you're happy with, you get to keep it. No change is necessary, no change is mandated. You get to keep your choice of doctors. You get to choose your hospital. These are the fundamental elements that we considered extremely critical to this legislation because we know many Americans are satisfied with their health coverage, and we don't want to change their situation.

□ 1845

We want to make sure that everyone is satisfied with their coverage, that everyone has coverage; and through the competitive American spirit, that we think we are building, creating this legislation, that we will be able to provide the type of environment where people who like what they have can keep it, people who don't like what they have can shop for something that better suits their family's needs; and that's what the entire purpose of this great legislation is.

Mr. COHEN. And if you keep it, you are probably going to get it cheaper because where the uninsured will be insured, and you won't be paying for them through that hidden tax.

Mr. YARMUTH. Well, I think that's the most essential part of this legislation. If we can't control costs in the health care system, if we can't see to it that people get what they need at a lower price, then we know, for instance, that if we don't have reform, it's projected that the average family's cost will increase $1,800 per year for the foreseeable future. That's unsustainable. We know that.

So cost control through competition is the critical—and through changes we hope that we can incentivize in the way medicine is delivered, health care is delivered and practiced in this country, that we can make affordable, quality health care available to every American.

Mr. COHEN. Thank you, sir.

Mr. YARMUTH. And, you know, this is supposed to be a conversation of the Class of 2006, but occasionally we adopt Members from other classes because we know that they share the values that brought us to Congress.

And it's now my great pleasure to introduce one of those colleagues, Mr. RYAN from Ohio.

Mr. RYAN of Ohio. I thank the gentleman.

And just as all of you do feel, this is such a critical issue for our country. And we started coming to the floor in 2002, Congressman MEEK from Florida and I with the 30-something hour, and we were talking about at that point Social Security privatization and just a reminder of what the world would look like today if we would have privatized social security and if Democrats weren't here to prevent that from happening, where we would be now.

But with what's going on, my district is in Akron and Youngstown, Ohio, northeast quadrant. Very industrial. Just a bit north from my friend in Kentucky.

And when you look at what the problems that communities and families are having to deal with there—an example of steel companies that have closed, people, their pensions have gone to the PBGC, some lost their pensions altogether, some lost their health care altogether. Now we are dealing with, as the new GM moves forward, a lot of the old Delphi folks weren't included in the new deal. So now they're left on the outside whether they're union workers or salary workers that had put just as much time, effort, and intellect into developing Delphi and General Motors over the course of the

years and now finding themselves left behind with a $14,000 or $15,000 health care bill.

So what we are talking about here—why you're coming to the floor, why I'm coming to the floor, why President Obama is so forceful in persuading the American people that this has to happen now, why Speaker PELOSI and Senator REID are all on this issue is because this is an issue that the American people want. They know that they are paying too much for their health care. They've experienced the fear of having a pre-existing condition and trying to go out into the market and trying to get somebody to cover them. They deal with this every day.

So I don't want to get too much into the weeds because I think over the course of this next 3 weeks as you come down here and the 30-somethings comes down here and we all get ratcheted up and we all lean on the doctor here to tell us, you know, how this works once it hits the ground, but I think it's important to know that some of the principles here are that no one—once you get your health care—that with these new plans that you will be able to get into—your health care situation will not bankrupt your family; your health care system or your health care plan will not bankrupt your business. You will have coverage. You will have some place to go.

Now, that to me doesn't seem like too big of an ''ask'' in America today with all of the money that is in this system. And I think that's the beauty, looking at the draft plan and knowing it has to go into all of the different committees and get worked through, I think the magic of what's happening here is that a lot of the costs are going to be squeezed out of the current system that has been inflicted because everyone gets their little piece of the action. And we are saying we squeeze it and reinvest that money.

And in many ways we look—we have some kind of universal coverage now, but it's through the emergency rooms. That's no way to administer health care, Doc. No way to do it. It's more expensive.

So what we're saying is with the preventative proposals that are in here is that there's no cost share to go check-up; there's no cost share to participate in any kind of the preventative measures that a specific plan may have that's going to make you healthier, that's going to make sure that you get a prescription instead of end up in the emergency room a week later and cost the whole system $100,000 when it could have been taken care of for a $20 prescription. That's what we're talking about here.

And I'm sure there are going to be a lot of TV ads.

I will be happy to yield to my friend.

Mr. KAGEN. So if I understand you correctly, you're saying if you're a citizen, you're going to be in. If it's in your body, you're going to be covered.

And would you also agree that much like we had a systemic financial risk with our financial meltdown, isn't it also true with the crisis in health care, with the impossible costs for everyone, it presents a systemic risk to our economy and if we do not confront it, our economy may be in shambles?

Mr. RYAN of Ohio. There is no question about it, and our economy is in shambles now in part because of the burden that's placed on a lot of the businesses.

I remember about a year ago I was in a roomful of about 15 or 20 businesses, primarily manufacturing businesses in northeast Ohio, 50, 100, 200 people; and we were talking about health care, and they were all talking about how their health care costs went up 15, 20, 30 percent depending on the situation of the people that worked at the factory. And when asked if they would somehow be willing to pay more and get health care off their books completely, would they be willing to do that, they were all like, Sign me up right now. You mean I don't have to deal with this anymore? I can focus on making this product that I make?

And part of what we're trying to do here is to say get all of this waste out of the system, put it on the front end where we can have prevention. Let's stop all of this stupidness of saying you don't get any health care because of whatever reason and you end up with the emergency room costs. Put it up front. Let's squeeze the fat. Let's bring in PhRMA and take some of the savings from there and help fill that donut hole the gentleman from Tennessee was talking about earlier, and let's get ourselves healthy.

And I yield back to my friend.

Mr. YARMUTH. I thank the gentleman for his very important contribution.

And someone else who's been very much engaged in the development of the legislation that was introduced today, the gentleman from Connecticut, who's a member of the Energy and Commerce Committee. I yield to Mr. MURPHY from Connecticut.

Mr. MURPHY of Connecticut. Thank you very much, Mr. YARMUTH. So good to see my friend, TIM RYAN, back wearing a path in a familiar spot on the House floor speaking truth to the American people.

Listen, what you are talking about is this invisible cost, Mr. RYAN, to the health care system that we kind of pretend doesn't exist. We didn't get to 17 percent of our gross domestic product by accident. We did that by ignoring some fundamental problems in our health care system. And the fact is that we kind of just, you know, boxed our ears and shut our eyes and tried to sort of wish this problem away.

Well, you know, every employee has started to feel this crunch, right? The percentage of their income that is devoted to health care has inched up and inched up every single year. But a lot of the costs they don't see because employers out there are eating it and are paying these 10 or 12 or 15 percent increases in health care premiums that they're getting every year; and instead of passing the cost of that in its entirety over to the employee, they just don't give as big a wage increase as they might have that year, or maybe they don't give any wage increase. Maybe they actually furlough folks 1 day a month.

These health care costs that companies are taking on are causing wages to remain flat. That's what we've seen over the last 10 years. The GDP in this country is growing. I mean, we're making more stuff if you look at the 10-year window. Obviously in the last 2 years that has not been the case. But in the last 10 years, GDP is growing, but wages are staying right here. There are a lot of reasons for that. Some people up at the real high end of the income spectrum are pretty fat and happy, but a lot of that is because all of the extra money that companies are making is going to pay health care rather than going to their employees.

So that's one way in which the costs of our health care system are sometimes invisible, because employees just assume that they don't get wage increases because their company didn't make as many widgets that year or didn't sell as many pieces of product line. No. A lot of the reason is that they sold more this year; they just took all of that extra profit and paid for health care.

The second thing is what you guys, I'm sure, have been talking about already. It's that we've got a system of universal health care in this country. It's just the worst, most backwards, most inhumane, most inefficient, most unconscionable system of universal health care system in the world because we basically say to people, We will guarantee you health care—our Federal law guarantees you health care but only when you get so disastrously sick that you show up to the emergency room.

A woman in Connecticut came and testified before one of our State legislative committees, and she told a real simple story. And I've told it on the floor before. Had a pain in her foot. Had no insurance. Worked for a living. Did everything she was supposed to. Just didn't have insurance. She knew that she had some sort of infection so she knew what she was going to have to pay for it. She was going to have to go to the doctor, she was going to have to pay probably $100 for that visit, and she was going to get an antibiotic or she was going to get some medication to make it go away. That was going to be a couple hundred more dollars. She didn't have it. She knew she didn't have it. So she decided to just live with the pain.

Well, finally, one night it was just unbearable. She had to go to the emergency room. So she showed up to the emergency room, and it was too late. That foot was infected so badly it had to be amputated. And that's a terrible, terrible outcome for that woman.

Changes her life for the rest of her time. But it cost the system the thousands of dollars that that surgery and all of that follow-up care required versus the couple hundred bucks we could have gotten in preventative care up front.

We're paying for that. You don't see it because you never met that woman and you never see the thousands like her who end up showing up in the emergency room with crisis care that could have been prevented. That's more invisible costs, but it's all there.

One last point, Mr. RYAN and Mr. YARMUTH.

People are going to hear the cost of these bills when they come out. They're going to see that the cost of the bill from the House is X billion dollars; the cost of the bill of the Senate is X-plus-Y billion dollars. Here's what you have to do. You have to look at that cost versus the cost of doing nothing. And every credible survey, every credible examination is going to tell you this: that the cost of the bill that we produce is going to be half of the cost of sitting and accepting the status quo. That's why we have to pass health care reform here.

Mr. YARMUTH. I thank the gentleman because he talked so much about the higher level of care at the emergency room, most of which is uncompensated for those providers and are shifted to the private-pay customers. I know there are estimates out there that indicate that there is somewhere around a hundred billion dollars a year that's actually care administered in the emergency rooms to people by hospitals who do it as part of charity work, but it's all being shifted to the people who are covered.

So when we talk about a health reform plan that's going to cost roughly $100 billion a year for 10 years, we're already spending that $100 billion. So it's not money new to the system, which is, I think in the example of we have plenty of money spent in this country on health care right now.

Mr. RYAN of Ohio. If the gentleman will yield.

Mr. YARMUTH. I yield to the gentleman.

Mr. RYAN of Ohio. Just for an example for Medicare Advantage. Fourteen percent overpayment on average for Medicare Advantage, that is over what Medicare pays. That is wasting the taxpayers' dollars. That's the money we're talking about that we can shift from that current program into what Mr. MURPHY was talking about earlier, these kinds of cost savings that we need.

Mr. YARMUTH. I yield to the gentleman from Wisconsin.

Mr. KAGEN. I'm glad you brought this subject up because not every Medicare Advantage plan is identical, and not every community is identical as well. And there are some areas of the country where Medicare Advantage plans, like in some regions of New York State and some regions of Wisconsin, are very advantageous. They have a lot of prevention planned in them, and they're not really overcharging at all. They're really bringing about all of the evolution in our health care system that you'd like to see, squeezing out the waste and an emphasis on prevention and primary care.

But no legislation is perfect. And nothing that we codify in law here that the President will sign will instill better judgment in every patient that is going to exist. It still comes down to personal responsibility. We can't possibly instill all of the good judgment into our children, don't you know.

□ 1900

So we have to have an understanding of what our limitations are in terms of government. We have to set up the table and set up the rules of engagement wherein we can have an open and transparent medical marketplace, allow the marketplace to do what it does best, bring down prices for everybody and increase access. But it begins with this piece of legislation that we had submitted today, with no discrimination against anyone to preexisting conditions and a standard plan, a plan that guarantees if you get sick you will be in your house, not the poorhouse.

Mr. COHEN. I was thinking of an old saying, and you might know where it comes from. You know, an ounce of prevention is worth a pound of cure, and what was the origin of that? Does that not apply to the idea of having wellness programs?

Mr. KAGEN. I thought it was my grandmother.

Mr. COHEN. And I thought it was, too. But doesn't that apply to this program where we have wellness programs now, and if you can pay for wellness programs and preventative care, you don't have to pay for that emergency room care? It's as simple as a traditional slogan like that, a saying comes from Saturday Evening Post or wherever, an ounce of prevention is worth a pound, and that's where we're going to save a lot of money.

Mr. KAGEN. The other thing, the idea that was commonplace up until this point in time is to divide and conquer, and that's what the insurance industry did. They cherry-picked and they separated neighbor from neighbor based on preexisting condition. They went so far as to separate a husband and a wife based on medical conditions, in some cases a mother from her child.

We're going to have to go back to community, the community-based ratings. We're going to have to go back to community here in Congress where we reach across the aisle and work together to solve these very complex problems.

I'm so very glad that this class of 2006 and our recent adoptee from Ohio is taking on not just health care but energy and education. These are the three essential problems that the President has been leading us on.

Mr. MURPHY of Connecticut. If I can just add something, Mr. KAGEN brings in energy policy, and we just got through a long, hard struggle of passing an energy bill on this floor, and we're right now engaged in the muck of trying to change this health care system.

I think it's just worth reminding everybody out there how hard this is going to be, right, how hard it's going to be to try to reform a health care system where, as Mr. RYAN said, a lot of money is being wasted. But that money that is being wasted, it's not like you're wasting heat in your house and it just sort of escapes into the atmosphere.

When we talk about wasting money, we talk about money that actually ends up in people's pockets, right, that makes them rich and creates their fortune. So when we talk about saving money within the health care system, that involves taking on some pretty powerful institutions around this city of Washington, D.C., and around this country that are going to have to live with a little bit less in order to get average Americans a little bit more.

And I think people are going to read all these stories in the paper about, boy, how long it's taken to pass health care reform and how tough it is to get the Senate and the House to agree. Listen, when you are taking on one-seventh of the economy, when you're taking on the industry which by years of Republican neglect has allowed for some big players in the health care industry to make their fortunes off of the fact that some people can't afford it, then it's going to take some time, going to take some heavy lifting to fix a problem that has festered for a long time.

Now, the same thing is going to go for energy. That's why energy is going to be so hard to do. It's taking on a lot of similar interests, but health care reform is not just a nice, practical policy discussion amongst intellectual peers. This is about taking on some vested interests.

Mr. RYAN of Ohio. About 2 years ago, I heard a number, and I think this is roughly correct, where the insurance industry had increased their employment by maybe 5 or 6 or 7 percent, and they decreased the amount of services that they were providing by, like, 25 or 30 percent. So they were taking this money, hiring people to knock people off the rolls, to not cover, to make them jump through these hoops. I call, I got denied. Well, I'm sick. I need to go now, call. I get denied. Call, you get denied. Then eventually maybe they call us and maybe we make a call and who knows what happened, you get lucky, you get somebody.

But to your point, that person who's hiring people, growing their business at the expense of all of these other people is not the way this is going to keep going because America is better when all of these people together are healthier and more productive and participating in the system.

And I want to yield to my friend from Tennessee because he caught me

before my friend from Wisconsin, but there was an article yesterday that was brought to our attention about people in technology businesses that, for whatever reason, want to go out and start their own business but can't because someone in their family or they have a preexisting condition, so they need to stay in their current job because they don't have the coverage when they could be out in the market using what's best in America, the entrepreneurship, to generate new employment.

Mr. COHEN. Before we yield back to Mr. YARMUTH to close, I just want to thank Mr. RYAN for bringing up the issue of bankruptcy. I chair the Commercial and Administrative Law Subcommittee of Judiciary, and next week we're going to have a hearing on bankruptcies and health care. Health care is the major cause of bankruptcies in this country, and Elizabeth Edwards will be one of our witnesses.

But when people go bankrupt because of high medical bills, then other folks lose out because they don't get paid either. Merchants don't get paid because of that bankruptcy. So that's another cost of not having this health care system, and I want to thank each of you.

Mr. YARMUTH. I'd like to yield again to the gentleman from Wisconsin.

Mr. KAGEN. I'd like to dovetail on both of these conversations and say that Mr. RYAN from Ohio pointed out the difference between health insurance and health care, and what we are talking about in this bill is health care, getting the care that you need. You have the choice, you've got the coverage, and you've got the costs coming down. That's exactly what this bill aims to do.

Mr. YARMUTH. I appreciate all the comments from my colleagues, and I'd like to close by reading a letter that I received from a constituent of mine who's 10 years old.

It says: ''Dear Congressman Yarmuth,'' My name is Matthew Gregory, and I am a 10-year-old that lives in Louisville, Kentucky.

''I am writing this letter because I have a younger brother with autism, and I want you to cosponsor the Autism Treatment Acceleration Act.'' Not the piece of legislation we're talking about now, but relevant.

''I would really appreciate the efforts you would provide to cosponsor the bill that would help end autism insurance discrimination. My parents spend $50,000 per year for my brother's autism, and I think it's a national crisis.

''It seems like families that have not had their State's autism insurance bills passed have to pay unnecessary expenses just because a child is different.''

And here's the kicker. ''It's just not fair, and this is a fair country and everybody, no matter who they are, including my brother Eric, should be treated equally.''

So there you have it. A 10-year-old understands the essential unfairness of the system we have now, the fact that so many people are uninsured, the fact that so many people pay too much for the insurance they have, have to make life decisions based on whether they can get insurance or not, and that's what this Congress is determined to correct.

We have an historic opportunity here to create a just, fair health care system, one that is affordable and sustainable for this country and which will make sure that every American citizen has the health care he and she needs for their families well into the future.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Well, good evening, Mr. Speaker and my friends. We have just heard from the Democrats talking about their new foray into solving all the problems with health care, and boy, did it sound good to me. I have to say it really sounded good.

The promises, essentially what I was hearing talk about, first of all, the costs are coming down and you're going to get free medical care and the quality of the care is going to go up. And gosh, if you were given a proposal like that, I don't see why anybody wouldn't say, Yeah, let's just march right ahead with socialized medicine. Let's let the government run it because they're going to bring the costs down, they're going to give you free medical care, and you're going to get even better coverage than you get now.

I also was hearing the fact that they talked about the muck of our health care system and how bad the health care system is, and how, if we don't immediately pass this legislation, that things are going to get even worse. But what we have in front of us is this absolutely euphoric view of a great health care system.

Well, first thing off that strikes me is a little bit of a problem with common sense, the first is, if our health care system were so bad, then it would seem like, to me, that Americans would be going to some foreign country to get their health care. But what I'm observing is that if I got sick—and I have been sick—the place that I'd like to be treated is in good old U.S.A. I don't want to go to Canada. I don't want to go to Great Britain. I don't want to go to France or Sweden. I don't want to go to Russia. No, I'd like to be sick right here in this country.

So it strikes me that a health care system that most people even around the world recognize as probably the most sophisticated and the best quality health care system in the world, we're saying that it is full of muck and that the system has to be completely changed around.

And so it's okay if you want to believe these promises, that what's going to happen when the government takes over the health care system is that it's going to cost less money. The trouble is the Congressional Budget Office doesn't say that and the estimates of the costs don't say that. And the States that have tried using the same approach that's being proposed here nationally, they don't say that either, because those States are almost bankrupt for trying to do this kind of a system, and yet, we're going to try to copy those bad examples.

We are just actually a few weeks, a couple, 3 weeks away from dealing with the other big problem that the administration has identified, which is the fact that the climate and the Earth is going to get worse and worse, hotter and hotter, and we are going to melt down. So we've got to deal with the problem of global warming by, what would you expect, a very, very large tax increase, the largest tax increase in the history of our country. I guess it was about $787 billion. That was the largest tax increase that we've done. We did that.

It was an 1,100-page bill that was brought to the floor, and then at 3 o'clock in the morning, in a special committee hearing, another 300 pages of extra text were added to the 1,100 pages, and the 300 pages being in the form of amendments to had to be collated and put into the 1,100 pages. So, as we were debating this wonderful bill on the floor, they were busy trying to collate this amendment that had been passed, 300-page amendment, at 3 o'clock in the morning. They're busy trying to collate that. So, as we're debating it here on the floor about to take a vote on it, there isn't even a copy of the bill that we're going to vote on.

So here we go again. Perhaps we did learn from our last experience that it's easier to pass something that people don't know what it is. And so here we go now with about 1,000 pages of bill in terms of what we're going to do to have the government take over 20 percent of the U.S. economy. The health care business is about 20 percent of the money that's spent in America. It's about 20 percent, or close to it, of our economy, and now we're going to have the government take—well, if you take a look at it, about half of it the government's already running with Medicare and Medicaid. So we've had some experience with the government running these programs.

The Medicaid program, of course, is noted for the tremendous amount of fraud and abuse that it has, but if you add the Medicaid and Medicare money, if you take a look at the total money we spent in health care, government's doing about half of it right now, but we're talking about having the government do the rest of it. And so that's where we're going, and I think we need to take a look at that.

When the government does take over various things, what tends to happen?

Is it noted for its efficiency? Well, usually what happens when the government takes over programs is you get tremendous excess in amount of spending. You get a lot of bureaucratic rationing. These are typical things in government programs. There's an inefficiency and a degraded quality. Those are the kinds of things that history would tell us happens when the government takes something over. That's what's being proposed here. Make no doubt about it, what's being proposed is the government is going to take over the health care system. And that has left people with this particular quip that, if you think health care is expensive now, just wait until it gets to be free. Then you will see what real expense means.

Well, let's take a look at how well this has worked in the past. One way you can tell whether it's a good idea to make a move or to do something particularly is to take a look at other people who have tried the same thing.

The State of Massachusetts decided in 2006 that they were going to require universal health care coverage that's very much like the current Democrat plan where people are required to purchase specific levels of health insurance.

□ 1915

Well, here's what happened. Health care costs have risen 42 percent since 2006—42 percent increase. Now we were just hearing from the Democrats that this thing isn't going to hardly cost anything. This is going to be a breakeven because there's so much efficiency.

Well, what sort of efficiency is a 42 percent increase? And yet, health care access is down and the patients have to wait more than 2 months to try to get to see a doctor. So, is this the kind of thing that we think is going to improve what most people think is the best health care system in the world?

Health care costs now up in Massachusetts, they're 133 percent of the national average. Well, that doesn't seem to me to be producing these glorious results that I hear the Democrats talk about.

I just don't think that these people may have gotten over their euphoria from just managing to put 1,100 pages, with 300 pages that nobody could read or know what it was, and pass that within a day of the three o'clock in the morning when they made the amendments.

So here we go again. We're going to see if we can't pass another 1,000 or 2,000-page bill this week or next week—and it's a lot easier to pass them when people don't read them.

I'm joined here this evening by some very, very good friends of mine and some people who've done a number of years of study on the health care issue. I think that we need to talk a little bit about this. Before we go racing off to make some snap decisions, I think that we need to do that.

I'm joined by a number of my colleagues. I would yield to the gentleman. If you want some charts, help yourself.

This is Congressman SHADEGG. He's from Arizona.

Mr. SHADEGG. I just want to put up some charts, if I could. We have got boring charts here.

I want to thank the gentleman for yielding. And hopefully we can do this where we are all in a conversation and no one of us talks in a monologue. That makes it more interesting.

I want to thank the gentleman for standing up. I, like he, watched the Democrats in their Special Order that preceded this. And I thought some things were very interesting. On the one hand, there are things that I think we agree on. Our Democrat colleagues said that it is tragic when someone has a preexisting condition or a chronic illness and because of that preexisting condition or illness they can't get care.

That's one of the reasons why we Republicans believe that the health care system in America desperately needs to be reformed. And the health care bill put forward by every Republican that I know of says we need to make sure that every American with a preexisting condition or a chronic illness can get health care costs at roughly the same price as Americans who are healthy.

Indeed, I introduced and the Congress passed a number of years ago a bill called the State High Risk Insurance Pool bill that encouraged all 50 States in America to create high-risk pools so that for someone for whom they have an illness and that illness or that chronic condition has caused their health care cost to rise and they either can't get health care at all or they can only get health care at an extraordinary high price, they have the option of going into a State high risk pool and getting health care at the same cost. That's not an issue that divides us. That's an issue we agree on.

In addition, they expressed concern about those who are uninsured in America. The bill that I've cosponsored, and I see several of the gentlemen and ladies who have cosponsored it with me today, the Ensuring Health Care for All Americans Act, that bill provides health insurance for every single American. It says we are going to provide care to everyone.

And our Democrat colleagues say, Yeah, we think every American should be able to get care. There's another issue where we agree with our Democrat colleagues. But where we don't agree is how they propose to do it, because they want a top-down, government-controlled, one-plan-fits-all, you're-just-one-little-cog-in-a-very-large-wheel plan. And that's what the bill they introduced today will do.

I have to ask a question. I think that the biggest issue in the health care debate is cost. Most Americans are pretty satisfied with their health insurance. Eighty-three percent say they're happy. But every American is concerned about cost.

And I listened when the Democrats introduced their bill today. And the chairman of my committee, Mr. WAXMAN, said the big issue here is cost. And so the Democrats are going to fix that cost.

Now I don't quite understand how they're going to fix that cost by raising taxes $1.5 trillion to create a massive new government, one-size-fits-all health care plan.

But I really, really have this burning question. Anybody in America can answer it, anybody in the room can answer it, any of my Democrats colleagues out there watching tonight can answer it. Please show me the last time when we got government involved and took over a private sector activity, that the cost of something went down.

Mr. AKIN. Just reclaiming my time, gentleman, I think you have asked an absolutely great question, because we just heard an hour from the Democrats. That was their whole point.

Their whole point is: We're going to somehow make the costs go down, which is a little hard to reconcile with a $1.5 trillion estimate. We saw 3 weeks ago that we jammed through the biggest tax increase in the history of this country. What was it—a $787 billion tax on energy? Anybody who flips the light switch is going to get taxed. And that's just a drop in the bucket compared to what we want to spend. And somehow this is supposed to be efficiency. That really stretches long on the conscience.

We have a number of medical doctors here today, and what I was just thinking about, Dr. ROE is from Tennessee. Did you put a program similar to this into Tennessee, and did you find that it really helped the economy of your State? I'd like to yield a little bit of time, then go to the doctor from Georgia as well in just a moment.

Mr. ROE of Tennessee. I certainly don't want to take credit for putting that in.

Mr. AKIN. I wasn't going to blame you for that, gentleman.

Mr. ROE of Tennessee. What happened in Tennessee was we had a lot of uninsured in Tennessee, and it was a very noble goal of trying to cover as many people as we could. And we had a standard Medicare plan like most States do now. We got a Medicare waiver from HHS, the Department of Health and Human Services, to form a managed care plan for the State.

And what happened was, it was a plan that was very rich in benefits, much like you're seeing in this plan and that we heard discussed last hour. Provided a lot of benefits but not much access, we found out.

And what happened was, this plan, this public plan paid only about 60 percent. Now it pays less than, I found out the other day, less than 60 percent of the costs of actually providing the care. Medicare pays about 90 percent.

So businesses and individuals made a perfectly logical decision. They dropped their private coverage, and about 45 percent of the people who are

on TennCare had private health insurance coverage, but chose to drop it.

Well, that was fine until we got the bill in the State. What happened was the bills kept piling up until they consumed more of the State budget than education did.

Mr. AKIN. Reclaiming my time for a minute. One of the troubles with doctors is you guys are so smart, you go pretty fast. You're going to have to slow this down.

What happened was the State government said, We're going to give you medical insurance. And so a bunch of people signed up for that. Then the companies that had the private insurance, they dropped theirs because you could go get the freebie stuff from the government. Then, guess what happened? The government stuff got really expensive and now the State's in trouble.

We have a Congresswoman that I greatly respect, Congresswoman BLACKBURN from Tennessee also. Do you have some more facts? I mean, you lived with it. I yield.

Mrs. BLACKBURN. Well, I thank the gentleman for yielding. Dr. ROE is exactly right. He was a physician practicing medicine or trying to practice medicine under the impact of TennCare. I was a legislator trying to figure out how to pay for this as a member of the Tennessee State Senate.

Mr. AKIN. Wait a minute. The Democrats just said this is going to be really cheap. It's not going to be hard to pay for.

Mrs. BLACKBURN. That's one of the interesting things. You know, Tennessee's TennCare program was put in place in 1994 as the test case for public option, government-funded, government-delivered health care. The interesting thing now is the White House doesn't want to talk about it because it is an experiment that was not successful. It failed. Even our Democrat Governor has said it has been a disaster.

Mr. AKIN. Reclaiming my time, the Governor of the State said it was a disaster in Tennessee?

Mrs. BLACKBURN. Yes. And one of the things we need to realize is this. TennCare was put in place as an executive order program of the Office of the Governor. It was an 1115 waiver from CMS. The Statehouse and the State Senate got the bill of paying for it.

What happened after about 5 years of this program being in place, and you had consent decrees and court orders, you had companies that were dropping insurance, 55 percent of the enrollees on the program were people that were not supposed to be there. They had previously had insurance.

And you had a program that was ensuring or covering—gold-plated program covering 25 percent of the State's residents. Then the cost starts to balloon. You see cost shifting taking place onto those who have private insurance. You see restricted access by doctors and hospitals because they're not being paid by the program, because there's not enough money to go around, and the cost of the program goes to the point that they are actually absorbing every single new revenue dollar that is coming into the State of Tennessee, and ends up being 36 percent of the State's budget.

Mr. SHADEGG. Would the gentlelady yield?

Mrs. BLACKBURN. I'll gladly yield.

Mr. SHADEGG. I just want to make sure I understand this. So, our Democrats colleagues say the big issue here is cost. Costs are going up too fast. The President said it's unsustainable.

In Tennessee they put in a government-run plan, got the government involved, substituted the private market, and costs did not go down?

Mrs. BLACKBURN. Costs skyrocketed. And we saw the costs go up every single year. As Dr. ROE can tell you, having been a physician trying to handle this issue, every single year the costs went up on the public option, the access was restricted, the quality of care was diminished, and those with private insurance saw their rates go up 10 percent, 15 percent.

Mr. AKIN. Reclaiming my time, what you're depicting sounds like to me is one of those things they used to do, they charge people money. They get a railroad track with two huge steam locomotives, they charge them money, and they'd run them. It was a classic train wreck.

It sounds like basically what happened was the government engineered a train wreck in health insurance.

Dr. ROE, you were the doctor—you're a medical doctor. I assume you got into the doctoring business because you wanted to take care of people. What was it like to be there?

I yield.

Mr. ROE of Tennessee. Well, one of the things when I got to Congress here and I began to hear the plan, I said, Well, we tried that already in the State of Tennessee. This is nothing new. It failed. And can you say failed? It was a disaster.

And the Governor ran in 2002—our Democratic Governor—his platform was fixing TennCare. Fixing what 6, 8 years later was a mess in the State of Tennessee.

Now there are good parts of this plan, as we pointed out. Things we will agree on. And I do want to show the public one thing. I almost broke my printer in the office this afternoon. But this is the bill that came out this afternoon, just to give you an idea what we're going to talk about in the next couple of days.

Mr. SHADEGG. I believe it's 1,100 pages long.

Mr. ROE of Tennessee. It's 1,100 pages.

Mr. SHADEGG. The discussion draft was 600 pages. This is 1,100 pages. And if they do what they did on cap-and-trade, it will explode on the day of the vote to what, 1,400 pages with the last-minute 300-page amendment.

Mr. ROE of Tennessee. This is where the devil is in the details, right here.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. ROE of Tennessee. Yes.

Mr. BROUN of GEORGIA. It's interesting. After our last series of votes I was walking into my office. As I went into the Cannon House Office Building, there was a Democrat engaged in this process.

Mr. AKIN. Just reclaiming my time for a minute, I'd like to introduce the gentleman, because you're a medical doctor also. You got in the business to practice medicine. You're not from Tennessee. You're from Georgia. But Dr. BROUN is a respected expert on the subject of health care because you have been doing it all your life. And I'm just thankful that we have you here. I'd like to you to continue commenting where we are because this is a very important discussion.

Mr. BROUN of Georgia. Thank you, Mr. AKIN. It was humorous to me—actually, sad to me—because this Democrat, she said to me that all they're going to do is cover those who are not insured with this public option and give them the opportunity to buy into this public option if they don't have insurance. And I told her, How are you going to keep companies from canceling their insurance and from people being shifted over? That's going to increase the cost of insurance for everybody else, and so you're going to see just a continual shifting.

Isn't that, Dr. ROE or Mrs. BLACKBURN, isn't that what you all saw in Tennessee?

Mrs. BLACKBURN. I thank you. I will give a brief answer to that and then I know Dr. ROE will also want to comment on it. It's so wonderful that we can talk from the perspective of a State senator who was charged with holding that program accountable, even though it was set up without the permission, without the permission of either the Statehouse or the State senate in the State of Tennessee. And Dr. ROE was charged with keeping his oath and making certain that he was providing care to those that were in his care.

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But what we saw, again, was the cost shifting that was taking place, the cost of the insurance to those in the private markets going through the roof.

I have employers in my State senate district and now in my congressional district who have seen, over a 3-year period of time, their health insurance cost go up 100 percent. We also saw delayed care. And as the gentleman from Arizona knows, delayed care might as well be denied care.

Mr. SHADEGG. Would the gentlelady yield just on that point?

Mrs. BLACKBURN. I do yield.

Mr. SHADEGG. By the way, our colleagues are saying, let's go to a Canadian-style system, something that gets the government more involved. Well, we all know Canada has a single-payer system. Some of us believe that those

on the other side of the aisle want to create exactly that, a single-payer system, but they just want to transition to it.

I think it is very important, you said that the right to access to care is not the right to care. Actually that is exactly what the Supreme Court of Canada ruled about their single-payer system. The chief justice, and this is on this chart next to me which I thank the gentlelady for allowing me to put up, Chief Justice Beverly McLaughlin of the Canadian Supreme Court said in an opinion, which was issued in 2005, access to a waiting list is not access to health care, an opinion in which the Supreme Court of Canada ruled that you couldn't be forced to stay in their system, you had to be given the right to get outside of the government program and get the care you need. So to the point the gentlelady was making, access to a waiting list is not access to health care.

Mr. AKIN. Reclaiming my time a second, now this supreme court justice, she was no right-wing conservative?

Mr. SHADEGG. She was no right-wing conservative.

Mr. AKIN. By politic standards of America, she would be considered liberal. Yet she is saying that this socialized system doesn't work. And access, just because you have insurance, doesn't do you any good. You can have a free C-section, but if you have to wait 12 months, it doesn't do you much good.

Mr. SHADEGG. If you have to wait 12 months, it doesn't do you much good at all. I believe our colleague could comment on that more credibly than we could.

I just want to make the point: we don't want this. We Republicans want a system that responds to patients. We want patient-centered care. We don't want to give Americans access to a government waiting list. We want to give them access to actual health care.

Mr. AKIN. I yield back to Congressman BROUN from Georgia. I think you had the floor for a moment there, and then I'm going to go to Congressman GINGREY, another medical doctor we have joining us. We have a lot of doctors here tonight, and I'm very thankful for your expertise, my friends.

Mr. BROUN of Georgia. I thank Mr. AKIN for yielding again to me.

I want to come back to something that my dear friend JOHN SHADEGG said where he is talking about cost. I just wanted to inject here something that happened in my medical practice when I was practicing down in southwest Georgia. And what I'm fixing to say is going to point out that government intrusion in the health care system is what has driven up the cost for everybody, whether they are private insurers or public insurers on Medicare, SCHIP or Medicaid.

Back a number of years ago, I was in private practice. I had a one-man office with several employees. And I had a fully automated lab in my office. A patient would come in to see me with a red sore throat, running a fever, aching all over, coughing, runny nose and white patches on their throat. In my fully automated lab, I would do a CBC, a complete blood count. I could do that in 5 minutes and charge $12.

Well, Congress passed a bill and signed into law what is called the Clinical Laboratory Improvement Act, or CLIA. It shut down my lab. It shut down every doctor's lab in this country. All the hospital labs had to get a waiver——

Mr. AKIN. Reclaiming my time, the laws passed here in Congress shut down a lab that you had to be able to treat people that had an upper respiratory type of infection?

Mr. BROUN of Georgia. Anything, to do blood sugars and blood counts and those sort of things.

Mr. AKIN. They shut it down?

Mr. BROUN of Georgia. They shut it down. CLIA shut every doctor's lab in the country. Patients would come in with aching all over, a red sore throat, and so I would do a CBC to see if they had a bacterial infection and thus needed antibiotics, if there was a strep throat that might need a penicillin shot, or if they had a viral infection that could look exactly the same. And a viral infection is not helped by antibiotics. The teaching in the Medical College of Georgia and all of my training postgraduate has encouraged doctors not to overprescribe medications. It is costly. It increases the cost to everybody. Also, if people have viral infections, they don't need antibiotics. Actually, it is harmful to some patients.

So, I do a CBC, 12 bucks, 5 minutes. CLIA shut my lab down. I had to send patients across the way to the hospital. They got a waiver. It cost $75 and took 2 to 3 hours for one test. Now do you see what that does across the whole health care system? It markedly increased the cost.

Congress not just a few years ago passed HIPPA, the Health Insurance Portability and Privacy Act. That has cost the health care industry, thus insurance and all of us, billions of dollars. It has not paid for the first aspirin to treat the headaches it has created. It was totally unneeded legislation. It was totally unneeded because we could have done something to make insurance portable without going that route.

So, government intrusion into the health care system and Medicare policy is what has driven up the cost for everybody. And it comes back to what Mr. SHADEGG was saying about asking a question, could any of us answer the question about has government's being involved in any area decreased the cost. And the answer is ''no.'' It has increased the cost markedly for the health insurance of everybody else. And it is going to in this too.

Mr. AKIN. Reclaiming my time, I think you have really given us several very concrete examples in the health care business where the government involvement has basically run the cost of health care up. That is not a big surprise, is it? Because as we look at the regular marketplace, I think one of the examples would be the idea of Lasic surgery for eyes. That is one thing the government didn't get its big fingers into meddling, right? And laser technology has come along, and what used to cost thousands of dollars for a procedure now is done for hundreds of dollars. And so we have seen a dramatic decrease in the cost of good quality care just because the government wasn't tampering in it. Yet every time we see the government gets it fingers into things, the costs invariably go up.

I would like to get over to Congressman GINGREY from Georgia, another medical doctor joining us with many years of medical practice, also a former senator from Georgia and a great colleague. I yield time.

Mr. GINGREY of Georgia. I thank my colleague for yielding.

It is a pleasure to be on the floor with my colleagues talking about this bill that was finally, as we all know, introduced by Speaker PELOSI at a press conference this afternoon. And hearing our colleagues from Tennessee talk about really the ultimate pilot project, we are always in Medicare, anytime they are trying to do something to improve a situation, we start with a pilot project, which makes sense.

Well, this was the ultimate pilot project, I think, this TennCare that Congresswoman BLACKBURN and Dr. ROE, Congressman ROE, have described to us; and as their Democratic Governor said, it was a complete abysmal failure.

Mr. AKIN. We are going to repeat this? Please continue.

Mr. GINGREY of Georgia. If the gentleman will continue to yield, and yet we are going to repeat this now on a grand national scale.

I want to just take a few minutes to talk about what the Blue Dog Democrats said to their leadership just last week in a letter that was sent to the Honorable NANCY PELOSI, Speaker of the House, Madam Speaker, and the Honorable STENY HOYER, the majority leader of the Democrats. And 40—I think there are 52 Members of the Blue Dog Coalition of Democrats, those Members who are a little more conservative than the typical moderate to liberal Democrats, and basically these 40 Members, 40 out of 52, and there are a number of things in their letter, but I just want to go over a couple. One of the provisions that they say that absolutely needed fixing in this bill before they could support it is small business protections.

Here is what it says: Any additional requirements for employers must be carefully considered and done so within the context of what is currently offered. Small business owners and their employees lack coverage because of high and unstable costs, not because of

any unwillingness to provide or purchase it. We cannot support a bill that further exacerbates the challenges faced by small businesses.

Now, look, my colleagues, what this bill says that just came out today, this is the burden, the additional burden that will be put on small businesses. If the payroll of a business does not exceed $250,000, then there is no surtax. But if the payroll exceeds $250,000 to $300,000, there is a 2 percent surtax. If the payroll exceeds $350,000 but does not exceed $400,000, there is a 6 percent tax on small business, and if the payroll exceeds only $400,000, there is an 8 percent surtax on these small businesses.

What I want to make sure everybody in this Chamber understands is that these small businesses are not subchapter; they are not C corporations. They are Subchapter S or they are sole proprietors. And they pay as an individual. And this is on top of the fact that President Obama is going to let the tax cuts expire that President Bush put in place in 2001 and 2003.

Mr. AKIN. Just reclaiming my time for a minute, what you brought up is an absolutely critical point. It is part of how they are going to try and pay for this humdinger bill. And what you are saying is they are going after small business.

Now a lot of us know small businesses have 500 employees or less, and they create 80 percent of the new jobs that are created typically in the economy. So if you target small business, now you are going to drive down employment. And that is significant.

I yield the gentleman from Arizona time.

Mr. SHADEGG. I am shocked. As I stand here, I have to tell you I'm absolutely shocked. I understand that the gentleman from Georgia was reading from the bill just now?

You're reading provisions of the bill that was released today?

Mr. GINGREY of Georgia. I am reading directly from that provision, taxes on employers and individuals.

Mr. SHADEGG. So you have read a portion of this bill?

Mr. GINGREY of Georgia. I have read a portion of this bill.

Mr. SHADEGG. And I suggest that you also read from a letter written by Blue Dog Democrats, conservative Democrats, to their leadership expressing concerns about provisions of the bill before it was released today, the so-called ''Tri-Committee Discussion Draft.'' So are you telling me that Blue Dog Democrats have read portions of the bill?

Mr. GINGREY of Georgia. The gentleman from Arizona is absolutely right. One of the provisions that they stated in the letter is this, finally, any health care reform legislation that comes to the floor must be available to all Members and to the public for a sufficient amount of time before we are asked to vote for it.

Mr. SHADEGG. I'm just stunned. I have here beside me a quote from the House majority leader which suggests that it is not appropriate in America for us to expect Members of Congress to read bills. As a matter of fact, the majority leader said, if every Member pledged not to vote for it—''it'' being this health care bill—if they hadn't read it in its entirety, I think we would have very few votes.

He said last week, he laughed out loud—laughed out loud at the notion that Members might actually read a bill. I suppose if you had done what he did, which is on the cap-and-trade bill, introduced at 3:04 in the morning a 309-page amendment which made it impossible for a single Member to read the bill before it was voted on at 4 p.m. that afternoon or 5 p.m. that afternoon, then I guess you would have to say, gosh, we don't want Members to read bills. But as I understand it, you're reading this bill, and so are these Blue Dogs, reading the bill?

Mr. GINGREY of Georgia. Well, if the gentleman will yield.

Mr. AKIN. I do yield.

Mr. GINGREY of Georgia. I can respond to the gentleman from Arizona, absolutely, and again in this letter, and I'm quoting directly from the letter: too short of a review period is unacceptable and only undermines Congress' ability to pass responsible health care reform that works for all Americans.

And our colleague from Tennessee, Dr. ROE, just held up that 1,100-page bill. I wonder when they are going to get around to reading it. And I yield back.

Mr. AKIN. I would like to yield time to Congresswoman BLACKBURN from Tennessee. I think you had a point.

And also the stack of that, that is just the beginning of the bill, and it has already given my eyes a headache from looking. What do you have, close to 9 or 10 inches of paper stacked up there, Doctor? That is just where we are now. We haven't done the amendments at 3 o'clock in the morning yet.

I do yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. I thank you. What we see in this stack of the bill, the 1,100 pages that are there in that bill, 1,683 times it gives you the directive of you ''shall do,'' individuals ''shall do'' this. Now let me explain what this means. When you are a mother, many times you will tell your children, well, you can go out and play if you want to or you can do this if you want to. But when you really want to make a point, you say, ''you are going to go to time out'' or ''you are going to go to this corner'' or ''you are going to do your homework, no question, no options.''

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In legislative parlance, that is what ''shall'' means. You have to do this.

Now, 47 times it uses the word ''must.'' You must do this and that. And 495 times it uses the word ''require.'' All of these are new mandates on the American people.

To make it worse, 172 times it talks about taxes, taxpayer, taxable activity, 172 times, and 99 times it uses ''penalties.''

The Democrats have become the party of punishment, and they are going to punish Americans severely in this health care bill.

And to the gentleman from Georgia, I loved the fact that he talked about the taxes. That portion that he so beautifully articulated, would create $300 billion in new revenue for the government, which means taxes out of your pocket that you're taking out of your pocket and handing to the tax man; $300 billion. Even the prices——

Mr. AKIN. Reclaiming my time, I just heard promise this thing doesn't cost that much, and yet the Congressional Budget Office, the original version was 3.5 trillion, and they've whittled it down to only 1.5 trillion is what we understand. And you're only talking $300 billion. And we did that huge, the biggest tax increase in the history of our country on energy taxes which is going to hurt our productivity, and that's only not even 800 billion. We're not there yet.

Mrs. BLACKBURN. You're exactly right. And what the gentleman has is one small portion of that bill.

And also, I would add, before I yield back, that his own economic advisor from—the President's economic advisor estimates that that amount of taxes and this legislation would cost us 4.7 million new jobs.

And I yield back.

Mr. SHADEGG. If the gentlelady will yield briefly, I just point out that for you to know all of those numbers shows that you are very much involved in the process of reading this bill. Your staff is involved in the process of reading the bill. I said facetiously to our colleague from Georgia yesterday that I was stunned that people were reading the bill. I just want to make the point I am really stunned that the majority leader made the comment that Members shouldn't be expected to read the bill. I know I won't vote for this bill until I have read it and been over it.

I compliment the gentlelady's staff for poring through the bill, finding those statistics. I compliment the gentleman from Georgia for obviously reading portions of the bill and for his dedication. And everyone here, I think the American people expect us to read the bill. And I just wanted to make it clear that I was only being facetious when I expressed stun and shock that we might read a bill. I think it's my job to know what's in these bills.

I would be happy to yield.

Mr. BROUN of Georgia. I just signed a pledge this afternoon to the American people that I will not vote for this bill until I read it, and I meant that. I don't sign pledges——

Mr. SHADEGG. I hope our colleagues on the other side will do the same.

Mr. BROUN of Georgia. I hope they will, too.

I applaud the Blue Dogs for asking from the leadership. I hope they don't

hold their breath because I think they'll turn blue and die from hypoxia.

But I want to point out something that Dr. GINGREY was talking about that, and that Ms. BLACKBURN brought up very clearly. This tax increase on small business is going to cost jobs, not 1 or 2, not 10 or 20, not 100, but thousands of jobs, because small businesses all across this country are not going to be able to pay for the increased taxes that the Democrats are going to put on the back of small business men and women around this country. So many people are going to be out of work, and it's going to shift them over to the public plan. They're going to get free health care.

We have heard several of our colleagues say, if you think health care is expensive now, wait till you get it when it's free. It's going to be extremely expensive.

Mr. AKIN. Reclaiming my time just a second, I'd like to go back over to Dr. ROE.

You were there. You're in Tennessee. You saw this experiment. Even the Democrat Governor said it was a failure. I'd like you to just finish fleshing—we have just a few minutes left. If you could finish, and then I'll close.

Mr. ROE of Tennessee. Let me go over why it's important for the public and my patients and, as physicians, our patients to understand this. What we're concerned about is if this plan becomes a public option and that's the only option. And the way that occurs is, I've explained, when the cost of the public plan does not pay for the cost of the care, more costs are shifted to your private health insurers, meaning that they'll eventually drop the plan.

Now, having a single-payer system like Canada or England, is that necessarily bad? Well, I would argue that it is in America, and the reason is because it's going to limit choices.

And I know it was brought up just a moment ago by the gentleman from Arizona about costs, and I'm going to share with you—just a family practitioner in my own district the other day called me up and said, Bill, he said, I have had one lawsuit in my career. A very young woman had a serious problem, probably not preventable. He had a grade by the insurance companies of what a good doctor he was, in the top third, always. After this one lawsuit, and nowhere is medical malpractice mentioned here, his referral to specialists in 1 year went up 350 percent. His lab ordering went up 550 percent. This is not him saying this. This is a grade he got from the insurance companies. So there is the cost side that we were talking about earlier, and who knows, when you extrapolate that across the country, how much that must be.

Now, I got this letter right here this afternoon from CBO to Chairman RANGEL, 14th of July, today. And in this, it says, Another significant feature of the insurance exchanges is that they will include a public plan that largely pays Medicare-based rates for medical goods and services. CBO estimates that the premiums for that plan would generally be lower than the premiums for private insurance. But on average, the public plan would be about 10 percent cheaper than the typical private plan offered in the exchanges, and therefore, they're saying right here in this document that that's what's going to happen.

The other thing about this I found interesting was this plan doesn't start until 2013. And what you're seeing here is only in the last 6 years, this $1.1 trillion plan. It actually is 150 billion per year is what it amounts to. It's not what they're currently saying it's going to be, a trillion over 10 years. It's really a trillion-plus over 6 years.

I yield back.

Mr. AKIN. Let me just, I told Congressman SHADEGG from Arizona I'm going to get him in. He had a couple of points, and we're going to jump over to you, Doctor. We'll get right over to you. I yield to the gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman for yielding, and I'll try to be as brief as I can.

I want to point out that the Democrats' bill was not the only bill introduced today. As many of my colleagues here note, we introduced the Improving Health Care for All Americans Act today. It's a bill that reforms health care, not top down government edict, government mandate. It reforms American health care bottom up. It controls costs by empowering Americans, and it has some key points.

It says, if you like it, you can keep it. It provides coverage for every single American and choice for every single American. It provides new pooling mechanisms so that you could be in an insurance pool other than your employer's pool. It says that the Kiwanis International or the Rotary International or the Daughters of the American Revolution or your alumni association of your college or university could sponsor a plan. So you could pick many pools to get into.

It also says we're going to cover preexisting conditions or people with chronic conditions at the same rates as everyone else, by cross-subsidization and high-risk pools.

But I wanted to make, because I have some charts here, two quick points very quickly, and I'd invite anybody else who speaks in the limited time we have left to comment on these because I think they're so important.

The President has said over and over and over again, if you like it, you can keep it. I think that's so important, because polls show roughly 83 percent of Americans, 83 percent of Americans, like the health care they have. So if the President stands forth and says, if you like it, you can keep it, ladies and gentlemen, I wish it were true.

This is the language of the bill which was introduced today. It's been revised and renumbered. This came from the working draft, but the same language is in the bill. It says, by the end of the 5-year period following the introduction of the bill, group health insurance plans, every group health insurance plan must meet the minimum benefit requirements under section 121. Section 121 creates a new Federal entity called the Health Care Advisory Committee, which will rewrite the minimum benefits for every health care plan in America. That means every health care plan in America, under their bill, will change within 5 years. Some will change immediately. Everyone will change within 5 years.

Mr. AKIN. Reclaiming my time, so what you're saying is, if you like it, you won't be able to keep it. That isn't true.

Mr. SHADEGG. If you like it, like the headline says right here, if you like it, if you like your care, if you're one of those 83 percent of Americans, be prepared to lose it, because you're going to lose it under their bill, not just by competition from the public plan. Their bill says you'll lose it. In 5 years, every plan has to change.

I will conclude very briefly on an issue that I know is near and dear to the gentleman who sponsored this special hour tonight, Special Order tonight, our friend Mr. AKIN, who's a cancer survivor.

The American people, I hope, will slow down this process. I hope they'll say, We want to see what's in this bill. But I hope they'll ask this question and understand this information. We are being told to switch to a system similar to what exists in Canada, Europe and England. Those are the parallels.

But I would suggest to my colleagues and to every American, there are two things that scare every American. Those two things are cancers. For men, it's prostate cancer. For women, it's breast cancer. And these are hard facts.

This chart shows you that the 5-year survival rate in the United States for prostate cancer is dramatically better than Canada. It is stunningly better than Europe, and it is shockingly better than in England. So, if you have prostate cancer in America, your chance of surviving after 5 years are dramatically better in the United States than in the system the Democrats are telling us we ought to adopt.

But that's not enough, because every woman in America goes to bed each night worrying about breast cancer, and I would suggest every husband in America goes to bed worrying about breast cancer. And here are the facts.

If you look at 5-year survival rates for breast cancer, once again, the United States, the system they want to throw out, you have a dramatically better, significantly better chance of surviving than Canada, even more dramatically better chance of surviving 5 years than if you lived in Europe, and even better than that, of surviving 5 years, than if you lived in England. Before we adopt a Canadian, a European,

or a British system of health care, we better know that the survival rates for these cancers, the cancers that scare most Americans more than any other, are significantly worse in those countries than in the United States of America.

Mr. AKIN. I promised I was going to yield over to the gentleman from Michigan, my good friend Mr. HOEKSTRA, and I will come back over to you, Doctor, in just a minute. Congressman HOEKSTRA.

Mr. BROUN of Georgia. Okay. I'd like to speak to Mr. SHADEGG's point there before he leaves if he could stick around a second.

Mr. HOEKSTRA. I thank the gentleman for yielding. I thank my colleagues for allowing me to just be a part of this discussion for a few minutes.

You know, it's interesting. As my colleague from Arizona is pointing out the differences between the U.S. system, the Canadian system, and the British system, and I think one of the things that you see there is in America you've got competition, so the hospitals are all working to improve their survival rates. If you get a certain type of disease or illness, you know, people will check the various performance rates by hospitals, by clinics, as to where it's working.

You know, I just—this bill now is 1,000 pages. It's over 1,000. We just went through a massive cap-and-trade and tax bill. But, you know, I just opened it up, and one of the things that people say, Don't worry. There's still going to be improvement and competition to get excellence.

You know what job I want? Start on page 84. I want to be the commissioner. The commissioner shall specify the benefits. The next page, The commissioner shall establish the following standards. You go to page 87, The commissioner shall establish a permissible range. If the State has entered into an arrangement satisfactory to the commissioner, page 88, the commissioner shall, the commissioner shall. I mean, it's like—and this is in 2 minutes of looking at this bill. And it's like, well, it looks like the commissioner knows what to do. And if the commissioner's going to do all of this, what's there left for me? It looks like the commissioner's going to take over my health care.

Mr. AKIN. Are you sure you're spelling that word right? It doesn't say ''czar''?

Mr. HOEKSTRA. I was thinking it sounds like czar. Coming from Michigan, we've had enough of czars. We've had enough of car czars, you know, who are running our automobile industry, who are making decisions about which car company will survive, how they will survive, who will manage the companies, who will be on the board of directors, what dealers will survive. I mean, you know——

Mr. AKIN. Reclaiming my time, gentleman, we're talking about the President of the United States firing the President of General Motors. We got ourselves into the insurance business, into the banking business, and now health care. What is it, 20 percent of all of American business? And we're going to have this commissioner, we're going to take another 20 percent the government's going to run?

□ 2000

Mr. HOEKSTRA. If the gentleman would yield for just a moment.

Mr. AKIN. I would yield.

Mr. HOEKSTRA. You know, think about it. If the President believes that he can decide who should run General Motors, which is a decision that he made in which he forced the replacement of the president of General Motors, then taking the next step and telling each of us what kind of health care we're going to have, what treatments we can have, what procedures we can have, and how much the government is going to pay for each one of those is fully within the realm of possibility, which is exactly where this bill goes.

Mr. SHADEGG. I guess what the gentleman is saying is that, if the bill passes, we'd better hope the commissioner is as smart as Peter Orszag.

Mr. ROE of Tennessee. Will the gentleman yield for a second?

Mr. AKIN. I promised Dr. BROUN that we would give him a chance here. We're getting close to closing.

Mr. BROUN of Georgia. I appreciate it.

In noting what Mr. HOEKSTRA is talking about and in going back to what Mr. SHADEGG was talking about, I want to point out the reason there is such a difference in the survival rates for these two cancers. The American people need to look at it. It's not just because we're Americans. It's because, in those systems, people are put on waiting lists, as your prior chart noted, Mr. SHADEGG. It is also because the government system won't pay for the new procedures, for the new medications. So it's because of delayed treatments, of delayed evaluations of lumps in a breast, because of delayed or denied services. That's going to come under this plan that the Democrats have proposed today. It's coming to every single American. That's the reason the survival rates are so much lower for prostate cancer and breast cancer. The thing is, and what's going to happen is, our survival rates are going to actually go down and match some of those others. The American people need to understand that. If I can speak to them, that's one thing that I would say. The delayed treatment and denied treatment is going to wind up killing people. That's what this plan is going to do. It's literally going to kill people.

Mr. SHADEGG. The man is dead right.

Mr. AKIN. Reclaiming my time, I would like to introduce another gentleman here who has been joining us at a number of key points and junctures, Congressman SCALISE from Louisiana. I would appreciate your jumping into the conversation here for just a minute or two.

Mr. SCALISE. Well, I want to thank the gentleman from Missouri and all of my colleagues who have been talking tonight.

As we start to see the plan unveiled and, literally, some of the secrecy removed on this plan, I think what most American people are going to see over the next few weeks is the fact that this is nothing short of a government takeover of our health care system, a system that right now provides some of the best medical care in the world because some of those people come from those countries—from those very countries that do have government-run health care and the rationing that exists in those countries—to this country, if they have the means, because we have the best medical care even though it's a system with flaws and even though it's a system that needs some reforms. Though, the reforms that need to be made need to be made while working with all of us, with all of us here—with the doctors who have been presenting these ideas and these good solutions that have been presented—not by a government takeover that literally would ration care for American families and that would add hundreds of billions of dollars in new taxes on the backs of small business owners and families across this country. That's what their bill does. That's why we've got a big difference between how we here, who have been talking tonight, would approach this solution versus this government-run takeover of our health care system.

I yield back.

Mr. AKIN. I thank the gentleman.

That's a great summary, and I appreciate your perspective from Louisiana. I think a lot of other people are seeing it this way, particularly the gentleman from Michigan, Congressman HOEKSTRA, with all of those—and he kept reading that word ''shall,'' ''shall,'' ''shall,'' ''shall.'' This doesn't look like any kind of free enterprise to me.

I would like to recognize the doctor from Georgia, Dr. GINGREY. I thought you said you wanted to do about a minute or so before we call it here.

Mr. GINGREY of Georgia. Mr. Speaker, I thank this gentleman from Missouri for yielding. I know time is running short.

I just wanted to point out, in regard to the government plan, the Blue Dogs, who sent this letter last Friday to Ms. PELOSI and to the majority leader, Mr. HOYER. It reads: Providers in the government plan must be fairly reimbursed at negotiated rates, and their participation must be voluntary.

The bill that was introduced today by Ms. PELOSI, in regard to providers forced to participate, reads: Establishment of a provider network for the government plan. Health care providers participating under Medicare are automatically participating providers in

the public health insurance option unless they opt out in a process established by the Secretary.

So, in talking about the powers of the commissioner, I also worry about the powers of the Secretary, and every doctor in America should worry about that.

I yield back.

Mr. AKIN. I think that, perhaps, may be the Democrats' biggest nightmare—the fact, if we have time to read the bill, that the people will see that what is promised and what the bill says are two different things. That is certainly what we're dealing with here. You have the Blue Dogs. These are Democrats. They're asking their leadership to have this flexibility, and the bill goes the exact opposite of what they're saying.

I would yield to the gentleman from Michigan, Congressman HOEKSTRA.

Mr. HOEKSTRA. What we're really seeing here is a continued erosion of the rights of individuals and the rights of States. Michigan is a donor State in terms of transportation. What does that mean? It means, since the inception of the national highway or the national gas tax, for every dollar that Michigan has sent to Washington, we've received 83 cents back. That hardly seems fair to me, especially when we're now number one in unemployment. Think of it. When we get that money back, the Federal Government tells us how to spend it. The same thing happened with education. We sent money here.

Think about what's going to happen with health care. It's going to come here to Washington, and we're going to apportion it back to the States. Some States are going to do better than others, and it's not going to be based on population or those types of things. It's going to be based on the power of the people in this Chamber and in the Chamber down the hall as to who has got the most influence. There are going to be donor States and—what are they?—donees or beneficiaries, the ones who get more than the rest of us.

Mr. GINGREY of Georgia. Recipients.

Mr. HOEKSTRA. Recipients.

That's no way to run a health care system. We will lose freedom, and this place will become the center of distributing money and of distributing power back to groups around the country. This is what we're fighting for. We're fighting for freedom for individuals and for sovereignty back to the States.

Mr. AKIN. You know, I really appreciate your summary, and we're getting close in time. A number of you have come to this same basic position. What we're really talking about here is freedom, isn't it? It's a subject of freedom.

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

Mr. AKIN. Okay. I'll finish up and reclaim some time. Go ahead.

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

Mr. ARCURI (during the Special Order of Mr. AKIN), from the Committee on Rules, submitted a privileged report (Rept. No. 111–208) on the resolution (H. Res. 644) providing 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, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3183, ENERGY AND WATER APPROPRIATIONS ACT, 2010

Mr. ARCURI (during the Special Order of Mr. AKIN), from the Committee on Rules, submitted a privileged report (Rept. No. 111–209) on the resolution (H. Res. 645) providing for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HEALTH CARE REFORM

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. I thank the Speaker for recognizing me to address this.

While we have so many stellar experts here on health care, health insurance and on the destiny of America with regard to this large percentage of our gross domestic product, I'd ask for any of you who are willing to stay here and to continue imparting the knowledge base that you have to continue in this seamless transition over into the second hour of the Special Orders here.

It turns out that the Democrats don't have enough confidence to show up here on the floor to defend their position nor to rebut ours, and so I would point out something that I would add into this equation.

That is that, first, we have the most successful health care system in the world, and it has produced the best results in the world. Even though we have a Secretary of Agriculture who, as the lead person on health care, said that Cuba had the model for the world. No, it's the United States of America. She got the right hemisphere, and she was close to the right continent, but it's the United States of America.

I'd point out also that, by the time you reduce down the numbers of the uninsured, that 44–47 million, which is a number that is arguable, and by the time you take out of that those who are illegal and by the time you take out of that those who are in transition between health insurance policies and by the time you just boil it down to the chronically uninsured—and this is according to a study done by two professors at Penn State University that was reproduced by the Heritage Foundation—it comes back to about 4 percent of this population that is chronically uninsured. Yet we would upset the entire system of health care in America to try to reduce that 4 percent number down to—what?—3 percent or 2 percent or not even 1 percent in their wildest aspirations.

So, rather than my venting myself completely on the things that I have in my head and heart on this health insurance and health care program, I am looking at a series of established experts.

I would like to yield to the gentleman from Missouri to pick up where he left off before the clock ticked out on that first hour.

Mr. AKIN. Thank you, Congressman KING. I appreciate your love for free enterprise and for your willingness to stand up for freedom.

We've been joined here over the last hour by a number of distinguished doctors, by doctors who have given a large portion of their lives to providing good quality health care—by Dr. ROE from Tennessee, by Dr. GINGREY from Georgia, who just left, and by Dr. BROUN from Georgia. They all, of course, know health care far better than a lot of us because they've lived it for 30 or 40 years of their lives; but there's something that I've lived for about 9 years of my life, and that's what is called cancer.

People in America, when you hear the word ''cancer''—they call it ''the big C''—you pay attention to it. When I got here as a freshman Congressman, I waltzed down to the doctor's clinic that's provided by the Navy in this Capitol building. I felt bulletproof and fit as a fiddle at barely over 50. They said, Yeah, you're in pretty good shape except for one little detail: you've got prostate cancer. So, when you hear the words ''the big C''—cancer—pay attention to it. So, although I'm not a doctor, I've had some experience.

There was one set of numbers that jumped out at me that we really didn't talk about, although it was mentioned by the gentleman from Arizona, Congressman SHADEGG. He talked about prostate cancer and breast cancer, but let's generalize those numbers a little bit more. Let's talk about survival rates. What we're talking about here is that, for the sake of 4 percent of the people who are chronically uninsured, the Democrats want to remake the best health care system in the world even though they were throwing rocks at it an hour and a half ago. Nobody goes from America to get health care somewhere else. They all come here to get their health care. Now what they want to do is turn us into something like Canada or England or Tennessee, which had a bad experience, or like Massachusetts.

Let's take a look at their track records before we jump too fast off this cliff. Let's take a look at the survival rates of cancer among men. In the United States, there is a 62.9 percent survival rate. That says, if you get diagnosed, there is a 62.9 percent survival rate.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. Let me just get to the other one.

Look at this one in the U.K.—that's your socialized medicine: 44.8. You're talking an 18 percent difference in the survival rates between these two systems. We want to move from the U.S. system to be more like Canada or the U.K.?

I will yield, and I have to yield to the gentleman from Iowa.

Mr. KING of Iowa. I will reclaim my time, and will yield to the gentleman, to the doctor from Georgia.

Mr. BROUN of Georgia. Thank you.

I just wanted to clarify this for all of us here in the House tonight, plus for the people who are watching on C–SPAN. This includes all cancers; is that correct?

Mr. AKIN. That's my understanding. These numbers here are the survival rates of all cancers among men and of all cancers among women. Now, as you know, Doctor, prostate is the most common among men and breast cancer for women, but this is the whole deal.

Mr. BROUN of Georgia. That includes lung cancer; it includes stomach cancer or pancreatic cancer or muscle cancers, bone cancers, blood cancers, et cetera. That should be astonishing to the American public to look at those values. Please tell us about——

Mr. KING of Iowa. I am happy to yield, but let me pose a question as you expand upon that thought.

If you are a man, are you better off or, if you are a woman, are you better off if you live in the United Kingdom versus the United States of America when it comes to cancer diagnoses?

Mr. AKIN. It's hard for everybody to be able to see the chart here. Regarding the cancer for women, you're at 66.3 percent survival. You're better off if you are a woman in the United States than if you are a man in the United States; but if you go to the U.K., women are still 14 percent worse in terms of cancer. So, in other words, if you're a man in England, you're really in trouble. That's the worst you can be is a guy in England—okay?—with cancer.

□ 2015

But if you are a woman in England with cancer, you're still at a 14 percent worse condition for survival rates than if you're in the United States. So, in other words, it's 18 percent worse in England for a cancer patient than it is in the United States.

Mr. KING of Iowa. If the gentleman will yield, I pose this question: If you are a woman in the United Kingdom, are you worse off than a man in the United States? And vice versa. I will yield.

Mr. AKIN. No. If you are a woman in the United Kingdom, you have got a 52 percent. So you are a little better off than a man in the United Kingdom, but not as good as a man in the United States at 62 percent.

Mr. KING of Iowa. It is an inappropriate comparison to compare across gender when it comes to cancer because there are different survival rates because of different types of cancer.

Mr. AKIN. But still the point of these numbers is that this government-run health care system is not producing results. It's doing just what our doctors are telling us is happening, and that is, that you have all of these mandates in the government that are making it so that it can't be effective. Of course the place where most of us, when you get to be my age—there are a few old geezers here, like me. And what do you do when you get a government that can't afford to pay for the health care? Well, they start to ration care. And who are they going to ration it to? It's the older people. They are going to say, Yes, it's fine, but you don't qualify for this kind of care. You're not enough of a benefit to society. We're going to cut you off.

Mr. KING of Iowa. Reclaiming my time, I happen to have had a World War II survivor and veteran hand me a whole stack of Collier's magazines that came from 1948 and 1949. It was a fascinating thing to read through the yellowing pages of those magazines where they had gone in and written these—I want to call them cameo articles on the emerging National Health Care Act of the United Kingdom, 1948 and 1949. I remember in the same magazines there was a picture of a GI sitting at the square in Berlin by Otto von Bismarck's victory statue, which was in the background of Obama's speech there when he was in the campaign. He was sitting there among the shattered trees with his helmet off, eating some K rations in that same magazine. So we're back to just post-World War II when the United Kingdom decided that because of the insecurities—and they didn't know if their economy was going to collapse. It had been so burdened because of World War II—that they would provide this National Health Care Act to supposedly fix their economy with the same psychology that President Obama has today. We're in this economic crisis, and magically the crisis that happened after the election brought about the necessity to provide the same solutions they advocated before the crisis. In any case, the United Kingdom, they then established the National Health Care Act. As I read through that, month after month, story after story, cameo appearance after appearance, the same problems that we have today were the problems they had within the first year of establishing that National Health Care Act in the United Kingdom. Long lines, rationed care, doctors and nurses and providers whose compensation had been ratcheted down by the government from the necessity then of increasing their volume to make up for the difference in their compensation. Increasing their volume, yet they spent less time per patient, which meant that they were less able to diagnose and care for their patients, which brought down the quality of the care and the threat of the rationing that came then was manifested very shortly thereafter. I intended to go to the gentleman from Arizona, but I see the gentleman from Michigan has something to add. I yield.

Mr. HOEKSTRA. I'm listening to your description of the bureaucracy in the U.K. and those kinds of things. I have just been paging through this bill. I think we all know—I think it was last week—that the majority leader said something like, ''If we had to depend on the people who read the bill to vote for it, we wouldn't have very many votes.'' The first time that I saw this bill was about 15 minutes ago, and I'm just kind of paging through.

Mr. SHADEGG. The quote by the majority leader is, ''If every Member pledged to not vote for it if they hadn't read it in its entirety, I think we would have very few votes.'' So he apparently thinks we shouldn't read the bill.

Mr. HOEKSTRA. Let me just read a couple of things. Here is a paragraph. I will just open it up. Before we went through, The commissioner shall, shall, shall. And we said, Okay, he shall do everything, and there is not going to be anything left.

Listen to this paragraph: ''Change in the income as a percentage of FPL. In the case that an individual's income expressed as a percentage of the Federal poverty level for a family of the size involved for a plan year is expected in a manner specified by the commissioner to be significantly different from the income as so expressed used under subsection A, the commissioner shall establish rules requiring an individual to report consistent with the mechanism established under paragraph two significant changes in such income, including a significant change in family composition to the commissioner and requiring the substitution of such income for the income otherwise applicable.''

Mr. SHADEGG. Excuse me? Say what?

Mr. HOEKSTRA. Think of how many bureaucrats it is going to take to interpret that paragraph.

Mr. AKIN. How many bureaucrats can dance on the head of the pin, huh?

Mr. HOEKSTRA. Then they're going to do ethics standards, accountability performance programs and all of these things, Federal bureaucrats. And guess what—the same people who wrote this bill, also their last bill that they wrote was No Child Left Behind because it says that as they collect this information, the Secretary shall identify organizations that are enrolled in the program that have failed to significantly

improve. Does that sound like No Child Left Behind, like we have in the Department of Education? What do we have? We have people in the Department of Education who don't read anything, who don't know the schools in Ludington, Michigan, or Detroit or Saginaw or Ann Arbor, Michigan; and they're identifying them as failing schools. Now the Federal Government is going to go through the process of identifying failing hospitals, failing nursing homes and failing those if they don't meet Federal requirements; and it's going to take a lot more bureaucrats. But I think we ought to challenge the American people. Members of Congress may not read it, but they ought to read this thing and see if they understand whether this is going to improve their health care or make it worse. I think they will become ill reading this bill.

Mr. AKIN. Is there a medicine to treat nausea?

Mr. KING of Iowa. Reclaiming my time, I just would suggest that of all of the 32 czars—do we have a czar that deals with this, the failing czar? What about the failing czar?

Mr. HOEKSTRA. Well, I think they have recognized that a czar is not a very popular word. The czar in this bill is called a commissioner. So I guess when you get to the 33rd—I guess we can only have 32 czars. Now we are starting to create commissioners, and we'll probably have 32 commissioners. Then we will have what, grand leaders after that? But I think we've topped out on czars.

Mr. KING of Iowa. I happen to remember that the aftermath of the czars was actually the Marxism that arrived with the Leninism in that period of time and, yes, the commissioners and the lists of those people. Language makes all the difference. But I would like to know how they identify the failing czar or the failing commissioner.

Mr. HOEKSTRA. If the gentleman will yield, it's identified in here how you will identify the failing czar and with the corresponding rules and regulations that go with this that I'm sure will be written in plain English because this is not.

Mr. KING of Iowa. This is a lot of pages of gobbledygook. I will yield to the gentleman from Arizona (Mr. SHADEGG) who can add some clarity to this issue.

Mr. SHADEGG. I thank the gentleman for yielding. We have done a pretty good job of filleting what I think needs to be filleted.

Mr. HOEKSTRA. If the gentleman will yield for a second, with the manufacturing of all of this paper to print this bill, as a member of the Energy Committee, would this still be qualified under cap-and-trade? Or is this a violation of cap-and-trade?

Mr. SHADEGG. That actually is woody biomass, and there are certain rules of how it gets converted into energy in cap-and-trade.

Mr. SCALISE. It has got a heavy carbon footprint.

Mr. SHADEGG. I would like to, for just a moment, get serious. I think we have done a good job here.

Mr. HOEKSTRA. Excuse me. I was serious.

Mr. SHADEGG. I know. But I mean deadly serious about an alternative. We get accused of being the party of no, and I hate to repeat that charge. But if I were sitting at home tonight, I would watch this; and I would say, Well, all those Republicans are saying that that 1,100 pages doesn't make sense. And I have to compliment my colleague from Michigan. He has done a stupendous job of reading some of the absurdity in that bill. So you are home and saying, Well, you Republicans are just against everything. I want to point out that that is not the case because that bill—hold it up, Mr. HOEKSTRA, if you would—that bill is not the only health care bill that was introduced in this body today. Now I will admit that the other one that was introduced in this body today is stunningly shortened. It's a fraction of that number of pages. But several of the Members in this discussion tonight were cosponsors of the bill I introduced today called the Improving Health Care For All Americans Act. It's a simplified bill. It doesn't do a top-down command-and-control government edict, all the things that Mr. HOEKSTRA was reading. What it says is, we need bottom-up reform. We need to empower individual Americans. So let me just take a quick minute to walk through five major concepts in the Improving Health Care For All Americans Act, introduced by a group of Republicans today, and tell you how it's different than what the Democrats want to do. First, we pointed out that the President keeps saying, If you like it, you can keep it. But we have pointed out that the wording of their bill says, If you like it, you will lose it, because it says that in 5 years, every bill that exists today will be gone because it has to meet the standards written by a new commission. Well, our bill, the Republican bill, Improving Health Care For All Americans Act says, If you like it, you can keep it. Of the 83 percent of Americans who say they are happy with their health care right now, most of those people get their health care from their employers. Our bill says, If you have employer-provided health care and you like it, you—the patient, the employee—get to choose to keep it. And if they choose to keep it, they keep their current tax exclusion. Many Democrats want to take that tax exclusion away. However, we will not force you to give up your health care. We really mean, If you like it, you can keep it. That is what is in our bill. Second, every American under our bill gets choice, and every American gets coverage. How do we do that? The bill says, If you have employer-provided coverage and you like it, you keep it. But what about people that don't have employer-provided coverage? Our bill says, We are going to give you the right to use your tax dollars if you pay income taxes to buy a policy that you choose; and if you buy a policy of your choice and you spend $2,500 as an individual or $5,000 as a family, you get a dollar-for-dollar tax offset. So those people get to buy a policy they like, and they can keep it. What about the Americans that many people are concerned about, those who don't pay income taxes? Our bill gives them a tax stipend and says, Here, we're going to provide you the funds to go buy a plan of your choice. Now that covers every single American, everyone who has employer-provided coverage and likes it; everyone who doesn't have employer-provided coverage; everyone who has employer-provided coverage but doesn't like it; and everyone who can't afford to go out and buy it on their own, we cover every single American. But you know what, we didn't put one of them, not one of them into a government program. Now why didn't we do that? Well, the Democrats say, Let's let the rich people buy their own insurance and put the poor into government programs. That's what we're doing now with SCHIP and Medicaid. We say, Why not give those who can't afford their own coverage a cash stipend to buy a plan they like? Why shouldn't they have control over their lives and their health care and make it respond to them and their demands? So our bill does that.

Now you say—and this happened in the last Presidential debate—Well, you're going to force everybody into the individual market and costs are much higher in the individual market. Dead wrong. Our bill provides new pooling mechanisms and group plan choices for every single American. This is a kind of a different concept. Right now everybody in America that wants to get into an insurance pool to pool their risk with other people, you know how many pools they can possibly join? One. Their employer's pool. That's the only pool you and I are offered. Every single one of us on the floor here is offered, as Congressmen, the chance to join our employer's pool. Can we join some other pool? No, we can't. This bill says, We're going to let many pools be formed. We're going to let social organizations, we're going to let civic organizations, we're going to let—for example, for me, the University of Arizona Alumni Association might form a pool and offer a plan. For someone who's a member of the Kiwanis International, we'll let the Kiwanis Clubs International form a pool. How about the Daughters of the American Revolution? Why shouldn't they be able to form a pool? We can have lots of different pools so that you and I can choose—I want to be in my employer's pool and have a low-cost plan; or I want to be in the Kiwanis International pool or the AARP pool or some other kind of pool where my risk is pooled with others. That's the third piece of our bill.

And now the one that many Democrats are concerned about—and it is one of the ones where I think we agree with them—and that is pre-existing conditions and chronic conditions. Those price lots of people out of the ability to buy health care. Do Republicans care about that? Yes. Are we going to force you into something? Are we going to pass a mandate like the Democrats' mandate? No. What our bill says is that every single American with a pre-existing condition or a chronic condition whose health care costs get so high they either can't find a policy or can't afford the policy will be able to join a high-risk pool or a reinsurance plan, a reinsurance mechanism that holds down the cost of their health care to the cost of everyone else's even though they have a pre-existing.

□ 2030

I mentioned this earlier. I have an older sister who is a breast cancer survivor—thank God she's a survivor—for over 20 years. For years, she was forced to keep her teaching job even if she wanted to change jobs because she had a preexisting condition. Her cancer was covered as long as she stayed with her employer, but if she left, her cancer wasn't covered.

Under our bill, her cancer would have been covered even if she changed jobs.

We can control costs in America by empowering patients and consumers. We can reform American health care from the bottom up, not command and control from the top down.

I thank the gentleman for yielding

Mr. KING of Iowa. Can I reclaim my time before we yield over to Georgia?

I would like to know what that fifth point is. I think I have four down.

Mr. SHADEGG. The fifth point was empowering consumers by giving them the right to buy and control their own health care. That is, if you are an employee, if you have a plan offered by an employer, you can choose to keep it or choose to take the tax credit and buy another plan. And empowering everyone else that doesn't have an employer-provided plan, that empowering of you and I to take control of our health care back will let us shop for the best quality care at the lowest price, which we can't do right now. Right now it's a third-party system. Your employer picks your plan and your plan picks your doctor.

The Democrats say that is a terrible, failed system. We should take the employer out and put the government in. How does that make it any better? What we say is empower individual Americans. Give them the ability to make their health care choices and, oh, by the way, they will then not only have power and control and can fire a plan that doesn't work for them, but they will also have a greater stake and an interest in their own health care.

Mr. KING of Iowa. Reclaiming my time, I would add that the central philosophy here is the difference between Democrats and Republicans, liberals and conservatives: our understanding of human nature and what inspires human nature and the things that fail to inspire human nature. They believe they can create a managed economy, a utopia that's managed by smart liberals on top who are taking care of those people who can't take care of themselves.

We believe that the markets drive the best decisions. It's the difference between free enterprise and central command. And it's a philosophy that's been laid out here from Mr. SHADEGG of Arizona.

Mr. SHADEGG. It's their idea of a Washington-centered plan. Their 1,100-page bill is all Washington-centered. It's got a commissioner. If it doesn't have a czar, it's got a powerful commissioner. Or our idea of a patient-centered plan.

Mr. KING of Iowa. Driven by the best of human nature.

And I yield to the gentleman from Georgia and then to the gentleman from Louisiana.

Mr. BROUN of Georgia. I want to applaud the gentleman from Arizona's efforts to put this plan together.

I want to point out something. We, as Republicans, are accused of being the ''Party of No'' by the folks on the other side, the Democrats. But I want to—if I could tell the American people this—I can't in the rules of the House—but the Republican Party is actually the Party of Know—K-N-O-W. We know how to fix things, and I congratulate Mr. SHADEGG for putting together an alternative to present to the American public.

I'm working on one in my office also that's a little different from Mr. SHADEGG's, and there are other plans being developed on the Republican side. We know how to fix it and to look to the free enterprise system to fix things and not look to socialism, which is what our colleagues on the Democrat side look to. They look to socialism, they look to central command, they look to a Washington bureaucrat to tell us how to run not only health care, but I want to also indicate we have had plans about a lot of things.

We had an energy plan. The American Energy Act that I was a cosponsor of—and I think probably every one of us here tonight were cosponsors—that would have made America energy independent. We've developed on our Republican side plans to stimulate the economy by cutting taxes on small business and creating real jobs.

The Democrats' centralized plans that create a bigger Washington, more bureaucracy has not worked. Where are the jobs? But we had a plan on the Republican side that would have actually created jobs.

And over and over again, the Democrats that claimed that we are the Party of No, N-O, will only allow their plan to be presented to see the light of day here in this House. That's dictatorship, in my opinion.

Mr. SHADEGG. If the gentleman will yield.

Mr. BROUN of Georgia. We are the Party of Know, K-N-O-W.

Mr. SHADEGG. Not only do we know how to fix things, but we are the Party of Know in another way.

I want—every one of us here tonight, every Republican in this Congress wants the American people to know—k-n-o-w—what's in this bill before we pass it. We are being told that we have to rush to pass this in less than 3 weeks.

The first markup of this bill will occur, I believe, on Thursday. It will not conclude until the following Wednesday. We then have less than a week and a half from that until the August break. The Democrats apparently don't want Americans to know, k-n-o-w, what's in this bill. I think we are the party of know, k-n-o-w. I want the American people to know when you consider this as 20 percent of our economy—it's one in every six jobs—it's shocking that we would consider passing such a bill without knowing what's in it.

Mr. KING of Iowa. Reclaiming my time, I think it's clear that if this bill sits out there over the August break until after Labor Day, they understand the American people will rise up against it.

And I would like to yield to the gentleman from Louisiana.

Mr. SCALISE. I want to thank the gentleman from Iowa for yielding.

I appreciate the comments from my friend from Arizona and his alternative bill. I serve on the Energy and Commerce Committee as well. We're going to have a heated debate, a very necessary and important debate. But this should be a debate that allows all of these different ideas and facts to come out.

But there is an old adage that says if you don't learn from the mistakes of history, you are doomed to repeat it. So I think if you go back to January and review the last 6 months and you look at the mistakes that have been made along the way and transpose that to the bill that was filed today, this government takeover of our health care system, you'll see a lot of similarities to the previous mistakes that's been made up until this point.

When the President came in in January, his first initiative was this massive so-called stimulus bill: $787 billion in spending, borrowed money that we don't have, money that's going to be borrowed against our future, China and other countries that will be loaning us this money. This bill was touted as a way to save the economy.

The President said we need to do this or else unemployment will reach 8 percent. Today as we stand here and review that bill, as my friend from Georgia said, where are the jobs? We know it hasn't created jobs. In fact, since President Obama took office, two million more Americans have lost their jobs. In the meantime, the stimulus

bill is starting to have effects on the economy, but now you are beginning to see the beginnings of inflation because of all of this borrowing.

You are also seeing the fact that this bill is clearly not working—not only all of us who voted against the bill and proposed an alternative, and the President who vowed to be so bipartisan would not work with any Republicans to take some of the ideas that we had, ideas to actually empower Americans, to allow small businesses to hire people, to give tax relief to small businesses and families that are struggling out there. The President didn't want to approach any of those ideas. He just wanted this one-size-fits-all government-run program, spend more money, $800 billion.

And now just last week his own Vice President said this plan, they misread the economy. And the President himself is going around saying—first he's saying that he wouldn't do anything differently on the stimulus bill and he said the stimulus bill is working according to plan.

Now, I'm not sure what plan he had, but two million more people out of work from the day he took office, unemployment approaching 10 percent, and he said that's the plan that's working.

Mr. SHADEGG. He said what?

Mr. SCALISE. He said he wouldn't do anything differently and the stimulus bill was working according to plan.

Mr. SHADEGG. He was planning on 9.5 percent unemployment?

Mr. SCALISE. Clearly he must have been because he and his own Vice President not only are saying that that bill, the stimulus bill, is working according to plan but they're saying on the other end, some people in the White House are saying they're so concerned now about the economy and the approaching 10 percent unemployment that they're talking about doing a second stimulus.

So people who are admitting on one hand they misread the economy, everyone's acknowledged that their stimulus plan isn't working and is spending money we don't have.

Then they're talking about doing another stimulus bill to spend even more money we don't have.

Mr. AKIN. I need to interrupt. I am so hopelessly confused. I really need some help from my colleagues tonight.

Mr. KING of Iowa. I'm not ready to endorse that statement that's been made by the gentleman from Missouri.

Mr. AKIN. I remember we were promised if we don't pass the stimulus bill, we're going to see unemployment over 8 percent. And so, of course, we didn't vote for it. But they passed the stimulus bill, and now we've got 9.5, or whatever it is percent, unemployment

Mr. BROUN of Georgia. It's 14 percent in many of my counties in the 10th Congressional District in Georgia.

Mr. AKIN. This is part of the plan. By golly, it just seems like to me maybe we shouldn't have passed that.

Mr. KING of Iowa. If I could reclaim my time before I yield back.

I want to point out this 9.5 unemployment rate, it equates into real people. That's 14½ million that are unemployed; and when you add then to those who are looking for a job that have exhausted their unemployment benefits, you've got another 6.8 or 6.9 million. You round that down to 20 million people looking for a job in America, and that's the stimulus plan.

I yield to the gentleman from Missouri.

Mr. AKIN. Your 20 million people are the number of people almost that don't have health insurance. So now we've created 20 million unemployed through this wonder of economics, this Keynesian economics that supposedly says the government goes on a spending spree, everybody is going to be doing great.

Mr. KING of Iowa. Twenty million that are uninsured. By the time you take it down to the chronically uninsured, according to a Penn State study by a couple of professors at Penn State, that's 10.1 million chronically uninsured, and that equates to a little bit less than 4 percent of the population of the United States of America. That's what we've got.

Mr. BROUN of Georgia. This health care bill is going to put more people out of work. More people are going to be unemployed. And it's going to hurt the economy even more, which is going to mean more cost to the American taxpayers. So taxes are going to go up and the cost of health care is going to skyrocket.

Mr. KING of Iowa. But if the gentleman from Georgia—reclaiming my time, and I would pose the question back to the panel that's here of the experts. This was President Obama's economic development plan. This economic crisis that we're in commands that we establish a socialized medicine program. So the gentleman who's lived for that—or excuse me, the gentleman who's lived with that in Tennessee—the doctor from Tennessee, Dr. ROE, if you could tell us what you learned in Tennessee with the plan that was similar to that that Obama has proposed.

Mr. ROE of Tennessee. We have been over that previously.

But a couple of things I wanted to bring out.

This is from the CBO this afternoon that scored this bill that we're looking at here. It's 1,000-plus pages. After we have this monstrous government takeover in 10 years, we still have 17 million people uninsured. And, I mean, it's astonishing to me that we would look at a bill like this and still have almost half the people uninsured with the government then making health care decisions.

One of the things we were talking about, cancer a moment ago, and I think what we want to say is—and I think the gentleman from Arizona has hit it right on the head—you need to have patients in charge of health care decisions.

When I began my practice in the early 1970s and in the late 1960s when I was a medical student, 80 percent of children who went to St. Jude Children's Hospital died of their childhood cancer. Eighty percent died. Today over 80 percent live. It's really a phenomenal story to tell a parent. Almost all children with leukemia have lived now. It's unbelievable. And that's happened in the last 35 or 40 years.

When I began my medical practice almost half the women who came to me with breast cancer—and we saw too many of those—died within 5 years. Survival rates now are in the high 90s. It's astonishing. It's a wonderful story.

When the patient comes in, they're frightened, and you have already mentioned how scary that was when you are diagnosed with cancer. But to know that you are going to get through it, that's what this phenomenal health care system in America has produced.

And what is amazing to me is that we're going to have this bill that's a thousand-plus—well, that's the start of it. It will still leave that many people uninsured. And we have heard right here tonight a better way to do it, a much simpler way from the ground up.

And let me give you one other example. It's very simple. In my own medical practice back in Tennessee, we have 290-something people who get health insurance through our practice. We have two plans we offer them. One is just your standard Blue Cross plan, 80–20, we all are familiar with. The other is a health savings account, high deductible plan where you have the first $5,000 out of pocket. You pay for that. We put $4,200 away for that.

□ 2045

Everything above $5,000 is paid 100 percent. Eighty-four percent of the people in that practice, nurses, technicians, whatever, chose to manage their own health care dollars, not the insurance company but them. They will lose that ability with this particular plan, and I think that was a plan right now that I use and that people all over the country want to be in charge of their health care decisions, not the government.

Mr. KING of Iowa. Reclaiming my time from the gentleman from Tennessee, I am watching the gentleman from Michigan reading through his thousand-plus-pages bill here, with his exemplary model of concentration in the middle of all this. I think you could do this under fire.

What have you learned since the last time you imparted some knowledge? And I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I thank the gentleman for yielding.

This is an amazing bill. We've talked about the creation of this commissioner who will have the power to implement much of what is in here. You start reading it and you really can't understand it because it's not written in plain English; although, in the bill,

there's a requirement that stuff be written in plain English. And then you start getting into the penalties and the fines and the payments for people who don't meet certain regulations or certain requirements.

I haven't gotten to the tax part yet, but as I've been briefed on this program throughout the day, I think we all recognize that this massive new free health care from the government is not going to be free. It's going to cost us a lot of money.

There's a lot of stuff in here about the authorities of the IRS and what the IRS can do, and then you start getting in here and, you know, you start reading what services are included, which ones are excluded and those types of things. And what you recognize is we're going to see the same thing on this bill that we saw on cap-and-trade.

Remember what happened on cap-and-trade? There was a 900-page bill that passed out of your committee and, you know, late Thursday night, early Friday morning, when they didn't have the votes—

Mr. SHADEGG. 3:09 in the morning.

Mr. HOEKSTRA. At 3:09 in the morning, they added about this many more pages to the bill.

Mr. KING of Iowa. 316 pages.

Mr. HOEKSTRA. 316 pages to get to 219 votes, and nobody knew what was in it, and you're going to see the same thing here.

This bill cannot get 218 votes because this bill will be out there for the American people to read for the next couple of weeks, but don't worry, the night before it will be changed and there will be 400 new pages at least buying off Members' votes to get something into this bill to get to 219. And that's how we're going to construct health care reform in America.

Mr. SHADEGG. I just want to say, I compliment the gentleman, and he asked me to go get this information and I've gotten it.

For any American who wants to read the bill as it exists tonight, which as my colleague from Michigan has just pointed out will change probably at 3:09 in the morning on the day we vote on it, you can go to the Energy and Commerce Committee Web site and download or read the bill yourself. To get there, you go to www.energycommerce—the word energy, E-N-E-R-G-Y, then with no space the word commerce, C-O-M-M-E-R-C-E—.house.gov. You will then see an icon that says Quality Affordable Health Care Act. If you click on that icon, you, yourself, can download those 1,100 pages and enjoy reading it the way my colleague from Michigan has enjoyed reading it and some of the bizarre things in it.

Mr. HOEKSTRA. Actually, if you click on that icon, your computer will crash.

I thank my colleague for getting that information for us. Thank you.

Mr. KING of Iowa. Reclaiming my time and appreciating the facile information that will, I think, rather than put a person to sleep, cause insomnia if anybody reads this, and I appreciate the effort to do so. It can be a selfless act of intellectual scholarly patriotism to read some of this, but I've heard enough of the gobbledygook that came out of it from Mr. HOEKSTRA's reading it, the requirement that it be and required to be in plain English catches me a little bit off balance, having heard the language that's in the bill, not having read it.

And I yield to the gentleman from Missouri.

Mr. AKIN. I think that we've had chance a little bit to take a look, and I think in a constructive way to, lampoon this method of doing business. We already saw the 1,100- or 1,200- or 1,400-page bill and then 300 pages of amendments at 3 o'clock in the morning, all this kind of gobbledygook, and the equivalent of a czar to take over 20 percent of our economy, which is health care. And yet, the fact of the matter is those of us standing here—and we can do this a little bit with a sense of humor, almost crying at the same time—know that there are some very plain English principles which we have all seen that make health care work, things that we all stand for and believe in.

We believe in the fact that there should be a relationship between a doctor and a patient, and the bureaucrat shouldn't get in the way. I think an awful lot of Americans believe in that, too. I think that those of us standing in this Chamber tonight believe in the fact that we don't want some government bureaucrat rationing our health care and telling us that we're too old and that it is too expensive for us. We would rather have a competitive system and let us see what we can buy with our own dollars rather than having a bureaucrat rationing our health care.

There are other things that we believe in. The gentleman has introduced another bill that he didn't talk about tonight, my good friend from Arizona, and that's a bill that says that you can go shopping for health care. And what it does is it prevents any health care provider from cornering some section of the market. It says you can go buy your health care from across State lines. If an insurance provider wants to allow you to buy the insurance, you can go to a different place to get that. So we create legitimate competition in the marketplace.

What we have always stood for is freedom, and what is being proposed here is the same rubber-stamped baloney that we have seen all the last 6 months. It is more taxes and more bureaucracy. The solution to every problem to a liberal is more taxes and more bureaucracy. The only thing is it is escalating. This is $1.5 trillion worth of taxes that's going to be required to make this work, and there's no idea anybody has of how they are going to come up with that. There goes more deficit.

There are plain English things that make health care work, and to try to destroy the best health care system in the world with this bureaucratic stuff is a travesty. It's really wrong.

Mr. KING of Iowa. Reclaiming my time, when the gentleman refers to plain English principles, you aren't talking about the United Kingdom principles of a national health care act. You're talking about the things we understand in the language which we refer to as the plain English language that we all should understand, and I would yield back to the gentleman for a response to that clarification.

Mr. AKIN. Well, that's right, and what we're talking about here, though, is if you get it done late enough at night and nobody has a chance to read it, you can sneak it by. And that's not a principle that Americans should be proud of. We heard an awful lot about transparency, but we've seen none of transparency. All we've seen is dark-of-the-night, backroom deals, and more taxes, more regulations, more bureaucracy, and this one threatens the lives and livelihoods of our constituents.

Mr. KING of Iowa. Reclaiming my time, there's a philosophy here again, this dividing philosophy between the people that are right on the right side of the political spectrum and the people that are wrong on the left side of the political spectrum.

And I remember when the wall went down on November 9, 1989. The Iron Curtain came crashing down, and it came crashing down because free enterprise trumped central planning in the 5-year plan. And the difference is because we're in the business of seeking to enhance and improve the overall annual average productivity of every American. If we do that, our economy thrives, and when our economy thrives, our quality of life goes up in proportion to the way our economy thrives. That's the part of human nature that is at the core of the difference in this philosophy.

And they, the people who don't show up down here to carry on this debate because they cannot carry out this debate in the face of the logic and the plain English that they're faced with, they believe in central planning. They believe they can put together a plan and a model and the inside that will tell everybody what to do at every moment. And there will be a rule written and a law written and some contingency plan for everything that might go wrong, and somehow they can put together the master utopian formula that's going to improve and strengthen—actually, the plan is to strength them politically, not to improve the lives in America so much.

But their idea has failed because they don't believe in human nature being competitive, and they don't believe that there's goodness in the heart of all of us as well as evil in the heart of all of us. We legislate against the evil and we enhance the goodness. They just simply say the reason people don't succeed is because conservatives got in

their way, and that's the cynical approach.

I yield first to the gentleman from Georgia and back to the gentleman from Arizona.

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

I want to point out something in plain English, as Mr. AKIN was just doing. We hear on the House floor here over and over again that there are 45 million or 47 million people that don't have health care in this country. That's false. It's a blatant falsehood that's being perpetuated on the floor of this House. Everybody in this country has access to health care. The question is where do they get it, who pays for it, and at what cost.

The reason everybody in this country has access to health care is because they walk into any emergency room in this country, and under Federal law, the emergency room doctor, the emergency room has to evaluate and essentially treat everybody who walks in. That's the reason if you walk into an emergency room in Augusta, Georgia, or Athens, or Elberton or anyplace in my district, you will see the emergency room filled with illegal aliens who are going there. The taxpayers of America are paying for their health care in the hospitals, and the hospitals are getting to the point where they can't continue it but it's because of Federal law that they have to treat these illegal aliens.

So everybody has access to health care. So we are really talking about two things in this health care debate, not one. It's not monolithic. We have health care system and the provision of health care on one side, which is absolutely the very best in the world, and we have health care financing on the other hand that is broken.

And we'll all agree that health care financing is broken, but it's broken because of government and government regulation and government intrusion in the health care system. And they want to make more intrusion into the system, which is going to make it more expensive. It's going to raise taxes on everybody in this country.

It's going to raise the cost of every single good and service in this country because it's going to be mandated to all businesses, so they're going to have to charge more for their goods and services. So everything's going to go up. Our economy is going to go down.

I can see the headlines a few years from now. Headlines: Obama lied, the economy's dead. And that's a potential that we have with this health care system. And it's absolutely critical the American public understand that it is going to be extremely expensive. It's going to increase costs to everybody, and it's going to raise taxes on small business so people are going to be put out of work because of this plan that's being introduced today.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Georgia, and it references me to the health care providers that have dropped out, gone out of business or failed to expand or diminished their operations because of having to provide free health care to, let me say, free health care to illegals.

And I'm thinking of the gentleman from Arizona, and I think of Arizona whenever I think of losing access to health care because of having to provide free health care to illegals. At a time that I stopped down in an unannounced surprise visit at Sasabe, Arizona, at the port of entry, and there as I was talking to the shift supervisor, whose name I remember and decline to put in the CONGRESSIONAL RECORD, he got a call on his cell phone. He said, Just a minute. I'm going to take care of something. I'll come back to you.

He took care of it. He came back to me in a few minutes, and he said, Well, you're going to see a Mexican ambulance come across the border, and then I've already called U.S. ambulances to come down and do the handoff, and I've called the dust off to come—he said Life Flight—to come and pick up this patient who has been knifed in a knife fight in Mexico, and this ambulance and their care won't take care of him, so we're going to do that.

So, anyway, I had a medical officer with me and I asked him to look in on this and see what you can do to save this fellow's life, and it turned out to be this. They came across the border. The ambulance had no oxygen in it, no medical equipment in it. It only had a little bit of gauze and a few surgical gloves and that was really it. So the U.S. ambulances showed up, put oxygen on him and triaged him, and we loaded him in the helicopter and flew him off. I went to visit him in the Tucson University Hospital the next day. He survived, and it cost us $30,000.

But it caused me to sit down with the CFO, who told me that it costs them annually an average of $14.5 million to provide health care there for illegals and that Tucson University is the most southerly trauma center in all of Arizona, and that a bus full of illegals had been wrecked near Tucson and in it were 25. Fifteen went into intensive care. Their IC unit was tied up, and so the people from Tucson that paid their premiums were taken up to Phoenix where the family had to drive up there to visit the patient.

That is what I saw. The man that represents a good chunk of Arizona knows it for a fact. I'd be happy to yield to the gentleman, Mr. SHADEGG.

□ 2100

Mr. SHADEGG. I thank the gentleman. And I just want to reiterate this point. Republicans are here for a cause. We believe in something. We believe in bringing down the cost of health care in America.

The President has said those costs are unsustainable—and they are. Republicans are here for the cause. Our cause is to help families and businesses get a hold of their health care costs and bring them down.

But here's how we want to do it. We want to do it through patient-centered health care. Patient-centered health care offers the best way to reduce health care costs. The old Washington, D.C.-centered, top-down approach that Democrats envision will empower bureaucrats in this city. And those bureaucrats will restrict cures, restrict treatments, and get between you and your doctor. The Washington-centered system will cost trillions more—and they admit it. That's the price tag on their bill.

The President sees the problem, but he's got the solution wrong. They want a Washington-centered plan. We want a patient-centered reform. They want a Washington-centered experiment. We want simple, commonsense fixes. They want a closed health care system where Washington bureaucrats make the decisions. We want an open health care system where you and I, patients, people, average Americans get to make those decisions. We want bottom-up, empower Americans, patient-centered. They want top-down, bureaucrat-driven.

The political artificial cost reductions they talk about won't happen. If we empower a big Washington-run monopoly, it won't work. I repeat what I said before. Since when did getting the government involved, since when did having the government take over something bring down costs?

If you join us, if you believe that Americans should be empowered from the bottom up, not told what to do from the top down, then help us and don't let this plan pass. Help Republicans pass a plan, a simple plan that will help American families and American businesses.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Arizona. I just think about when I listen to you talk, that's—I think—the most inspiring dialog that's flowed out in the last hour and a half or 2 hours.

I think of hundreds of millions of individual Americans who are addressing their own individual health care issues and their health insurance issues, knowing their particular problems, knowing their cash flow, knowing what the options are and making an informed decision, each one individually as an individual or a family, working in conjunction often with an employer who has a series of policies out there that can be offered, that individual intellect that's there, and having faith in the individuals, as compared to an almost one-size-fits-all plan that competes directly against the private sector and takes away that individual initiative and put us down into this thing that they would call safety net of government, which clearly has a lot of holes in it, and has in every government that's tried to produce this plan.

I'd be happy to yield to the gentleman from Tennessee, the one who's illustrated the TennCare issue and also his professional expertise as a doctor.

Mr. ROE of Tennessee. I thank the gentleman for yielding. This is very

simply what's going to happen—what will occur in a government-run plan. First of all, I can assure you it's going to cost you two times what these estimates are. That's what happened in Tennessee with our TennCare plan.

Secondly, the way all of these plans work is they ultimately ration care. When you have a certain amount of dollars that you spend on health care and the demand is higher than the dollars to pay for it, you create waste.

Just an example. In Canada for a hip replacement it's 2 to 3 years to get your hip replaced. Bypass surgery is 117 days. Here in this country, George Washington University very near here, or Georgetown—it will be done very quickly.

So those are things that happen in a government-run plan. And who needs to be making health care decisions are families, patients, and their physicians. That's who should be making those decisions.

Mr. HOEKSTRA. Will the gentleman yield?

Mr. ROE of Tennessee. Yes.

Mr. HOEKSTRA. Are you telling me if someone actually breaks their hip in Canada, then it doesn't take 2 to 3 years?

Mr. ROE of Tennessee. No, this is an elective replacement.

Mr. KING of Iowa. Reclaiming, I pose this issue here, but it isn't true for all Canadians. And I say this because even though there's a law in Canada that prohibits one from jumping ahead in the line or having a policy or a plan that gives them preferential treatment, they want everybody down at the bottom.

There are provinces that don't enforce it equally. So there are places where people carve out their own special privileges so that those who are better off have an avenue to better health care, even though the law says not. But that's within the Canadians. And let them do it.

Mr. HOEKSTRA. If the gentleman will yield for just a minute.

Mr. KING of Iowa. But it's what happens in America. I would yield to the gentleman from Michigan. I know you're on the border.

Mr. HOEKSTRA. Because the Canadians have another way to escape. They escape to the American system. Some of our busiest hospitals are those along the border. So the Canadians that have the resources and are at the bottom of the line, what they will do is they will jump the border and they will get their health care in the United States.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. HOEKSTRA. Yes.

Mr. BROUN of Georgia. I heard just recently about a patient in Canada that had such severe knee pain that he was having to take narcotics. It took him over 1 year just to go see an orthopedic surgeon.

If a patient comes to see me and has knee pain, I pick up the telephone and call an orthopedic surgeon and I'll get them within a week or two. But it took this patient over 1 year to ever go see the orthopedic surgeon and to get the x rays that he needed to evaluate his knee pain. When he finally saw the orthopedic surgeon, the doctor said, Well, you need this surgery. And the Canadian said, Well, that's fine. Let's schedule it. He said, No, we have to put you on a wasting list.

So he came—I don't know if he came to one of your local hospitals there in Michigan—but he came to the U.S. to get his surgery done on his knee. And that's exactly what this government program is going to do to Americans. But where are we going to go if they indeed put this into place?

Mr. HOEKSTRA. Reclaiming your time but given to me, what this Wall Street Journal says: ''Access to a waiting list is not access to health care''.

Waiting lists are what I hear about all the time when I'm talking to our friends across the border. But what I hear from the medical professionals and the hospitals in Michigan is we treat the well-to-do Canadians who will come across the border and access our health care because they're unwilling to be on a waiting list. And they recognize that being on a waiting list isn't having your problem taken care of.

If you've got to wait for 117 days or 171 days—117 days for a bypass—excuse me—I think that's about 112 or 113 days too long.

Mr. ROE of Tennessee. One hundred-sixteen for me.

Mr. HOEKSTRA. If it's you. If it were me, I would say it's about 116 days too long. The same thing for a hip replacement and all of that. The American health care will fundamentally change if this goes into effect.

Mr. KING of Iowa. Reclaiming my time, in the brief moment that we have left I want to make the point that if the Canadians were protected by constitutional rights that we have as Americans, they would be protected, because it's cruel and inhuman to ask the Canadians to give up on their access to good health care here in the United States of America.

You can go on the Web site and you can find companies in Canada that have been formed by entrepreneurs that turnkey the package. If you need a hip replacement in Canada, you can find a tour company that will set you up and say, Here's your flight to Seattle or Detroit or wherever it might be, or maybe Houston for heart surgery. Here's the surgeon, here's the hotel, here's the transportation.

Mr. HOEKSTRA. We can take care of this in Michigan. We've got great doctors and hospitals who are ready, willing, and able to serve. I appreciate the leniency of the Chair to make sure that I can get this paid public announcement in for the State of Michigan.

Mr. KING of Iowa. Let me conclude by simply saying that this Obama care is cruel and inhuman to Canadians. And I would yield back the balance of my time and thank my colleagues for being here.

CURRENT COUNTERPRODUCTIVE POLICIES

The SPEAKER pro tempore (Mr. SCHAUER). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, as I stand here on the floor of the House tonight and after hearing this fine presentation and thinking about all the things that are going on in Washington right now, I am reminded of the television series ''The Twilight Zone''. These days, I half expect Rod Serling to appear from behind a curtain and announce that ''This is the Twilight Zone.''

Well, yes, there's almost a bizarre sense of unreality here in the Nation's Capitol—the transformation of private liability into public debt on a massive scale; the unprecedented level of deficit spending, debt piled upon debt; borrowing from China in order to give foreign aid to other countries; enacting Draconian restrictions and controls on a national economy and on the lives of our people in order to stop the planet from going through a climate cycle.

What? The Earth has had so many climate cycles in the past, and now it's being used—the one we're in, which is very little different than any of the other cycles we have been in—it's being used to justify economy-killing and freedom-killing controls, taxes, and mandates, and putting power in the hands of international bodies that should be the power of the people of the United States to run their own life.

Our Nation's borders leak like a spaghetti strainer. Millions of people illegally continuing to pour into our country to consume limited health care, education, and other social service dollars. And, yes, to take jobs away from our people and, in some cases, to commit crimes against our people. Our government just lets it happen. We can't even build a darn fence.

And we have had a one-way free trade policy with China that has all but killed medium- and large-scale manufacturing in our country and which has relegated our own people to low-paying jobs and sent trillions of dollars to Communist China.

No one has even suggested a change in that obviously rotten policy if, for nothing else, just to give our economy a little boost. Instead, we begged the gangster regime that runs China to loan us even more money—money that they accumulated because of a trade policy that has been monstrously counterproductive to the long-term interests of our own people—a one-way free trade policy.

And that's not the only counterproductive policy which has brought our economy to its knees. Our people are suffering high energy prices needlessly. There are dollars being siphoned

off from our pockets and deposited in the coffers overseas—the coffers of rich foreigners. Some of these rich foreigners who are now receiving all of these dollars which we have to spend to buy energy, some of these foreigners hate us.

And while what little money we have goes to buying foreign oil, massive domestic deposits of oil and gas worth trillions of dollars are left untouched, untapped, and unused.

Off the West Coast, huge caverns of valuable oil and gas are sitting there, unused, even as California sinks into an economic abyss and public services are cut back or canceled. Trillions of dollars sent overseas for energy, while at home no new oil refineries, no hydroelectric dams, no nuclear power plants.

We are told of course, You have to rely on solar, only to find out that radical environmentalists in the name of protecting the habit of insects and lizards are blocking the building of solar plants in the desert. We can't even build an aqueduct in California because of a tiny fish—the delta smelt. So our people will suffer because of concern over a worthless little fish that's not even good enough to use as bait.

People are beginning to suffer in the Central Valley for lack of water. There's no water for the crops. There's just about enough water for them. So they don't have a job and they can't pay for food. Water prices are going up for tens of millions of Californians in southern California, taking even more money out of our pockets, further undermining our people's ability to pay for their basic essentials.

Yet, with all of this, just a few weeks ago Congress voted not to help our suffering people and move forward with water production, but to protect that damn little fish.

□ 2115

Well, then on top of it all, last year, in the name of preventing economic calamity, Congress was stampeded into giving away trillions of dollars. Much of it to—well, nobody knows really who did get all of that money. We have provided hundreds of billions to the financial industry, fat cats who have been giving themselves bonuses even as they drove their own companies into the ground. Well, I would rather spend the money on lizards than on that bunch. And here we are facing an economic crisis, and even after all of these mind-boggling giveaways, we still face the same economic crisis. And those mind-boggling giveaways of trillions of dollars, which we are now going to have to pay the interest on because it is now debt that is owed by the American people, this may well have made the situation worse and more damaging and elongated our economic hardship.

As I say, it is all a bit bizarre. But if we are to pull our country out of this, we need to mobilize and activate our people. It is time not to give up, but to buck up and to stand up. With all that is facing us, let's not forget that Americans have an inherit resilience. We have met and overcome great challenges in our past. The fundamentals were, of course, in the right place in those days. Our people were strong and had a culture of self-reliance. Our leaders, I dare say, had more courage, common sense and even perhaps integrity than today's bunch. Our freedom was our greatest asset. It was intact, yet to be eroded by decades of Federal expansion of our government into areas that it was never meant to go.

Our Constitution was once revered. That, more than anything else, kept America on the right track, our Constitution and the rights it incorporated. One of the constitutionally protected rights that is often overlooked was key to the success of our country, helping us overcome hard times and ensuring the well-being and safety of our people. Protecting this right is essential if we are to turn around the economic decline that we are now suffering.

It is this right and the efforts being made in Congress to undermine it that is the subject of my speech tonight. That little recognized, but immensely important, fundamental right is the specific protection provided in our Constitution to America's innovators, creative citizens and free thinkers, and to every person with a new way of approaching a problem or getting the job done or making a system just a little bit more efficient.

Article I, section 8 of that great document, the U.S. Constitution, states that ''Congress shall have the Power to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.'' Significantly the word ''right'' only appears once in the body of the Constitution, and that is in article I, section 8, which I just read.

That word ''right'' was in place even before the Bill of Rights was added to the Constitution, which suggests these economic rights were believed to be as vital to the future of our country as were the other rights that were protected: freedom of religion, the rights of speech and assembly.

Our technological genius and the laws consistent with the intent of the Constitution which was protecting and promoting that genius, accomplished what they were intended to accomplish. It has been America's technological edge, flowing from that fundamental legal protection, that has permitted our people to enjoy the highest standard of living in the world and allowed our people a level of opportunity, which gave common people the chance to live decent lives and to control their own destiny.

It has provided the technology needed to defeat tyranny and keep our people safe from foreign armies and terrorists. Technology and freedom go together; our Founding Fathers knew this. It is also true of technology and prosperity. It is not just hard work that built America. People around the world work hard, and so many of those people who work so hard live in abject poverty. But when coupled with technology, and, yes, freedom, that hard work produces vast amounts of wealth, even while easing the burden on the working people themselves.

Benjamin Franklin, Thomas Jefferson, George Washington and others, all of our Founding Fathers, were not only people who believed in freedom, but they were people who also believed in technology and the potential genius of the American people. By the way, Jefferson, the author of the Declaration of Independence, was also the first head of our country's patent office.

As our Founding Fathers wanted, we have had the strongest protection of patent rights of any country in the world. That is why in the history of all humankind there has never been a more innovative or creative people. It didn't just happen. It happened because our Constitution and our Founding Fathers saw to it that our law protected the ownership of one's intellectual creations.

Americans led the way in uplifting humankind's quality of life and giving average Americans the opportunity to prosper and enjoy life. Who created the American Dream? Our people who worked hard. But also our inventors who gave them the technology they needed to do their job better than ever before. That is how highly paid people were able to outcompete large numbers of lowly paid people. America's goal was to build a country where all of us, not just the elite, could have a wonderful life and could live in prosperity.

Eli Whitney invented the cotton gin. He also invented interchangeable parts for manufacturing. How did that change America? How did it change the world? Ordinary people had clothes and jobs thanks to Eli Whitney and the American Constitution that encouraged and protected his genius. Cyrus McCormick invented the reaper. Before that, farm workers had to carry heavy tools and work themselves half to death. The amount of harvest was limited, and it was all based on human strength and not the strength of the machine. With the invention of the reaper, ordinary people, farmers and laborers, had better lives and lived longer lives and stomachs that were filled with an abundance of food.

Samuel Morse invented the telegraph, tested right here in this very building, the Congress of the United States. And from it came, of course, Alexander Graham Bell's telephone. And then there was Thomas Edison who invented the light bulb, and so many other inventions that uplifted the life of ordinary people.

These were not just accidents. These creative people were able to flourish under a system of constitutional protections that were superior to any other such protections anywhere in the world.

Perhaps the epitome of the little guys who, with freedom, accomplished greatness, were the two fellows who owned a bicycle shop in Ohio, the Wright brothers. These two very ordinary Americans ended up inventing something just a little more than 100 years ago that changed the world forever. They were told 110 years ago that what they sought to create was impossible. Yet with limited resources and protected by our robust patent system, they took humankind with its feet planted firmly on the ground and sent us soaring into the air and then into the heavens, just two ordinary Americans, the Wright brothers.

One segment of our population, Black Americans, have been prolific inventors, men like Jan Matzeliger, a former slave who invented a machine used in shoe manufacturing. It was Matzeliger who, protected by a patent, brought down the cost of shoes for an entire population. Before this man made his invention and put it to work in the shoe industry, most Americans had one pair of shoes for their entire life.

There is also George Washington Carver, a world-respected scientist and inventor, and so many more Black Americans. Why? Because in that era, when Blacks were discriminated against, we actually respected the rights of technology ownership of Black inventors. Thus they excelled when their rights were protected. And America and the world were better for it.

Our technological superiority provided us with prosperity that has also kept us safe. We cannot match the tyrants and the gangsters man for man because they don't care if they lose their own people. We must beat down our competitors and our enemies with superior technology, or we will lose, and our people will suffer as a result.

Bad policies put us in our current economic crisis. Tonight I warn of a huge policy shift that is making its way through this twisted legislative path into law. If the legislation I am warning about tonight passes in both Houses of Congress and is signed into law, the legal protections for our innovators and innovations that have made such a difference in America will be greatly diminished, if not destroyed. So take this as a fellow patriot sounding the alarm.

Tonight I would like to speak about something that would be devastating, another awesome threat. Yet there is a blase attitude here, and one would think that this is just a minor, if not irrelevant, issue. The fundamental changes being proposed in our patent law will have a huge impact on our lives and will dramatically alter the lives of our children for the worst.

Tonight I seek to alert my fellow Americans just how significant this issue is to their jobs, their prosperity and, yes, their safety. The so-called Patent Reform Act of 2009, H.R. 1260, is a bill that is not new to these Halls. It is nearly duplicative of legislation that has been introduced time and again. Each time a small group of patriots, and I'm proud to have been among them, has managed to defeat the multinational corporations who are behind this legislative lunacy. But they keep coming back. They have got deep pockets.

So here we go again, to fight the same fight over nearly the same bill. But if we lose it just once, the fundamental protections of our technology rights will be lost forever. There is no going back if we lose because this is an attempt to tie us, we, the American people, to ''international commitments'' rather than to constitutional protections.

Stick with me on this.

America's economic adversaries are engaged in a systematic attack on our well-being, and thus they have noticed one of the strongest and most important elements of our country's success has been the patent protection enjoyed by our people. That is what this so-called patent ''reform'' is all about. It is not reform, but it is about the destruction of our basic system which has served us so well.

This crime in progress is being pushed by huge multinational corporations with little or no loyalties to our country or our people. The justification for this attack on our patent system, as I say, a patent system that has served us so well, the justification, the proponents claim, our patent system is so different that it must be harmonized with the rest of the world. Get this: we have to weaken the protection of our technology ownership rights to harmonize our laws with the rest of the world. Our laws are, in fact, substantially different. So harmonization means dramatic changes in our system. In the end, that will change the lives of our people. And the change will be for the worst.

The corporate elitists who are pushing this consider themselves globalists. They are not watching out for us. In this battle over so-called patent ''reform,'' their goal is not reforming, but diminishing the legal protections for Americans, for American inventors. This in the name of harmonizing with the rest of the world our inventors will be made vulnerable to those who would rob them and thus rob America of the advantage that we have been given due to this strong patent protection.

This is what gives us the advantage, our technological advantage, against overseas competition. That will be taken from us. If America is to be prosperous, if we are to be secure in the future, we must take on our own corporate elites who would change the rules to our detriment but perhaps to their short-term gain.

Those playing the sinister game are, of course, not saying that they are out to destroy the patent system. Well, they act aghast when confronted with this suggestion. But from a distance, it is clear. Here is an article in the China Intellectual Property News about last year's legislation that, as I say, is a bill that almost totally mirrored the current bill that is going through Congress. They are almost the same bill.

This analysis was written by a former senior judge and deputy presiding judge, two of them, of the intellectual property division of Beijing's High People's Court, whom I now quote: ''The bill is friendlier to the infringers than to the patentees in general as it will make the patent less reliable, easier to be challenged, and cheaper to be infringed. It is not bad news for developing countries which have fewer patents.''

Then the authors who are writing this article asked, Why is it that the United States is making it easier to violate the intellectual property rights of our people while at the same time trying to convince China and others to respect the intellectual property rights of Americans? He asked that question in this article. Now, that is from a senior Chinese scholar about the legislation that we stopped last year, and that legislation was almost the same as what we are facing this year.

□ 2130

Certainly none of his criticisms are different for this year's bill than what they were for last year's bill.

Mr. Speaker, it's estimated that the U.S. economy loses $250 billion a year from global intellectual property theft, and that does not take into account the jobs that are lost here when China and other countries steal and use our technology to compete with our own companies and put our own people out of work. That loss is billions and billions more.

Now, that's under current law they're able to steal that and use our technology against us. That's not under the watered-down system which will result from the so-called reform bill which is now being considered here on Capitol Hill. This at a time when our country can ill afford such a drain. We are trying to change our laws so that it will make it easier for foreigners to steal our technology and use it against us.

Yet, those pushing the so-called patent reform legislation are making our innovators and research industries even more vulnerable to such blatant theft, even though we are now in a time of economic hardship. Foreign firms in India and China and elsewhere are getting ready to pounce.

When looking at the general state of America's patent system, and that's what we're doing tonight, we need to admit, and I will fully admit, there are lots of flaws in our patent system and, yes, there are problems in our patent system that need to be addressed.

We hear of horror stories concerning companies that are tied up for years in court. We hear about examiners who are undertrained and overworked, and that's absolutely true. They aren't getting the training they need and they are not getting the pay they deserve.

There are delays and our innovators could use some help in protecting

themselves from foreign thieves and infringers. So we have got some problems with our patent system that need to be addressed.

But that has nothing to do with H.R. 1260, the bill now making its way through Congress. Everyone assumes that a bill entitled Patent Reform would be doing that, would be correcting the problems of the patent system. The title of this bill is so fraudulent that if it were a product, it would be banned from the market for making false claims.

This bogus reform bill has visited us before. As I say, it's come before. We've had these same multinational megacorporations trying to undermine the patent system. We've seen it time and again. But if it ever passes once, we're never going to be able to get these rights back.

A similar one was beaten back a dozen years ago, as well as another just a year ago. The same crowd that was behind those inventors' nightmares is behind this year's anti-inventor foray. Let's put it this way: They are powerful, multinational electronics companies with no allegiance to Americans or America. Let me just note that some of these companies, for example, have had situations in China where they ended up working with the Chinese dictatorship utilizing their computer systems to track down dissidents and to stamp out people who are struggling for freedom in that country. On our side—so that's the people who are trying to reform America's patent system.

On our side, well, we're just a ragtag group of legislative insurgents trying to stop this incredible change to the fundamental rights of our people. MARCY KAPTUR, a Congresswoman on the other side of the aisle and a fine friend and a wonderful Member of Congress, with little help from STENY HOYER, again, now a leader on that other side of the aisle, along with DON MANZULLO and JOHN CAMPBELL of California and myself and just a few others, we were able to fight that good fight over the years.

But no one thought we had a chance because we didn't have any of the big money behind us. We didn't have these multinational corporations. We didn't have the high-priced lobbyists who go to the Judiciary Committee year after year giving donations to the members of the Judiciary Committee in order to get this bill out in the form they want. No one thought that we had a chance because they already laid the foundation with all of their campaign donations and all of their influence in Washington. Well, so we were told even before it was brought up, you don't have a chance. Forget it.

We labeled their Trojan horse legislation, this antipatent legislation, we labeled it the Steal American Technologies Act. Again, it wasn't—these bills that we have defeated in the past are not that much different than what we have before us today. Well, that Steal American Technologies Act, that label stuck, and it worked, with a little help from talk radio.

And then, also confirming that democracy really works, David beat Goliath. Yes, we, the small group of independent Members of the House, working together on both sides of the aisle, we won. And that means the American people won. Clearly, by the outcome, this wasn't a Democrat or a Republican issue. It was an American issue. The patriots beat the globalists.

Now, we have another attempt, very similar to the ones that we have beat in the past is being made now. It's working its way through the system in the name of harmonizing American patent law with the rest of the world. It's still here. We defeated it in the years past. If we don't win this time, all of these patent rights we've enjoyed will be lost forever because they're trying to tie this in to international agreements rather than the U.S. Constitution.

But, as I said, when they come back, the big companies that were pushing this have deep pockets and they're able to come back, but we who opposed it need the support of the American people if we are to win this battle with Goliath this year.

So here we go again. It's H.R. 1260. People should remember that number. It is the son of the Steal American Technologies Act. It contains all of those provisions that we hated so much. That bill has already passed through the United States Senate. It should be considered a primary threat to our freedom at this moment. The globalists, the corporate thieves and the looters behind this bill are intent to get it through and they will not give up. They must be defeated instead, and that won't happen on its own.

Those of us who are fighting the battle here in the House and in the Senate, we must act in coordination with the American people. The American people need to get involved or we lose.

What are some of the specifics that back up my charge that this bill undermines patent protection rather than reforms the system, as we are told?

Well, this first glaring issue is that the bill changes a fundamental concept that has always been part of American patent law which is differentiated from the other patent laws around the world. And that one element, the most important concept, is that it is the person who actually invents something who is the one who will get the patent and have the rights of ownership of that technology. The one who actually invents something.

Other countries have patents that are based on who managed to file for a patent first; in other words, who got to the paperwork, who could hire the lawyer, who managed to bribe the official or managed to understand the deadlines better, not who invented the technology, who filed the paperwork first. And this is as compared to our system where people who actually invent new technology have the right to own it.

The legislation now making its way through Congress changes our current system from first to invent, which is what it's been all these years from our country's founding, to what is called first to file. If put into law, any new application or action will be needed every time there's a little step forward in research. Any time one is going towards an eventual goal, even one step, there's going to be new paperwork demanded, new action, new applications to be filled out, rather than waiting for the goal to be achieved, waiting for the entire invention to actually be complete, so that it can be incorporated into a patent.

Well, because so many more patent applications are required now, if we make this change, to provide exactly the same protection, there will be a major new cost of getting a patent. Well, the little guys aren't going to be able to afford that cost. Well, the big guys can afford it. The major companies who have lots of lawyers working for them, they'll be able to afford that. The little guy will be frozen out. That's the intent of the legislation. That's what they want to do.

The massive new flood of paperwork into the Patent Office is also a doomsday scenario that is bound to make the Patent Office less effective in doing its basic job, which is protecting the patent rights of our people. That is the intent of the legislation, to basically make the Patent Office less effective, not more effective. So the little guy will get frozen out and the system becomes less manageable because you have all kinds of new paper to be dealing with.

Those powerful interests pushing this so-called harmonization know very well what the results will be. This isn't a mistake in communication. They know what they're doing. They already steal what they can from the little guys, and this will make it easier for them to steal from the little guys. It looks benevolent. It sounds benevolent, patent reform, but this is a sinister, sinister bill. It will destroy rights that the American people have had since the founding of our country and have had so much to do with our prosperity and our security.

Well, then, in this legislation, there is a pre-grant and post-grant review section. The bill opens up new avenues of attack before and after a patent application has been acted upon. For example, a patent applicant has applied for an overseas patent, and if he does, it opens him up to attack even before his patent is issued here in the United States.

This pre-grant opposition helps only the big guys, only the infringers and the looters. It hurts the little guys. And that's the intent of the law. That's why the change is being proposed. That's why they're pushing this law, because it hurts the little guys, and the big guys are pushing the bill.

Then the bill also contains a newly invigorated post-grant review, which

means yet another avenue to challenge patents after they've actually been granted, bogging down the system, increasing inventor costs, undermining legitimate inventors, and opening the door to foreign and multinational corporations who are all ready, they're ready to pounce to take advantage of yet another post-grant review of the patent.

For those of you in the know, the post-grant review is a totally unnecessary change, a nonlegislative reform in the interparties' reexamination, a reform that has already taken place, has taken care of any problem that this new legislation claims to address. So the problem that they were suggesting that would take care of has already been addressed through several court cases and internal reform. So the need for a post-grant review change is moot, unless, of course, your goal is to complicate the system, to bog it down so it doesn't work, which is the intent of the bill.

Reform that enables large companies, foreigners, and other infringers to attack our inventors again and again and add horrifying costs to the process is not reform.

And it is not just foreigners who are licking their chops. As I say, there are multinational corporations that are ready that may be headed by Americans who think of themselves as citizens of the world. They're ready.

But also, we've got, actually, companies that are ready to assist people who try to violate the little guy's patents rights. ''Patent Assassin,'' that's a quote, ''Patent Assassin'' is a California company that is ready to help potential infringers, and I quote from their Web site. ''You can easily infiltrate an existing patent while greatly reducing your company's patent infringement risk.''

H.R. 1260 will only provide more tools for organizations like this and foreign companies, as well as major international corporations, to destroy the rights of inventors that they have enjoyed in this country since the founding of our country.

You know, when you look at the patent bill, much of it is not changing the way the patent system works, but, instead, changing litigation, so the way litigation is. This will be a tremendous boost for lawyers who are seeking to use their skills to take something away from someone who owns a little piece of property that he thought that he put his whole life into.

□ 2145

So, through H.R. 1260, we will add all sorts of new ways to attack America's inventors. The big guys don't care. They've got lots of lawyers working for them. The big guys will be able to beat down the little guys, Americans, just like the little guys in Japan are beaten down by the economic shoguns.

By the way, in Japan, that's why there are so few really groundbreaking inventions. Japan has a totally different system than ours. Their patent system favors the mega-corporations at the expense of the little guy. In fact, the Japanese system is what they want to harmonize our system with. Those rights are protected here in the United States by our Constitution and by the way our system works. In Japan, their people are vulnerable.

Do we really want to be like those people in Japan?

No, we don't want to harmonize the strong legal protections of our citizens with the weak legal protections in Japan and in other countries of the world. We don't want Americans to be like the Japanese. We want Americans who are individuals, who are proud of their individual rights, not people who cower before powerful interest groups as they do in Japan. Foreign companies and American-run multinational firms are ready to squash the little guy. That's what this bill is all about, and we've got to stop them.

Another example of the real threat of H.R. 1260 is it would make it more difficult for a patent owner to get triple damages against an infringer who brazenly ignores the patent owner's rights and uses his invention, even knowing he is stealing it, without offering to pay a royalty. Without triple damages, which is what someone gets now—the inventor will get triple damages against a big company that just willfully takes his patent rights and refuses to pay him a royalty. Without triple damages, these little guys won't be able to get the lawyers to work for them on a contingency, which is the only way that someone who is a little guy and who has been wronged by a huge multinational corporation, is going to be able to have any chance of winning. Only big companies with lawyers on staff will be able to protect their patents. Nobody else will be able to because the little guy, without triple damages there to help pay for the lawyer, won't be able to get a lawyer to work with him. Giant foreign and multinational companies versus individual American inventors: If they win, we lose. If this bill passes, America loses.

Eliminating the right to triple damages is still in the House version of this so-called reform bill. This absurdly bad provision is not in the Senate bill, but until that bill appears in a final form from the conference committee and is voted for on the House floor and on the Senate floor in its final version, that provision can stay in. We have no idea whether that provision will stay in, as is in the House version, or will be taken out, as is in the Senate version.

It's not just triple damages, but it's also how the damages themselves will be calculated, which is yet another avenue of attack on the little guy by the big guys in this so-called patent reform bill.

The electronics industry is arguing that any payment for patent infringement, which is the only penalty that can be paid—meaning if they stole somebody's idea and put it into their computer—must reflect what percentage it is of that which they have stolen of the entire device or end product. Thus, a mega-corporation will intentionally infringe because stealing is going to be a lot easier than will negotiating a price with the inventor. If someone is stealing someone else's invention, it basically eliminates someone's right to negotiate that price, and if the damages can only be equal to a small percentage of the device in which it's placed, the corporation will do that—will steal it—rather than negotiate a royalty agreement.

This is an invitation to steal. This totally destroys the inventor's right to negotiate the price for his property. Combine that with the increased difficulties in claiming what ''willfulness'' is in that they're trying to make it more difficult to prove that someone has intentionally stolen someone's property. This means that the infringers who have intended to steal technology and who have done so with an arrogant disregard for the small patentholder will get away with their crimes, and the patentholder will be left with a minuscule award, so minuscule that he won't be able to hire legal services to help him assert his rights to the properties that he has created.

This is in total violation of what our Constitution was all about. Our Constitution was about protecting that man's right to his inventions and to his discoveries. That's what it says in the Constitution, but this bill is going through, and it will have a dramatic impact on our way of life. If made law, this will kill any chance for individuals to hire legal muscle needed to enforce one's patent rights against corporate or foreign theft.

So, yes, we've got mega-corporations run by people who don't consider themselves patriots, but foreign corporations will have that same power. They'll use our technology against us. The inventor who may have struggled for years to discover and to develop the invention, who might have even invested his life savings, will be at the mercy of foreign and corporate thieves. Punishing the large multinational corporations for malfeasance, or for intended theft, which is what happens today when these companies steal from the little guy, will be a thing of the past. That's what the big guys want. They don't want to get away with murder, but they want to get away with just about everything else.

That's what this so-called patent reform is all about. It is clear the so-called patent reform bill is designed to help the law breaker—the big guns—and to hurt the little guy. It helps foreign infringers and it hurts Americans. It's the patriots versus the globalists. All of this—the shift to first to file, pre- and post-grant review, changes to basic willfulness, and calculable damages—really amounts to more than harmonization, doesn't it? We're not just talking about harmonizing with the rest of the world. When you put all of this together, what do you get?

The electronic mega-companies behind the scurrilous legislation have labeled themselves the so-called ''coalition for patent fairness.'' What do they want to do? It's very clear. They don't want patents at all. They would be much better off if we rid our country and the world of the idea of patents all together. It's just too bothersome for them, and so to hell with all the others—the inventors, the green-collar jobs, the biotechnology, the pharmaceuticals, our university research programs—all of which have a profound dependence on a strong patent system. These high-tech and mega-electronics corporations say they can just go to hell. All of these will suffer by this so-called reform legislation. So big electronics is thumbing its nose at America, and it thinks it can get away with it.

All of the rest of us, all of these other interests in our society—the universities and the biotechs and other interests which rely on patents and the pharmaceutical industry which pumps so much money into research—will just have their research stolen from them by foreign corporations.

Look at the main proponents of H.R. 1260. Now, I won't name who the main proponents are of H.R. 1260. I won't name them—they're these mega-electronics companies—but they are made up of only one narrow sector of the entire American industry. These companies got to the top by using aggressive business models that, at best, put them into the gray area. Now that they are on top, they want to change the rules so they can stay up on top by keeping others down.

Let me say that just a few more than a dozen of these companies that are behind this legislation—a few more than a dozen—have faced hundreds of lawsuits for infringement in the past decade. From 1996–2008, these very companies that are at the heart of the coalition, who are pushing for this destructive legislation, were defendants in 730 patent infringement cases and paid out almost $4 billion in patent infringement settlements during the same period.

So no wonder they want to change the rules. No wonder they want to destroy the patent system. By coming here and giving people campaign donations and by spending all of this money in promoting this monstrous bill, it costs them a lot less money to change the law than it does for them to have to pay for the infringement and to have to pay for the crimes against these small inventors. They want to make sure that, actually, they will be able to steal the product of other people's work, of these small inventors in our country. Actually, it will pay them to do so rather than to try to work out an understanding of where that person could be paid a royalty, which is what they should be paid when they own a piece of intellectual property.

Well, we don't work for these big companies. We work for our families, for our communities, and we work for America. We are the patriots. We are not the globalists. Most of the corporate elites of those mega-firms see themselves as citizens of the world, while we are Americans. The changes in this bill are designed to help a few hugely rich companies, and it will devastate hundreds more.

Dozens and, indeed, hundreds of organizations have expressed outright opposition or deep concern with this bill. They are telling Congress do not favor one narrow industry simply because it has been so active and has been involved with pushing this legislation. Do what is best for America. We need the American people to tell that to their Representatives and to let their Representatives know that they are watching what goes on with patent law.

The big corporate thieves are depending on us to be so bored with the issue. ''Oh, I'm just going to tune it out because it sounds like it's boring, and I couldn't understand it.'' That's what they're relying on. Well, it's not too boring, and people can understand it. People should understand how important it has been that our country has had the strongest patent protection of any country on this planet, just as we have had the same and strongest protection for the other rights—for our freedom of speech, for our freedom of religion and for other rights.

What would happen if, in order to harmonize the freedom that we enjoy with the rest of the world—the freedom of religion and the freedom of speech—we were told that our protections of these freedoms would have to be diminished because we would have to diminish the protections of freedom of speech, of assembly and of religion because they need to be harmonized with the rest of the world? Well, the uproar would sweep across our country, but the deletion of this right, the diminishing of patent protection, seems so esoteric to most people that they won't even listen. But if we don't listen and if we don't get involved, the big guns will think that they can slip it over on us. They've been trying to do that for 15 years. Only a small group of us has been able to stand up, but we need the help of the American people.

We need the American people to speak up. We need people to call talk radio. We need people to confront their own Members of Congress. We need to tell the powerful infringers, You are not going to diminish the rights of the American people in order to harmonize the law internationally. The patriots in this country are not going to see their rights diminished in order to create a new world order where we can all live in harmony with the rest of the world, which, of course, is run by gangsters and thugs—half of the rest of the world. We're not going to act like people in the rest of the world where we let the elite tell us what to do. We have constitutional rights. We are Americans, but it's up to us to protect those rights.

Wake up, America. Our freedom is being threatened. Every generation has met the challenges, and now it is up to us—us, United States, U.S. It is up to us.

Well, we are on the edge right now. We are on the edge on a lot of things. Our economy is going down. This could be the nail in the coffin. If this bill passes, it will have dramatic, negative, long-term effects on our economy and on the well-being and prosperity of our people. We need to act. Wake up, America.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for July 13.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for July 13 on account of personal reasons.

Mr. UPTON (at the request of Mr. BOEHNER) for July 13 on account of family commitments.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today 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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCMAHON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. DELAHUNT, for 5 minutes, today.

Mr. BRADY of Pennsylvania, 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 20 and 21.

Mr. JONES, for 5 minutes, July 20 and 21.

Mr. PENCE, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, July 20.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, July 15, 16 and 17.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. HIMES, for 5 minutes, today.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), the House adjourned until tomorrow, Wednesday, July 15, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2627. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandipropamid; Pesticide Tolerances [EPA-HQ-OPP-2007-0461; FRL-8422-5] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2628. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Indoxacarb; Pesticide Tolerances [EPA-HQ-OPP-2008-0271; FRL-8424-9] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2629. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin; Pesticide Tolerances [EPA-HQ-OPP-2008-0589; FRL-8421-3] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2630. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2-Propenoic acid, 2-methyl-, polymers with Bu acrylate, Et acrylate, Me methacrylate and polyethylene glycol methacrylateC16-18-alkyl ethers; Tolerance Exemption [EPA-HQ-OPP-2009-0256; FRL-8422-3] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2631. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2008-0731; FRL-8423-5] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2632. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — d-Phenothrin; Pesticide Tolerances [EPA-HQ-OPP-2008-0140; FRL-8417-4] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2633. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dodecanedioic acid, 1, 12-dihydrazide and Thiophene, 2,5-dibromo-3-hexyl-; Significant New Use Rules [EPA-HQ-OPPT-2006-0898; FRL-8398-5] (RIN: 2070-AB27) received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2634. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Polyglyceryl Phthalate Ester of Coconut Oil Fatty Acids; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0888; FRL-8423-1] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2635. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyrimethanil; Pesticide Tolerances [EPA-HQ-OPP-2008-0478; FRL-8423-6] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2636. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium 1,4-Dialkyl Sulfosuccinates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0739; FRL-8423-2] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2637. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1044] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2638. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2639. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Egypt pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2640. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Small Electric Motors [Docket No.: EERE-2008-BT-TP-0008] (RIN: 1904-AB71) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2641. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County, Continuous Opacity Monitor Regulation [EPA-R03-OAR-2009-0352; FRL-8929-2] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2642. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the 1-Hour Ozone Plan for the Beaumont/Port Arthur Area: Control of Air Pollution from Volatile Organic Compounds, Nitrogen Compounds, and Reasonably Available Control Technology [EPA-R06-OAR-2005-TX-0005; FRL-8928-6] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2643. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference [VA201-5202; FRL-8923-9] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2644. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — American Recovery and Reinvestment Act of 2009 (Recovery Act) Clarification of April 30, 2009, Addendum to Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees [FRL-8925-6] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2645. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-29, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2646. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-24, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2647. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2648. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2649. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting the 2008 Statements on System of Internal Controls of the Federal Home Loan Bank of Pittsburgh, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2650. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Activities Inventory Reform (FAIR) Act Inventory Summary as of June 30, 2009; to the Committee on Oversight and Government Reform.

2651. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — 2009 Monkfish Research Set-Aside Program [Docket No.: 080626787-8788-01] (RIN: 0648-XP54) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2652. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's 2008 report to Congress on the ''The Status of U.S. Fisheries,'' pursuant to Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2653. A letter from the Secretary, Department of Transportation, transmitting the first of five reports required by Section 1201(c) of the American Recovery and Reinvestment Act of 2009 (Recovery Act) detailing the Department's progress; to the Committee on Transportation and Infrastructure.

2654. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2009-22, waiving the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402; (H. Doc. No. 111–57); to the Committee on Ways and Means and ordered to be printed.

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. GORDON of Tennessee: Committee on Science and Technology. H.R. 1622. A bill to provide for a program of research, development, and demonstration on natural gas vehicles; with an amendment (Rept. 111–206). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 2729. A bill to authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes; with an amendment (Rept. 111–207). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERLMUTTER: Committee on Rules. House Resolution 644. Resolution providing 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 (Rept. 111–208). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 645. Resolution providing for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–209). 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. TURNER (for himself and Mr. MILLER of North Carolina):

H.R. 3195. A bill to create a National Home Mortgage and Loan Performance Registry to maintain an inventory of the supply and performance of home mortgage loans in the United States to show market trends and dynamics in the mortgage lending industry and provide detailed information on national mortgage foreclosure rates; to the Committee on Financial Services.

By Mr. TURNER:

H.R. 3196. A bill to impose limitations on investment and certain operations by foreign entities in the United States; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and 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 Mrs. MCMORRIS RODGERS:

H.R. 3197. A bill to direct the Secretary of Education to provide grants to local educational agencies to conduct demonstration projects to screen the blood pressure of children in kindergarten through grade 6; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 3198. A bill to authorize the Secretary of the Interior to provide international wildlife management and conservation programs through the Wildlife Without Borders Program in the United States Fish and Wildlife Service, and for other purposes; to the Committee on Natural Resources.

By Ms. HARMAN (for herself, Ms. BEAN, and Ms. HERSETH SANDLIN):

H.R. 3199. A bill to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PALLONE, and Mr. ANDREWS):

H.R. 3200. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, and 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 Mr. LAMBORN (for himself and Mr. BISHOP of Utah):

H.R. 3201. A bill to amend the General Mining Law to provide for a fair return to the public, security of tenure to holders of mining claims and mill sites, and cleanup of abandoned mine lands, and for other purposes; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. LATOURETTE, Mr. SIMPSON, Mr. DICKS, and Mr. PETRI):

H.R. 3202. A bill to establish a Water Protection and Reinvestment Fund to support investments in clean water and drinking water infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Science and Technology, 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. LAMBORN (for himself and Mr. BISHOP of Utah):

H.R. 3203. A bill to promote remediation of inactive and abandoned mines, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, 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. TURNER:

H.R. 3204. A bill to authorize States and localities receiving assistance under the Neighborhood Stabilization Program of the Department of Housing and Urban Development to use such amounts for renovating owner-occupied housing of low-income families; to the Committee on Financial Services.

By Mr. LIPINSKI:

H.R. 3205. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for advertising health insurance; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Ms. BALDWIN, Mr. BUTTERFIELD, Mr. BERMAN, Mr. SHERMAN, Mr. SCHIFF, Mr. INSLEE, Ms. LORETTA SANCHEZ of California, Mr. PALLONE, Mr. NADLER of New York, Mr. HONDA, Mr. HASTINGS of Florida, Ms. ESHOO, Mr. WEINER, Mrs. NAPOLITANO, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Mrs. MALONEY, Mr. HINCHEY, Mr. BLUMENAUER, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Ms. DEGETTE, Ms. LEE of California, Mr. GRIJALVA, Ms. MATSUI, and Mr. MILLER of North Carolina):

H.R. 3206. A bill to amend the Safe Drinking Water Act to require a national primary drinking water regulation for perchlorate; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H.R. 3207. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale of certain residential leased-fee interests to holders of the leasehold rights; to the Committee on Ways and Means.

By Mr. ARCURI (for himself and Mr. MCHUGH):

H.R. 3208. A bill to fully compensate local educational agencies and local governments for tax revenues lost when the Federal Government takes land into trust for the benefit of a federally recognized Indian tribe or an individual Indian; to the Committee on Natural Resources.

By Mr. GERLACH:

H.R. 3209. A bill to amend title 18, United States Code, to make the killing of a law enforcement officer, firefighter, or other first responder an aggravating factor for the imposition of the death penalty; to the Committee on the Judiciary.

By Mr. HINOJOSA (for himself, Mr. FRANK of Massachusetts, and Ms. WATERS):

H.R. 3210. A bill to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. KAGEN:

H.R. 3211. A bill to amend title II of the Social Security Act to provide that the percentage increase applied to benefits each year as a cost-of-living increase under such title shall in no case be less than the percentage increase in compensation of Members of Congress specified for such year under section 31 of title 2, United States Code; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 3212. A bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3213. A bill to amend the Internal Revenue Code of 1986 to expand and make permanent the standard deduction for real property taxes; to the Committee on Ways and Means.

By Mr. ROONEY:

H.R. 3214. A bill to provide for credit rating reforms, and for other purposes; to the Committee on Financial Services.

By Mr. ROONEY:

H.R. 3215. A bill to authorize the Secretary of the Interior, acting through the National Park Service Superintendent of the Everglades National Park, to allow individuals to hunt and kill Burmese pythons within the boundaries of that Park; to the Committee on Natural Resources.

By Mr. ROSS (for himself, Mr. FRANK of Massachusetts, Mrs. LUMMIS, Mr. HERGER, Mr. BOREN, Mr. TANNER, Mr. CHILDERS, Mr. SMITH of Nebraska, Mr. BERRY, Mr. MCGOVERN, and Mr. HILL):

H.R. 3216. A bill to amend the Communications Act of 1934 to permit the retransmission of signals of local television broadcast stations in an adjacent underserved county, 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. SHADEGG (for himself, Mr. GARRETT of New Jersey, and Mrs. BACHMANN):

H.R. 3217. 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 Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. GINGREY of Georgia, Mr. BISHOP of Utah, Mr. BOUSTANY, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. BUYER, and Mr. BURGESS):

H.R. 3218. A bill to provide a refundable tax credit for medical costs, to expand access to health insurance coverage through individual membership associations (IMAs), and to assist in the establishment of high risk pools; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PENCE:

H. Res. 640. A resolution electing a Minority Member to a standing committee; considered and agreed to. considered and agreed to.

By Ms. ROS-LEHTINEN (for herself, Mr. INGLIS, Mr. MCCOTTER, Mr. POE of Texas, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, and Mr. BILIRAKIS):

H. Res. 641. A resolution recognizing the 60th anniversary of the founding of Radio Free Europe/Radio Liberty; to the Committee on Foreign Affairs.

By Mr. GRIFFITH:

H. Res. 642. A resolution expressing the sense of the House of Representatives with respect to legislation relating to changes in our Nation's health care system; to the Committee on House Administration.

By Mr. GRIFFITH:

H. Res. 643. A resolution expressing the sense of the House of Representatives that any major health care reform bill considered on the floor should be available for viewing; to the Committee on Rules.

By Mr. BRADY of Pennsylvania (for himself, Mr. DANIEL E. LUNGREN of California, Mr. BONNER, Mr. CAPUANO, Mr. DOYLE, Mr. DREIER, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, and Mr. MICA):

H. Res. 646. A resolution honoring the memory and lasting legacy of Sally Crowe; to the Committee on House Administration.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 647. A resolution supporting the goals and ideals of ''National Save for Retirement Week'', including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy; to the Committee on Financial Services.

By Ms. WATSON (for herself, Mr. BURTON of Indiana, Mr. STARK, Mr. GRIJALVA, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. YARMUTH, Mr. COHEN, Mr. PALLONE, Mr. HIGGINS, Mr. CUELLAR, Mr. KUCINICH, Mrs. NAPOLITANO, Ms. EDWARDS of Maryland, Mr. HINCHEY, Mr. BACA, Ms. WOOLSEY, Ms. HIRONO, Ms. KAPTUR, Mr. DOGGETT, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Mr. POE of Texas, Mr. WESTMORELAND, Mrs. BIGGERT, and Mr. KAGEN):

H. Res. 648. A resolution expressing the need for enhanced public awareness of potential health affects posed by mercury; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

103. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to SENATE RESOLUTION NO. 26 urging the President of the United States and the United States Congress to oppose legislation that is detrimental to the rights of workers and is an offense against democratic principles by opposing the Employee Free Choice Act and any of its components in 2009 and in future years; to the Committee on Education and Labor.

104. Also, a memorial of the Legislature of the State of Minnesota, relative to Chapter 171. An Act memorializing the President and Congress to repeal the federal legislation of 1863 ordering the removal of Dakota people from Minnesota; 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. 21: Mr. CONNOLLY of Virginia.
H.R. 108: Mr. PLATTS.
H.R. 197: Mr. LEE of New York, Mr. BRIGHT, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. TIBERI.
H.R. 433: Ms. MARKEY of Colorado.
H.R. 442: Mr. BRIGHT, Mr. HOEKSTRA, and Mr. SPACE.
H.R. 468: Ms. BALDWIN.
H.R. 482: Mr. MCINTYRE.
H.R. 503: Mr. ANDREWS and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 616: Mr. AKIN.
H.R. 621: Mr. HEINRICH, Mr. ANDREWS, and Mrs. CAPPS.
H.R. 669: Mr. ROONEY.
H.R. 684: Mr. TAYLOR.
H.R. 690: Mr. LUETKEMEYER.
H.R. 745: Mr. AKIN.
H.R. 777: Mr. PLATTS.
H.R. 804: Mr. PAYNE and Mr. DAVIS of Illinois.
H.R. 819: Mrs. KIRKPATRICK of Arizona.
H.R. 953: Mr. MINNICK.
H.R. 983: Mr. WITTMAN.
H.R. 988: Mr. CARSON of Indiana, Mr. WALZ, Mr. REHBERG, Mrs. KIRKPATRICK of Arizona, Mr. MCCOTTER, Mr. MARKEY of Massachusetts, and Mr. BARROW.
H.R. 1036: Mrs. KIRKPATRICK of Arizona.
H.R. 1051: Mr. FILNER.
H.R. 1067: Mr. HIMES.
H.R. 1074: Mr. MCHENRY, Mr. REHBERG, and Mr. TIBERI.
H.R. 1179: Mr. BAIRD.
H.R. 1182: Mr. TANNER, Mr. WALDEN, Mr. DAVIS of Alabama, Mr. HINCHEY, and Mr. BARROW.
H.R. 1207: Mr. YARMUTH, Ms. TITUS, Mrs. KIRKPATRICK of Arizona, Mr. SCHIFF, Mr. ROGERS of Kentucky, and Mr. BOYD.
H.R. 1215: Mr. OLVER.
H.R. 1220: Ms. MARKEY of Colorado.
H.R. 1237: Mr. SCHIFF, Ms. KILROY, Mr. BLUMENAUER, and Mr. CARSON of Indiana.
H.R. 1255: Mr. BERRY.
H.R. 1283: Mr. CONNOLLY of Virginia, Ms. FUDGE, and Mr. HIMES.
H.R. 1298: Mr. DEFAZIO.
H.R. 1314: Mrs. BONO MACK, Mr. BOSWELL, Ms. ESHOO, Mr. GORDON of Tennessee, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. FARR, Ms. HARMAN, Mr. HONDA, Mr. HOLDEN, Mr. MITCHELL, Mr. SCHIFF, Mr. WAXMAN, and Mr. WEINER.
H.R. 1327: Ms. WOOLSEY, Mr. CALVERT, Mr. CAMPBELL, Mrs. BLACKBURN, Mr. BRADY of Pennsylvania, Mr. WOLF, Mr. JOHNSON of Georgia, and Mr. KLINE of Minnesota.
H.R. 1346: Mr. COURTNEY and Mr. MICHAUD.
H.R. 1362: Mr. DRIEHAUS.
H.R. 1389: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1441: Mrs. BIGGERT.
H.R. 1454: Mrs. MILLER of Michigan.
H.R. 1458: Mr. CARSON of Indiana.
H.R. 1526: Mr. BRADY of Pennsylvania, Mr. ROGERS of Alabama, Mr. MATHESON, and Ms. ROS-LEHTINEN.
H.R. 1584: Mr. MICA.
H.R. 1589: Mr. PIERLUISI and Mr. LIPINSKI.
H.R. 1608: Mr. SERRANO and Ms. KAPTUR.
H.R. 1618: Mr. ADLER of New Jersey, Mr. SHIMKUS, and Mr. STEARNS.
H.R. 1670: Ms. CORRINE BROWN of Florida and Mr. ENGEL.
H.R. 1685: Mr. RYAN of Ohio.
H.R. 1719: Mr. GONZALEZ and Mrs. DAVIS of California.
H.R. 1751: Mr. NEAL of Massachusetts.
H.R. 1776: Mr. CONNOLLY of Virginia and Mr. KIND.
H.R. 1826: Mr. ELLISON and Mr. REYES.
H.R. 1831: Mr. BOSWELL, Mr. CASTLE, and Mr. BARTLETT.
H.R. 1835: Mr. HARPER.
H.R. 1868: Mr. MORAN of Kansas.
H.R. 1925: Mr. LARSON of Connecticut.
H.R. 1941: Mr. HUNTER.
H.R. 1956: Ms. MCCOLLUM.
H.R. 1977: Mr. WOLF.
H.R. 2016: Mr. NADLER of New York.
H.R. 2017: Mr. TURNER, Mr. GONZALEZ, Mr. LUETKEMEYER, Mr. KANJORSKI, Mr. FORTENBERRY, and Mr. CRENSHAW.
H.R. 2026: Mr. WITTMAN.
H.R. 2135: Mr. YOUNG of Alaska.
H.R. 2139: Mr. MINNICK and Mr. TIM MURPHY of Pennsylvania.
H.R. 2190: Mrs. BIGGERT.
H.R. 2204: Mr. SESTAK.
H.R. 2215: Mr. ROGERS of Michigan, Mr. UPTON, and Mrs. MILLER of Michigan.
H.R. 2245: Mr. BUCHANAN, Mr. GUTHRIE, Mr. MARIO DIAZ-BALART of Florida, Mr. MCHUGH, Mr. PLATTS, Mr. CARTER, Mr. BOUSTANY, Mr. BONNER, Ms. BEAN, Mr. PENCE, Mr. MAFFEI, Mr. EHLERS, Mr. NYE, Mr. SPACE, Mr. COFFMAN of Colorado, Ms. LEE of California, Mr. JACKSON of Illinois, Mr. SCALISE, Mr. BARTLETT, Mr. LUCAS, Mrs. MCMORRIS RODGERS, Mr. CLEAVER, Mr. MEEK of Florida, Mr. KENNEDY, Mr. MATHESON, Mr. SCOTT of Georgia, Mr. ENGEL, Mr. ACKERMAN, Mr. BOYD, Mr. DEFAZIO, Mr. DICKS, Mr. DRIEHAUS, Mr. HALL of New York, Mr. MARSHALL, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. PETERSON, Mr. MEEKS of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. FORTENBERRY, Mr. SHADEGG, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BOOZMAN, Mr. PRICE of North Carolina, Mr. CAPUANO, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HIMES, and Ms. SPEIER.
H.R. 2251: Mr. FARR, Mr. TIBERI, and Mr. PUTNAM.
H.R. 2254: Mr. ABERCROMBIE, Mr. ROGERS of Alabama, and Mr. LARSON of Connecticut.
H.R. 2262: Mr. NEAL of Massachusetts, Mr. PRICE of North Carolina, Mr. ELLISON, Mr. SABLAN, Mrs. MALONEY, Mr. PIERLUISI, and Ms. KILROY.
H.R. 2269: Mr. KILDEE.
H.R. 2293: Mr. BLUMENAUER.
H.R. 2329: Mrs. KIRKPATRICK of Arizona and Mr. FORTENBERRY.
H.R. 2365: Mr. KENNEDY.
H.R. 2382: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2406: Mr. REHBERG.
H.R. 2478: Ms. BALDWIN.
H.R. 2492: Ms. SHEA-PORTER.
H.R. 2499: Mrs. MCMORRIS RODGERS.
H.R. 2514: Mr. MCGOVERN, Mr. RANGEL, and Ms. SCHAKOWSKY.
H.R. 2517: Mr. PETERS and Ms. TSONGAS.
H.R. 2542: Mr. ROSKAM.
H.R. 2558: Mr. KILDEE.
H.R. 2560: Mr. BERRY.
H.R. 2594: Mr. ADLER of New Jersey.
H.R. 2607: Mr. LEE of New York.

H.R. 2632: Ms. KOSMAS, Ms. NORTON, Ms. MARKEY of Colorado, Mr. SNYDER, Mrs. MALONEY, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. ORTIZ, and Mr. HARE.

H.R. 2639: Mr. MCDERMOTT, Mr. REICHERT, Ms. MCCOLLUM, and Mr. SNYDER.

H.R. 2676: Ms. KILROY.

H.R. 2697: Mr. FARR and Mr. GUTHRIE.

H.R. 2702: Mr. GARRETT of New Jersey.

H.R. 2720: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2733: Mr. SMITH of Texas.

H.R. 2753: Mr. SIMPSON, Mr. GUTHRIE, and Mr. PERRIELLO.

H.R. 2766: Mr. HODES and Mr. COHEN.

H.R. 2776: Mr. CONNOLLY of Virginia and Ms. DEGETTE.

H.R. 2807: Mr. MICHAUD.

H.R. 2811: Mr. LEWIS of Georgia.

H.R. 2846: Mr. GARRETT of New Jersey.

H.R. 2866: Ms. BALDWIN.

H.R. 2896: Mr. PAULsen.

H.R. 2941: Ms. WOOLSEY, Ms. SLAUGHTER, Mr. JOHNSON of Georgia, and Mr.

H.R. 2946: Mr. REYES.

H.R. 2969: Ms. WOOLSEY.

H.R. 2987: Mr. BISHOP of New York.

H.R. 2989: Mr. MCDERMOTT.

H.R. 2992: Mr. OLSON, Mr. PITTS, Mr. BARTLETT, Mr. MARCHANT, Mrs. BLACKBURN, Mr. LATTA, Mr. FLEMING, Mr. BROWN of South Carolina, Mr. BONNER, Mr. AKIN, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mr. CAMPBELL, Ms. FALLIN, and Mr. THOMPSON of Pennsylvania.

H.R. 2993: Mr. GOHMERT, Mr. OLSON, Mr. PITTS, Mr. BARTLETT, Mr. BONNER, Mr. AKIN, Mr. BISHOP of Utah, Mr. MCCLINTOCK, and Mr. CAMPBELL.

H.R. 3006: Mr. KENNEDY.

H.R. 3017: Mr. MARKEY of Massachusetts.

H.R. 3025: Mr. CUELLAR.

H.R. 3034: Ms. KAPTUR.

H.R. 3042: Mr. CARSON of Indiana, Mr. DINGELL, Mr. BOCCIERI, Ms. FUDGE, and Mr. FATTAH.

H.R. 3043: Mr. PAYNE.

H.R. 3093: Mr. GRAVES and Mr. SCHOCK.

H.R. 3119: Mr. AL GREEN of Texas.

H.R. 3144: Mr. MEEK of Florida.

H.R. 3147: Mr. BLUMENAUER, Ms. TITUS, and Mr. SCHIFF.

H.R. 3149: Ms. NORTON, Mr. BRADY of Pennsylvania, Mr. NADLER of New York, and Mr. CLAY.

H.R. 3164: Mr. LIPINSKI.

H.R. 3166: Mr. MURPHY of New York.

H.R. 3173: Mrs. HALVORSON, Mr. COSTELLO, Mr. LIPINSKI, Mr. JOHNSON of Illinois, Mr. UPTON, Mr. DAVIS of Illinois, Mr. FOSTER, Mr. PETRI, Ms. GRANGER, Mr. TERRY, and Mr. BURTON of Indiana.

H.R. 3174: Mr. ROYCE, Mr. DEAL of Georgia, Mr. BOOZMAN, Mr. GOODLATTE, and Mr. KING of New York.

H.J. Res. 47: Mr. SMITH of Washington, Mr. REHBERG, and Ms. FOXX.

H. Con. Res. 51: Mr. BAIRD.

H. Con. Res. 74: Mr. MILLER of North Carolina, Mr. ENGEL, and Mr. CROWLEY.

H. Con. Res. 91: Mr. TOWNS, Mr. RUSH, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, and Mr. AL GREEN of Texas.

H. Con. Res. 117: Mr. MARCHANT, Mr. POE of Texas, and Mr. TURNER.

H. Con. Res. 157: Mr. MORAN of Kansas.

H. Con. Res. 158: Mr. BURTON of Indiana, Ms. BORDALLO, and Mr. BISHOP of Georgia.

H. Con. Res. 163: Mr. LUCAS, Mr. GENE GREEN of Texas, Mr. SKELTON, Mr. MOORE of Kansas, and Mr. CUELLAR.

H. Res. 346: Mr. BISHOP of New York.

H. Res. 397: Mr. ROE of Tennessee.

H. Res. 455: Mr. MOORE of Kansas and Mr. MORAN of Kansas.

H. Res. 458: Mr. MORAN of Virginia, Ms. EDWARDS of Maryland, and Mr. TERRY.

H. Res. 467: Ms. FUDGE and Ms. KILROY.

H. Res. 494: Mr. JONES, Mr. MASSA, and Mr. BRIGHT.

H. Res. 496: Mr. QUIGLEY.

H. Res. 517: Mrs. MALONEY, Ms. ESHOO, Mr. ABERCROMBIE, Mr. PASCRELL, Mr. RANGEL, Mr. BLUMENAUER, Mr. LEWIS of Georgia, Mr. BUTTERFIELD, Mr. FALEOMAVAEGA, Mr. SOUDER, Mr. KIND, Mr. SIRES, Mr. GRAYSON, Ms. LINDA T. SÁNCHEZ of California, Ms. BORDALLO, and Ms. HIRONO.

H. Res. 554: Mr. SMITH of Washington and Mr. POSEY.

H. Res. 558: Ms. ZOE LOFGREN of California and Mr. REYES.

H. Res. 577: Mr. DONNELLY of Indiana and Mr. TIM MURPHY of Pennsylvania.

H. Res. 591: Mr. LEE of New York.

H. Res. 593: Mr. HONDA, Mr. YOUNG of Alaska, Mr. WU, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. SNYDER, Mr. SABLAN, Mr. GRIJALVA, Mr. FILNER, Mr. AL GREEN of Texas, Mr. BOOZMAN, Mr. FORTENBERRY, Mr. MANZULLO, Mr. THOMPSON of Mississippi, Mr. BERRY, Mrs. EMERSON, Mr. WATT, Mr. BURTON of Indiana, Mr. NADLER of New York, Mr. SKELTON, Mr. HALL of Texas, Mr. REYES, Mr. DELAHUNT, Mr. SERRANO, Mr. FRELINGHUYSEN, Mr. BARROW, Mr. GRIFFITH, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. HASTINGS of Florida, Ms. LEE of California, Mr. MORAN of Virginia, Mr. KENNEDY, Mr. PASTOR of Arizona, Ms. LORETTA SANCHEZ of California, Mr. FARR, Mr. HINCHEY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. INSLEE, Ms. SCHWARTZ, Mr. FATTAH, Mr. MCDERMOTT, Ms. KAPTUR, Mr. COURTNEY, Mr. HIGGINS, Mr. KRATOVIL, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. POMEROY, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 607: Ms. WASSERMAN SCHULTZ and Mr. COFFMAN of Colorado.

H. Res. 613: Mr. MCCOTTER, Mrs. MCCARTHY of New York, Mr. WITTMAN, and Mr. ARCURI.

H. Res. 615: Mr. CARTER.

H. Res. 619: Mrs. MYRICK, Mr. MCCAUL, and Mr. MILLER of Florida.

H. Res. 630: Mr. RUSH and Mr. MASSA.

H. Res. 631: Mr. GONZALEZ, Mr. CUELLAR, Mr. ORTIZ, Mr. LATOURETTE, and Mr. AL GREEN of Texas.

H. Res. 634: Mr. BISHOP of New York and Mr. MCGOVERN.

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 SERRANO of New York, or a designee, to H.R. 3170, the Financial Services and General Government Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative PASTOR of Arizona, or a designee, to H.R. 3183, the Energy and Water Development, and Related Agencies Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 1 of rule XXII.

60. The SPEAKER presented a petition of Family and the Aging Services Foundation, Inc. (Formerly Filial Piety Society), relative to a request for funding; which was referred to the Committee on Education and Labor.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, JULY 14, 2009 No. 105

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our help in ages past and our hope for years to come, thank You for the demonstrated durability of our governmental institutions and for those who serve You faithfully by preserving our freedom. Bless our Senators as they strive to do Your will.

Lord, manifest Your presence and power in their daily work so that they will not become weary in doing good. Move them toward the deeper dedication and the higher purpose of providing hope for the marginalized in our world. Show them what they can do to bring about the moral and spiritual renewal of this Nation in order to hasten the coming day of justice and peace in our world. We pray in the Name of the King of Kings. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND BURRIS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 14, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business, with Senators allowed to speak for up to 10 minutes each. The majority will control the first 30 minutes, the Republicans will control the final 30 minutes. Following morning business, the Senate will resume consideration of the Department of Defense authorization bill.

Pending is an amendment dealing with the airplane, the F–22. That amendment has been offered by Senators LEVIN and MCCAIN, the two managers of this bill. The President has indicated if the F–22 language stays in the bill, he will veto it.

A decision has to be made today as to how we are going to dispose of this amendment, either by passing it or by moving beyond it in some way. We will recess today from 12:30 until 2:15 to allow for the weekly policy lunches.

There will be no rollcall votes after 2 or 2:30 today.

HEALTH CARE REFORM

Mr. REID. Mr. President, I think nearly every one of us has gone to the doctor and taken home advice to help us get better or to live healthier. Maybe at one point in our lives, we were told, for example, to exercise more. Maybe we were told to cut something out of our diet, lose some weight, add something to it, gain some weight, change your diet in some way.

Maybe we were prescribed medication for a short while or for a long while. People within the sound of my voice in this Senate Chamber all have been to doctors, and many are taking medicine now. It is not always easy to hear the advice doctors give or to follow the advice they give. It is never easy to change your lifestyle, even if you know you will be better in the long run.

But you also know the risk of not following your doctor's orders and the consequences of not taking your medicine. The costs of doing nothing are far greater. You know that if you do not do something this time, the news after your next checkup may even be worse; it will take even more drastic steps or more difficult changes to get healthy again.

Well, America has had its checkup, and the prognosis is not promising. Our health care system is sick. It is not healthy. Our doctor's orders are very clear: If we do not start taking better care of ourselves, it is only going to get worse. This is the message America has.

The costs of health care today are staggering. Families in every part of Nevada and in every State feel this every day. But the costs could get much higher. If we do not act, they will get worse, much worse, much higher.

If we do not act, they will get higher.

The average American family today pays twice as much for its health care then it did a decade ago. If we do not act, less than a decade from now those costs will double again. Families are not making more money, but they are paying more trying to get healthy and to stay healthy. If we do not act, less than a decade from now you will spend almost half your family's income on health care. No one can be expected to afford that. No one should have to afford that.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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After a while, the trillions of dollars millions of families spend start to add up. Our country spends on health care twice as much per person than any other developed nation on the planet. Health care costs consume almost 20 cents of every dollar we spend. That is of every dollar spent in America. If we do not act, in a generation it will consume more than one-third of every dollar.

You may be fortunate enough to afford health care this year, but if we do not act, you may not be able to say the same next year. If we do not act, your children will likely not be able to say the same when they grow up.

Last Thursday, I was in an event with Senator MURRAY, where she got notice from the State of Washington that 135,000 people who are beneficiaries of a health insurance plan in her State got a notice that the average rate of increase to the 135,000 recipients of health care in that plan will have an increase on an average of 17.5 percent.

Staggering. We have all read the charts and seen the numbers repeated by those who oppose fixing our broken health care system. There are charts and there are conversations all toward maintaining the status quo, keeping things the way they are. But it is as if they have not bothered to do the math on the costs of doing nothing.

Health care reform is economic reform. That is why we want to lower skyrocketing costs and bring stability and security back to health care. That is why we are committed to passing a plan that protects what works and fixes what does not. I am encouraged by the cooperation and commitment of several Republican Senators willing to work with us to get that done and to get it done before it is too late.

I appreciate the tireless work of our Finance and HELP Committees, Democrats and Republicans, as they write a prescription for America that will work. I had a call last night about 10 from CHRIS DODD, indicating the progress that has been made in the HELP Committee.

Republicans have offered hundreds of amendments—hundreds of amendments—and they are working their way through those. Those Republican amendments sometimes improve the legislation. For example, Senator DODD said he was very pleased they were able to work something out on biogenerics—that is a prescription physicians get—and there is some real activity out there as to how that is going to be treated.

An amendment offered by Senator HATCH was adopted by the committee. I appreciate the work of our Finance and HELP Committees as they write a prescription for America that will work.

I still aim to bring the bill to the floor this month, but it appears somewhat to ignore the doctor's orders. I wish I could say they do so at their own peril. Yet if a handful of Senators stand in the way of the change we so drastically need, urgently need, they will endanger not just them but all of us. They will endanger families of every background, businesses of every size, and our Nation's collective future.

We have already seen what happens when we do nothing. Over the past 8 years of inaction, the cost of health care rose to record levels, and the number of Americans who cannot afford insurance did the same. Senator PATTY MURRAY'S story is certainly relevant. For the 135,000 people in the State of Washington, a 17.5-percent increase, on average, of their policies, is what they have to pay.

For the millions of families who file for foreclosure because they cannot afford both their house and health care, not acting is not an option. For the millions of Americans who file for bankruptcy because their medical bills grow higher and higher and higher, not acting is not an option. For the millions of Americans who have skipped a doctor's visit or treatments they need to stay healthy or who never fill a prescription their doctor gives them because health care is simply too expensive, not acting is not an option.

Our health care system is not healthy. Americans' physical health and America's fiscal health are at stake, and not acting is not an option.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

HEALTH CARE WEEK VI, DAY II

Mr. MCCONNELL. Mr. President, as both parties work together on reforming health care, Americans have been clear about what they want to see in a result. Americans want health care that is more affordable and accessible, but they also want to preserve the choice and quality that our current system provides.

We also know what Americans do not want. They do not want a government plan that forces them off their current insurance; denies, delays, and rations care; or costs trillions of dollars, only to leave millions of Americans with worse health care than they currently have.

And Americans certainly do not want us to throw together some patchwork plan that nobody has had a chance to look at, and then rush it out the door the way the stimulus bill was, just so politicians in Washington can say they accomplished something.

Americans are increasingly concerned about some of the proposals coming out of Washington, and they are concerned about the cost, about who gets stuck with the bill.

And they are concerned for good reason.

All the cost estimates we have seen for Democrat reform proposals have been staggering, and most of them only hint at what the true cost of these changes might be.

Moreover, some estimates claim to cover a 10–year period but actually only cover a 6 year period.

We also know from hard experience with programs like Medicare and Medicaid that government-run health plans are likely to cost far more in the long run than original estimates suggest.

And we have seen that with the current administration initial estimates and assurances are not always on target. Earlier this year, the Administration predicted the stimulus bill would keep unemployment below 8 percent. It is now approaching 10 percent.

So Americans are increasingly concerned about cost. This is why the advocates of government-run health care are scrambling for a way to pay for it. But in their rush to find the money, they have come up with some terrible ideas, such as forcing small business owners and seniors to pick up the tab through higher taxes and cuts to Medicare.

Let me repeat that: the advocates for government-run health care now want small business owners and seniors to pay for their plan through higher taxes and cuts to Medicare. This is exactly the wrong approach. Raiding one insolvent government-run program to create another is not reform. It is using old ideas to solve a problem that calls for fresh thinking. Medicare should be strengthened for future generations, not used as a piggy bank to fund more government programs.

As for tax hikes on small business owners, this is the last thing we should be doing to the people who have created approximately two-thirds of America's jobs over the past decade at a time when the unemployment rate is approaching 10 percent. According to the President of the National Federation of Independent Business, some proposals currently being considered in Congress could kill more than 1.5 million jobs. And there is strong evidence that low-wage workers, minorities, and women would be hardest hit. In the middle of a recession, we should be looking for ways to create jobs, not destroy them. We should be looking for ways to help workers, not hurt them.

Americans want health care reform. But they do not want so-called reforms that could costs trillions of dollars, that could increase insurance premiums, or that could cause millions to end up with worse care than they now have. And they certainly do not want a slapped-together plan that's paid for on the backs of seniors and small business owners.

Instead, Americans want us to work together on proposals that are likely to garner strong bipartisan support. I have listed many of these proposals repeatedly over the past several weeks, such as reforming medical malpractice laws to get rid of junk lawsuits and bring down costs, and encouraging wellness and prevention programs such as those that help people quit smoking and overcome obesity, programs that have already been shown to cut costs.

These are some of the commonsense ideas Americans are looking for on health care reform.

Health care reform will not be easy. But it does not have to bury our children and grandchildren deeper in debt when so far this year we're already spending an average of $500 million a day in interest on the national debt. The proposal I have mentioned should be easy for everyone to agree on. They would lead to measurable results. And they would not force anyone to lose the care they have, see cuts to Medicare, or foist higher taxes on small businesses.

Americans are concerned about the cost of reform. We should work hard to assure them that we are too.

I yield the floor and 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.

Mrs. SHAHEEN. 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, there will be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from New Hampshire.

SUICIDE PREVENTION

Mrs. SHAHEEN. Mr. President, I rise today to speak about an amendment that I have filed to the National Defense Authorization Act of 2010. This amendment is to ensure that comprehensive suicide prevention services will be offered to our National Guard and Reservists as part of the Yellow Ribbon Reintegration Program.

Sadly, too often we hear about the death of an armed services member from an unnecessary and preventable suicide. Suicide has become an increasingly severe problem across the Armed Forces. For the first time in history, the number of battlefield suicides in early 2009 was higher than the number of combat deaths. I am pleased that the Defense Authorization Act we are considering supports increased efforts to prevent suicide among active duty personnel. However, there is currently no requirement that all National Guard members and communities have access to a comprehensive suicide prevention program.

Even in the wake of suicides, Guard members are often called back to active duty and redeployed into dangerous and intense combat situations. Suicide devastates not only military families but also military communities and fellow soldiers. Currently, while active duty soldiers receive suicide prevention training programs, there are no established programs to train National Guardsmen and Reservists to prevent suicides when they return to their communities from deployment. And the families of Guardsmen and Reservists do not receive training under Yellow Ribbon to recognize the warning signs of suicide.

In Afghanistan and Iraq, we increasingly rely on our National Guard and Reservists. We see that first-hand in New Hampshire: Recently, more than 1,100 members of the 197th Fires Brigade, which includes units from Berlin, Franklin and Manchester, NH, received notice that they can expect to be deployed to the Middle East. Fortunately, when these soldiers return home from battle, they and their communities will have comprehensive suicide prevention training available to them. That is thanks to the initiative of New Hampshire's National Guard's pilot Program, the Connect Program, that has gone beyond the Yellow Ribbon Program.

To date, the Connect Program, which is administered by the National Alliance on Mental Illness in New Hampshire, has provided hundreds of officers, Chaplains and other Guardsmen with an interactive, community-based suicide prevention training. Through Connect, a Guard member who returns home from duty learns how to recognize the warning signs of suicidal behavior, how to respond to someone who shows those signs, and where to point that person to the services he or she needs.

But the program doesn't end with the Guard member. It also provides this training to the Guard member's community. The Guard member's commanding officers are trained to recognize suicidal tendencies in the soldiers who they command. Guard families, who often have no experience with mental illness and suicide, are also provided with that training. This is especially critical because, unlike active duty personnel, Guard members don't see their fellow soldiers every day when they come back from being deployed. Instead, they go back to their families and civilian communities, which simply aren't capable of recognizing the warning signs of suicidal behavior. The Connect Program fills a crucial gap because it uses interactive training to emphasize that mental health is a community responsibility.

The Connect Program also ensures that community members know how to cope with and respond to a suicide in the Guard community. People who know someone who has died by suicide are statistically at increased risk of taking their own life. The program helps communities reduce that risk and promote healing in response to a suicide, which is an essential element of any suicide prevention program. Thanks to their effective work in response to suicides, Connect has been designated as a National Best Practice Program in Suicide Prevention and its work with the National Guard was recently recognized as a model program by the Substance Abuse Mental Health Services Administration in the Department of Health and Human Services, HHS.

But not all State National Guards offer such comprehensive suicide prevention programs after deployment. In the Army National Guard alone, there have been 29 confirmed suicides this year among Army Guardsmen who were not on active duty. I rise today because we need to extend these critical services across the country before even more soldiers fall through the cracks.

The Yellow Ribbon Reintegration Program has been a tremendously important and successful effort to transition our Guard members back to civilian life. However, these Guard and Reservist suicides have made clear that Yellow Ribbon is simply incomplete without an established, nationally implemented program that trains Guard members, communities and families to recognize the warning signs of suicide after deployment and to cope with the loss of a loved one.

Fortunately for us in New Hampshire, our National Guard identified that need early and went above and beyond Yellow Ribbon, creating a pilot program to ensure that the New Hampshire Guard community has the tools they need to prevent suicides when soldiers return from battle. Studies of the Connect Program have shown that people who receive this training feel particularly well-prepared to not only recognize the warning signs of suicide, but also to respond to suicides in their communities.

But others across the country may not be so fortunate. That is why this amendment would require the Office for Reintegration Programs to establish a program to provide these members, their families, and their communities with training in suicide prevention and community healing in response to suicide. The principals of the program would be modeled on the nationally recognized pilot program that has worked so well in New Hampshire.

I am pleased that the amendment is supported by the National Guard Association of the United States. Please join us in making these critical services a standard part of our outreach to National Guard members, families, and communities across the country.

Mr. President, I ask unanimous consent that a copy of the amendment be printed in the RECORD at this point.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

On page 161, after line 23, add the following:

SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

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

''(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

''(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members, their families, and their communities with training in suicide prevention and community healing and response to suicide.

''(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

''(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

''(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

''(3) OPERATION.—

''(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

''(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

''(ii) examining the influence of military culture on risk and protective factors for suicide; and

''(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

''(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

''(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

''(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

''(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

''(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

''(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.''.

Mrs. SHAHEEN. Mr. 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. ALEXANDER. Mr. 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. ALEXANDER. Mr. President, I assume the order is to begin the Republican 30 minutes of morning business. I would like to take the first 20 minutes and be informed when I have 1 minute left, and Senator GREGG will take the last 10 minutes. Then the Democratic time remaining will be reserved for the Democratic side when they want to use it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Thank you, Mr. President.

HEALTH CARE REFORM COST

Mr. ALEXANDER. Mr. President, the President has expressed several times his concern about our Nation's debt. We Republicans have a great concern about the amount of debt being stacked up in this country.

President Obama's proposals will, over the next 10 years, add three times as much to the national debt, almost, as was spent during World War II, according to the Washington Post. The President has had a summit on entitlement spending, which is the principal cause of the debt. He has said we need to pay for programs as we go. If we spend a dollar, we should save a dollar or tax a dollar. More recently he has said that health care legislation has to be paid for.

Well, Mr. President, we are rushing down a road to pass a bill without knowing what it costs. I just left the work we are doing in the HELP Committee. The Finance Committee is working hard. We had a bipartisan breakfast of nearly 20 Senators this morning discussing how we could have a bipartisan result in health care this year.

But we cannot do it unless we know how much it costs. It affects 16 percent of our entire national budget. We do not have a bill yet. The HELP Committee may have one by the end of the week, in which Republicans have had almost no input. The Finance Committee is trying to develop a bipartisan bill, but they are not going to begin writing a bill until next week. Then it will take several weeks to know what it costs. We need to know, not just so we do not add to the debt, but so we can understand what the various options are and how much they cost.

We are talking about Medicare cuts and spending Grandma's Medicare money on somebody else. How much does that cost? We are talking about taxes on employers. How much does that cost? We are talking about adding to the debt. By exactly how much? We are talking about a surtax on incomes. We are talking about extensive increases in State costs in Medicaid.

So we want a health care bill. But we want something Americans can afford, and after we are through fixing health care, we want to make sure they have a government they can afford. We agree with the President. We cannot responsibly pass a bill on this floor until we know what it costs.

So why the rush? Let's do it right. We are talking about one of the most important pieces of legislation ever, and we are talking about trillions of dollars.

CLEAN ENERGY

Mr. ALEXANDER. Mr. President, I delivered an address yesterday at the National Press Club about the Republican plan for clean energy. We call it a low-cost clean energy plan. It begins with the idea of building 100 new nuclear power plants in the next 20 years; electrifying half our cars and trucks in the next 20 years; exploring for natural gas, which is low carbon, and oil offshore—if we are going to continue to use oil, it might as well be our own—and then, finally, doubling our research and development budget, as President Obama has proposed, so we can have ''mini Manhattan Projects'' in renewable energy to try to reduce renewable energy technologies' costs and make them more reliable so they can contribute to our energy needs.

I would like to make a few remarks today on our low-cost plan for clean, renewable energy and compare it with what is coming over from the House, which is a high-cost plan.

Our country is at a critical point. The recession is the most severe in decades. Unemployment is nearing 10 percent. We have too much national debt. A gathering storm threatens the technological edge that has given Americans—only about 5 percent of the world's people—a remarkable standard of living that comes from producing 25 percent of the world's wealth. We remember last year's high oil prices. We know we are relying too much on other countries for energy. There is the unfinished job of cleaning our air, and, for many, the global warming of our planet is an urgent concern.

It is against this backdrop that for the first time ever legislation dealing broadly with climate change and energy is coming out of the House. We are working on the same subjects in the Senate. The decisions we make will affect our well-being for years to come.

The House has chosen the high-cost solution to clean energy and climate change. Its economy-wide cap-and-trade and renewable energy mandate is

a job-killing, $100 billion-a-year national energy tax that will add a new utility bill to every American family budget.

Republican Senators offer a different approach, a low-cost plan for clean energy based upon four steps: 100 new nuclear plants in 20 years, electric cars for conservation, offshore exploration for natural gas and oil, and doubling energy research and development to make renewable energy cost competitive. The Republican plan will lower utility bills and create jobs and should put the United States within the goals of the Kyoto protocol on global warming by 2030. Our plan should not add to the Federal budget since ratepayers will pay for building the new nuclear plants. Federal loan financing for the first nuclear plants is designed not to cost the taxpayers money, and nuclear plants insure one another. Offshore exploration should produce revenues through royalties to pay for programs to encourage electric cars and trucks; and doubling energy research and development should cost about $8 billion more per year, which is consistent with the President's budget proposals for 2009 and 2010.

So in furtherance of that Republican plan, I have offered my own blueprint as one Senator about how to build 100 nuclear power plants in the next 20 years, and I am looking for support on the Republican side and on the Democratic side, in and out of Congress. For those who are watching and listening, I would like to have your comments and suggestions at www.alexander.senate.gov.

This is a good time to stop and ask: Just what are we trying to accomplish with energy and climate change legislation? What kind of America do we want to create during the next 20 years?

Well, first, we should want to see an America running on energy that is clean, cheap, reliable, and abundant. In order to produce nearly 25 percent of the world's wealth, we consume about 25 percent of the world's energy. We should want an America in which we create hundreds of thousands of green jobs, but not at the expense of destroying tens of millions of red, white, and blue jobs. In other words, it doesn't make any sense to put people to work in the renewable energy sector if we are throwing them out of work in manufacturing and high tech. That is what will happen if these new technologies raise the price of electricity and send manufacturing and other energy-intensive industries overseas, searching for cheap energy. We want clean, new, energy-efficient cars, but we want them built in Michigan and Ohio and Tennessee and not in Japan and Mexico.

We should want an America capable of producing enough of our own energy so we can't be held hostage by some other country.

We should want an America in which we are the unquestioned leader in cutting-edge, job-creating scientific research.

We should want an America producing less carbon. I don't think we ought to be throwing 29 billion tons of carbon dioxide into the environment every year, so that means less reliance on fossil fuels.

We want an America with cleaner air where smog and soot in Los Angeles and in the Great Smoky Mountains are a thing of the past and where our children are less likely to suffer asthma attacks brought on by breathing pollutants.

Finally, we should want an America in which we are not creating ''energy sprawl'' by occupying vast tracts of farmlands, deserts, and mountaintops with energy installations that ruin the scenic landscapes. The great American outdoors is a revered part of the American character. We have spent a century preserving it. There is no need to destroy the environment in the name of saving the environment.

None of these goals are met by the House-passed Waxman-Markey bill. What started out as an effort to address global warming by reducing carbon emissions has ended up as a contraption of taxes and mandates that will impose a huge and unnecessary burden on the economy. Renewable energies such as wind and solar and biomass are intriguing and promising as a supplement to America's energy requirements. Yet the Waxman-Markey bill proves once again that one of the government's biggest mistakes can be taking a good idea and expanding it until it doesn't work anymore.

Trying to expand these forms of renewable energy to the point where they become our prime source of energy has huge costs and obvious flaws. What is worse, it creates what some conservationists call ''the renewable energy sprawl,'' where we are asked to sacrifice the American landscape and overwhelm fragile ecosystems with thousands of massive energy machines in an effort to take care of our energy needs.

For example, one big solar power plant in the western desert where they line up mirrors to focus the Sun's rays and which spreads across more than 30 square miles—that is more than 5 miles on each side—produces just the same 1,000 megawatts you can get from a single coal or nuclear plant that sits on 1 square mile. And to generate the same 1,000 megawatts with wind, you need 270 square miles of 50-story turbines. Generating 20 percent of our Nation's electricity from wind would cover an area the size of West Virginia.

To those of us in the Southeast where the wind blows less than 20 percent of the time, they say ''use biomass,'' which is burning wood products, sort of a controlled bonfire. That is a good idea. It might reduce forest fires and conserve resources, but let's not expect too much. We would need a forest a lot larger than the Great Smoky Mountains National Park to feed a 1,000-megawatt biomass plant on a sustained basis. And think of all of the energy used and the carbon produced by the hundreds of trucks it will take every day to haul the stuff to that one plant.

Already we are beginning to see the problems. Boone Pickens, who said that wind turbines are ''too ugly,'' in his words, to put on his own ranch, last week postponed what was to be America's largest wind farm because of the difficulty of building transmission lines from West Texas to population centers. And the Sacramento Municipal Utility District pulled out of another huge project to bring wind energy in from the Sierra Nevada for the same reason. According to the Wall Street Journal, California officials are worried that the State's renewable mandates have created ''a high risk to the state economy . . . and that the state may be short on power by 2011 if problems continue to pile up.''

Add to that a point that many forget: Wind and solar energy is only available about a third of the time because today it can't be stored—you use it or you lose it. Solar's great advantage is that the Sun shines during peak usage hours, while the wind often blows at night when there is plenty of unused electricity. But with either, if you want to be sure your lights turn on or that your factory opens its doors when you go to work, you still need other power plants to back it up.

Is this really the picture of America we want to see 20 years from now? There is a much better option. We should take another long, hard look at nuclear power. It is already our best source for large amounts of cheap, reliable, clean energy. It provides only 20 percent of our Nation's electricity but 70 percent of our carbon-free, pollution-free electricity. It is already far and away our best defense against global warming. So why not build 100 new nuclear plants in the next 20 years? American utilities built 100 reactors between 1970 and 1990 with their own (ratepayers') money. Why can't we do that again? Other countries are already forging ahead of us. France gets 80 percent of its electricity from 50 reactors, and it has among the cheapest electricity rates and the lowest carbon emissions in Europe. Japan is building reactors from start to finish in 4 years. China is planning 60 new reactors. Russia is selling its nuclear technology all over the world. We are helping India get ready to build nuclear plants. President Obama has even said Iran has the right to use nuclear power for energy. Yet we haven't built a new nuclear plant in 30 years, and we invented the technology. Why don't we get back in the game?

There seem to be a couple of main things holding us back: first, a failure to appreciate just how different nuclear is from other technologies, how its tremendous energy density translates into a vanishingly small environmental footprint, and second, an exaggerated fear of nuclear technology.

Many have forgotten that nuclear power plants were the result of President Eisenhower's ''Atoms For Peace''

program. The idea was to take perhaps the greatest invention of the last century and use it to provide low-cost energy to reduce poverty around the world.

There is also a misconception that nuclear plants are uninsurable and can't exist without a big Federal subsidy. There is a Federal insurance program for nuclear plants called Price-Anderson, but it has never paid a dime of insurance. Today, the way it works is every one of the 104 nuclear plants in the country can be assessed $100 million in damages for an accident at another reactor. So that is another factor adding to safety consciousness.

Most reactors have revenue of $2 million a day, which pays for the $5 billion construction loans and still makes possible low rates for consumers. For example, when the Tennessee Valley Authority restarted its Brown's Ferry Unit 1 reactor 2 years ago, TVA thought it would take 10 years to pay off the $1.8 billion construction debt. It took 3 years. When oil prices were skyrocketing, Connecticut proposed putting a windfall profits tax on the state's two reactors because they were making so much money.

Nuclear power is the obvious first step to a policy of clean and low-cost energy. One hundred new plants in 20 years would double U.S. nuclear production, making it about 40 percent of all electricity production. Add 10 percent for Sun and wind and other renewable sources. Add another 10 percent for hydroelectric, maybe 5 percent for natural gas, and we begin to have a cheap, as well as a clean, energy policy.

Step two is to electrify half our cars and trucks. According to estimates by Brookings Institution scholars, there is so much unused electricity at night that we can also do this in 20 years without building one new power plant if we plug in vehicles while we sleep. This is the fastest way to reduce dependence on foreign oil, keep fuel prices low, and reduce the one-third of carbon that comes from gasoline engines.

Step three is to explore offshore for natural gas—it is low carbon—and oil—using less, but using our own.

The final step is to double funding for energy research and development and launch mini Manhattan Projects such as the one we had in World War II, this time to meet seven grand energy challenges: improving batteries for plug-in vehicles; making solar power cost-competitive with fossil fuels; making carbon capture a reality for coal-burning plants; safely recycling used nuclear fuel; making advanced biofuels—crops we don't eat—cost-competitive with gasoline; making more buildings green buildings; and providing energy from fusion.

We can't wait any longer to start building our future of clean, reliable, and affordable energy. The time has come for action. We must open our minds to the possibilities and potential of nuclear power. We have a clear choice between a high-cost clean energy plan coming from the House—one that is filled with taxes and mandates and a new utility bill for every American family, one that will drive jobs overseas searching for cheap energy—or we can enact our own cheap and clean energy policy and lower utility bills and keep jobs here and produce food here at a price that is low so Americans can afford to buy it.

This is the sensible way to go: nuclear power, electric cars, exploration offshore, and doubling research and development. This policy of cheap and clean energy will help family budgets and create jobs. It will also prove to be the fastest way to increase American energy independence, clean our air, and reduce global warming.

I hope those listening will let me know their thoughts about our blueprint for 100 nuclear power plants in the next 20 years. The way to do that is to visit www.alexander.senate.gov.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from New Hampshire.

NATIONAL DEBT

Mr. GREGG. Madam President, yesterday was not a great day for our Nation. For the first time in our history, the deficit of this Nation passed $1 trillion—$1 trillion. That is a number I do not think anybody ever expected to see as a deficit for our country.

To try to put it in perspective, as a percentage of our GDP, that is about 13 percent. We have not had that size deficit since we were in World War II. The implications of that deficit are staggering for us as a nation but, more importantly, it represents a clear and present danger to our children and our children's children and to this Nation's fiscal solvency.

Remember, we are not through the fiscal year yet. It is estimated that this deficit will continue up for the rest of the year. It is estimated that $1.8 trillion will be the deficit we will be facing in 2010, and over $1 trillion the next year. These are numbers which are so huge they are incomprehensible—incomprehensible to myself and to most Americans. But they translate into a very significant problem, which is that we will be passing on to our children, as a result of all this debt, a nation which they cannot afford.

What is the cause of this debt? What is causing this massive expansion in deficits? Primarily it is spending. It is not that we are a nation that is undertaxed. It is that we are a nation that is simply spending too much.

My colleague on the other side of the aisle, the chairman of the Budget Committee, Mr. CONRAD, is fond of saying the debt is the threat. He is absolutely right because that is the threat to this Nation.

It is important to put in context, though, that this is not a momentary event. We are not running up these deficits just today. But as we look into the outyears under the Obama budget, the deficits go up astronomically for as far as the eye can see, leading to debt which is unsustainable.

Over the next 10 years, the average deficit of this Nation will be $1 trillion. Again, let's try to put that in context. That is about 4 to 5 percent of our gross national product every year.

If you were in Europe and you wanted to get into the European Union, which is a legitimate group of industrialized nations, they have rules for how fiscally solvent you must be as a nation. One of their rules says your deficit cannot exceed 3 percent of your gross national product. Yet under President Obama and his proposed budget, our deficit will average 4.5 percent to 5 percent of our gross national product for the next 10 years, over $1 trillion a year.

To what does this lead? It leads to massive expansion of debt, as this chart shows, a debt which will be 85 percent of our GDP. What does that mean, 85 percent of our GDP? The public debt of a nation is the debt held by other people, specifically Americans and other countries, primarily, in our case, China. They are the biggest holder of our debt. Historically, whether a country or individuals are willing to buy the debt of a nation depends on whether that nation is seen as being able to pay off that debt, that there is a reasonable likelihood of that, or whether the Nation has the strength to pay off that debt.

There are rules of thumb here too. Again, in order to get into the European Union, you have to have a ratio of less than 60 percent public debt to your nation's debt, to your nation's GNP, gross national product.

Yesterday, under this proposal, under this administration, as we are seeing in action as we passed the $1 trillion debt line yesterday, that public debt goes well past 65 percent very quickly within the next 2 years, and then it continues to head up to 80 percent. In other words, our public debt will be so high we would be considered so irresponsible as a nation fiscally that the European nations, which are industrialized countries, under their rules would not be able to allow us into the European Union. Not that we wish to seek entry, but clearly that is a standard at which we should look.

If you look at it historically, our public debt—and what most economists agree is reasonable—has been between 30 and 40 percent of gross national product. That is a manageable public debt. But when you double that debt as a percent of GDP, you are putting us on a path, a spiraling path downward into fiscal insolvency and a nation which cannot sustain its own debt.

To try to address this in another way, President Obama's proposals for spending will more than double the debt in the next 5 years and triple it in the next 10 years. In fact, if you take

all the debt that has been run up in our Nation from the beginning when George Washington was President through George W. Bush's term in office, take all that debt, President Obama has proposed and is spending—this government is spending—at a rate that will double that debt in just 5 years. It is an inexcusable action to pass this much debt on to our children.

This chart, called the ''Wall of Debt,'' puts it in numerical terms. We can see how it goes up and up and up and up. By the end of this budget, the debt will have increased three times—three times from about $6 billion to $16 billion, about $5.5 to $16 trillion—excuse me, trillion dollars. It is hard to use the term ''trillion.''

This is intolerable.

How do we address this situation? We need to control spending, and we need, to the extent we raise taxes, use those taxes to reduce our debt, not expand the size of government. Yet what are the proposals we are seeing coming from this administration and Members on the other side of the aisle?

We have seen a House of Representatives proposal in the area of energy called the cap-and-trade bill, which should be more accurately described as the cap-and-tax bill because it creates a national sales tax of inordinate size. We have never seen anything of this size before. Every time you hit your light switch, you are going to end up paying a new tax under this bill for the purpose of addressing climate change and energy policy. Yet it does not really accomplish any of that.

The primary polluter in America today is the automobile. All that the new tax that is being put in place from the House bill does is increase the cost or increase the tax on gasoline. It does not reduce the mileage. It does not reduce the pollution. It just increases the tax.

As Senator ALEXANDER spoke prior to my speaking, in the area of energy production, electrical production, cap and trade simply becomes a windfall, a pure and simple corporate welfare program for a lot of large, major electrical producers. They get this asset, a certificate to sell, which we have seen generate huge amounts of income to them, in exchange for theoretically reducing the amount of emissions that go into the atmosphere.

If you wanted to address this issue, you don't do it with a massive new tax on American workers, which is then basically given back to the industry which uses it, which gets an advantage from it. Rather, you should use the ideas Senator ALEXANDER has talked about and we have been talking about on this side. Build 100 nuclear powerplants in the next 20 years, move the automobile fleet to at least half electrical by the year 2020 so that you have actually brought online nonpolluting electrical power and you have put in place automobiles which do not pollute also.

That is not the proposal. The proposal is this massive new tax, not used to reduce the debt or the deficit but basically used in many areas to expand the government with lots of new programs but also to underwrite a huge corporate welfare program.

Then the other proposal we have from the administration that is major public policy is the issue of health care. Again, proposals are about expanding dramatically the size of government. In fact, the bill being worked on in the HELP Committee, by its own scoring, is at least $1 trillion unfunded. That adds to the debt. That is going to go on top of this debt.

To the extent there are new taxes being talked about—and there are a lot of them, especially in the House of Representatives—those taxes are not being used to reduce the debt. They are being used to grow the size of government, to increase the government. As a result, the debt does not go down; the government's size goes up when we should be focusing on this debt issue.

It is unconscionable that we as one generation would be running up these types of deficits and passing this type of debt on to our children. There may be an excuse for it during a period of recession——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Madam President, I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, there may be an excuse for it during a recession—and we are in a recession, a severe one—but there is no excuse for it as we move out of this recession, and we are moving out of this recession. There is no excuse for having deficits that are $1 trillion for the next 10 years. There is no excuse for running deficits of 4 to 5 percent of GDP for the next $1 trillion. There is absolutely no excuse for putting a debt on our children's backs that is 80 percent of the GDP of this country because what we are doing is passing on to our children a nation with fiscal policies that are unsustainable and which will basically give them less of a lifestyle than we received from our parents. No generation should do that to another generation. Yet there are no policy proposals coming forward from this administration which would turn this debt line down. None. Instead, their policy proposals increase the size of government and increase the tax burdens of Americans without reducing our debt by any significance. It is an unfortunate situation and a difficult situation and one which we better start addressing for the sake of this country and for our children's future.

Madam President, 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. MCCAIN. 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. MCCAIN. Madam President, the pending business, I understand, is the DOD authorization bill.

The PRESIDING OFFICER. The Senate is still in morning business, and the Democrats control the remaining time.

Mr. MCCAIN. And when does that time expire?

The PRESIDING OFFICER. There is 7 minutes remaining.

Mr. MCCAIN. Madam 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.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The PRESIDING OFFICER. Under the previous order, the Senate will now 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:

Levin/McCain amendment No. 1469, to strike $1,750 million in procurement, Air Force funding for F–22A aircraft procurement, and to restore operation and maintenance, military personnel, and other funding in divisions A and B that was reduced in order to authorize such appropriation.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the Levin-McCain amendment which is before the Senate would strike $1.75 billion in funding for the F–22 aircraft that is in the committee bill that was adopted on a very close vote, and we would also restore some very serious reductions that had to be adopted in order to pay for that increase.

I come to this debate as somebody who supported the F–22 program until the numbers were achieved that were needed by the Air Force. This debate is not about whether we are going to have the capability of the F–22, it is a debate about how many F–22 aircraft we should have and at what cost. And we are talking here about whether we should accept the recommendations of two Commanders in Chief, two Secretaries of Defense, two Chairmen of the Joint Chiefs of Staff, and the Joint Chiefs of Staff that 187 F–22s is what we need and all we can afford and all we should buy.

Madam President, yesterday we put in the RECORD two letters, one from the

President of the United States saying he would veto a bill—not consider a veto but actually veto a bill—that has more than 187 F–22s that are to be provided. We also put a letter from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in the RECORD yesterday going through all the reasons they strongly oppose any additional F–22s and oppose the committee language which costs $1.75 billion, taking it away from some very important programs.

Today, I wish to read briefly and then put in the RECORD a letter that came from the Secretary of the Air Force yesterday afternoon and from the Chief of Staff of the Air Force opposing the additional F–22s that are in the committee bill. This letter reads in part:

As we prepared the fiscal year 2010 funding submission, and mindful that the final lot of aircraft is scheduled for completion over the next year, we methodically reviewed this issue from multiple perspectives. These included: emerging joint war-fighting requirements; complementary F–22 and F–35 roles in the future security environment; potential advantages of continuing a warm F–22 production line as insurance against possible delays/ failures in the F–35 program; potential impacts to the Services and international partners if resources were realigned from the F–35 to the F–22; overall tactical aircraft force structure; and funding implications, given that extending F–22 production to 243 aircraft would create an unfunded requirement estimated at over $13 billion.

And then they summarized—this is the Air Force speaking; top civilian, top military leader in the U.S. Air Force—as follows:

We assessed the F–22 decision from all angles, taking into account competing strategic priorities and complementary programs and alternatives, all balanced within the context of available resources. We did not and do not recommend F–22s be included in the FY10 defense budget. This is a difficult decision but one with which we are comfortable. Most importantly, in this and other budget decisions, we believe it is important for Air Force leaders to make clear choices, balancing requirements across a range of Air Force contributions to joint capabilities.

Madam President, I ask unanimous consent to have printed in the RECORD the entire letter from the Secretary of the Air Force and the Chief of Staff of the Air Force at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE AIR FORCE,
Washington, DC, July 13, 2009.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate considers the FY10 Defense Authorization Bill, we write to reiterate our personal and professional views concerning the future of the F–22 program, and why we recommended to the Secretary of Defense that the Air Force not pursue F–22 production beyond 187 aircraft.

The F–22 is the most capable fighter in our military inventory and, arguably, the world. Among its principal advantages are stealth and speed; and while optimized for air-to-air combat, it also has a ground attack capability. Requirements for the F–22 have changed significantly over the past 20 years, as DoD has continued to reassess potential threats, scenarios, and force structure—to include the number of major combat operations we might be challenged to conduct and their timing/phasing.

Broadly speaking. previous assessments have concluded that a progressively more sophisticated mix of aircraft, weapons, and networking capabilities will, over time and within practical limits, enable us to produce needed combat power with fewer platforms. As the overall requirements for fighter inventories have declined. including F–22s, the rising F–22 program costs also led to smaller buys. Together these trends, coupled with constrained resources, ultimately led to a DoD-imposed funding cap and a December 2004 approved program of 183 aircraft (later adjusted to 187).

As we prepared the Fiscal Year 10 funding submission, and mindful that the final lot of aircraft is scheduled for completion over the next year. we methodically reviewed this issue from multiple perspectives. These included: emerging joint warfighting requirements; complementary F–22 and F–35 roles in the future security environment; potential advantages of continuing a warm F–22 production line as insurance against possible delays/failures in the F–35 program; potential impacts to the Services and international partners if resources were realigned from the F–35 to the F–22; overall tactical aircraft force structure; and funding implications, given that extending F–22 production to 243 aircraft would create an unfunded requirement estimated at over $13 billion.

This review concluded with a holistic and balanced set of recommendations for our fighter force: 1) focus procurement on modern 5th generation aircraft rather than less capable F–15s and F–16s; 2) given that the F–35 will constitute the majority of the future fighter force, transition as quickly as is prudent to F–35 production; 3) complete F–22 procurement at 187 aircraft, while continuing plans for future F–22 upgrades; and 4) accelerate the retirements of the oldest 4th generation aircraft and modify the remaining aircraft with necessary upgrades in capability.

And finally, while it is tempting to focus only on whether the Air Force would benefit from additional F–22s, which we acknowledge some in the airpower community have advocated, this decision has increasingly become a zero-sum game. Within a fixed Air Force and DoD budget, however large or small, our challenge is to decide among many competing joint warfighting needs; to include intelligence, surveillance and reconnaissance; command and control; and related needs in the space and cyber domains. At the same time. we are working to repair years of institutional neglect of our nuclear forces, rebuild our acquisition workforce, and taking steps to improve Air Force capabilities for irregular warfare. Ultimately, buying more F–22s means doing less of something else and we did not recommend displacement of these other priorities to fund additional F–22s.

In summary, we assessed the F–22 decision from all angles, taking into account competing strategic priorities and complementary programs and alternatives, all balanced within the context of available resources. We did not and do not recommend F–22s be included in the FY10 defense budget. This is a difficult decision but one with which we are comfortable. Most importantly, in this and other budget decisions, we believe it is important for Air Force leaders to make clear choices, balancing requirements across orange of Air Force contributions to joint capabilities.

Make no mistake: air superiority is and remains an essential capability for joint warfighting today and in the future. The F–22 is a vital tool in the military toolbox and will remain in our inventory for decades to come.

NORTON A. SCHWARTZ,
Chief of Staff.
MICHAEL B. DONLEY,
Secretary of the Air Force.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, at this point, I thank Chairman LEVIN for his important comments, especially about the letters from the Secretary of the Air Force and the Chief of Staff of the Air Force on this issue. Let me repeat that this debate is not about depriving, in my view, the U.S. Air Force of a much needed part of our arsenal to defend this Nation's national security; it is about whether we will continue to spend money on the F–22, of which we are already acquiring 187, and additionally adding the F–35, the Joint Strike Fighter, which is very badly needed by the other services as well. I believe the F–35, the Joint Strike Fighter, is a very important counterpart to the F–22. The F–22 has great capabilities in certain areas, and the Joint Strike Fighter does too. So this debate is not just about removing the funds for the F–22. What it is about is removing funds for the F–22 and moving forward with the Joint Strike Fighter to give the U.S. Air Force, Marine Corps, and Navy a balanced inventory that will maintain the Air Force, Navy, and Marine Corps as the most powerful projections of air power in the world for a long time to come.

So I emphasize, this is not so much about terminating a program as it is ending a much needed program and supplementing it with another. I think that sometimes this argument is portrayed simply in the area of the F–22 itself. It is not. I know the chairman and I and the majority of the committee want a balanced, powerful, capable Air Force, Marine Corps, and Navy throughout the 21st century.

There have been various points raised and arguments made during this debate. I would like to respond to several of those arguments that have been made so far and probably will be raised again during the rest of this debate.

The first argument addresses the fact that 187 F–22s will not meet operational demands at an acceptable level of risk.

In the view of some Air Force officials, including the Air Combat Command general, John Corley, for example, a total of 381 F–22s would be sufficient to meet operational demands at a low level of risk and a total of 243 to 250 would be sufficient to meet operational demands with a moderate level of risk. That is the view of some very credible individuals.

Our response to that is that in December 2004, the Department of Defense determined that 183 F–22s was sufficient to meet its military requirements. This is back in December of

2004. The Department conducted several analyses which affirmed that number based on a number of variables, including the lengths and types of wars the Department of Defense believes it will have to fight in the future and future capabilities of likely adversaries.

The President, the Secretary of Defense, the Chairman and Vice Chairman of the Joint Chiefs of Staff, the Air Force Chief of Staff, and the Secretary of the Air Force have all stated that 187 F–22s is sufficient to meet operational requirements, particularly when combined with other U.S. military assets, including cyber warfare, strike fighter aircraft, long-range standoff precision weapons to counter enemy aircraft and surface-to-air missile systems in the future from potential adversaries.

We need to look at this in the entirety of its inventory. That means cyber warfare, it means long-range standoff precision weapons, it means the dramatic increase in capability of unmanned aircraft. Look at the role unmanned aircraft have played in Iraq and Afghanistan. In all candor, look at the role the F–22 has not played in Iraq and Afghanistan. It has not been deployed to Iraq and Afghanistan; whereas, our unmanned aircraft, our Predators, have had an incredible effect in identifying, locating, and destroying the enemy. I think General Petraeus will attest to that in a very persuasive fashion.

In response to the argument that more F–22s are necessary to close a gap in fifth-generation fighters between the United States and China, on May 14, Secretary Gates noted, ''[W]hen you look at potential threats—for example, in 2020, the United States will have 2,700 TACAIR. China will have 1,700. But, of ours, 1,000 will be fifth-generation aircraft, including the F–22 and the F–35. And, in 2025, that gap gets even bigger. So, the notion that a gap or a United States lead over China alone of 1,700 fifth-generation aircraft in 2025 does not provide additional fifth-generation aircraft, including F–22s, to take on a secondary threat seems to be unrealistic.''

Secretary Gates summarized his position on the operational need issue on June 18, when he said that ''the U.S. military has to have the flexibility across the spectrum of conflict to handle the threats of the future'' and that ''this will mean a huge investment for the future, one that is endangered by continuing the F–22 Raptor program.'' He concluded, ''frankly, to be blunt about it, the notion that not buying 60 more F–22s imperils the national security of the United States, I find complete nonsense.''

As military deputy to the Assistant Secretary of the Air Force for Acquisition GEN Mark D. Shackleford said, ''the capability that we get out of the 187 F–22s we believe is more than sufficient for the type of threat that the Secretary of Defense is addressing in the future''. Whatever moderate risk may arise from ending the F–22 program, now is merely short term and, under the Air Force's Combat Air Force—CAF—restructure plan, necessary for the Air Force to transition the current fleet to a smaller, more capable fifth-generation fighter force for all the Services.

The next argument being made is buying more F–22s could help mitigate a projected fighter shortfall of up to 800 aircraft by 2024 that Air Force leaders identified in 2008 and a projected gap recently identified within the Air National Guard's fighter inventory. Such purchases could also hedge the United States against the risk of unexpected age-related problems developing in the Air Force's legacy force.

Our response to that is the fighter gap that the Air Force identified is questionable, given that it turns on various assumptions regarding threats and whether the United States will fight by itself or as part of a coalition. In any event, the Air Force has put in place a plan that will both mitigate any shortfall in fighter capability and bridge the current fleet to a smaller, more capable fifth-generation fighter force. An essential element of that plan—called the Combat Air Force—CAF—restructure plan—is to stop investing in the F–22 program after the current program of record of 187. That plan addresses possible shortfalls in fighter capability more cost-effectively than simply buying more F–22s. It does so by restructuring the Air Force's current fleet of fighters now and directing resulting savings to modifying newer or more reliable fighters in the legacy fleet, including, upgraded F–15s and F–16s, procuring less expensive aircraft, including the F–35 Joint Strike Fighter, and investing in joint enablers. Under the plan, those investments will help create a more capable fleet that can bridge the Air Force to a future fleet with a smaller, more capable force.

In addition, in the years ahead, the Department of Defense needs to focus on improving its capabilities for irregular warfare operations, and the F–22 is not a key program for improving those capabilities. While the F–22 is an extraordinarily capable ''air superiority'' platform, its limited air-to-ground capability makes it less appropriate for supporting counterinsurgency operations—so much so that, as Secretary Gates has pointed out several times, ''the reality is we are fighting two wars, in Iraq and Afghanistan, and the F–22 has not performed a single mission in either theater.''

The next argument is the decision to end the F–22 program is purely budget driven.

Secretary Gates has indicated numerous times that his decision to end the program is not resource driven. He announced that decision on April 6, weeks before his plan was even submitted to the Office of Management and Budget for vetting. On April 30, Secretary Gates plainly stated, ''if my top-line were $50 billion higher, I would make the same decision [regarding the F–22 program].'' That having been said, given the current fiscal crisis, buying more F–22s would likely reduce funding for other more critically needed aircraft, such as the F–35, F/A–18E/F, and EA–18G, which unlike the F–22 are equipped with electronic warfare capability—the combatant commanders' number one priority. In that sense, continuing to purchase of F–22s could create operational risks for the United States military in the near term.

The next argument is buying more F–22s will ensure the Air National Guard gets modernized fighter aircraft sooner.

Our response is that under the Total Force policy, all the Services, including the Air National Guard, will receive Joint Strike Fighters at the appropriate time and at the appropriate rate to replace their aging F–15 and F–16 aircraft. The only requirement that the Air National Guard obtain Joint Strike Fighters ''sooner'' arises from the ''additional views'' of Senator CHAMBLISS in the report accompanying the fiscal year 2010 authorization bill.

In a letter to Senator CHAMBLISS, the head of the Air National Guard LTG Harry M. Wyatt III noted, ''I believe the current and future asymmetric threats to our nation, particularly from seaborne cruise missiles, requires a fighter platform'' such as the F–22. However, that threat is simply not present today. This is something that is being closely looked at now in the on-going QDR debate. When asked about the cruise missile threat during our committee hearing recently, Secretary Gates correctly noted that the most effective counter to these sorts of threats is an aircraft that doesn't have a pilot inside of it.

The next argument is that large-scale production of F–35 Joint Strike Fighters has only recently begun and has not yet increased to planned higher annual rates. Until production of the Joint Strike Fighter has been successfully demonstrated at those planned higher annual rates, it would be imprudent to shut down the F–22 production line, which is the only ''hot'' fifth-generation production line.

Our response is that given how relatively similar the development and manufacturing efforts supporting the Joint Strike Fighter are to those supporting the F–22, concerns about an overall compromise in the industrial base appear to be overstated. In addition, whatever moderate risk may arise from ending the F–22 program now is operationally acceptable: it is short-term in duration and, under the Air Force's Combat Air Force—CAF—restructure plan, necessary for the Air Force to transition the current fleet to a smaller, more capable fifth-generation fighter force for all the Services.

It is true that although ''full-rate production'' of the Joint Strike Fighter isn't anticipated until 2015, the program is making very meaningful

progress. But, maturation in the technical, software, production-processes, and testing aspects of the program are on track to plan and are in fact exceeding legacy standards—including those for the F–22. All 19 ''systems development and demonstration'' aircraft will roll out by the end of the year and major assembly on the 14 aircraft comprising the earlier ''low-rate initial production,'' L–RIP, lots have begun. I can assure the Members of this body that Senator LEVIN and I and our capable staffs will be keeping a very close eye on the Joint Strike Fighter production. It is vital that aircraft meet its cost estimates and meet its time schedules.

At this point, the first of those copies is expected to be delivered on time to Eglin Air Force Base in May 2010, and the first operationally capable versions of the fighter are expected to be delivered to the Marine Corps in 2012, the Air Force in 2013, and the Navy in 2015.

This is not to say we should take, as I said, our eyes off the program. We need to track continuous progress on the F–35 to ensure that development costs leading to production remain stable.

I am persuaded, as I hope the majority of this body will be, that on the issue of whether the F–22 program should continue, the President, the Secretary of Defense, the Chairman and Vice Chairman of the Joint Chiefs of Staff, the Air Force Chief of Staff and the Secretary of the Air Force are all correct: Ending the F–22 program now is vital to enabling the Department to bridge its current fighter capability to a more capable fifth-generation fighter force that is best equipped to both meet the needs of our deployed forces today and the emerging threats of tomorrow.

Finally, the chairman and I are not unaware that this will lead to the loss of jobs in certain States in certain production facilities around the country. We know this is very tough, particularly in times of high unemployment across the country. But I would like to make the argument, No. 1, that the F–35, the Joint Strike Fighter, once it gets into production, will also be a job creator.

But I would also point out that the purpose of building weapons is not to create jobs. The purpose is simply to defend this Nation's national security. We have an obligation to be careful stewards of all our taxpayers' dollars but, most importantly, those taxpayers' dollars that go to the defense of this Nation should be first and foremost what can best defend the Nation's national security in times when we are in two wars and facing future threats that are, indeed, formidable in the view of most.

We are not without sympathy for the parts of our country, including the State of Georgia, where there are a large number of jobs that are at risk. Our sympathy is with them, and we will do everything we can to provide job opportunities, including in the defense industries across this country. But we cannot argue that we should spend taxpayers' dollars for weapons systems simply to create or keep jobs. That is not the use of taxpayers' dollars. If we want to do that, then there are many other programs we should fully fund to help create jobs and small business opportunities across this Nation.

This issue, I hope, will continue to be debated today and that we could resolve it, hopefully, sometime tomorrow morning with a final vote.

I know, from previous experience, there are perhaps 100 or more amendments that await the consideration of this body on the Department of Defense authorization bill. This is, obviously, a very important issue. This issue, perhaps, is maybe even more important than the $1.75 billion we are talking about. This debate is about whether we are going to make the tough decisions to most wisely and most expeditiously defend this Nation and spend those dollars wisely.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, first let me thank Senator MCCAIN for his very comprehensive, thorough, and compelling argument relative to the F–22.

This last point about the number of amendments which we expect would be, if not offered, at least proposed and considered, we need those amendments to come to the floor.

We have a lot of work ahead of us. I know it is a statement of high ambition to suggest that we try to finish the bill this week. But I think we are obligated to use the time wisely. There are not going to be votes today. We attempted to schedule a vote prior to lunch today, but as an accommodation to some Senators, we did not do that. We then attempted to schedule a vote for tomorrow morning. That effort did not succeed last night. But as Senator MCCAIN said, we are trying to see if we can't schedule that today.

In the meantime, while we are awaiting some other speakers, apparently on this amendment, we would welcome those who are considering amendments; that they get those to us and our staffs so we can begin the arduous work of going through those amendments and determining which ones we might be able to accept, which ones we cannot, so that those who want to proceed, even if we cannot accept those amendments, can then indicate they wish to debate.

The floor is open now to debate. We await other speakers.

I yield the floor.

Mr. MCCAIN. 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. BENNET. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Madam President, I rise to speak in support of the Levin-McCain amendment to strike excessive funding in this bill for the F–22. I want to briefly outline why this amendment is in the best interests of our national defense and our fiscal future.

This amendment represents the best of leadership that our Nation has to offer. Senator MCCAIN and President Obama have put political parties aside and have acted to protect taxpayers at a time when our fiscal circumstances require us to make difficult choices. And Chairman LEVIN has supported their efforts. They are willing to make hard choices. Congress must follow their wise leadership.

The media has reported that our budget deficit now exceeds $1 trillion. We have provided middle class tax cuts, first-time homebuyer tax credits and invested resources in order to turn this economy around. But we have to reexamine our other spending choices and say no to excessive spending. The F–22 embodies spending to an excess, and it borrows from key operations and maintenance and personnel accounts to do so.

The Secretary of Defense, Chairman of the Joint Chiefs of Staff, and our Commander-in-Chief have said we do not need any more F–22s. In fact, they say that the costs of acquiring and maintaining these aircraft, which have ballooned far beyond the Pentagon's original estimates, are hindering our ability to make much-needed investments in other necessary programs.

It is not only the Obama administration. President Bush and Secretary Rumsfeld also agreed that this is an area where we can show restraint and help strained taxpayers. The Levin-McCain amendment is the right policy for the country—armed services leadership and Presidents from both parties agree.

We should be listening when the Air Force tells us that the 187 F–22s that we have are enough. Our President has shown the wisdom to listen to our uniformed leaders. Now only Congress stands in the way of saving taxpayers $1.75 billion.

The F–22 has never supported a single mission in Iraq or Afghanistan. It is time to reassert the actual military priorities of today. It is true that the F–22 supports jobs, sprinkled around our nation. But we need to focus on weapons programs that create jobs an also serve a modern military purpose. As the chairman and ranking member of the Senate Armed Services Committee have said, the F–35 represents the future of our fighter fleet. As we look to the future, I simply cannot lend my support to this effort to allow unnecessary expansion of a program at the expense of the American and Coloradan taxpayer.

There are far more useful ways to create and maintain jobs that actually enhance our military readiness. Phasing out expansion of the F–22 fleet will

allow needed funding to be reallocated to more important, pressing needs of our military. Let's pass a Defense authorization bill actually contains the requests that our military has made. Madam President, $1.75 billion for the F–22 has not been requested, and I agree with Chairman LEVIN, Senator MCCAIN, Presidents Obama and Bush.

I urge my colleagues to join in this effort to show fiscal restraint. Support the Levin-McCain amendment. The best way to defend our country is to listen to our military when it tells us to change the way we invest. Our fiscal health and our national security both depend on it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate stand in recess until 2:15.

There being no objection, the Senate, at 12:12 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent to proceed as in morning business to speak about the health care deliberations we are undertaking. I know we are under the Defense authorization bill. My remarks should not take that long.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, as I indicated, I rise today to talk about health care reform and the hard truths that have so far been not hidden but I do not think have been very much aware to many Americans.

I was inspired to come to the Senate floor today because we are holding hearings in the HELP Committee—and we are holding hearings in the Finance Committee—and a series of events in the Health, Education, Labor, and Pensions Committee made me recall the observations of a well-respected public opinion analyst, pollster Daniel Yankelovich, founder of the New York Times/Yankelovich Poll.

The HELP Committee has been struggling—well, we have been working hard; ''struggling'' probably is not the right word; and many thanks to the chairman, CHRIS DODD, our ranking member, MIKE ENZI, and the members of the HELP Committee—but we have been going through a multiweek markup that I think has been characterized by some very wishful thinking on the part of the majority members of that committee; namely, the hope or the wish that they can somehow not reveal the very real costs and tradeoffs raised by their health care reform bill. I think the American people ought to become more and more aware of this.

The bill the HELP Committee is marking up establishes all sorts of new government programs, all sorts of new government mandates and controls—all justified by the need to ''rein in health care costs'' and ''increase health insurance coverage.'' I know those are two very good and noble pursuits, which I support wholeheartedly. As a matter of fact, I think Republicans now have about six bills to do the same thing. They do not get much attention, but we have six bills.

But there is a big problem with this bill. It does neither of these things, in my opinion. It neither reduces costs, nor does it significantly increase coverage. In fact, it significantly increases costs for very little gain—''costs,'' c-o-s-t-s. Remember that word. But my colleagues on the HELP Committee continue to wish and to hope they can obscure this reality through a barrage, really, of speeches and rhetoric and what I call misleading figures.

It has been this behavior that has caused me to recall Mr. Yankelovich's observations on something called the evolution of opinion. I am going to use that as the basis of my remarks—the evolution of opinion. The article was in Fortune magazine, and it jogged my memory in this regard. But, in any event, I think it serves as an important illustration of the health care reform process so far. Mr. Yankelovich observed that the evolution of a person's opinion could be traced through a continuum of seven stages. That is a fancy way of saying there are steps you go through when you are trying to think something through.

First, we have had daunting awareness: the realization that our health care system was not working for every American and needed to be addressed. I think everybody understands that.

The second stage, greater urgency: the economy began to go south and people who used to rely on their employer for health insurance began losing their jobs.

Then there is the third stage: reaching for solutions. Our committee has held hearings and began to meet with stakeholders. The administration met with stakeholders. The stakeholders, I think, probably met in good faith. And it has only been recently they have discovered they may have signed on to something that is very illusory, to say the least.

Fourth, the stage where many on the HELP Committee and elsewhere have arrived at today: the wishful thinking stage, the well-intentioned, romantic, simplistic, perhaps naive moment where all one sees are the benefits, without considering the consequences—the law of unintended effects. For example: the totally misleading claim by the majority that the new data from the Congressional Budget Office revealed a much lower score for this bill, $597 billion—a lot of money—while still expanding health insurance coverage to 97 percent of Americans. This claim is the very definition of ''wishful thinking.'' But facts are stubborn things. The actual CBO numbers say this bill leaves 34 million people still uninsured. That is not 97 percent coverage. In order to gain anywhere near 97 percent coverage, we would have to significantly expand Medicaid—a very expensive proposition which, according to CBO, adds about $500 billion or more to the cost of this bill.

More wishful thinking: The $597 billion cost was further artificially lowered through several budget maneuvers, such as a multiyear phase-in and a long-term care insurance program that will increase costs significantly outside the 10-year budget window CBO is required to use. Here we are passing a long-term insurance bill that goes beyond 10 years that CBO cannot even score.

After taking these realities into account, a more accurate 10-year score of this bill is closer to $2 trillion. I said that right: not $1 trillion—$2 trillion.

This is when we should arrive at the fifth stage of opinion making: weighing the choices. Since the true cost of this bill is approximately $2 trillion, we must own up to the American public about the tradeoffs. We must finally understand that the tradeoffs threaten a health care system that polls tell us has a 77-percent satisfaction rate.

This is not to say we should not undertake any reforms, but we need to honestly discuss the costs and benefits of reform proposals. And the majority's proposal is high on cost and low on benefits.

The No. 1 tradeoff that Americans need to know is, higher taxes. Remember when the President promised: If you make under $250,000, you will not see your taxes increased, that you would actually see a tax cut. Well, like so many other pledges, those promises had an expiration date, and that date is rapidly approaching.

The bill raises $36 billion in the first 10 years in new taxes on individuals who do not purchase health insurance. That is a penalty. It raises another $52 billion in new taxes on employers who do not offer their employees health insurance.

As an aside, guess who suffers when the employer's taxes get raised? It certainly is not the employer. It is the employee who gets laid off or does not get a raise. It is the applicant who does not get hired. Even President Obama's own Budget Director admits this fact.

At least one economic survey estimates that an employer mandate to provide health insurance, such as the

one in the Kennedy-Dodd bill, would put 33 percent of uninsured workers at risk for being laid off—33 percent of uninsured workers. The study went on to say that ''workers who would lose their jobs are disproportionately likely to be high school dropouts, minority, and female.'' It is a job killer for the very people whom the bill ostensibly seeks to help.

These new taxes do not come close to paying for this bill, and the ideas that have been coming out of the Finance Committee, on which I am also privileged to serve, the House of Representatives—the so-called people's body—and the administration prove that these new taxes will be just the first of many.

One option: a new and higher income tax on taxpayers with earnings in the top income tax brackets—there is some press on that as of now—including small businesses—essentially a small business surtax—to pay for government-run health care. Keep in mind that this surtax is in addition to the higher income taxes the President is already calling for in his budget.

The President's budget proposal calls for raising the top two individual tax rates in 2011. Many small businesses file their tax returns as individual returns, and the National Federation of Independent Businesses, NFIB, estimates that 50 percent of the small business owners who employ 20 to 249 workers fall into the top two brackets. When these higher income taxes are combined with the proposed surtax to pay for the government-run health care, it means that a small business could see its tax bills go up by as much as 11 percent—11 percent—when this health care reform bill finally takes effect—an income tax rate increase of about 33 percent over what they pay today.

But it does not stop there. Under the proposal the House is expected to unveil, possibly today, they leave the door open for even more tax increases on small businesses. That proposal is expected to allow, in 2013, for the small business surtax to be raised by several additional percentage points if health care costs are higher than expected, which is likely.

These higher income taxes would be a devastating hit on our Nation's small businesses—the same small businesses that create roughly 70 percent of the jobs in this country and are the backbone of our economy. We should not be raising taxes on these job creators if we want our economy to rebound and grow and expand.

Small businesses in Kansas tell me they feel they are already stretched to the limit, and they worry that to pay the additional taxes called for in the President's budget, not to mention an additional small business surtax to pay for a government-run health care program, they will have to cut back elsewhere—''cut back,'' meaning layoffs; cutbacks, meaning really it is the worst thing you could do for the economic catalyst of our country, the small business community. Make no mistake, these will be difficult choices. They will have to reduce the wages and benefits of current employees. They will have to pass their costs on to their customers. They will have to lay off workers or not hire new employees. None of these are good options for workers, small businesses, or our economy.

But higher taxes are just one of the ways the majority wants to pay for this massive expansion of government. The other method? The other method will be cuts to Medicare. You heard me right: Medicare, cuts to Medicare, cuts to the reimbursements to providers to our senior citizens, cuts we have been trying to prevent, where we have added money in almost every session we have been in.

There would be $150 billion from the hospitals. The hospitals have agreed to this with their national organizations but funny thing: The hospitals from Kansas came back to me and said: Not on your life. For a person who has worked hard to prevent cuts in that market basket of provider reimbursements to keep our rural health care delivery system whole, it comes to me as a great surprise that their national organizations would sit down and say: OK, we are going to give up $150 billion, only to learn a couple days or weeks later that some in the House say: That is not enough. So they didn't have a deal—and another few hundred billion from the physicians. I haven't heard any agreement on that from the physicians.

Tens of billions from home health care agencies and radiology and home oxygen and PhRMA. Let's don't forget PhRMA, who agreed to a certain amount of cuts—I think it was $80 billion—but now they have learned that figure isn't firm. So whoever else gets strong-armed or weak-kneed into making a deal with this administration, you better be careful.

Again, when doctors and hospitals and pharmacists and home health agencies get their reimbursements slashed by Medicare or Medicaid, who pays the price? It is not the provider, at least not at first. It is the people with private insurance who pay a hidden tax to make up the difference—some $88.8 billion per year, according to a recent Milliman study. Once the provider runs out of private payers to shift this cost deficiency onto, who pays? It is the patients who lose access to a doctor or a hospital or a pharmacist or a home health agency.

In addition to cutting Medicare payments, this bill will dump, by some estimates, well over a million new people onto a government-run health care plan which will never pay providers enough to cover their costs, despite any rhetoric otherwise. As this number grows and the private market shrinks, the decrease in the number of doctors and hospitals and other providers will be inevitable. We see that already. We already have rationing. We already have shortages. We already have doctors and providers who say: I am sorry, I am not reimbursed to the extent I can stay in business and offer you Medicare. So rationing is not a scare word, it is something that is happening now. It will simply not be possible for them to keep their doors open on the margins that the government will pay them. And that is when rationing of health care will become a way of life in this country.

Oh, I can see it now. It will either be by age or by test or by the comparative effectiveness research golden ring that CMS—that is another acronym—an outfit that works for the Department of Health and Human Services. These are the bean counters who look in this way at health care and don't look at the real effects, and I see what can happen.

These are the tradeoffs the American people need to know about in this bill. Yep, $2 trillion in new spending, higher taxes, job-killing employer mandates, and rationed health care. And for what? To overhaul a system with which 77 percent of Americans are satisfied.

I offered several amendments in the HELP markup just this morning, attempting to force the committee to face stage 5—remember my Fortune magazine and my stages of evolution of thought—to truly weigh the choices, that is the next stage. My amendments would have prevented Federal health subsidies from being funded through higher taxes on employers, higher taxes on individuals and families or through cuts to Medicare. All three were defeated in a party-line vote. I wasn't alone in trying to get the committee to weigh the choices in this bill. Senator ALEXANDER spoke very credibly as a former State governor about the fiscal catastrophe that expanding Medicaid eligibility will cause for the States. Again, he was defeated by a party-line vote.

How can we ignore the very real consequences of raising taxes on individuals and employers in a recession—some say the worst recession since in the 1930s? How can we deny that further cutting Medicare will increase costs for everyone else and possibly eliminate access to health care for our seniors? How can we turn a blind eye to all the States that are already facing a financial meltdown and force them to take on billions of dollars of new Medicaid obligations?

Some are still stuck in stage 4, still hanging on to their wishful thinking.

Well, I am ready to move on to stage 6, and probably everybody else is as well here on the floor. It is called taking a stand. I hope we can all take a stand to preserve the system that works well for the vast majority of Americans and to consider a more cost-conscious, realistic, and patient-friendly approach to greater health care reform.

By far the most important stage for us is—yes, the final stage—stage 7:

making a responsible judgment. The policies in this bill are very expensive, and the American people need to know that someway, somehow they will have to pay for them. So we must thoroughly examine the cost and the tradeoffs in health care reform. We cannot simply engage in wishful thinking. The American people expect us to make responsible judgments. There is simply too much at stake.

I understand the leadership of this body is in a dash, a rush to finish the hearings in the HELP Committee to produce a bill, as well as to force the Finance Committee to come up with a markup of a bill to pay for all this. I don't know how you pay for $2 trillion while the Finance Committee is talking about $350 billion and those are very controversial. I have a suggestion. I think we ought to put a big banner right up here where the President is not, right over there. I don't think the President would mind very much, and it could just say, ''Do No Harm.'' Then maybe we could put something underneath that and say: ''Slow Down'' or maybe in the language of my State ''Whoa.'' And then put that in the back of the HELP Committee, put in the back of the Finance Committee, and let's do the job right.

Mr. WICKER. Will the Senator yield?

Mr. ROBERTS. I am delighted to yield.

Mr. WICKER. I thank the Senator from Kansas for his remarks. I think it is interesting and perhaps symbolic that his cell phone was ringing off the wall or off of his belt when he was beginning to make his remarks. I think perhaps that is symbolic of what we are beginning to hear in the Senate as well as in the House of Representatives from the public. It is not just from the rightwing; it is from Main Street media. It is from the Washington Post last Friday. It is from liberal commentators such as Michael Kensley last Friday who say: Let's slow down on this.

I think what the American people might be saying is that they have gone through this hierarchy of decision-making and that this is not the kind of health care they were promised last year. We were told health care would save money for Americans. Now we are hearing it is going to cost $1 trillion to $2 trillion, perhaps even $3 trillion. We were told that if Americans were satisfied with their insurance, they would be able to keep it. Now we are told they would be moved into a public plan. We didn't hear about cuts to Medicare when this was being debated last year in the Presidential campaign, and we certainly didn't hear about higher taxes on middle-income Americans.

So I was glad to help the Senator from Kansas avoid taking those phone calls while he was speaking.

Mr. ROBERTS. If my distinguished colleague—well, I will take back my time and yield back for any comments he may want to make. The person on the other end of the phone call, was he for the health care bill or was he against it?

Mr. WICKER. Well, I would not have presumed to answer the Senator's phone call. I simply put it back in the cloakroom. But I am hoping it is symbolic of the American people—

Mr. ROBERTS. Whether for or against, I hope the Senator from Mississippi would have explained that we both have some real concerns, and we hope we can get real health care reform.

Mr. WICKER. I thank the Senator.

Mr. ROBERTS. I also thank the Senator.

Let me just give one quick example of what I am talking about with regard to Medicare. The President of the Kansas Pharmacists Association is from a very small town out West. We conduct a lot of listening tours, and we go into the pharmacy. The pharmacists, we ought to give them a GS–15 salary because they are the people who deal with Medicare Part D. That is the prescription drug program we give to seniors; it is very popular.

Let's say a lady named Mildred came in to see her pharmacist there and Mildred talked to Tom, the pharmacist, and said: What is this doughnut hole? And Tom says: Well, that is where you have to pay a bigger copayment. And she says: Well, can't I get a new kind of program or something else that will help me out here? He said: Yes, there are 47 new programs you can choose from. Mildred, the one that you want is right here. She says: Good. Then I am not going to get hurt with the cost of the prescriptions I need. He says: But I can't offer it to you? Why? Because I only get reimbursed 71 percent.

That is about the national average. How on Earth can we expect every pharmacist all around the country to administer—and they are the ones doing the administering; it isn't the Area Agency on Aging or the 1–800–Medicare. So he had to tell her that the program in Medicare Part D that would cover the doughnut hole, he didn't get reimbursed enough and couldn't offer it. Well, he helped her out. All pharmacists try to do that. That is where we are.

Or if Mildred goes to the doctor and the doctor says: I am sorry, I can't take any more Medicare patients—that is happening. It is real. This bill exacerbates that—exacerbates it. That is why I am so upset and why I came to the floor today.

I will go back to the HELP Committee in good faith to work with my colleagues and we will try to make it bipartisan. I know on Thursday we are supposed to have a markup in the Finance Committee—marching orders from the leadership around here, right in the middle of a Defense authorization bill. We don't need marching orders. We need to slow down. We need to slow down and get this right.

Thank you, Mr. President. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I wish to thank the members of the Armed Services Committee for their tireless work on this bill. I thank Chairman LEVIN and Senator MCCAIN for their amendment to strike $1.75 billion in unnecessary funding for the F–22 aircraft.

I strongly support those provisions of the Defense authorization bill which aim to support critical defense spending priorities such as providing fair compensation and health care to members of the Armed Forces and their families, enhancing the capability of our troops to conduct successful counterinsurgency operations in Iraq and Afghanistan, improving our ability to counter nontraditional and asymmetric threats and terminating troubled and wasteful military spending programs in favor of those which are deemed more efficient and effective.

Also, I strongly support the recommendation of Secretary Gates that we must rebalance the Defense budget in order to institutionalize and enhance our capabilities to fight current wars as well as likely future threats. As events in Iraq and Afghanistan have demonstrated, the military challenges currently before us are unlike conventional wars of the past. I am pleased this bill provides the resources necessary to protect our troops in counterinsurgency missions by providing additional funding for Mine Resistant Ambush Protected Vehicles or MRAPs; U.S. Special Operations Command, or SOCOM, and the Joint Improvised Explosive Device Defeat Organization, as well as supporting the vital train and equip mission for Afghan security forces. This training is an essential prerequisite for achieving stability and security in Afghanistan and succeeding in our ongoing counterinsurgency mission.

These and other provisions of the bill aim to institutionalize many of the administration's recommendations regarding future Defense priorities based on the conclusion of military officials—including Secretary Gates, Admiral Mullen, and General Petraeus—that irregular warfare is not just a short-term challenge; rather, it is a long-term reality that requires realignment of both military strategy and spending. As Secretary Gates has said, this rebalancing need not come at the expense of conventional weapon programs, which are deeply embedded in the Department of Defense, in its bureaucracy, in the defense industry, and in the Congress. At the same time, we must move away from funding Cold War-era weapons programs with an eye toward the future and accept that threat requirements have changed. This requires difficult decisions, sacrifice, and change, such as ending the F–22 production line which the White House and the Department of Defense

have concluded will save valuable resources that could be more usefully employed.

As President Obama explained yesterday in a letter to the Senate, this determination was not made casually. It was the result of several analyses conducted by the Department of Defense regarding future U.S. military needs and an estimate of likely future capabilities of our adversaries.

The F–22 has never flown over Iraq or Afghanistan because it is not the most efficient or effective aircraft to meet the current needs of the military. Its readiness has been questioned, it has proven too costly, and continued production will come at the expense of more critical defense priorities. I say critical defense priorities. But this debate is really not about the future of the F–22. This is just the first test as to whether we are ready to end unnecessary spending and rebalance the defense budget to better reflect the reality of counterinsurgency missions.

Today I voice my support for the Levin-McCain amendment which terminates procurement of additional F–22 fighter aircraft when the current contract ends at 187 jets.

In December 2004, the Department of Defense concluded that 183 F–22s were sufficient to meet our military needs, especially given the future role of the F–35 Joint Strike Fighter, which is a half generation newer aircraft and more capable in a number of areas, including electronic warfare and combating enemy air defenses.

Ending the F–22 production line at 187 meets the needs of our military and allows us to purchase equipment deemed more efficient and effective. According to Secretary Gates and Admiral Mullen:

> If the Air Force is forced to buy additional F–22s beyond what has been requested, it will come at the expense of other . . . priorities—and require deferring capabilities in the areas we believe are much more critical for our national defense.

Some of my colleagues have argued that ending the procurement of F–22s will have a significant impact in terms of jobs. Of course, I share the concern of keeping jobs and am focused, first and foremost, on preserving jobs and job creation. At the same time, however, I believe job losses incurred in the F–22 line will be offset by an increased F–35 production. Moreover, I agree with my colleague, Senator MCCAIN, that ''in these difficult economic times, we cannot afford business as usual. We cannot afford to continue to purchase weapons systems that are not absolutely vital . . . '' to our national security interests.

I urge my colleagues to join me in supporting the Levin-McCain amendment which reaffirms America's commitments to our troops by ending wasteful spending and enhancing military readiness. This reflects the sound and bipartisan judgment of two U.S. Presidents, two Secretaries of Defense, three Joint Chiefs of Staff, as well as the current Secretary and Chief of Staff of the Air Force. I hope we can pass a Defense authorization bill that supports the sound judgment of our military leaders and President and avoid wasteful spending of precious national resources.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENSLAVED AFRICAN AMERICANS

Mrs. LINCOLN. Mr. President, I rise today to thank the Senate for adopting my resolution that authorizes a marker to be placed in the new Capitol Visitor Center. The marker recognizes the role of African Americans in the building of this great U.S. Capitol Building.

I also thank Susan and my legislative director, Jim Stowers, who have been tireless in their work and certainly have done an incredible job in bringing forth this resolution, along with many others we have been working on to try and recognize the tremendous work and labor that was put into building this magnificent symbol of our freedom and particularly that which was done by the slave labor in this country when the Capitol was built. Those two individuals have done a remarkable job in working on this resolution. I am very grateful to them and all of the work they have put into it.

I also thank Congressman JOHN LEWIS for his unbelievable leadership in moving this resolution through the House and for his leadership of the Slave Labor Task Force. I had the privilege of serving with Congressman LEWIS in the House, and upon my election to the Senate, we worked together on a number of issues, including funding for the Little Rock Central High Visitor Center and the Slave Labor Task Force. It has been an honor to work with him on these very important issues. He is a tremendous gentleman to work with on all issues, but I have had the particular pleasure of being able to work with him on these two. It has been a great learning experience for me and certainly an honor.

The crowning feature of our Nation's Capitol is the majestic statue that stands atop its dome. It was designed by an American, Thomas Crawford, to represent ''Freedom triumphant in War and Peace.'' It has become known simply as the Statue of Freedom to those of us who come in and out of the Capitol on a daily basis.

Thomas Crawford cast the five-piece plaster model of his statue at his studio in Rome, Italy. Before it was shipped to the United States to be cast, Crawford passed away. Once it arrived in Washington, DC, problems soon arose. A workman who assembled the plaster model for all to see, just as it is downstairs, soon got into a pay dispute, and when it came time to disassemble it and move it to a mill in Maryland where it would be cast in bronze, he refused to reveal how it had been taken apart. Work on the statue stalled until a man named Philip Reid solved the mystery.

Mr. Reid was an enslaved African American who worked for the owner of the foundry selected to cast the bronze statue. Mr. Reid figured out how to disassemble the plaster model by attaching an iron hook to the statue's head, and he gently lifted the top section until a hairline crack appeared. The crack indicated where the joint was located. Then he repeated that operation until all five sections were visible.

If you go down to the Capitol Visitor Center, you can see this huge plaster cast and you can see how large it is, how cumbersome it is, and how difficult it would be to work with even in today's age with the tools and all of the mechanics we have. Yet this gentleman on his own figured it out with very little other than just a hook to be able to pull up and figure out where he would find that path of least resistance.

We know about Philip Reid today because Fisk Mills, the son of the foundry owner, told the story to a historian who recorded it in 1869. It describes Philip Reid as an ''expert and an admirable workman'' and ''highly esteemed by all who know him.''

Philip Reid's story is probably the best known among the enslaved African Americans who worked so diligently on our Nation's Capitol. Unfortunately, there are many others who worked in obscurity.

When the Capitol was first being built in the late 1700s and early 1800s, enslaved African Americans worked in all facets of its construction. They worked in carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing. These slaves were rented from their owners by the Federal Government for about $60 a year.

For nearly 200 years, the stories of these slave laborers were mostly unknown to the visitors of this great building, our Capitol. Then in 1999, old pay stubs were discovered that showed slaves were directly involved in the construction of the U.S. Capitol.

To recognize these contributions, I sponsored a resolution in July of 2000 to establish a special task force to make recommendations to honor the slave laborers who worked on the construction of this great Capitol.

The bicameral, bipartisan Slave Labor Task Force brought together historians and interested officials to work on this issue. In 2007, the task force presented the congressional leadership with our recommendations.

This resolution fulfills one of those recommendations, the resolution we passed in the Senate. It authorizes a marker to be placed in Emancipation Hall to serve as a formal public recognition of the critical role that

enslaved African Americans played in the construction of the Capitol.

Much of the original Capitol no longer stands, due to the fires of war and renovations to create more space for the ever-growing body. In fact, some of the stones that were removed when the Capitol was renovated have been stored in Rock Creek Park. It is our hope that those very stones that were quarried years and years ago by the slaves will be used to make the CVC marker we hope to place in the CVC.

I also would like to take a moment to remember one of the members of the Slave Labor Task Force, Curtis Sykes, who was a native of Little Rock, AR, and an original member of Arkansas's Black Advisory Committee.

I asked Mr. Sykes if he would come and serve on this committee. I selected him because he was, first and foremost, an educator. During his time on the task force, he was focused on the need to ensure that as many citizens as possible be made aware of the contribution of enslaved African Americans in the building of this great U.S. Capitol.

Unfortunately, Mr. Sykes passed away before our work was completed. Nevertheless, he made important and lasting contributions to our work. I know he is looking down with a great sense of pride for what we have been able to accomplish.

The heart of this effort and the mission of the Capitol Visitor Center is education. It was at the root of what Mr. Sykes stood for, and it certainly has been at the root of what our task force has been professing and wanting more than anything to create for the visitors who come through our Nation's Capitol. That is why there is no more appropriate place for this marker to recognize those who built the Capitol than our new Capitol Visitor Center, an education model in itself.

The plaster model of the Statue of Freedom, the same one that was separated by Philip Reid, now stands tall in Emancipation Hall of the CVC for all visitors to see. Visitors look at the model each and every day and can compare it to the actual statue standing atop the Capitol dome. I want to make sure every visitor who comes to the CVC, our Capitol Visitor Center, knows how that statue got up there and that they know the story of Philip Reid and the other enslaved African Americans who played such a critical part in the building of this Capitol—our symbol of freedom in this Nation.

In closing, I thank Chairman SCHUMER and Ranking Member BENNETT of the Rules Committee for their help and guidance on this resolution. I also certainly cannot finish my remarks without offering my tremendous thanks to my colleague and friend, Senator CHAMBLISS from Georgia, who, along with Senator SCHUMER, was an original cosponsor of this resolution.

Senator CHAMBLISS has done a tremendous job. He is a delight to work with, and I am not only grateful for the hard work he has put in on this issue but other issues we have worked on, but without a doubt for his friendship in working on so many issues.

Mr. President, I thank my colleagues for again adopting this resolution in the Senate. We look forward to being able to add many other of those recommendations of the task force as we move forward and as our Capitol Visitor Center continues to grow.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today to concur with my good friend from Arkansas with respect to H. Con. Res. 135, which acknowledges the role slave labor played in constructing the U.S. Capitol and thank her for her leadership on this issue. Once again, she and I had an opportunity to work on an issue that is important to America and to Americans.

Senator LINCOLN has been a true champion for the common man, as well as for all Americans, on any number of issues. It has been a great pleasure to work with her on any number of issues over the years. I do thank her for her great leadership on this resolution.

The story of the very building in which we are standing is a story of freedom. It is a story of how people from every corner of the globe arrived to have a chance to steer their own lives, shape their own destinies, and toil at tasks of their own choosing, not those dictated by birth or caste.

Sadly, however, that shot at freedom was not given to everyone. For those who were brought here against their will and forced to toil for someone else's gain, freedom was a vague concept—for others but not for them. Slavery will forever remain a shameful tarnish on the shining city that is America. Unbeknownst to most Americans, slave labor helped build our Nation's Capitol. It is one of the saddest ironies of our history that the very foundation of this building in which we have debated the most fundamental questions of liberty was laid by those in shackles. They labored in the heat, cold, and dust of quarries in Virginia and Maryland to cut the stone upon which rests this temple of liberty.

We know very little about these workers and artisans, and of the few records that were kept at the time, only several first names survived, next to those of their owners and sums paid for the grueling labor. From 1793 to 1826, up to 800 slaves at one time painted, roofed, sawed, glazed, and perfected this building which represents a freedom most of them were never to know. They laid the foundation still visible at the Capitol's east front. They carved the marble columns that witnessed so many of the deliberations on the future of our Nation in the old Senate Chamber. They erected and polished the tall marble columns that lend Statuary Hall such elegance and grace.

As the Civil War ripped this Nation asunder over the very issues of human liberty, a slave artisan named Philip Reid cast the statue that crowns this very building, aptly named ''Freedom.'' I am pleased to join with my colleague from Arkansas and my House colleague from my home State of Georgia, Congressman JOHN LEWIS, in the submission of S. Con. Res. 135, which directs the Architect of the Capitol to place a marker in Emancipation Hall of the Capitol Visitor Center acknowledging the role these slave laborers played in the construction of this building and to accurately reflect its history. I would especially like to thank Congressman LEWIS for his work in heading the Slave Laborer's Task Force, which recommended that such a marker be designated and erected.

This marker is a small way of showing our gratitude to these Americans, but it is a necessary and proper one.

AMENDMENT NO. 1469

Mr. President, I now wish to move to another issue. It is the issue of the McCain-Levin amendment that is before us on the Defense authorization bill. In the Defense authorization mark, we filed an amendment seeking to add seven F–22s for additional procurement by the Air Force. And as a part of that amendment, we provided all the offsets necessary within the budget to purchase those seven aircraft. That amendment passed in the full committee and now is a permanent part of the mark. The amendment by Senators McCain and Levin seeks to strip those seven airplanes out of that mark and to deny—to basically shut down—the production line for the F–22.

First, with respect to this debate, let me put it in context and draw from a statement by a Washington expert in this area who is known for being bipartisan and level-headed, and that is John Hamre, President and CEO of CSIS, and a former Pentagon Assistant Secretary under the Clinton administration. In an April newsletter, Mr. Hamre stated as follows:

> All of the systems proposed for termination by Secretary Gates in his budget have valid missions and real requirements. None of them is a wasteful program. This is a case of priorities. Secretary Gates has decided that these programs don't enjoy the priority of other programs in a constrained budget, but Congress can and should legitimately question spending priorities. Every individual has a unique calculus for prudent risk. Secretary Gates has rendered his judgment. Not only is it appropriate but necessary for Congress to pass final judgment on this question.

Mr. Hamre goes on to say:

> I admire Secretary Gates, but it is the duty and obligation of Members of Congress to question his recommendations. These recommendations merit serious and dispassionate debate, not sloganeering. Secretary Gates has made a series of recommendations. Only the Congress can decide what to do for the Nation.

Congress is the branch of government most directly connected to the American people. We have a crucial role in the budget process, which we should not shy away from. Some will say this

is a debate about jobs and pork-barrel spending, unnecessary spending and powerful defense contractors. Hopefully, Mr. Hamre's statements have at least partially dispelled what is truly a myth in this respect.

Clearly, jobs are at stake—lots of jobs—and good-paying jobs at that. About 95,000 jobs are going to be lost if the McCain-Levin amendment passes—95,000 good-paying jobs across America. Several thousand of those jobs are in my home State.

But this is not a debate about jobs. This is a debate about the security of the United States of America, and I am going to talk in greater detail about that in a minute.

Since the Korean War, our military has been able to maintain what we call air dominance and air superiority. And what that means is that our Air Force has been able to control the skies, to rid the skies of any enemy aircraft. We have been able to control the skies by having the capability of taking out any surface-to-air missile that might seek to shoot down one of our planes in any conflict with an adversary. Since the Korean War, the United States of America has not lost a foot soldier to tactical enemy aircraft because of our ability to maintain air dominance and air superiority. Well, if we do not have the F–22, our ability to maintain air dominance and air superiority is in jeopardy.

Over the years, we have been in conflicts in different parts of the world with different adversaries, and there will be additional conflicts down the road at some point in time. We hope not, but we know one thing, and that is if we have an inventory—the capability of taking away the enemy's ability to come after us—then it puts our enemy in a difficult position from the standpoint of ever wanting to engage us.

Let me respond now to some comments that Senator MCCAIN made yesterday, and which he and others have made often, about the power of the military industrial complex. Our industrial complex is powerful, but it is not all powerful. If there were not serious national security interests at stake here, we wouldn't be having this debate.

Also, there is absolutely nothing unique about the role of outside interests in the case of the F–22. Anyone involved in the current debate we are having in this body over health care, and even this week's hearings regarding Sotomayor, knows that outside interests, including industry, are intimately involved in trying to influence the process in regard to those issues. It is simply part of the process in a democracy, and there is absolutely nothing unique to it in relation to the F–22. We wouldn't be here if there were not serious national security issues at stake that are worth debating.

However, most importantly, this debate is about what kind of military we need today and what kind of military these young people who are sitting before us today are going to need in the future. It is about the balance between needing to maintain both the ability to win current wars and guard against future challenges. The United States is a global power, with global commitments and responsibilities that exceed Iraq and Afghanistan. We are also a nation that has fought and won wars through the use of technology and not just a total reliance on manpower.

Lastly, we are a nation for whom the basic war-planning assumption for the last 50 years has been that we will control the skies—air dominance and air superiority. If that assumption goes away, so does one tenet of American military strategy and the planning assumptions attached to maintaining air dominance.

A criticism of the F–22s in the bill is that it is funding something DOD does not want. Defense budgets, as enacted into law, always—and I emphasize always—contain measures, be they weapons systems or other programs, that DOD does and does not want. As John Hamre said, it is the job of Congress to assess what DOD requests and to render judgment thereon. If we do not do that, we have given up our oversight role with which the constitution entrusts us. Congress is the branch of government most connected to the American people. It has an important role to play, and we should not shirk that role and be afraid to challenge DOD's priority, when necessary, and when we know they are wrong. This is a debate about military priorities and what kind of military we need. We cannot and should not assume that future challenges will be like today. In predicting where the next threat will come from, the United States of America and our tacticians have a perfect record: We have been wrong every single time.

Jobs are at stake, and a variety of different interests are at stake but, most importantly, what is at stake is our national security and our ability to execute our global responsibilities. That is what is at stake and that is what I am going to focus on in my remarks today.

I would also like to rebut one point critics make about the F–22 not flying in missions in Iraq and Afghanistan. Senator MCCAIN and Secretary Gates have made this point often and over and over again. But there are numerous and very expensive weapon systems in this budget that we are going to be voting on in the next couple weeks that have not, and hopefully will not, be needed in Iraq and Afghanistan—the Trident missiles, the ballistic missile system, the DDG 1000. There is a long list of items that are not going to be used in Iraq and Afghanistan that are very expensive and that are contained within this authorization bill. That does not mean these systems are not needed. It is merely that they are intended to address a different threat. To argue against the need for a system because it is not being used in the current conflict is shortsighted and betrays a very short-term perspective on our national security.

Frankly, if the Pentagon had wanted to use the F–22 in the current conflicts, they could have been used. I don't know whether a conscious decision was made otherwise, but the conflict in Afghanistan is not over, and we are going to be in that area of the world for a long time to come. I suspect that before it is over, we will have F–22s flying in the region.

Let me just add that these numerous projects that DOD did not request—and there are several DOD projects which DOD did not request—have drawn little or no attention. For example, $560 million for unrequested FA–18s, $1.2 billion for unrequested MRAPs, and significant funds to support a pay raise above what was recommended by the President. We spent a lot more money on these items than what DOD requested. So to come up here and say: Well, DOD didn't request any F–22s and, therefore, we are to salute and go marching on is something we have never done, we did not do in this bill, and we should not have done in this bill.

Let me also address the veto threat regarding the F–22 funding. A veto is a serious step and one that should only be taken when the welfare of our troops or national security is at stake. After doing extensive research of Defense bills as far back as data is available, I have been unable to find one single example where a veto has been threatened or issued in relation to funding that correctly supports an unmet military requirement, as funding for the F–22s in this bill does. It is regrettable the administration needs to issue a veto threat for funding intended to meet a real national security requirement that has been consistently confirmed by our uniform military leaders.

Specifically, in his letter to Senators LEVIN and MCCAIN, President Obama states as follows:

> The Department conducted several analyses which support this position to terminate F–22 production at 187.

I am not sure who was advising the President on this, but that statement is simply not true. Of the countless studies—and I emphasize study after study after study—that DOD has done, only one recommended 187 F–22s, and that study was based on one major contingency operation that has not even been factored into our national security strategy.

There are numerous other studies—again, numerous other studies—including one commissioned by the DOD itself in 2007, which support buying a minimum of 250 F–22s, not 187.

I would also like to offer a few comments on the letter from Secretary Gates and Admiral Mullen. Like General Cartwright did at last week's hearing, Secretary Gates and Admiral Mullen talk about the importance of UAVs in obviating the need for F–22s. That means taking pilots out of the air

when it comes to destroying critical adversarial weapon systems that are on the ground or in the air trying to take out our men and women.

What they don't note is that of the UAVs we are procuring in this budget—and I am a big fan of UAVs; we need them in certain scenarios, but of the UAVs we will be procuring in this budget, that we will be procuring in additional budgets, virtually none of them will have any stealth capability, and they will be useless in a situation that requires penetrating denied airspace.

In other words, if we need to fly a UAV into a country—and there are a number of countries in the world today that have the Russian-made SU–30 surface-to-air missiles—those UAVs get shot down every single time. The F–22 is the only weapon system in our inventory that has the capability of penetrating that airspace and firing not one shot, not two shots, but three shots and getting out of that enemy territory before the enemy ever knows the F–22 is in the theater. There is nothing in our inventory or on the drawing board that has that kind of capability—certainly not the UAVs.

As they did in hearings before the Armed Services Committee, Secretary Gates and Admiral Mullen also do not address the issue of surface-to-air missiles and that the F–22 is more capable against those systems.

Lastly, their letter notes the decision to terminate the F–22 program at 187 has been consistent across administrations. Again, let me just say it was Secretary Gates himself, as the Secretary of Defense at the end of the Bush administration, who decided to procure additional F–22s. We just procured those four F–22s in the supplemental we passed a month ago, or 6 weeks ago—that is additional F–22s beyond the program of record—to keep the option for additional F–22 procurement open for the next administration. So that has not been a decision of previous administrations. It is this administration that is making the decision to terminate the best tactical airplane ever conceived in the history of the world.

In relation to the letter sent yesterday from Secretary Gates and Admiral Mullen, I would like to quote from a letter I received from Rebecca Grant, a military expert who is at the Mitchell Institute for Air Power Studies. Here is what she says:

> In the letter of July 13, from Admiral Mullen and Secretary Gates, the characterization of F–35 as a half generation newer aircraft than F–22 and more capable in a number of areas such as electronic warfare and combating enemy air defenses is incorrect and misleading. Air Force Secretary Donley and General Schwartz have repeatedly stated, ''The F–22 is unquestionably the most capable fighter in our military inventory.'' And citing a Washington Post article of April 13, 2009:
>
> The F–22 was designed with twice the fighting speed and altitude of the F–35, to preserve U.S. advantages in the air even if adversaries can test our countermeasures or reach parity with us. If electronic jamming fails, the speed, altitude and maneuverability advantages of the F–22 remain. The F–35 was designed to operate after F–22s have secured the airspace, and does not have the inherent altitude and speed advantages to survive every time against peers with electronic countermeasures. America has no unmanned system programs in production today that can cope with modern air defenses such as those possessed by Iran. The Navy UCASS demonstrator program may produce such a system in several years for carrier-based operations only. However, together, China and Russia have 12 open production lines for fighters and fighter bombers. Only 5 F–35s are flying today. The F–35 has completed less than half its testing. Developmental tests will not be complete until 2013. It is impossible to assess the full capabilities of the F–35 until operational test is complete in 2014.

Let me just add right here, in the history of the United States of America, when it comes to tactical aircraft, we have never ever purchased a tactical air fighter while it was still in test and development stage. We always allow that to be completed because we know there are going to be deficiencies.

Going back to the letter from Ms. Grant:

> The United States Air Force will not have a robust F–35 force structure for another 10 years. In addition, the Pentagon removed funding for the F–35 to reach the rate of 110 per year as desired by the Air Force. Departing Air Force Secretary for Acquisition Sue Payton recently warned of potential cost growth in F–35, upon her departure. Cost growth, or a Nunn-McCurdy breach, could slow down the rate at which the United States Air Force takes delivery of the F–35. The letter misrepresents the position of former Chairman of the Joint Chiefs of Staff General Richard Myers.

I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From Rebecca Grant, Director, Mitchell Institute for Airpower Studies, Air Force Association.

In the letter of July 13 from Admiral Mullen and Secretary Gates, the characterization of F–35 as a ''half generation newer aircraft than F–22 and more capable in a number of areas such as electronic warfare and combating enemy air defenses'' is incorrect and misleading.

Air Force Secretary Donley and General Schwartz have repeatedly stated: ''The F–22 is, unquestionably, the most capable fighter in our military inventory.'' (Washington Post, April 13, 2009.)

The F–22 was designed with twice the fighting speed and altitude of F–35 to preserve US advantages in the air even if adversaries contest our electronic countermeasures or reach parity with us.

For example, the Russian-made Gardenia series jammer fits the Su–27 or MiG–29 aircraft and detects radar signal threats and defeats them by processing and returning the same signals with jamming modulation. This jammer has been exported to nations such as Israel which may have modified and improved the jammer. It is made by the Kaluga Scientific Institute of Radio Technology which has other advanced jammers in the works.

New digital technologies enable advanced SAMs to switch rapidly between different frequencies for jamming which greatly complicates our electronic countermeasures. The advanced SAMs are therefore much more difficult to defeat than the analog SA–6s and SA–2s designed in the 1960s.

If electronic jamming fails, the speed, altitude and maneuverability advantages of F–22 remain. The F–35 was designed to operate after F–22s secured the airspace and does not have the inherent altitude and speed advantages to survive every time against peers with electronic countermeasures.

America has no unmanned systems programs in production today that can cope with modern air defenses such as those possessed by Iran. (The Navy UCAS demonstrator program may produce such a system in several years for carrier-based operations only.) However, together China and Russia have 12 open production lines for fighters and fighter-bombers.

Only five F–35s are flying today. The F–35 has completed less than half its testing. Developmental test will not be complete until 2013. It is impossible to assess the full capabilities of F–35 until operational test is complete in 2014.

The USAF will not have a robust F–35 force structure for another ten years. In addition, the Pentagon removed funding for the F–35 to reach the rate of 110 per year as desired by the Air Force.

Departing Air Force Assistant Secretary for Acquisition Sue Payton recently warned of potential cost growth in F–35 upon her departure. Cost growth or a Nunn-McCurdy breach could slow down the rate at which the USAF takes delivery of F–35.

The letter misrepresents the position of former Chairman of the Joint Chiefs of Staff General Richard Myers.

Mr. CHAMBLISS. As I mentioned earlier, we see this debate and vote about the need to maintain the ability to win current wars and to guard against future challenges. While respecting Secretary Gates and his desire to emphasize winning current conflicts, we feel his stance with respect to the F–22 does not adequately account for other kinds of threats.

Specifically, I find DOD's assumption that F–22s will only be required in one major contingency or theater to be totally unrealistic. This is the assumption the 187 number is based on. Given the ability and proliferation of advanced surface-to-air missiles which require stealth to counter, and numerous hostile nations' desire for these SAMs, the likelihood of an adversary outside east Asia requiring these systems in the near to midterm is increasingly likely.

In fact, in the press recently there have been reports about a potential adversary seeking to buy the S–30s from Russia. The F–22 is the only weapon system America has that is capable of penetrating the S–30. There is a follow-on, more sophisticated surface-to-air missile being produced by the Russians today. That missile, again, will proliferate around the world at some point in time, and the only weapon system in the inventory of the United States that has capability of penetrating airspace where those weapons exist is the F–22.

The administration's current plan for F–22 basing would result in no F–22s being stationed in Europe or being

available to address a crisis situation requiring penetrating denied airspace in the Middle East.

At the press conference announcing his budget recommendations on April 6, 2009, Secretary Gates said there was no military requirement—I emphasize that, ''military requirement''—beyond 187 F–22s, and the Air Force agreed.

On this specific issue, either Secretary Gates misspoke or he was given incorrect information. In any case, this statement has been repeatedly contradicted by his Air Force leadership.

The Chief of Staff of the Air Force, General Schwartz, in February of 2009, said he suggested he would request some additional 60 F–22s and present analysis supporting that number to the Secretary of Defense during formulation of the fiscal year 2010 budget. He commented that this request was driven by analysis as opposed to some other formulation and spoke of 243 as being a moderate-risk number of F–22s.

On April 16, 2009, after Secretary Gates's budget announcement, while speaking at a National Aeronautics Association event, General Schwartz stated, regarding the F–22: ''243 is the military requirement.'' He commented that 243 would have been a moderate-risk inventory.

On May 19, 2009, before the House Armed Services Committee, General Schwartz testified 243 is the right number of F–22s. Before the Senate Armed Services Committee on April 21 of this year, General Schwartz said he gauged the risk of a fleet of 187 F–22s as ''moderate to high.''

Mr. President, 187 F–22s puts America in a ''moderate to high'' risk category, according to the Chief of Staff of the United States Air Force.

There have been other generals who have made statements with respect to the F–22. I commend these gentlemen because they are, frankly, putting their military future at risk. I know they probably received some harsh phone calls from the leadership. But I know this too. They have also received a lot of calls from majors and captains and lieutenants and Air Force academy students today, as well as Army foot soldiers, just like I have. I know they have gotten those phone calls because I have gotten those phone calls thanking me for being willing to stand up and say: Mr. Secretary, you are wrong about this, and we need more F–22s.

Air Combat Command holds the need for 381 F–22s to provide air superiority to our combatant commanders and protect against potential adversaries.

General Corley, who is the Commander of Air Combat Command, stated that a fleet of 187 F–22s puts execution of our national military strategy at high risk in the near to midterm. Air Combat Command analysis shows a moderate risk force can be obtained with an F–22 fleet of approximately 250 aircraft.

The F–22 underpins our ability to dissuade and defer. Simply put, 243 gives us the required global coverage with 180 combat-coded jets versus 115 to 126 combat-coded jets that we are going to get if we terminate this program with 187 F–22s being purchased.

Mr. President, 180 combat deployed F–22s allows us to quickly win major contingencies with a moderate risk. Lower numbers of F–22s would sacrifice global coverage during a major contingency, encouraging adversaries to take advantage of a diminished ability to ensure air sovereignty. Out of dozens of studies conducted by DOD regarding the F–22, every study except one recommended procuring at least 243 F–22s.

The one study that did not was conducted by the DOD staff without any Air Force input and was based on the assumption that F–22s would only be required in one scenario, which, as stated earlier, is an unrealistic assumption.

General Schwartz and Secretary of the Air Force Donley have spoken often on this issue in the last several months, including an op-ed they put in the paper on April 13. I understand there is another letter coming from them. I look forward to reading it, although I am not sure it can say anything new.

In order to better understand his position, I, along with six other Senators, sent General Schwartz a letter on May 4 of this year. Let me quote from his letter. General Schwartz stated:

> We have been consistent in defining a long-term requirement of 381 F–22s as the low-risk fleet, and 243 as the moderate-risk for both warfighting capability and fleet sustainment. The F–22 program of record represents the minimum number for current force planning at higher risk. While 60 more F–22s are desirable, they are simply unaffordable.

I think these comments from General Schwartz confirm what we all already know, that the decision to limit production to 187 is budget driven, pure and simple, and 187 is a high-risk fleet and does not meet the full military requirement.

I would simply like to ask my colleagues: Why should the United States of America accept a moderate to high-risk situation in our ability to carry out the mission of the United States Air Force in the first place?

Substituting F–22s with other aircraft will not serve the Nation's interest. Some have suggested filling the remaining F–22 requirements with other aircraft such as the F–35, the Joint Strike Fighter. I am a big fan of the Joint Strike Fighter. It is going to be a great airplane. But as Ms. Grant stated, we have five flying today that are being tested. We are simply a long way away from the F–35 reaching a full production rate and having the capability for which it was designed. That mission that the F–35 is being designed for is entirely different from the mission of the F–22.

The Joint Strike Fighter is designed for multirole strike missions and not optimized for the air dominance mission of the F–22. All the force structure studies have determined that a complementary mix of F–22 and F–35s is the best way to balance risk, cost, and capability. The F–22 is the only proven fifth-generation fighter in production.

The Air National Guard is charged with providing homeland air defense for the United States and is primarily responsible for executing the air sovereignty alert mission. In addition to the over 1,600 Air National Guard men and women who carry out this mission on a daily basis, the Air National Guard relies on legacy F–15 and F–16 fighter aircraft.

The projected retirements of these legacy aircraft—and we have in this budget that we are going to retire 250 F–15 and F–16s. I have no reason to think we will not retire at least another 250 next year, and this trend is going to continue.

Those retirements leave the Guard short of the required number of aircraft to execute this mission. GAO has commented:

> Unless the Air Force modifies its current fielding schedules or extends the service lives of the F–15s and F–16s, it will lack viable aircraft to conduct ASA operations at some of the current ASA sites after fiscal year 2015.

The F–15 has been a great airplane. The F–16 has been a great airplane. It has served us so well over the 30 to almost 40 years we have been flying those airplanes. In my home State at Robins Air Force Base, we have an Air Force Depot, a maintenance depot for aircraft. Last year, an F–15 literally fell out of the sky. It crashed.

Those airplanes were immediately sent to Robins Air Force Base. A number of those airplanes were sent to Robins Air Force Base to be checked out. They figured out what the problem was. We have now fixed the problem. But that is the kind of aircraft we are putting our brave men and women who are flying for the U.S. Air Force in today, and we are talking about extending the life of those airplanes for a period of time to meet the mission of the National Guard.

No plan has been developed to fill the shortfall through either modernized legacy aircraft or new aircraft procurement if we stop the production of F–22s at 187. Some 80 percent of the F–16s will be gone in 8 years.

According to LTG Harry Wyatt, the Director of the Air National Guard, the nature of the current and future asymmetric threats to our Nation requires a fighter platform with the requisite speed and detection to address them. The F–22's unique capability in this arena enables it to handle a full spectrum of threats that the Air National Guard's current legacy systems are not capable of addressing. Basing F–22 and eventually F–35s at Air National Guard locations throughout the United States, while making them available to rotationally support worldwide contingency operations, is the most responsible approach to satisfying all our Nation's needs.

So the F–22 is not just needed to counter international threats, but as

we look at a map of the United States and we look at our various Air National Guard locations around the country, we need the F–22, according to the Air National Guard, to supplement the support that is going to be required for the mission of the Air National Guard.

Let me, for 1 minute, talk about another issue that is a part of this overall long-term mission of the F–22, and that is foreign military sales. The F–22 is such a technologically advanced weapons system that a decision was made several years ago that we were not going to share this technology with other countries, as we have done with the F–16 and the F–15, and heretofore basically all our aircraft.

That was probably the right decision, to a point. But today, with respect to the F–35, we are sharing technology on that airplane, which is based upon the technology of the F–22, with the Brits, who are our primary partner with respect to the development and the production of the F–35.

So we have made a decision we are going to share the stealthy technology primarily that is available on the F–22 and the F–35 with the Brits. The F–22 and the F–35 contain a lot of other technologically advanced assets. But we now have the opportunity to develop and produce a somewhat toned-down version of the F–22 to other countries. For the last several years, we have had interest expressed in a very serious way from other countries. One of those countries has been to see me, about 3 weeks ago, and said they are dead serious about looking it purchasing the F–22 as soon as the foreign sales version can be made available.

I happen to know there are other countries that have talked to the contractor as well as the Department of Defense about the potential, down the road, for the purchase of that airplane. Obviously, the contractor cannot get involved in it, but the Department of Defense has consistently said: We have made a decision to this point that we are not going to share that technology with other countries.

Well, we live in an entirely different global world today than we did 10 years or 20 years ago. So it is time we started thinking about the potential for foreign sales of the F–22. Japan has been a very trusted and reliable ally. They need the best aircraft available to defend themselves over the long haul. Because they are an ally of ours in the part of the world in which they exist and because that part of the world has the potential for the development of future adversaries, it is critically important that we continue—and I emphasize that because we have sold them tactical aircraft in previous years—it is important that we continue to share the latest, most technologically advanced weapons systems with friends and allies such as the Japanese.

Let me read you a statement from former Chairman of the Joint Chiefs of Staff GEN Richard Myers regarding the need for an exportable version of the F–22. General Myers stated:

> Japan's F–15J force, once top of the line, is now outclassed by the new generation of Chinese fighters such as the SU–30MKK. Moreover, China's air defenses, which include variants of Russian-made long-range SA–10s and SA–20s, which is the S–300 family missiles, can only be penetrated by the fast, high-flying stealthy Raptor or the F–22. Japan's defense ministry has studied the problem closely and has produced a very impressive tactical rationale for buying the F–22 if its sale is approved by the United States Congress.

Only under the umbrella of air superiority that the Raptor provides can U.S. military endeavors succeed.

Let me quote from another well-recognized individual, retired GEN Barry McCaffrey, on the need for adequate numbers of F–22s. This statement is about a year and a half old, but it is applicable today.

> There is no single greater priority for the coming 10 years for the U.S. Air Force than funding, deploying, and maintaining 350 F–22 Raptor aircraft to ensure air-to-air total dominance of battlefield airspace in future contested areas.
>
> The F–22 provides a national strategic stealth technology to conduct—long-range (Cruises at high supersonic speed without afterburner) penetration (at altitudes greater than 15 kilometers)—undetected into any nation's airspace at Mach 2-plus high speed—and then destroy key targets (aircraft or missiles on the ground, radar, command and control, nuclear stockpiled weapons, key leadership targets, etc)—and then egress with minimal threat from any possible air-to-air or air defense system. It cannot be defeated in air combat by any known current or estimated future enemy aircraft.

That is coming from a ground soldier, somebody who depends on that F–22 and, heretofore on the F–15, to maintain air dominance and air superiority so the ground troops under his command can have the assurance in knowing that they can move freely without the threat of enemy aircraft.

Without more than 187 aircraft, we are not going to be able to guarantee the foot soldier on the ground that capability. The F–22 Raptor is in production and is operationally deployed around the world. Continued F–22 acquisition is low risk, as the aircraft has successfully completed its development program and passed a stringent set of real-world tests. By all measures, the F–22 is now a model program and continues to establish industry benchmarks for an aircraft production program.

The F–22 program is on budget. The contractor team is currently delivering 20 F–22s per year under a 3-year multiyear program that was approved by Congress 3 years ago. The multiyear contact is firm, fixed price, meaning that the U.S. Government is buying a proven capability with no risk of cost growth. It is ahead of schedule. In 2008, every F–22 delivery was ahead of contract schedule.

This ahead-of-schedule performance continues into 2009. Since early 2006, every F–22 has been delivered on or ahead of contract schedule. The contractor is producing a high-quality aircraft. In military aircraft production, the highest standard for quality is zero defect. A zero-defect aircraft is evaluated by the customer to be perfect in all respects. In 2008, nearly one-half of the F–22 deliveries were evaluated to be zero defect—an exceptionally high level of aircraft quality.

Still to this day, no one can say for sure, with any analysis to back them up, that 187 F–22s is enough. The F–22 should be viewed in the collective as a tool in the toolbox.

Detractors argue that the F–22 is single-purpose. Throughout history, we have been effective in adapting the tools we have to the needs we have. All one has to do is to look at what we are doing today with the B–52. That airplane is 50 years old—older than that; it may be 60 years old. There was a point in time when we thought we would retire all of the B–52s. It is a bomber. What are we doing with the B–52 today? Today, the B–52 is flying close air support for our troops in Afghanistan. The SSBNs are being used by our special operations men and women, and they are doing a very effective job.

A general once said that the most tragic error a general can make is to assume, without much reflection, that wars of the future will look much like wars of the past. If we are going to pass a budget and develop a weapons system inventory that is based upon the wars of the past, then we are headed in the wrong direction. The war we are fighting today is entirely different from any conflict in which we have ever been engaged. We have been wrong every single time when it comes to predicting the next adversary we will have.

Senator MCCAIN mentioned the July 10 Washington Post article on the performance and maintainability of the F–22. Let me say that we know nothing appears on the front page of the Washington Post by accident, particularly the week before an important vote. I guess I ought to be flattered by the attention. But for the record, the same reporter who wrote that article on the day of an important hearing in relation to the F–22 multiyear contract in 2006 is the same author of the July 10 article.

The article in question bore absolutely no relation to the issues at stake. Nevertheless, it led to a new study on the savings that would be achieved through a multiyear contract, a study which was conducted at government expense. Despite the article's obvious attempts to obscure the facts and issues in the situation, that new study, done pursuant to request of this body, concluded that the multiyear contract would save twice as much as the previous study.

Just briefly in relation to the Washington Post article, by close of business the day the article was published, the Air Force had already issued a rebuttal. It concluded that of the 23 claims in the article, only 4 were true,

4 were misleading, 10 were false, and 5 required greater explanation and context beyond what the Post article reported.

I ask unanimous consent that a copy of the Air Force statement in rebuttal to the article in the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

10 July 2009

RESPONSE TO F-22 WASHINGTON POST ARTICLE BY JEFF SMITH

<table>
<tr><td>CLAIM</td><td>...30 hours of maintenance for every hour in the skies... (Para 1)</td></tr>
<tr><td>AF RESPONSE</td><td>True based on the DOT&E Report from 2007 at 34 hours.</td></tr>
<tr><td>CLAIM</td><td>...hourly cost of flying to more than $44,000... (Para 1)</td></tr>
<tr><td>AF RESPONSE</td><td>The total variable cost per flying hour includes: aircraft part repairs (depot level repairs [DRLs]), replenishment spares, consumables, engine parts and aviation fuel. The F-22 FY08 total variable cost per flying hour (17,711 total hours flown) was $19K and the F-15 FY08 total variable cost per flying hour (122,762 total hours flown) was $17K.

Costs included in the variable cost per flying hour are a subset of total operational cost per flying hour. For the F-22, contractor support is included in both the variable cost per flying hour and the operational cost per flying hour. Contractor costs which meet the definition of a variable cost are included in the $19,750 Variable CPFH, along with appropriate government costs. Other contractor support costs are added in, along with appropriate government costs, to obtain the total $49,808 Operational CPFH.

F-22 vs. F-15
2008 Cost Comparison Breakdown
<table>
<tr><td></td><td>Costs Variable w/ Flying Hours</td><td>Costs Variable w/ # of a/c</td><td>Fixed Costs</td></tr>
<tr><td>F-22</td><td>$19,750 CPFH*</td><td>$2.5M cost per a/c</td><td>$276M total</td></tr>
<tr><td>F-15</td><td>$17,465 CPFH*</td><td>$2.4M cost per a/c</td><td>$318M total</td></tr>
<tr><td>Major Activities: (by category)</td><td>Repairs (DLRs)
Spares
Consumables
Fuel</td><td>Depot Maintenance
Base Operations</td><td>Engineering
Tech Data
Program Mgmt
Indirect Costs</td></tr>
</table>
Cost comparison includes all O&S costs (both CLS and organic)
Once costs are bucketed into categories, F-22 and F-15 costs are similar
Note: * Costs variable with flying hours are preliminary estimates.</td></tr>
<tr><td>CLAIM</td><td>...radar-absorbing metallic skin is the principal cause of its maintenance troubles, with unexpected shortcomings --... (Para 2)</td></tr>
<tr><td>AF RESPONSE</td><td>True.</td></tr>
</table>

CLAIM	...such as vulnerability to rain and other abrasion... (Para 2)
AF RESPONSE	Not true. Rain is not the cause of skin issues.
CLAIM	... aircraft fleets become easier and less costly to repair as they mature, key maintenance trends for the F-22 have been negative in recent years, and on average from October last year to this May...(Para 3)
AF RESPONSE	Not true. Have been improving.
CLAIM	...just 55 percent of the deployed F-22 fleet has been available to fulfill missions guarding U.S. airspace, the Defense Department acknowledged this week. The F-22 has never been,...(Para 3)
AF RESPONSE	Fleet average 64.5 and Operational Fleet (LAFB, EAFB, HAFB) 61.5. The mission capable rate has improved from 62% to 68% percent from 2004 to 2009.
CLAIM	... only 1.7 hours .... (Para 5)
AF RESPONSE	True based on the FOT&E Report. The F-22 program does not measure mean time between critical failure. However, Mean Time Between Maintenance (MTBM) has dramatically matured from 0.97 in 2004 to 3.22 as demonstrated by Lot 6 aircraft performance.
CLAIM	...$350 million apiece.... (Para 5)
AF RESPONSE	$350 million then-year cost is true for the programs average unit cost (PAUC) for 184 aircraft, which includes all RDT&E and procurement costs. The fly away cost of the F-22 is $142.6M each for Lot 9 aircraft.
CLAIM	...Structural problems that turned up in subsequent testing forced retrofits to the frame ...(Para 19)
AF RESPONSE	Misleading. The F-22 had a series of structural models that were tested throughout its development in a building block manner. Lockheed Martin completed static and fatigue testing in 2005 on two early production representative airframes. The results of those tests required upgrades to the airframe in a few highly stressed locations. Follow up component level testing was completed and structural redesigns were verified and implemented into the production line. For aircraft that were delivered prior to design change implementation, structural retrofit repairs are being implemented by a funded program called the F-22 Structural Retrofit Program.
CLAIM	... changes in the fuel flow...(Para 19)...
AF RESPONSE	False. The F-22 fuel system has NOT required redesign. The F-22 program has improved the reliability of individual fuel system components as part of our reliability and maintainability improvement program.

CLAIM	...forced the frequent retesting of millions of lines of code,...(Para 19)
AF RESPONSE	False. Diagnostic software is designed to automatically detect and isolate system faults. Currently it detects system faults 64% of the time and isolates the fault 92% of the time. This is up from 42% and 63% respectively in 2006. The F-22 program continues to incorporate diagnostic improvements as part of our reliability and maintainability improvement program. We do not see anything inherent in the way the software is written that makes it hard to change. The avionics systems, air vehicle systems and engine systems and their operating software require highly qualified personnel to implement changes and require an increased amount of system-level integration testing. Very strict coding and documentation standards are used in the design and development of the F-22 software. Adherence to these standards is what positions the code to allow for future changes.
CLAIM	... Skin problems ...(Para 20)
AF RESPONSE	The issues noted from the FOT&E 2 Report are: 1 abrasion, 1 canopy, 3 missing filler, 4 roll up, 12 tip breaks and ~150 tip/edge damages.
CLAIM	...Over the four-year period, the F-22's average maintenance time per hour of flight grew from 20 hours to 34, ...(Para 21)
AF RESPONSE	Misleading, the two numbers cited are from FOT&E 1 and FOT&E 2 averages respectively. The F-22 program does not measure mean time between critical failure. However, Mean Time Between Maintenance (MTBM) has dramatically matured from 0.97 in 2004 to 3.22 as demonstrated by Lot 6 aircraft performance.
CLAIM	...The Air Force says the F-22 cost $44,259 per flying hour in 2008; the Office of the Secretary of Defense said the figure was $49,808. The F-15, the F-22's predecessor, has a fleet average cost of $30,818. ...(Para 22)
AF RESPONSE	The total variable cost per flying hour includes: aircraft part repairs (DLRs), replenishment spares, consumables, engine parts and aviation fuel. The F-22 FY08 total variable cost per flying hour (17,711 total hours flown) was $19K and the F-15 FY08 total variable cost per flying hour (122,762 total hours flown) was $17K. Costs included in the variable cost per flying hour are a subset of total operational cost per flying hour. For the F-22, contractor support is included in both the variable cost per flying hour and the operational cost per flying hour. Contractor costs which meet the definition of a variable cost are included in the $19,750 Variable CPFH, along with appropriate government costs. Other contractor support costs are added in, along with appropriate government costs, to obtain the total $49,808 Operational CPFH. **F-22 vs. F-15** **2008 Cost Comparison Breakdown**

	Costs Variable w/ Flying Hours	Costs Variable w/ # of a/c	Fixed Costs
F-22	$19,750 CPFH*	$2.5M cost per a/c	$276M total
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Major Activities: (by category)	Repairs (DLRs) Spares Consumables Fuel	Depot Maintenance Base Operations	Engineering Tech Data Program Mgmt Indirect Costs

Cost comparison includes all O&S costs (both CLS and organic)
Once costs are bucketed into categories, F-22 and F-15 costs are similar
Note: * Costs variable with flying hours are preliminary estimates.

CLAIM	... of "catastrophic loss of the aircraft."...(Para 28)
AF RESPONSE	False. The Air Force has determined that there is no need for costly repairs, now or in the future. Boeing reported to USAF that for a limited number of F-22 titanium fuselage boom structures fabricated up to that time period, the titanium material used did not meet stringent F-22 specifications. It had different fatigue mechanical properties than what was certified for production. After extensive review of the titanium by Program experts it was determined that the as-fabricated fuselage boom structural assemblies did not require costly production repairs or scrapping of these high-cost fuselage boom assemblies. However, additional structural inspections had to be imposed on these particular parts to satisfy airworthiness certification requirements per the F-22 Aircraft Structural Integrity Process. These inspections are now in place and conducted in a routine manner per F-22 maintenance instructions.
CLAIM	...through increased inspections over the life of the fleet, with expenses to be mostly paid by the Air Force....(Para 28)
AF RESPONSE	False. Fair and reasonable consideration was provided by the contractor to the AF for additional inspection burden.
CLAIM	...It delaminates, "loses its strength and finish"....(Para 31)
AF RESPONSE	False. Each F-22 canopy costs $120k. Canopies do not lose strength over time and are removed due to optical degradation NOT safety of flight. The F-22 canopy coating life requirement is 800 hrs. Canopy coatings are unique to the F-22 system. The requirement was achieved and demonstrated in laboratory tests in Engineering and Manufacturing Development. During early operation usage the program discovered previously unknown impacts due to environmental effects that reduced coating durability. Presently, canopy coatings last an average of 331 flight hours. The program

	has incorporated several coating improvements. Coating life continues to improve.
CLAIM	...$120,000 refurbishments at 331 hours of flying time, on average, instead of the stipulated 800 hours...(Para 32)
AF RESPONSE	Misleading. Each F-22 canopy costs $120k. Canopies do not lose strength over time and are removed due to optical degradation NOT safety of flight. The F-22 canopy coating life requirement is 800 hrs. Canopy coatings are unique to the F-22 System. The requirement was achieved and demonstrated in laboratory tests in Engineering and Manufacturing Development. During early operation usage the program discovered previously unknown impacts due to environmental effects that reduced coating durability. Presently, canopy coatings last an average of 331 flight hours. The program has incorporated several coating improvements. Coating life continues to improve.
CLAIM	... it fully met two of 22 key requirements...(Para 33)
AF RESPONSE	There are only 11 key performance parameters.
CLAIM	... After four years of rigorous testing and operations, "the trends are not good...(Para 35)
AF RESPONSE	False. The mission capable rate has improved from 62% to 68% percent from 2004 to 2009. The F-22 program does not measure maintenance time per repair. Direct Maintenance Man-Hours per Flying Hour (DMMH/FH) has improved from 18.10 DMMH/FH in 2008 to 10.48 DMMH/FH in 2009.
CLAIM	....It will, among other things, give F-22 pilots the ability to communicate with other types of warplanes; it currently is the only such warplane to lack that capability.... (Para 38)
AF RESPONSE	Provides the F-22 to transfer digital data to other (Multi-function Advanced Data Link) MADL equipped aircraft.
CLAIM	... One of the last four planes Gates supported buying is meant to replace an F-22 that crashed during a test flight north of Los Angeles on March 25, during his review of the program...(Para 40)
AF RESPONSE	Misleading. All 4 Lot 10 aircraft will be combat coded.
CLAIM	Paragraph 40-41
AF RESPONSE	Cannot comment on this information because the report has not been released yet.

Mr. CHAMBLISS. The Washington Post article is unique in some ways. I guess it may be SOP for articles that are somewhat vicious and where they contain as many errors as the Air Force has pointed out with the facts supporting the errors that were made; that is, the July 10 Washington Post article was based upon unnamed sources. It was based upon a couple of folks who said they were fired either by the contractor or by the Air Force. We take that for what it is worth.

One of the complaints cited in that article was the fact that there are problems with the skin on the F–22. Let me back up a minute and talk about the sophistication of this airplane. There is a problem with the skin. That has been a problem. What we have to remember is that we have never had an airplane that could fly with the capability that this airplane has, that could fly completely undetected, completely through any radar system of the most sophisticated nature of any potential adversary in the world. The reason this airplane can do that is because it is made of substance and material that is unique and different to this airplane, including the skin on the airplane. Are we going to have problems with something that is that unique and has never been used before on any tactical air fighter? You bet we are.

The position of the folks who are in support of this amendment is that we ought to stop production of the F–22 and buy the F–35 at a faster rate. Even if we do that, if we have F–35s flying tomorrow, they are going to have exactly the same maintenance issues as the F–22. The F–22 is the model upon which the Joint Strike Fighter is based. So let's don't kid ourselves. We are not taking an airplane that costs X and substituting it with an airplane that costs half or three-quarters of X. That is not going to be the case. Mistakes have been made—surely—but it is the first time we have ever had a weapons system like the F–22 manufactured by anybody in the world. From the mistakes we have learned. We are going to have a better F–35. But that F–35 is going to have the same skin problem. It is going to have the same weight problem the F–22 had, the F–15 had, the F–16 had, and probably every airplane we have ever developed. It is going to have the same maintenance issues we are having with the F–22 today.

Although the article was wrong in one major area with respect to maintenance, the article says the maintenance of the airplane was having a success rate of 55 percent. That is wrong. As the Air Force points out, between 2004 and today, the successful maintenance rate on those airplanes has gone from 64 to 69 percent.

The future of TACAIR for the United States likely does reside in the F–35 and not with the F–22. Even if we keep buying F–22s, it will never match the number of F–35s we will eventually buy. Everyone hopes, as I do, that the F–35 succeeds. But as the chair and the ranking member of the Armed Services Committee themselves have stated, there is a good deal of risk in the F–35 program, and there is additional risk in what we need to put in place today when it comes to the lives of our men and women who are fighting our conflicts and who are flying these airplanes.

The history of Defense programs, and aviation programs in particular, has been remarkably consistent, particularly when it comes to building programs that represent a leap in technology. They cost more. They take longer. They have more problems than we expect. GAO has criticized the F–35 approach, and they, as well as the leadership of our committee, have stated that not performing sufficient development testing before we proceed to procurement is one of the primary drivers for cost increases and schedule delays in major programs. That is exactly what is being proposed with respect to the F–35.

I am a supporter of the F–35. We are going to build far more of them than we are F–22s. But I am not the only observer to state that we should think twice about staking the future of our TACAIR fleet on a program that has only five test aircraft flying today.

I wish to talk briefly about the offsets included in our amendment which are in the mark used to fund the purchase of these additional seven F–22s. Senator LEVIN talked about the offset at length. I would like to respond to some of his comments. Most importantly, there is absolutely nothing in the offset we used and nothing that has not been used by the Senate Armed Services Committee or the chairman himself in previous bills.

Just last year, Senator LEVIN reduced military personnel funding by $1.1 billion, which is significantly more than what my amendment reduced it by. For the MILPERS and O&M reductions in my amendment and the markup, in each case the amendment takes either less or approximately the same amount as the House Armed Services Committee bill did for this year. In every case, the amendment takes less than the GAO reported average under-execution/unobligated balances in those accounts. This includes the cuts the Senate Armed Services Committee already took in their mark.

The SASC bill itself notes that GAO estimates that DOD has $1.2 billion in unobligated O&M balances and $588 million under-execution in the Air Force civ pay accounts. This is from actual language in the Senate report.

In the civilian personnel area, the GAO reports conclude that more funding is available than what my amendment takes. The GAO report takes into account the expansion of acquisition personnel who will be hired this year.

Regarding MILPERS, GAO analysis suggests that there is on average $1 billion available. My amendment leaves a balance of $200 million in that account.

The chairman also commented on the provision in my amendment that assumes savings based on acquisition reform legislation authored by Senators LEVIN and MCCAIN. Let me say that my inspiration for this particular offset was Senators LEVIN and MCCAIN. I thought they did a great job with that bill. I hope we can continue to improve it because it is an area where we have to work harder to avoid wasteful spending.

The chairman included a nearly identical provision as mine in S. 1416, which was the Senate version of the fiscal year 2002 Defense authorization bill. That bill assumed a savings of $1.6 billion based on acquisition reform bills and the SASC bill for that year. However, unlike my provision, which assumes savings already in law because of passage of the Levin-McCain bill, savings assumed by the chairman were based on provisions that were not yet enacted and, based on the conference process, may never have been enacted. Based on inflation and large increases in the DOD budget since then, that is probably the equivalent of $2 to $2.5 billion today. In any case, this is a tremendous amount of savings, and my amendment would assume far less. The offset is based upon predicted savings in the fiscal year 2010 budget based on recently passed acquisition reform legislation such as the Weapons System Acquisition Reform Act, Public Law 111–23, also the business process reengineering provision in the SASC mark and other management efficiencies and business process reforms.

Senators MCCAIN and LEVIN and President Obama are correct. Savings from this acquisition reform measure could greatly exceed that number, because in their press conference after the successful passage of that bill, they all three talked about the tremendous savings. I agree with them. That is going to happen. That is what we used as part of our offset.

I want to end where I started, by agreeing with John Hamre. John Hamre says:

> Congress can and should legitimately question spending priorities.
>
> Not only is it appropriate but necessary for the Congress to pass final judgment on this question.
>
> Secretary Gates has rendered his judgment. . . .But it is the duty and obligation of members of Congress to question his recommendations [and his analysis].

There is absolutely nothing unique or in the least bit wrong about what we are doing. Not to do so would be to abdicate the role with which the Constitution and the American people have entrusted us. If President Obama believes the additional funding for these F–22s warrants a veto threat, even though that funding addresses an unmet military requirement, then that is his decision. Our job in Congress, as John Hamre has indicated, is to look at the facts, weigh the risks, and render the judgment. That is our role—our independent role—in the process, and we should accept it and use our best judgment to decide what is right for the Nation.

With that, Mr. President, I yield the floor.

Mr. MCCAIN. Mr. President, I rise for two purposes. One is to make a quick response to the remarks of Senator CHAMBLISS concerning the F–22 and a couple of remarks about what I understand is going to be next on the agenda which will be proposed by the majority leader, which is a hate crimes bill, which is very difficult for me to understand.

Senator CHAMBLISS very appropriately pointed out that many times when we put together an authorization bill, we find offsets, as we call them—ways of paying for whatever item we want to add in the authorization bill. But I think it is important for us to point out that the Chambliss amendment during the markup, while putting this bill together, provided $1.75 billion for F–22 procurement. It took funds from presumed unobligated balances of several accounts. In all candor, they were unjustified assumptions.

The amendment cut $850 million from O&M accounts, which is operations and maintenance. That means the operating, the maintenance, the equipping, the replacement of very much needed parts and supplies that provide for the readiness of our troops, enabling them to stay ready for today's conflicts and for tomorrow's challenges. The account also covers day-to-day costs of the Department. This includes items such as training, maintenance of ships, aircraft, combat vehicles, recruiting, education support, procurement of general supplies and equipment, and repairs and maintenance of Department of Defense facilities.

Our military is engaged around the world. It is irresponsible to cut the resources they rely on to prepare successfully for their mission to protect the United States and its security interests worldwide. We owe it to our military to provide them with every resource. Based on historical data, the reductions that are in the Chambliss amendment to pay for the additional $1.75 billion would affect the following areas: Army's training and operating tempo, including training additional helicopter crews for irregular warfare missions; Navy's depot maintenance for surface ships; Air Force's depot maintenance and contractor logistical support for critical aircraft and unmanned vehicles; and the special operations command missions support and training of its forces.

Furthermore, a reduction of this magnitude would affect the Secretary's initiatives to hire and train additional acquisition professionals needed to improve the Department's ability to contract, develop, and procure weapon systems and to replace contractors with Federal employees, thereby reducing the $1.2 billion in savings that is reflected in the budget.

In addition, these accounts will have to absorb the increased cost of fuel that has occurred since the budget was submitted and additional civilian pay raises. That assumes the Congress sets the civilian pay raises at the same level as the military pay raise of 3.4 percent.

The other two ''offsets'' are $400 million from military personnel funding. Much of the funding in the military personnel accounts is entitlement driven. Thus, there is limited flexibility to absorb these reductions without affecting the readiness of U.S. forces. These reductions will directly translate into cuts to recruiting and retention bonuses incentives and other important programs such as covering the cost to move members and their families to new assignments. It will affect unit readiness by hindering the services' ability to meet end strength goals and fully staff operational units with critical personnel prior to deployment. If Congress sustains these reductions, the services will need to submit a reprogramming action to make sure our military forces are fully supported.

Finally, the Senator from Georgia assumes $500 million in first-year savings from the Weapon Systems Acquisition Reform Act, which he referred to in his remarks. I am very proud to have worked under the leadership of Senator LEVIN and together coming up with a very important piece of legislation, strongly supported by the President and the Secretary of Defense, to reform the way we acquire weapon systems. The cost overruns have been outrageous, as we know, throughout the past few years. But there is no one—no one in our wildest imagination—who believes that in the first year of acquisition reform we will save $500 million. I would love to see that happen. I would love to see pigs fly. But we are not going to save $500 million in the first year of a piece of legislation that has not been implemented and would not be for some period of time.

So I am very flattered by the reliance of Senator CHAMBLISS on $500 million in savings from the legislation we recently passed through the Congress and that has been signed by the President of the United States, but in all due respect, it is totally unrealistic. So what we are really doing is adding $1.75 billion and not accounting for ways to reduce spending or impose savings in any other way.

But I also understand and appreciate the passion, commitment, knowledge, and contributions of Senator CHAMBLISS of Georgia. There is no more valued member of the Senate Armed Services Committee. We simply have an honest disagreement on this issue. I appreciate the many qualities of the F–22 aircraft and the enormous contribution it makes to our Nation's security, but the fact is, we don't need any more of them. That comes from the Secretary of Defense, the Secretary of the Air Force, and others involved in these issues for a long period of time.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will perhaps come back later to speak on the F–22 and the work my colleagues, Senator LEVIN and Senator MCCAIN, have done. But I want to speak about another amendment I have offered that I hope might gain acceptance as we move forward, and that is an amendment to the Defense authorization bill that would require contracting officials in the Pentagon to take into account evidence of bad past performance by a contractor when deciding who should get future contracts.

You might think that contracting officials would already be required to take past performance into account. But the fact is, that is not now required over in the Pentagon. I want to go through some thoughts with you about this issue very quickly.

I have held 19 hearings on contractor waste, fraud, and abuse. I have to say, going back some years now, we have had the greatest amount of waste and fraud and abuse by contractors than we have seen in the history of this country. Let me give you some examples.

Shown on this chart is a man named Efraim Diveroli, 22 years old. Oh, by the way, he is the CEO of a company. That is right, the president and CEO of a company. The company is a shell company his father used to have. But he took it over, and he hired a vice president, as a matter of fact. The vice president's name is David Packouz, 25 years old, the former vice president of the company. He is a massage therapist. So this is a company in Miami, FL, that does business out of an unmarked door. Through the best evidence, there are only two employees—a 22-year-old president and a 25-year-old massage therapist who is the vice president. Well, guess what. These two guys got $300 million in contracts from the U.S. Government. Can you imagine, $300 million in contracts from the Pentagon?

There have been arrests in this case. But the question is, Why? I called a three-star general to my office to say: How on Earth could you have done that? How could you possibly have done that? Did you not check?

I checked. These guys also had some small contracts with the State Department which turned out to be bad contracts. But they could have at least done a small amount of checking before committing $300 million of the American taxpayers' money. What they did for that money was ship a bunch of shoddy products over to Afghanistan to the military, bullets and guns that were dated from the 1960s. That is one of the reasons this company and these fellows ran afoul of the law. But the question is, How did all this happen?

This guy, as shown in this picture, with a striped shirt is named Frank Willis. This is he, in the striped shirt. He is holding a Saran-wrapped pack of money. This is part of a couple million dollars that went to a company called Custer Battles. This is he, by the way, in Iraq. He said: Our motto was, You bring a bag because we pay cash. He is talking about defense contracting.

Custer Battles is alleged to have taken—they were going to provide security for the Baghdad Airport, which had no commercial airplanes flying in and out. It was alleged they took the forklift trucks off the airport and put them in some sort of machine shed and repainted them blue and then sold them to the Coalition Provisional Authority. So you bring a bag because we pay cash, it was said.

Here is what the guy over at the Baghdad Airport said. I am just telling you all this because I held 19 hearings. I have done 19 of them. Here is what the guy who is the airport director of security said in a memo to the Coalition Provisional Authority. Here is what he said about Custer Battles, which was given the contract. They got over $100 million in contracts.

Custer Battles have shown themselves to be unresponsive, uncooperative, incompetent, deceitful, manipulative and war profiteers. Other than that they are swell fellows.

Think of it. So what do we think of these contractors? They got a lot of the taxpayers' money.

This is a picture of Cheryl Harris with her son Ryan Maseth, a Green Beret, Special Forces. Ryan, unfortunately, tragically was killed in Iraq—no, he was not shot by some insurgent; he was electrocuted in the shower. His mother Cheryl was told that they thought maybe he went into the shower carrying a radio and therefore was electrocuted. It turns out that was not the case at all. The fact is, he took a shower in a place where the wiring had been done improperly. Why? Because Kellogg, Brown, and Root, which was paid to do the wiring, hired third-country nationals in most cases who could not speak English and did not know the wiring codes, and they wired up a shower and this poor soldier lost his life because he was electrocuted in the shower.

I held hearings about that. Eric Peters, who was working in Iraq as an electrician, said: Third-country nationals performed the majority of KBR's electrical work. Most have absolutely no knowledge of the National Electric Code or British Standards, and the quality of their work reflects that. Much of this work is not clearly inspected by licensed electricians. I personally have refused to sign off on work they have performed because I knew it was not up to code. That is what we paid for, and some soldiers have lost their lives.

This list goes on and on and on.

Eric Peters, a brave soul who worked in Iraq to do electrical work, worked for KBR. He came back and testified: I concluded that KBR was not capable of performing quality, legal, electric installations in Iraq. I worried every day that people would be seriously injured or killed by this defective work.

The reason I want to tell you about this is, not only have soldiers lost their lives, but the task orders for which that work was done resulted in award fees, bonus fees, to the company that did shoddy work.

As a result of my hearing, they sent a task force over to investigate all of the buildings in Iraq. The fact is, we have testimony and evidence that there was a massive amount of wiring that was done improperly that put soldiers at risk. Yet the Pentagon provided award fees, which are fees designed only for excellent performance, of $83 million of the taxpayers' money to a company that did shoddy work; work sufficient so we had to come back around and do what is called, I believe, a corrective action request order, where you had to go back and inspect everything and redo the work. The question is, How is all this going on?

Let me describe the story of Bunny Greenhouse. A lot of people do not know Bunny Greenhouse. What an extraordinary person she is. She grew up in southern Louisiana in a family who had nothing. Two in their family teach college. Her brother is Elvin Hayes, one of the top 50 basketball players of all time. Bunny Greenhouse has a couple of master's degrees, is very well educated, and rose to become the highest civilian in the Corps of Engineers over in the Pentagon. Here is what she testified to with respect to some of the contracting that went on. She lost her job as a result of having the courage to speak publicly.

I can unequivocally state that the abuse related to contracts awarded to KBR represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

For that, she lost her job.

It is not just KBR. I mentioned Custer Battles, Efraim Diveroli. How about Parsons Corporation?

This, by the way, is a photograph every American should remember when you talk about waste and fraud and abuse. This is called ''The Whale.'' This picture is a picture of a prison in Iraq that was never completed and will never be used. Mr. President, $31 million was paid to the Parsons Corporation for building a prison the Iraqis said they did not want and would not use. The $31 million was colossally wasted in unbelievably bad construction. That is after this same company was given a couple hundred million dollars to rehabilitate 140 health clinics in Iraq, and we were told later that most of those health clinics are imaginary, quote/unquote. They do not exist. Well, the money is gone. The $200 million is gone. But the health clinics are imaginary.

Well, the same company was contracted to build the prison in Iraq. It is called the Kahn Bani Sa'ad prison, but it is referred to as ''The Whale.'' Here is what it looks like, as shown in this picture. We spent $40 million. The first $31 million was paid to Parsons. Another $9 million was paid to an Iraqi contractor. And here it sits in the desert, never ever to be used, paid for by the American taxpayer, and paid to contractors who did shoddy work and were kicked off the site.

The question is, What do we do about all that?

I have proposed an amendment that is pretty simple. It is interesting. There is currently no requirement that contracting officials over in the DOD have to take into account shoddy work practices or shoddy performances by contractors. There is a requirement they take into account criminal actions, civil fines, that are leveled against contractors. But there is no requirement they must consider bad past performance. It is unbelievable, but it is true.

I offer an amendment that says, Do you know what, the time is past when bad performance by big contractors gets you a slap on the wrist and a pat on the back and another contract. It is time—long past the time—we put an end to this.

I know my colleagues, Senator LEVIN and Senator MCCAIN, feel strongly about this issue as well. I appreciate the work they have done. All of us need to do everything we can to assure the American taxpayers they are getting their money's worth. Defense is something we invest in for this country. It is very important.

As I conclude, I want to say this: I put together a chart, and I am going to speak about it in the next day or two. But it relates to this question of the F–22. This chart shows Federal budget deficits. We are on an unsustainable path. It is not a Republican path or a Democratic path. It is just an unsustainable path that cannot work for this country's future.

Take a look at this chart. Here is the middle of a deep recession, $1.9 trillion in deficits, and then it gets a little better, and then goes back down.

We are on an unsustainable path, and it does not matter what you are talking about, whether you are talking about an airplane or some other area of Federal budget responsibility. We finally have to decide: Things have changed. We have to invest in things that provide dividends for this country's future. We cannot continue to spend money we do not have on things we do not need. That is not a sustainable course for this country.

So I will speak more about these issues, including the F–22, at some other point. But let me thank my colleague, Senator LEVIN, and my colleague, Senator MCCAIN as well.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, let me thank Senator DORGAN for his extraordinary work in the area of waste, fraud, and abuse, not just in the area of the Department of Defense but in so many other areas as well. He is surely a foremost leader in this institution in this effort, and the oversight work he has been able to do is surely cutting-edge with the kind of leadership he has undertaken. We appreciate it. We need it. We need more of it. We are grateful for it. Every taxpayer in America ought to be grateful to Senator DORGAN.

Mr. President, let me urge Members who are going to be speaking on the F–22 to let us know and come to the floor because we are hopeful to conclude this debate no later than early tomorrow morning and to bring it to a vote. We are making every effort to see if we can agree on that.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, just for a minute, because I know colleagues are waiting, it is my understanding that following the disposition of this amendment, which we hope would happen tomorrow morning, the majority leader will move to take up a hate crimes bill. The hate crimes bill is, to say the least, a very controversial piece of legislation and may deserve the debate and discussion of the Members of this body. But the fact is, it has nothing to do with the Department of Defense authorization bill. What the Defense authorization bill has a lot to do with is the training, equipping, taking care of reenlistment and retention, and all of the things necessary to defend our Nation's national security.

We are in two wars. We are in two wars, and we need to pass this legislation. So the majority leader's priority is a hate crimes bill—a hate crimes bill which has nothing to do with the Defense authorization. I hope if the majority leader does that, it will be the last time he will ever complain about an unrelated amendment being brought up by this side of the aisle.

Look, there are important amendments that need to be debated and considered on this legislation. This has to do with the defense of this Nation. So what are we going to do? We are going to tie up the Senate for a number of days. For a number of days we are going to tie up the Senate on a totally unrelated, very controversial, very emotional issue that has nothing to do with defending this Nation.

So I urge my colleagues on this side of the aisle, I urge the distinguished chairman, I urge the majority leader, let's move forward with addressing the defense needs of this country, save the hate crimes bill for another day, and do what is necessary for the men and women in our military rather than putting an agenda item that has nothing to do with defense next before this body.

I predict again that when this bill comes up, if the hate crimes bill is proposed by the majority leader and agreed to by the distinguished chairman, it will lead to a great deal of controversy and unnecessary debate and discussion on a defense bill. If the majority leader, who controls the agenda, wants to bring up a hate crimes bill, I would imagine he would be able to bring it up on his own. Instead, he wants to stick it on to the bill that the men and women who are serving in our military and are in harm's way today are depending on. It is not right. It is not the right thing to do.

I hope the majority leader and the chairman of the committee will reconsider their position and wait and bring up a hate crimes bill as a separate piece of legislation for deliberation and discussion and vote from this body and not tie it to the Defense authorization bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak on another amendment I have filed that is at the desk, but I know there is a pending amendment, so I suppose I should ask to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1528

Mr. LIEBERMAN. Mr. President, this amendment I rise to speak about is numbered 1528. I am hopeful before too long it will be the pending business. I know it has now, and I believe it will, enjoy broad bipartisan support.

This amendment would increase the authorization for the Active-Duty end strength of the U.S. Army over the next 3 years by 30,000 additional soldiers. I wish to say right at the outset it is an authorization; it is not an appropriation. It says within its terms that it is contingent on a decision by the Secretary of Defense that he chooses to fill these positions, and if he does, then he has two major options.

One is to reprogram from other funds under his control to support these additional troops, and the second, of course, is to return to Congress for a supplemental appropriation.

In my opinion, for all we have said and done in expression of our concern about the stress the members of the U.S. Army are feeling and their families are feeling, based on the fact that they are carrying the overwhelming burden of the wars in which we are involved in Iraq and Afghanistan—we have done a lot to improve living conditions, to offer more support for physical and mental health services, to provide better housing for families, but this is about how much time the soldiers can be back at their home bases and back with their families. I will get to this in detail as we go on.

Last month, the House and Senate Armed Services Committees voted to give the Secretary of Defense the authority to increase the Army's end strength by an additional 30,000 soldiers for fiscal years 2011 and 2012 but not 2010, for reasons that I will describe as somewhat arcane. This new authorization will provide the Secretary of Defense with the ability to increase the size of the Army to the extent he thinks it is necessary for the national defense or for other purposes such as reducing the stress to which I have referred on our troops today.

I was privileged to introduce the amendment along with Senator THUNE, my ranking member on the Airland Subcommittee, during the Senate Armed Services Committee, as well as Senator GRAHAM, to provide this authorization, and I am glad to be joined in introducing this amendment No. 1528 with my bipartisan group, including the two formerly mentioned Senators, and others.

This amendment would extend this authorization where it logically must begin to fiscal year 2010 beginning on October 1 of this year, 2009. We introduced this amendment because it will provide our soldiers with the reinforcements they will need to execute the missions we as a nation have sent them on. Indeed, our soldiers will be under even more stress in the coming months because of this fact. As we begin the responsible strategy for drawdown in Iraq based on the extraordinary success of our troops and the Iraqis in turning around the war in Iraq, we are also deploying additional soldiers under the direction of our Commander in Chief, President Obama, to Afghanistan at an even faster pace than they are returning home.

GEN George Casey, the Army's Chief of Staff, warned us in the Armed Services Committee earlier this year that the effect of these two facts—a slow and methodical drawdown in Iraq of our Armed Forces, Army, and an increase in deployment to Afghanistan—means that the total number of soldiers deployed to combat will be increasing through the rest of this calendar year and into the next.

As General Casey said to us, this matter of dwell time, which I will speak about in more detail in a moment, is a matter of supply and demand: How many soldiers do we have, and what is the demand for them in the battle zones, the war zones.

GEN James Cartwright, Vice Chairman of the Joint Chiefs of Staff, recently confirmed the critical challenges the U.S. Army will face in the near term and the importance of increasing Army Active Duty end strength. Speaking before the Senate Armed Services Committee just last week, General Cartwright said:

> There is that period of 2010 and 2011 in particular where that stress is going to be there. During 2010 because of execution, and in 2011 because [units will be] coming back, refilling and trying to retrofit. You're going to have stress on the Army in a significant way.

And I add, stress on the Army means stress on the families of those who serve us in the Army.

General Cartwright continued by stating that the Joint Chiefs of Staff are working with the Army to find a range for growth that would reduce this strain on the service. ''We have looked at this, we have worked in a range''—and I add here of increasing Army Active Duty—''from about 15,000 to 25,000 . . . 30,000 would give us the range in which to work to allow us to do that.''

That is exactly what this amendment would do, give the Secretary of Defense, the Joint Chiefs, and the Secretary of the Army the latitude to increase the Army temporarily by as

much as 30,000. Why? To increase the dwell time. That is the time our troops can spend at home and, thereby, reduce the stress in a most significant way imaginable.

I deeply appreciate that General Cartwright would speak so clearly about the Army's requirements of additional soldiers in the coming months and how hard he and Secretary Gates are working to support our troops. I believe it is our duty to make sure they have all the authority required to do so.

Let me speak more about what dwell time is. Dwell time is time soldiers have between Active Duty deployments, time they spend recovering and preparing for their next deployment and, most significant to our soldiers, I would guess, precious time they can spend at home with their families. This dwell time ratio for many of our soldiers today is little more than 1 to 1, which means they have but 1 year at home for every year they spend in the theater. Everyone agrees—everyone agrees—that this dwell time is absolutely unacceptable. It may also be unsustainable.

When General Casey testified before the Senate Armed Services Committee earlier this year, he said it is his goal to get to a point where we have at least 2 years back home for every year our soldiers spend deployed. In fact, he said his ultimate goal at which he believes the Army would be most effective would be to have 3 years at home for every year in the field.

General Casey hopes that a responsible drawdown from Iraq will allow him to achieve that goal. I share the general's hopes. But, frankly, I do not believe we can bet the well-being of our Army on them without providing authority to the Army and the Secretary of Defense to expand the troops to reach those dwell-time goals of at least 2 to 1 about which General Casey talked.

The Chairman of the Joint Chiefs, Admiral Mullen, told our committee this year that the ''light at the end of the tunnel'' is still more than 2 years away for the Army, and that is only if everything goes according to plan in Iraq. I believe that 2 years is too long to wait, especially when we can take steps now to turn on the light, if you will, to provide our soldiers with the reinforcements and relief they need.

I think it is important for my colleagues to know this amendment has the strong support of many of our soldiers and those organizations that fight for them.

Mr. President, I ask unanimous consent to have printed in the RECORD two letters, one from GEN Gordon Sullivan, president of the Association of the U.S. Army, and, second, from ADM Norbert Ryan, writing on behalf of the Military Officers Association of America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF
THE UNITED STATES ARMY,
Arlington, VA, July 13, 2009.

Hon. JOSEPH LIEBERMAN,
United States Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of the more than 100,000 members of the Association of the United States Army, I want to thank you for your floor amendment to S. 1390, the FY 2010 Defense Authorization Act, which would provide authority to increase Army active-duty end strengths for fiscal years 2010 through 2012.

As you know, the troop increases in Afghanistan will precede decreases in Iraq, causing the number of deployed soldiers to increase into next year. The Chairman of the Joint Chiefs of Staff testified to Congress that it will be difficult to increase dwell time at home over the next 18 to 24 months with our current end strength. Factor in the more than 30,000 soldiers who are on the rolls but not deployable, and it's obvious what a strain that would be to our current troop levels. You get this, and I hope your floor amendment will help your fellow Senators see it, too.

The Army is in dire need of sufficient troops to increase dwell time for active duty soldiers, increase support for operational missions, and help the Army achieve reorganization objectives. Thanks to your recognition of this gap in end strength planning, we have a chance at giving the Army the resources our Soldiers deserve.

We say that we want to ease the stress and strain on soldiers and their families, and now is the time to do the one thing that will provide immediate relief. Your actions to make this a reality show that you are a true ally to the Armed Forces. Thank you for introducing the Lieberman Amendment to S. 1390 which will authorize the Army to increase its size now, I hope that your fellow Senators also lend their support to your worthy cause.

Sincerely,

GORDON R. SULLIVAN,
General, USA Retired.

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
Alexandria, VA, July 10, 2009.

Hon. JOE LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to express MOAA's strong support for your proposed FY2010 Defense Authorization Act amendment that would authorize an additional 30,000 end strength increase for the Army in FY2010.

Today's combat forces and their families are paying a terrible price in family separation and stress for our past failure to grow our armed forces at a pace sufficient to accommodate the extraordinary wartime deployment requirements of the past seven years.

For years, we have relied on the patriotism, dedication, and resilience of our men and women in uniform to bear 100% of the nation's wartime sacrifice. But with thousands experiencing their third or fourth combat tour since 2001 and the prospect of a decade of persistent conflict ahead, reasonable leaders must take responsible action to ease the extreme strain our military members and families have been required to absorb for so long.

Your amendment recognizes that the only way to do so in the face of increasing deployment requirements in the near term is to authorize a substantial increase in Army end strength for FY2010.

MOAA applauds your strong and persistent leadership in pursuing this important personnel readiness initiative, and we pledge to do all we can to ensure it is sustained in the final defense bill.

Sincerely and with deep gratitude for your leadership,

NORBERT RYAN.

Mr. LIEBERMAN. Mr. President, General Sullivan is a retired former Chief of the U.S. Army, a great American soldier. I quote, briefly, from his letter to me about this amendment supporting the amendment:

As you know, the troop increases in Afghanistan will precede decreases in Iraq, causing the number of deployed soldiers to increase into next year. The Chairman of the Joint Chiefs of Staff testified to Congress that it will be difficult to increase dwell time at home over the next 18 to 24 months within our current end strength. Factor in the more than 30,000 soldiers who are on the rolls but not deployable, and it's obvious what a strain that would be to our current troop levels. . . . I hope your floor amendment [and the debate of it] will help your fellow Senators see [that].

The Army is in dire need of sufficient troops to increase dwell time for active duty soldiers, increase support for operational missions, and help the Army achieve reorganization objectives.

He concludes:

We say that we want to ease the stress and strain on soldiers and their families, and now is the time to do the one thing that will provide immediate relief.

And that is to increase the authorization of the U.S. Army end strength as the number of troops it can have actively deployed by 30,000 and to fill that 30,000 increase.

Second, Admiral Ryan, another distinguished servant of the United States, a patriot, says:

On behalf . . . of the Military Officers Association of America . . . Today's combat forces and their families are paying a terrible price.

This is a very personal letter. I will start again.

Today's combat forces and their families are paying a terrible price in family separation and stress for our past failure to grow our armed forces at a pace sufficient to accommodate the extraordinary wartime deployment requirements of the past seven years.

For years, we have relied on the patriotism, dedication, and resilience of our men and women in uniform to bear 100 percent of the Nation's wartime sacrifice. But with thousands experiencing their third or fourth combat tour since 2001 and the prospect of a decade of persistent conflict ahead, reasonable leaders must take responsible action to ease the extreme strain our military members and families have been required to absorb for so long.

And then he says:

[This] amendment recognizes that the only way to do so in the face of increasing deployment requirements in the near term is to authorize a substantial increase in Army end strength for FY2010.

That is exactly what this amendment would do. The authority provided in the amendment is temporary in nature and will expire in 2012. We hope and pray that by that time, we will be able to return the Army end strength to 547,000. If Congress increases the end strength of the Army now, as this

amendment would authorize, we would be able to reevaluate that judgment as conditions on the ground and in the world justify.

I say, in conclusion, again, there is no money attached to this amendment. This gives authority to the Defense Department to raise the Army end strength, the number of troops on Active Duty by 30,000. If Secretary Gates decides, in his judgment, it is necessary to do in our national interest, then he will either have to come back and ask us for the money to do so or he will reprogram funds that are now under his control.

I ask my colleagues for their support when this amendment comes up, and I hope it comes up soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. 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.

COMMUNITY COLLEGE INITIATIVE

Mr. ALEXANDER. Mr. President, President Obama was in Warren, MI, today, and a little while ago he made an announcement. He announced a new $12 billion national community college initiative. That sounds very good at first. As a former Governor and Secretary of Education for the United States, I am a big fan of community colleges. I think they are our secret weapon for helping men and women in this country go from one job to the next and to improve our workforce.

But I respectfully suggest that what the President, his Education Secretary and his economic advisers—and I think his Education Secretary may be his very best appointee of all—I say this with respect, I think they ought to be asked to stay after school at the community college and write on the blackboard 100 times that in a year in which we have run the Federal deficit up by another $1.8 trillion, I will never again add another penny to entitlement mandatory spending. Then I think we in the Congress, as we legislate this year, ought to do some truth in lending. To do that, we would have to put a little card with every 1 of the 15 million student loans, if the President's proposal goes through, and say: The interest you are paying on the money you are borrowing is almost all being used to pay for somebody else's scholarship in the President's community college initiative.

I think it is important to say that because, as good as it sounds to say: Let's help the community colleges, I am afraid this is a familiar refrain we have been hearing from the White House for the last 6 months. Instead of reducing entitlement spending the President is again adding to mandatory spending. Entitlement spending, which is driving up our debt to unbelievable numbers, a situation where the President's proposal for the next 10 years is more new debt than we spent, three times as much money as we spent in World War II. This is one more Washington takeover, in addition to banks and insurance companies and car companies and maybe health care. It is now the student loans of the country.

It also changes the way we fund higher education, which is usually to take almost all our money and give it to students in Pell grants and student loans and let them choose the college, rather than to give grants the way we do with K–12.

Let me take a few minutes to explain why I am saying this. The idea the President has is to spend $2.5 billion for community college facilities, buildings. Every State has community colleges. One of our major jobs as governors and state legislators is to fund those community colleges. Traditionally, the Federal Government gives scholarships, and the Pell grants often pay for almost the entire tuition at a community college, making them very important to American students. But this moves the Federal Government into construction and renovation of community colleges, as well as $9 billion for competitive challenge college grants to increase graduation rates and $500 million for online curriculum. So the choice is, instead of more money for Pell grants and administration of student loans, we are going to spend it on direct grants to some community colleges. In other words, we are going to start funding higher education, community colleges, in the way we fund kindergarten through the 12th grade.

Despite the fact that higher education is by far the best in the world, the most admired system—and one reason is because we don't have a lot of Federal direct programs for it; we give the money to students, they choose the school—we are going to start doing it more like K–12, which is not the most admired system in the world.

The $12 billion would be paid for out of savings from the regular student loan program we have now because under the President's plan all new student loans would go through the U.S. Department of Education. So let's take that idea first.

We have about $75 billion in student loans every year. That is a huge bank. Fifteen million students borrow money for student loans. Twelve million of them borrow through 2,000 different institutions—banks—and spend the money at 4,000 institutions of higher education. Three million choose to go through the government, where they get a direct loan directly from the government.

I was the Secretary of Education when this program was created. I didn't see any reason for the Direct Loan Program because I didn't think the U.S. Department of Education ought to be a bank. I thought the Secretary of Education ought to be trying to be the educator of the year, not the banker of the year. But the argument is, well, we can borrow money more cheaply in the government. We can borrow it for a quarter of 1 percent and then we can loan it out at 6.8 percent to students. Banks can't do that. So we will do it, and we will take it over and do it all here. We will do all 15 million loans from the U.S. Department of Education. We will be the banker of the year.

Mr. President, the Federal Government is getting real busy. This is becoming the national headquarters for automobiles, where we own 60 percent of General Motors; we are running a bunch of banks; we run some insurance companies; we are talking about a government-run health care program; and now we are going to take over and make a huge national bank out of the U.S. Department of Education. The reason is because we can borrow money more cheaply here.

Well, why don't we just abolish all the financial institutions in America and say: We can borrow money more cheaply than you can, so you go away and we will do it all.

That is not the American way. In fact, most Americans would like to get the government out of the car business, out of the banking business, and out of the insurance business. I can guarantee you that as soon as 15 million students start lining up outside the U.S. Department of Education to get their student loans, instead of going through their local banks and dealing with their local universities, they are not going to be very happy about this either because they have had a choice for nearly 20 years, and they have chosen to go to their private lenders.

So that is the first problem. We are canceling the choice that 12 million students are exercising this year to get a federally backed student loan from a bank even though they could have gotten a student loan directly from the government.

Then we are saying: All right, because we are canceling that, we are saving $94 billion and we have money to spend. Well, in the first place, that is not right, Mr. President. By my calculation, according to the Congressional Budget Office estimate of what it costs to operate the current Direct Loan Program, it will cost about $32 billion over the next 10 years, at least, to operate the entire student loan program out of the U.S. Department of Education.

My common sense tells me—and I have thought this for years—that there is not any way a group of educators in the Department of Education—a relatively small department—are going to operate more efficiently than banking institutions across America in making loans. That is not their business. They know about scholarships and graduation rates, not about being bankers. My common sense tells me that, and I think it does most Americans. Plus, we have a free market system, or at least we did, where we try to get things out of government, not into government.

So that is the proposal. Yet 32 billion of the dollars over the next 10 years are

illusory savings, so we are really adding to the debt. Then the President is saying, well, let's take some of that $90 billion as mandatory spending. I know this gets a little complicated, but it is really not that complicated. He is saying the money we now spend to pay the costs to the government of loaning out this $75 billion every year is automatic mandatory spending, so let's take it away from how we now spend it on the administration with banks, and let's spend it instead on mandatory spending for community colleges.

In other words, he has an opportunity to say let's take away some money that is being automatically spent every year and save it. Let's save it. Or he could say, let's put it for students. But I think most of us would say—and he has said in his summit on entitlement spending—that we need to stop adding entitlement spending. But that is not what he is doing.

Indeed, his other proposal—which is not announced today but is the rest of his proposal—is to say we have this $94 billion—which I think is closer to $60 billion or $50 billion—that we could save, and he is going to say we will make Pell grants entitlement spending. Well, Pell grants are terrific grants. There are 5 million of them. We appropriate them every year for low-income students. There was $19 billion appropriated for that purpose last year. The Congress has always been enormously generous with that. We appropriate a certain amount. It is almost automatic, but it is not automatic.

In other words, we appropriate what we think we can afford, and then we spend it on the students who need it. This proposal to shift Pell grants to mandatory says it doesn't matter what we can afford, we are just going to do it. Again, it is exactly the kind of thing that most economists, most Americans, and the President himself has said we need to stop doing. Yet in the full light of day, we are saying and announcing that we are going to create a community college program, and later a Pell grant program, and we are going to pay for it with mandatory automatic entitlement spending.

While the President says it is $94 billion that could be saved over 10 years, the Congressional Budget Office said it is $293 billion—nearly $300 billion—in automatic spending over 10 years that we could avoid. Yet the President is saying we should spend it. I am very disappointed with that.

Then here is the last point I would like to emphasize—well, there are two points really. The President is saying: I am here today to do a favor for you. I am going to spend $12 billion on community colleges. But what he doesn't tell you is the people paying for that are the people borrowing money to go to college.

So if you are getting an extra job at night so you can go to college, and you are taking out a student loan, the government is going to borrow money at a quarter of 1 percent and loan it to you at 6.8 percent and use the difference for its own purposes. We are making money on the backs of students who are borrowing money to go to college and then taking credit for spending it for somebody else's scholarship or some community college program and we are not telling anyone that. So we need a little truth in lending.

Finally, I am concerned about the changes in direction from the way we support higher education. We are very fortunate in America to have this terrific higher education system, including our community colleges. In a way, we got it by accident because with the GI bill, when the veterans came home from World War II, we just gave the money to them and they went anywhere they wanted to. That is not the way we do with kindergarten through 12. We have all these programs. It is command and control, and we support the institution instead of the student. We call the argument about that ''vouchers.''

When we have arguments like that, we get all excited. We did in the Appropriations Committee the other day, and the Senator from Illinois and I argued—we each got 15 votes—about the DC voucher program: Shall we give our money to students and let them choose a school or shall we support the school? Well, in higher education, 85 percent of the dollars we spend, or some figure about like that, goes to the student, who then chooses the school. It may be a community college or a Jewish school or an African American school or a Catholic school or a public school or a private school or a for-profit school. We don't care, as long as it is accredited.

As a result, we have a higher education system that attracts the best foreign students anywhere in the world and gives Americans choices. As a result we have almost all the best colleges and universities in the world.

So this proposal is a little shift from that to say the Federal Government would take all the money—which I would argue we don't have—but this $12 billion we are going to give to grants in higher education instead of to students. I would rather give it to students.

So I applaud the President for his interest in higher education and community colleges, but I would suggest to him that we have too much debt and too many Washington takeovers, and we shouldn't be funding this program on the backs of the students who are borrowing money and working an extra job to go to college. I don't think they would appreciate knowing that the interest they are paying is mostly going to pay for someone else's scholarship. They might ask: Why do I have to do that? Why isn't that person in the same shape I am?

The President was in Warren, MI, in the middle of the auto business, and we have some suggestions—or I would have—for other ways to deal with the problems we have with the economy today. One would be that since we are near the General Motors headquarters, to celebrate their emergence from bankruptcy by giving the 60 percent of the stock the government owns in General Motors back to the taxpayers who paid taxes on April 15; that we should focus on cheap energy so we can reindustrialize America, including our automobile industry, by 100 nuclear powerplants; that we could take the mandatory spending and instead of spending it, save it and have less debt. That would be a real favor to the students.

To revitalize housing, we could have Senator ISAKSON's $15,000 tax credit to help get the housing market going again. Then in our health care debate we could stop talking about more government takeovers and, instead, take the available dollars and give the money to low-income Americans and let them buy their own insurance, like most of the rest of us have.

So this is a big difference of opinion we have. As noble as the idea of supporting community colleges is, this is not the way to do it.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. ALEXANDER. Another Washington takeover and too much debt. There is a better way.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for 5 minutes, to be followed by the Senator from New Hampshire, Mr. GREGG, who wishes to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1469

Ms. KLOBUCHAR. Mr. President, I come to the floor today to voice my support for the Levin-McCain amendment to strike $1.75 billion added to the bill that is on the Senate floor to purchase additional F–22 aircraft that have not been requested by the Pentagon.

I believe this amendment presents us with an important choice of what our national security priorities will be going forward: Will we continue to pour billions and billions of dollars into weapon systems despite the fact they are not requested and despite cost overruns and program delays, or will we make the hard choices necessary to ensure that our troops in the field have what they need to fight present and future conflicts?

I believe the choice is clear. I am aware this means, for some States that are making this plane or have subcontracts—and we have some in our own State—that this means jobs. But if we don't move forward to what we really need to produce for our troops today, we are never going to be able to do the best for our troops and do the best for our country.

By the way, as we move forward, that means jobs. I was just up in northern

Minnesota visiting a little company that has no contacts with the military, no political connections to get contracts, and they had been in a very open, transparent process because they make an incredibly light backpack that is good for the troops, good for their back, and they got the contract. This is a new era, and part of this new era is transparency. Part of the new era means we actually will look at what our military needs.

No one can dispute that the F–22 possesses unique flying and combat capabilities or that it will serve an important role in protecting our Nation in the future. The question is not whether we should keep the F–22 in service, the question is whether we should purchase additional planes at the expense of more urgent needs for our troops.

Our Armed Forces are currently fighting in two major conflicts in Iraq and Afghanistan. After more than 7 years in Afghanistan and more than 6 years in Iraq, the F–22 has not been used in combat. It has not flown over those countries. Over the course of these conflicts, we have seen the tragic consequences when our troops don't have the equipment and resources they need, such as enhanced body armor or vehicles to protect them from IEDs. We have seen what happens when we don't give our troops what they need. We cannot continue on this course. We must focus our defense resources on the personnel, equipment, and systems necessary to respond quickly to unconventional and evolving conflicts while maintaining the ability to counter conventional foes.

For years, Members on both sides of the aisle have come to the Senate Floor to denounce wasteful spending in our defense budget and called on the Pentagon to be more responsible in its budgetary and procurement policies. Hearing this call, our military leaders have produced a plan this year to address wasteful and unnecessary defense spending so we can ensure that we are providing our Armed Forces the tools they need to keep America safe and strong while also ensuring that taxpayer dollars are used responsibly.

We have a major debt in this country. Some of it is because of mistakes made in the past. With this economy, there is enough blame to go around everywhere. We have a major debt, a major deficit, and we have troops who need to get the equipment they deserve. What is the answer, put $1.75 billion into some planes the Pentagon says they do not need? I don't think that is the answer.

It should be noted that the limit on the number of F–22s that the Levin-McCain amendment would restore is supported by the Secretary of Defense, the Chairman of the Joint Chiefs, and both the current and the immediate past Presidents of the United States.

I believe Senators LEVIN and MCCAIN should be commended for their dedication to improving our defense posture and budget and for putting their own political interests aside—their own jobs, in their own States.

Earlier this spring, I was traveling with Senator MCCAIN in Vietnam when the Pentagon's proposed reductions, including the F–22s, were announced. I discussed with him at length what this would mean, the difficult decisions that Members are going to have in their own States. But I also talked to him about what the troops need. Right now the troops and their commanders are telling us they do not need these planes, so it is a testament to the service of Senator MCCAIN to our Nation and the work Senator LEVIN has done for years that they are leading the fight to defend the recommendations of our military and civilian leaders. I am proud to join them.

This amendment presents us with an opportunity. We can begin making decisions based on security interests and fiscal responsibility and cut $1.75 billion for additional F–22 aircraft that our military commanders say they do not need or we continue on a course that cannot be sustained. I urge my colleagues to do what is in this Nation's best long-term interest, in the best interests of our troops, and to vote for the Levin-McCain amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, first, I thank the Senator from Minnesota for yielding me this time and, second, I wish to talk today about waste. We are all concerned about waste. I have an amendment which I understand I cannot call up because the parliamentary situation is such that the floor leaders did not wish to have another amendment brought up.

This sign here, which is a type of sign that is proliferating across our Nation everywhere, reflects waste. It is totally inexcusable. It is a political advertisement for money that is being spent as a result of the stimulus package. That is all it is. The sign says: ''Project Funded by the American Recovery and Reinvestment Act, Completion August 2009.''

That is a political statement, the purpose of which is to promote spending on the stimulus package. I did not vote for the stimulus package. I thought a program which is going to spend almost 50 percent of the money after the year 2011 made little sense and was not stimulus at all. But I certainly would not have expected that as a result of this program we would be funding these signs all over America to promote this program.

These signs are not cheap, by the way. In New Hampshire we get them for less than most places. They cost about $300 a sign. But in Georgia they cost $1,700 a sign; in Pennsylvania they cost $2,000 a sign; in New Jersey they are costing $3,000 per sign. Literally, there are 20,000 projects going on—most of them paving projects across this country, paving projects most of which may have occurred anyway, but in any event they are paving projects. If you start multiplying the number of signs going up, and each one of these projects require having two or three signs put up, you are talking very significant dollars, you are talking tens of millions of dollars for self-promotion of these programs.

Ironically, these signs are actually required before people can get the funds. We had a gentleman in one of our towns in New Hampshire, I think it was Derry, who said, before he would be released the dollars to do the project in his town that the town had applied for and it had approved, they had to agree to put up this sign. He didn't want to put up the sign. He thought it was a waste of money, but he was required to put up this sign.

Why are we doing this? The American people are sort of tired of us wasting dollars. They are especially tired of us wasting dollars trying to blow our own horn around here. If the administration believed these signs promoting the stimulus package were so valuable, let them spend campaign funds—because that is what they are, they are campaign signs—to put them up. But instead we are putting these signs up.

What these signs should say if we are going to put them up is: Project funded by the future generations of American taxpayers—and they add to the debt of our children. That should be added under here, ''add to the debt of our children.''

The signs have no value at all, none, other than self-promotion of these projects.

Maybe some of the projects are legitimate. I think probably most of them are legitimate. To the extent they are done within this period of recession, I support them. The problem I had with the stimulus package was so much of the money was being spent outside the period when we know the recession will be over. But even if the projects are legitimate, which most of them I am sure are—although some have been questioned, such as the crossing path for turtles. That received a fair amount of press. I have to say I didn't understand why we had to build an underpass for turtles, but I don't live in whatever State that was in. But as a very practical matter, the underpass for turtles had a sign which said the project is being built at the expense of the American taxpayers, promoting the American Recovery and Reinvestment Act.

This is foolish. This is the type of thing that drives taxpayers crazy, and it should. It is so inexcusable. People get outraged by us doing things such as this and by the Government doing things such as this. You drive by this sign and, if you have a chainsaw in the back of your truck, you want to cut them down. Of course, they put them up in steel so you have to have a blowtorch, but in any event they should not be out there, and they certainly should not be out there costing $300 to $3,000

per sign. That money, at the minimum—first, it should not have been spent. But if it is going to be spent, it should have been actually spent on the project itself or other projects which were deserving. But certainly there was no reason to spend it to promote the project through these signs.

I will have an amendment which says, essentially, no more signs, no more wasting taxpayers' dollars on signs that cost $3,000 promoting projects for the purposes of political aggrandizement. I hope to be able to call it up as we move forward on the Defense bill. I recognize it is not immediately a defense issue, but unfortunately this is the only authorizing bill floating around the body. These signs are going up like weeds across the Nation. Every time they go up, they cost our children a few thousand dollars on the national debt. So if we are going to stop that type of profligate spending, we have to act now. Therefore, I am going to call up this amendment when the proper time occurs on the floor.

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. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I hope, if our colleagues might have remarks on the pending amendment, they would come over now or give us some indication they might want to speak in the morning because we need to press ahead with this amendment. In the next few minutes, I am going to be making inquiry with the other side of the aisle to see if we cannot reach a unanimous consent agreement to have a vote tomorrow morning. We tried this yesterday without success and earlier today without success, but we are going to try again because it is important we resolve this amendment, dispose of this amendment, so we can go on with other amendments to the bill. I will be making that inquiry of my good friend from Arizona in the next few minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise this afternoon to express my opposition to the Levin-McCain amendment that would cut off production of the F–22 fleet and would hurt hard-working families in the aerospace industry across our country.

I know many of my colleagues have come to the floor to echo their opposition to this amendment, and I have listened to them speak very convincingly about how it would limit our continued air superiority in the skies across the globe. I have listened to them talk about how allowing our air superiority to slip would mean we could lose our ability to safeguard our Nation in the years ahead. They have also noted that prominent military officials have been clear that cutting off production of the F–22 would put our Nation's defense at high to moderate risk.

While I agree with my colleagues on all of these points, today I want to discuss on the floor, this afternoon, another negative consequence of this amendment that would harm our security, our economy, and our ability to respond quickly to threats in the future—a consequence that will hit home for so many in States such as Georgia, Connecticut, Texas, California, and Washington, where every day we are fighting rising unemployment. It is another area in which our country has had clear superiority but where today, because of actions like this amendment, we are slipping into deep trouble.

Today, I want to discuss how this amendment will erode the health and long-term needs of our Nation's industrial base. As many here in this body know, this is not the first time I have sounded the alarm about our disappearing industrial base. This effort to prematurely cut production of the F–22 is simply the latest in a series of decisions that fail to take into account the men and women who work every day to provide for their families by building the equipment that protects our country. But, as I have said all along, protecting our domestic base is not just about one company or one program or one State or one industry. This is about our Nation's economic stability. It is about our future military capability and the ability to retain skilled family-wage jobs in communities throughout our country.

Just a few months ago, we passed a long overdue bill in the Senate that reforms many of the Pentagon's procurement practices. In that bill, I worked with Chairman LEVIN and others to successfully add an amendment that draws the attention of the Pentagon leadership to consider the effects of their decisions on our industrial base and its ability to meet our national security objectives. I worked to include that provision because I believe it is time to start a serious conversation about the future of the men and women who produce our tanks, our boats, and our planes, the skilled workers our military depends on. It is a workforce that is disappearing before our eyes.

Providing the equipment our warfighters need is a partnership. It is a partnership that requires the Pentagon to be actively engaged with the manufacturers that supply the systems and parts that make up our aircraft and defense systems. It is a partnership that requires the Pentagon to take into account how our workforce and manufacturing capability will be affected when they cancel vital programs.

Unfortunately, today military procurement is a one-way street. In fact, just yesterday, the Aerospace Industries Association issued a major report. I have it here in my hand today. This report finds that the Pentagon has failed to consider industrial efforts when choosing strategies.

Much like my amendment to the procurement reform bill, this report urges the Pentagon to take into account the impact decisions, like the one to stop production of the F–22, take on our manufacturing base. This report—and I urge my colleagues to take a look at it if you have not seen it—notes that our manufacturing base was not taken into account in past Quadrennial Defense Reviews and that when Secretary Gates unveiled his program cuts in April, he specifically said that defense industry jobs were not a factor in his decisions.

Well, as our country faces two difficult but not unrelated challenges—safeguarding our country in a dangerous world and rebuilding our faltering economy—ignoring the needs of our industrial base should not be an option. Whether it is the scientists who are designing the next generation of military satellites or the engineers who are improving our radar systems or the machinists who assemble our warplanes, these industries and their workers are one of our greatest strategic assets. What if they were not available? What if we made budgetary and policy decisions without taking into account the future needs of our domestic workforce? Well, that is not impossible. It is not even unthinkable. It is actually happening today.

We need to be clear about the ramifications of amendments such as the one that has been offered here today because once our plants shut down and once our skilled workers have moved on to other fields and once that basic infrastructure is gone, we are not going to be able to rebuild it overnight. Building an F–22 is not something you learn in school. It takes years of on-the-job experience. Ask any one of the workers from Forth Worth to Baltimore who are responsible for the intricate radar systems or the high-tech engine parts or the complex stealth technology. We have machinists today in this country who have past experience and know-how down the ranks for 50 years. We have engineers who know our mission and who know the needs of our soldiers and sailors and airmen and marines. We have a reputation for delivering for our military. It took us a long time to build this industrial base to the point where we have workers who can make fifth-generation air fighter planes. What we have left we have to work to keep because once our plants shut down, those industries are gone, and we not only lose the jobs but we lose the skills and the potential ability to provide our military with the equipment to defend our Nation and project our might worldwide.

So today, as we consider a critical tool for the future of our military across the globe, we cannot forget the needs of our industrial base, because unless we begin to address this issue

now and really think about it, we are not only going to lose some of our best-paying American jobs, we are going to lose the backbone of our military might.

At a time when we are looking to create jobs and build the economy, eliminating the $12 billion in economic activity and thousands of American jobs that are tied to the F–22 production does not make sense to me. Supporting continued F–22 production will help defend against potential threats, and, of course, it will protect family-wage jobs, and, importantly, it will preserve our domestic base.

So I urge our colleagues to oppose the amendment that has been offered.

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. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MATTHEW SHEPARD LOCAL LAW ENFORCEMENT ACT

Mr. BURRIS. Mr. President, I would like to speak on the National Defense authorization bill that is pending before the Senate in reference to an amendment that would be on that bill.

More than a decade ago, on a cold night in Wyoming, a young man was assaulted and killed simply for being who he was. The brutality of that murder shocked the Nation. But even more shocking was the motive for the crime. Matthew Shepard was targeted and killed that night for nothing more than his sexual orientation.

The fact that the vicious attack could occur at all is hard to believe. But the fact that it was done out of blind hatred is simply too much to bear. So we must make sure Matthew Shepard's death was not in vain.

We must shape a positive legacy from the ashes of this terrible tragedy. I believe this is the next chapter in the struggle against hatred and in the favor of equal rights. As we have been called to do throughout our history, I believe it is time to take action once again.

I rise today in support of the legislation inspired by Matthew's tragic story. I am proud to be a cosponsor of the Matthew Shepard Local Law Enforcement Hate Crime Prevention Act. If it becomes law, the Matthew Shepard Act will add ''sexual orientation'' to the definition of hate crimes under Federal law, giving law enforcement officials the tools they need to bring all violent criminals to justice.

Many States already have hate crimes legislation on the books. I am proud to say my home State of Illinois is among them. But we need to make sure violent criminals face the same penalties in Washington as they do in Illinois and across the Nation.

Hate crimes are assaults against individuals, but they tragically target an entire group of people. Matthew Shepard was not just a young gay man, he was a very young gay man. Colleagues, it is time to take a stand. It is time for the Senate to help end the hatred, to reaffirm our commitment to an America that is as free and as equal as our founders intended for it to be, to make sure that no American lives in fear because of who they are.

As a former attorney general of Illinois, I have been fighting hate crimes for many years. Since the very beginning of my career, I have spoken out against injustice and worked hard to end discrimination. So I understand how important the Matthew Shepherd Act will be as we seek to bring criminals to justice for their actions.

But some have expressed concern about this measure. I have heard from Illinois residents who worry that this may prevent them or their religious leaders from expressing their faith. As a deeply religious American myself, I would oppose any bill that restricts our freedom of speech or our freedom of religion.

So let me assure my constituents and my colleagues that the Matthew Shepard Act applies to violent crimes, not religious speech. It will help us end murder and assault, but it will not affect the sermons people will hear every Sunday or the ability to preach the things they believe.

A decade has passed since Matthew Shepard's tragic death. We must not let another year go by without the Matthew Shepard Act as the law of the land.

I urge my colleagues to join me in supporting this important legislation. Hopefully, we will be able to have hate crimes as a crime on the books in the Nation as well as in our States.

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. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, so far we have been unable to obtain agreement to have a vote tomorrow morning on the Levin-McCain amendment. I am hoping we can achieve such agreement yet tonight; if not, in the clear dawn of tomorrow morning. I am disappointed we have not been able to reach agreement to go to a vote on that amendment, but that is a fact with which we will have to deal. In the meantime, I ask unanimous consent that the Senate now proceed to a period of morning business, with each Senator allowed to speak up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING STEVEN CROWLEY AND BRIAN ELLIS

Ms. STABENOW. Mr. President, 30 years ago this November, two Americans were killed when a mob attacked the American Embassy in Islamabad, Pakistan. I wish to pay tribute to those men, Marine CPL Steven Crowley and Army WO Brian Ellis.

Just a little over 2 weeks earlier, 66 Americans had been taken hostage by students in Tehran. On November 21, 1979, Ayatollah Khomeini, the Supreme Leader of Iran, took to the airwaves and falsely accused American troops of occupying the Great Mosque in Mecca.

Protests raged against the United States throughout Pakistan that day. A student protest formed outside the gates of the American Embassy compound in Islamabad, but it quickly turned violent. Protesters broke down part of the wall, surged into the compound, and began shooting at American forces, breaking windows, and setting fire to the buildings.

Most of the Embassy staff members were able to get to a secure communications room, where they remained for over 5 hours until the Pakistani military arrived to quell the rioters. Corporal Crowley was killed while protecting the compound; Warrant Officer Ellis was found burned to death in his apartment on the compound. Two Pakistani employees of the Embassy were also killed by rioters that day.

This weekend, survivors of that attack will meet at Arlington National Cemetery. My thoughts and prayers will be with them as they remember those whose lives were cut short that fateful day in November.

Steven Crowley and Brian Ellis died in the line of duty, serving their country and defending American lives. Their service must not be forgotten.

ADDITIONAL STATEMENTS

COMMENDING THE NORTH DAKOTA WHEAT COMMISSION

• Mr. CONRAD. Mr. President, today I honor the North Dakota Wheat Commission.

On July 8, the North Dakota Wheat Commission celebrated its 50th year marketing and promoting wheat on behalf of my State's farm families. As the top spring wheat and durum wheat producing State in the Nation, I am proud of what the North Dakota Wheat Commission has been able to achieve for our State's producers.

The commission, created by the North Dakota Legislature in 1959, has allowed my State's farmers to become more actively engaged in the export and market promotion of our wheat crop because the commission is funded and directed by producers. During its 50 years of existence, North Dakota's average wheat production has increased from 100 million bushels to 300 million bushels annually. In that same

time period, total U.S. exports have increased from 500 million bushels to 1.3 billion bushels.

Thanks in part to the work of the North Dakota Wheat Commission, U.S. hard red spring and durum wheat are exported to more than 80 countries around the world. These exports account for 50 percent of hard red spring wheat and one-third of durum wheat. The North Dakota Wheat Commission's customer base includes markets across the globe, including Asia, Latin America and Europe.

While our wheat output and exports have increased, one thing has remained the same: My State's wheat producers have a solid reputation around the world for having a premium product. This is, in part, thanks to the hard work of the North Dakota Wheat Commission.

In closing, I again want to recognize the North Dakota Wheat Commission for a successful first 50 years and wish them continued success in the future.●

COMMENDING ERIC YANG

● Mr. CORNYN. Mr. President, today I wish to recognize the achievements of Eric Yang, a 13-year-old seventh grade student at Griffin Middle School in The Colony, TX. Eric recently competed in and won the 2009 National Geographic Bee, held here in Washington, DC. Out of a field of 55 contestants, one from each of the 50 States and territories, Eric won the competition in the third finals tie-breaker. Out of nine students, Eric was the only one who missed no questions. This has only occurred five times in the competition's 21-year history. In recognition of his success, Eric will receive a college scholarship worth $25,000, a lifetime membership in the National Geographic Society, and a trip to the Galàpagos Islands with the moderator of the National Geographic Bee and host of ''Jeopardy!,'' Alex Trebek. To achieve this honor, Eric won a nationwide contest comprised of nearly 5 million students in the fourth through eighth grades who had participated in the local geographic bees held in the 50 States and five territories.

The winning question was: ''Timis County shares its name with a tributary of the Danube and is located in the western part of which European country?'' The answer, ''Romania,'' was given correctly by Eric Yang after two other tie-breaker questions. Eric is the first Texan to be named champion in the competition's 21-year history. According to Eric's mother, the main reason for his success has been his curiosity, saying that it ''is a major part of Eric. He reads everything from history books to cookbooks to learn about other places and cultures.'' Eric's desire to learn is also evident in his scholastic record. At age 13, Eric scored a 2200 on the SATs out of a possible score of 2400.

Young Texans, such as Eric Yang, prove that persistence and a curious mind are the keys to unlocking opportunities for success. I congratulate Eric on this important accomplishment and encourage him as he continues his quest for knowledge.●

COMMENDING JOE AND CHRISTINE TOWNSEND

● Mr. CORNYN. Mr. President, today I recognize the distinguished service of two Texans, as they approach retirement from Texas A&M in January 2010. For over 30 years, Dr. Joe D. Townsend and Dr. Christine Townsend, often referred to as ''Dr. Joe and Dr. Chris'' by their students, have served the students of Texas as instructors, mentors, and friends. By recognizing and cultivating the untapped potential within students, they have inspired countless youth to be men and women of character, vision, and dedication.

Dr. Joe began serving students over 40 years ago as a vocational agriculture teacher in Aubrey, TX. Since that time, he has positively impacted the lives of thousands of students through many different roles. At Texas A&M University, Dr. Joe served as a professor, associate dean for student development in the College of Agriculture and Life Sciences, and most recently, associate vice president for student affairs. His office was known as refuge for students in need of wisdom and advice, and many relied on his support and encouragement to make the difficult transition from high school to college.

Dr. Chris' career in higher education began three decades ago at Illinois State University. At Texas A&M, Dr. Chris has served as a professor, department head, undergraduate coordinator, and undergraduate adviser in the department of agricultural leadership, education, and development. She has a gift for recognizing the unique needs of students and never failed to commit her time, energy, and resources to meeting their needs. Dr. Chris' love for teaching students has made a lasting impact on her department and her departure will leave a void that will be difficult to fill, and a legacy that will be easy to remember.

Their years of selfless service and unwavering devotion to the improvement of students' lives have earned the respect of countless Texans. I thank them for their commitment to excellence and send my best wishes for the years ahead.●

REMEMBERING JACK EBERSPACHER

● Mr. NELSON of Nebraska. Mr. President, today I wish to pay tribute to a good friend and great Nebraskan, Jack Eberspacher, who passed away on July 5, 2009, at the tender age of 55 after a short but courageous battle with cancer. Jack was a very special friend to all who knew him, dedicating his professional life to the advancement and betterment of the agricultural industry and the agribusiness community.

A native of Seward, NE, Jack received his bachelor of science degree from the University of Nebraska at Lincoln. After several years working in various agribusiness positions throughout the United States, Jack was named the chief executive officer of the National Grain Sorghum Producers Association, headquartered in Lubbock, TX. He is credited with growing that association by 300 percent and with developing balanced association programs on policy, plant science and utilization, and for placing the association on the national legislative and regulatory scene.

In 1998, Jack accepted the position of chief executive officer of the National Association of Wheat Growers here in Washington, DC. Under his leadership, the organization experienced a financial turnaround, with Jack leading the group out of a negative budget in net earnings to a positive one in just over 2 years.

Jack was appointed president and chief executive officer of the Agricultural Retailers Association in 2001, where he remained until his passing. In this capacity, he increased the annual association dues revenue by more than 100 percent. In February 2002, he was the only commodity leader invited to address the National Governors' Conference, where he discussed the importance of the 2002 farm bill and the state of the agricultural economy.

Jack was also a political activist and volunteer; an active member of the Bennett Roundtable of the Farm Foundation of Chicago, Illinois; and a recipient of the Alpha Gamma Rho Fraternity Brother of the Century Award.

I offer my most sincere condolences to Jack's wife Jinger and their family. Jack's passion for service, dynamic leadership, and unwavering dedication to the greater agribusiness community will remain a source of inspiration to all those who knew him.●

50TH ANNIVERSARY OF THUNDER ROAD INTERNATIONAL SPEEDBOWL

● Mr. SANDERS. Mr. President, today I honor a renowned Vermont landmark and business, Thunder Road International SpeedBowl, which is celebrating its 50th anniversary this season.

Thursday nights every summer, short track races take place on Thunder Road's uniquely configured quarter-mile paved track. Thunder Road has been recognized as one of the finest short tracks in the Nation. Built in 1959 on farm land in Barre, VT, by longtime network sports commentator Ken Squier and his partners, Thunder Road is an American institution of which Vermont is proud.

Thunder Road has offered inexpensive family entertainment for five decades. This revered race track has brought international racing stars to the Green Mountain State while also offering opportunities for Vermonters

to compete in front of passionate and knowledgeable fans.

After World War II, there were more than 22 short tracks in the State of Vermont. With only three tracks remaining, Thunder Road stands out as the largest spectator sports venue in the State.

Today, some drivers at Thunder Road can recall watching their grandfathers drive the same track. ''Thunder Road is just about racing—there's no politics, no marketing—it's just racing and it's always been that way,'' said Steve Letarte, a Maine native and crew chief for NASCAR star Jeff Gordon.

Vermonters appreciate Thunder Road for its longtime contributions to its community. For 50 years, this short track has been an invaluable institution for the people of Vermont and throughout the Northeast.●

125TH ANNIVERSARY OF WHITE, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize White, SD. The town of White will celebrate the 125th anniversary of its founding this year.

Located in Brookings County, White was founded as an agricultural town in 1884. Now, 125 years later, the town still relies on agriculture, but has also expanded into a destination for hunting, fishing, and outdoor adventures. White continues to be an excellent example of what makes South Dakota such a great place to live and do business. The town will celebrate this milestone during their annual ''Pioneer Days'' July 17 through 19 with a number of activities for residents and visitors to enjoy.

I would like to offer my congratulations to White on its 125th anniversary.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were 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.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2301. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management'' ((RIN0648–XP50) (Docket No. 080521698–9067–02)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2302. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2009 Monkfish Research Set-Aside Program'' ((RIN0648–XP54) (Docket No. 080626787–8788–01)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2303. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Determination of Endangered Status for the Gulf of Maine Distinct Population Segment of Atlantic Salmon'' (RIN0648–XJ93) received in the Office of the President of the Senate on July 9, 2009; to the Committee on Commerce, Science, and Transportation .

EC–2304. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Designation of Critical Habitat for Atlantic Salmon (Salmo salar) Gulf of Maine Distinct Population Segment'' (RIN0648–AW77) received in the Office of the President of the Senate on July 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2305. A communication from the Assistant Secretary for Communications and Information, National Telecommunication and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''State Broadband Data and Development Grant Program'' (RIN0660–ZA29) received in the Office of the President of the Senate on July 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2306. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Buprofezin; Pesticide Tolerances'' (FRL No. 8421–3) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2307. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indoxacarb; Pesticide Tolerances'' (FRL No. 8424–9) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2308. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandipropamid; Pesticide Tolerances'' (FRL No. 8422–5) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2309. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report entitled ''National Defense Stockpile Annual Materials Plan for Fiscal Year 2010 and for the Succeeding 4 Years''; to the Committee on Armed Services.

EC–2310. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to the quarterly reporting of withdrawals or diversions of equipment from Reserve component units; to the Committee on Armed Services.

EC–2311. A communication from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2312. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2313. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2314. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2008–0020)) received in the Office of the President of the Senate on July 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2315. A communication from the Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Housing and Urban Development, transmitting a report entitled ''2008 Annual Homelessness Assessment Report to Congress''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2316. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedures for Small Electric Motors'' (RIN1904–AB71) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Energy and Natural Resources.

EC–2317. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Test Procedures for General Service Fluorescent Lamps, Incandescent Reflector Lamps, and General Service Incandescent Lamps'' (RIN1904–AB72) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Energy and Natural Resources.

EC–2318. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' ((WV–115–FOR)(Docket No. OSM–2009–0006)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Energy and Natural Resources.

EC–2319. A communication from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties'' ((RIN1028–AC61)(Docket No. OSM–2009–0004)) received in the Office of the President of the Senate on July 10, 2009; to the

Committee on Energy and Natural Resources.

EC–2320. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County, Continuous Opacity Monitor Regulation'' (FRL No. 8929–2) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Environment and Public Works.

EC–2321. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the 1-Hour Ozone Plan for the Beaumont/Port Arthur Area: Control of Air Pollution from Volatile Organic Compounds, and Nitrogen Compounds, and Reasonably Available Control Technology'' (FRL No. 8928–6) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Environment and Public Works.

EC–2322. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference'' (FRL No. 8923–9) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Environment and Public Works.

EC–2323. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 for Calendar Year 2008''; to the Committee on Finance.

EC–2324. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports that appeared in the March 2009 edition of the Treasury Bulletin; to the Committee on Finance.

EC–2325. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to Parts 123, 124, 126, and 129 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–2326. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of an application for a license for the export of defense articles or services, including technical data, realated to the design, manufacture, test and delivery of the BSAT–3c/JCSAT–110R Commercial Communications Satellite(s) for Japan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–2327. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles or services for the M72 Lightweight Anti-Armor Weapon System for Thailand in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2328. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles or services, including technical data, related to the manufacture, assembly, repair, overhaul and logistical support for the MK44 Chain Gun used in an Armored Infantry Vehicle for Switzerland in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–2329. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a certification regarding the proposed permanent transfer of six F–16 A MLU Block 15, three F–16 B MLU Block 10 aircraft, ten F100–220E engines, personnel and technical assistance, Ground Support Equipment, Alternate Mission Equipment, and one Falcon STAR kit (hardware) package from the Government of Belgium to the Kingdom of Jordan in the amount of $25,000,000 or more; to the Committee on Foreign Relations.

EC–2330. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical service agreement for the export of defense articles or services, including technical data, and hardware to support the Proton launch of the Intelsat 16 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–2331. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles for the supply and support of the RF–5800 and RF–7800 series radios and accessories for end-use by the United Arab Emirates Armed Forces Special Operations Command in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–2332. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the technical data, defense services, and hardware to support the Proton launch of the AMC–4R Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mrs. GILLIBRAND, and Mr. NELSON of Nebraska):

S. 1445. A bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1446. A bill to amend title XIX of the Social Security Act to provide incentives for increased use of HIV screening tests under the Medicaid program; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 1447. A bill to expand broadband deployment, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 1448. A bill to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land; to the Committee on Indian Affairs.

By Mr. NELSON of Florida:

S. 1449. 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; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself and Mr. BROWN):

S. 1450. A bill to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. DORGAN, and Mr. DEMINT):

S. 1451. A bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself, Mr. WICKER, Mr. BAYH, Mrs. GILLIBRAND, and Mr. LIEBERMAN):

S. 1452. A bill to amend title 38, United States Code, to clarify the meaning of ''combat with the enemy'' for purposes of service-connection of disabilities; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. BENNET, Mr. BENNETT, and Mr. HATCH):

S. 1453. A bill to amend Public Law 106–392 to maintain annual base funding for the Bureau of Reclamation for the Upper Colorado River and San Juan fish recovery programs through fiscal year 2023; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL:

S. 1454. A bill to provide for adequate oversight and inspection by the Federal Aviation Administration of individuals who perform maintenance work on United States commercial aircraft and of foreign repair stations that perform such work, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida:

S. 1455. 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; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 1456. A bill to fully compensate local educational agencies and local governments for tax revenues lost when the Federal Government takes land into trust for the benefit of a federally recognized Indian tribe or an individual Indian; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 259

At the request of Mr. BOND, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 469

At the request of Mr. VOINOVICH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 469, a bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System.

S. 525

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 525, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 572

At the request of Mr. WEBB, the name of the Senator from Montana (Mr. TESTER) 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. 584

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 662

At the request of Mr. CONRAD, the name of the Senator from New Jersey (Mr. MENENDEZ) 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. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor 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. 825

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 825, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 864

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 864, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor 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. 889

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 889, a bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes.

S. 935

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 950

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 950, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 951

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Mr. LEVIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from North Dakota (Mr. DORGAN), the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. PRYOR) and the Senator from Maryland (Ms. MIKULSKI) 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. 1065

At the request of Mr. BROWNBACK, the names of the Senator from Florida (Mr. NELSON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to

protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1232

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1232, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 1253

At the request of Mr. CORKER, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1253, a bill to address reimbursement of certain costs to automobile dealers.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Maine (Ms. SNOWE), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Arkansas (Mr. PRYOR) 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. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 161

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 161, a resolution recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiecstasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

AMENDMENT NO. 1478

At the request of Mr. REID, the names of the Senator from Maine (Ms. COLLINS) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 1478 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. 1480

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 1480 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. 1487

At the request of Mrs. LINCOLN, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 1487 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. 1491

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1491 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 Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. BENNET, Mr. BENNETT, and Mr. HATCH):

S. 1453. A bill to amend Public Law 106–392 to maintain annual base funding for the Bureau of Reclamation for the Upper Colorado River and San Juan fish recovery programs through fiscal year 2023; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Bureau of Reclamation Fish Recovery Programs Reauthorization Act of 2009 with my colleagues Senator UDALL of New Mexico, Senator UDALL of Colorado, Senator BENNET, Senator BENNETT, and Senator HATCH. This bill will extend the Bureau of Reclamation's authorization to provide cost sharing for capital construction and annual operations from 2011 through 2023 for the Upper Colorado and San Juan River Basin endangered fish recovery programs.

The programs have the dual goals of recovering federally listed endangered fish species in the Upper Colorado River basin while allowing water development and management activities to proceed in compliance with state laws, interstate compacts and the federal Endangered Species Act. The programs have substantial support from the Upper Basin states of New Mexico, Colorado, Wyoming and Utah, the Navajo Nation, the Jicarilla Apache Nation, the Southern Ute Tribe, and the Ute Mountain Tribe. Other water users, power customers and environmental organizations are also active participants in the programs. The Fish and Wildlife Service, the Bureau of Reclamation, the National Park Service and Western Area Power Administration also participate in the programs. All of the partners contribute significantly to the success of the programs.

Since 2000, the Bureau of Reclamation has been authorized to utilize revenues generated from Colorado River Storage Project Act projects as base funding for operation and maintenance of capital projects, monitoring and research to evaluate the need for, and effectiveness of, any recovery action, and for general program management. This bill extends the Bureau of Reclamation's authority to provide annual base funding for the programs through 2023 which coincides with the term of the existing Cooperative Agreements for the recovery programs and the expected date of recovery for certain species covered by the programs. The annual base funding contributes significantly to the successful implementation of the recovery actions in both programs.

Currently the Bureau of Reclamation's ability to use such funding will expire in 2011. If the expiration date is not extended, the annual base funding will be significantly reduced which would likely delay or impede the success of the recovery programs. The original authorizing legislation has been extended most recently through Section 9107 of the Omnibus Public Land Management Act of 2009, P.L. 111–11, and the amendments proposed by this bill would ensure that the Bureau of Reclamation's authorization for base funding coincides with the other authorizing provisions in P.L. 106–392.

I hope my colleagues will work with me and the bi-partisan group of cosponsors to help ensure that the recovery goals of the San Juan and Upper Colorado River Basin Recovery Programs can continue to be met. I therefore urge my colleagues to support this legislation.

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. 1453

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 ''Bureau of Reclamation Fish Recovery Programs Reauthorization Act of 2009''.

SEC. 2. REAUTHORIZATION OF BASE FUNDING FOR FISH RECOVERY PROGRAMS.

Section 3(d)(2) of Public Law 106–392 (114 Stat. 1602) is amended in the fourth sentence by striking ''2011'' and inserting ''2023''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1505. Mr. JOHANNS 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 1506. Mrs. SHAHEEN (for herself and Mr. JOHANNS) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1507. Mr. ALEXANDER (for himself, Mr. BENNETT, Mr. CORNYN, Mr. ROBERTS, and 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 1508. Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. BEGICH, Mr. KOHL, Ms. MIKULSKI, Mr. CARDIN, Mr. INOUYE, Mr. WEBB, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1509. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1510. Mr. THUNE (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1511. 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. INOUYE, Ms. STABENOW, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1512. 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 1513. Mrs. LINCOLN (for herself, Mr. BYRD, Ms. LANDRIEU, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1514. Mr. SANDERS (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1515. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1516. Mr. CASEY (for himself, Mr. BROWN, Mr. SCHUMER, Mrs. GILLIBRAND, Ms. MIKULSKI, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1517. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1518. 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 1519. Mr. BURR (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1520. 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 1521. Mr. ENSIGN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1522. Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. BEGICH, Mr. KOHL, Ms. MIKULSKI, Mr. CARDIN, Mr. INOUYE, Mr. WEBB, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1523. Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1524. 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 1525. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1526. Mr. FEINGOLD (for himself, Ms. MURKOWSKI, Mrs. LINCOLN, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1527. Mr. FEINGOLD (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1528. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. CORNYN, Mrs. HUTCHISON, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1529. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1530. Mrs. LINCOLN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1531. 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 1532. 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 1533. 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 1534. Mr. VOINOVICH (for himself, Mr. LEAHY, Mr. BOND, Mr. BENNETT, Mr. BYRD, Mr. COCHRAN, Mr. CRAPO, Mr. DORGAN, Ms. MURKOWSKI, Mr. RISCH, Mr. ROCKEFELLER, 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 1535. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1536. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1537. Mr. MARTINEZ (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1538. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1505. Mr. JOHANNS 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. _____. CONGRESSIONAL APPROVAL OF CERTAIN TARP EXPENDITURES.

Notwithstanding any other provision of law, including any provision of the Emergency Economic Stabilization Act of 2008, no funds may be disbursed or otherwise obligated under that Act to any entity, if such disbursement would result in the Federal Government acquiring any ownership of the common or preferred stock of the entity receiving such funds, unless the Congress first approves of such disbursement or obligation.

SA 1506. Mrs. SHAHEEN (for herself and Mr. JOHANNS) 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 161, after line 23, add the following:

SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

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

''(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

''(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members, their families, and their communities with training in suicide prevention and community healing and response to suicide.

''(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

''(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

''(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

''(3) OPERATION.—

''(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

''(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

''(ii) examining the influence of military culture on risk and protective factors for suicide; and

''(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

''(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

''(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

''(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

''(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

''(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

''(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.''.

SA 1507. Mr. ALEXANDER (for himself, Mr. BENNETT, Mr. CORNYN, Mr. ROBERTS, and 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 end of title X, add the following:

SEC. 1083. RESTRICTIONS ON TARP EXPENDITURES FOR AUTOMOBILE MANUFACTURERS; FIDUCIARY DUTY TO TAXPAYERS; REQUIRED ISSUANCE OF COMMON STOCK TO TAXPAYERS.

(a) SHORT TITLE.—This section may be cited as the ''Auto Stock for Every Taxpayer Act''.

(b) PROHIBITION ON FURTHER TARP FUNDS.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) or any other provision of law, the Secretary may not expend or obligate any funds made available under that Act on or after the date of enactment of this Act with respect to any designated automobile manufacturer.

(c) FIDUCIARY DUTY TO SHAREHOLDERS.—With respect to any designated automobile manufacturer, the Secretary, and the designee of the Secretary who is responsible for the exercise of shareholder voting rights with respect to a designated automobile manufacturer pursuant to assistance provided under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), shall have a fiduciary duty to each eligible taxpayer for the maximization of the return on the investment of the taxpayer under that Act, in the same manner, and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applicable provisions of State law.

(d) REQUIRED ISSUANCE OF COMMON STOCK TO ELIGIBLE TAXPAYERS.—Not later than 1 year after the emergence of any designated automobile manufacturer from bankruptcy protection described in subsection (f)(1)(B), the Secretary shall direct the designated automobile manufacturer to issue through the Secretary a certificate of common stock to each eligible taxpayer, which shall represent such taxpayer's per capita share of the aggregate common stock holdings of the United States Government in the designated automobile manufacturer on such date.

(e) CIVIL ACTIONS AUTHORIZED.—A person who is aggrieved of a violation of the fiduciary duty established under subsection (c) may bring a civil action in an appropriate United States district court to obtain injunctive or other equitable relief relating to the violation.

(f) DEFINITIONS.—As used in this section—

(1) the term ''designated automobile manufacturer'' means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term ''eligible taxpayer'' means any individual taxpayer who filed a Federal taxable return for taxable year 2008 (including any joint return) not later than the due date for such return (including any extension);

(3) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(4) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1508. Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. BEGICH, Mr. KOHL, Ms. MIKULSKI, Mr. CARDIN, Mr. INOUYE, Mr. WEBB, and Mr. WARNER) 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 title XI of division A, insert the following:

Subtitle B—Federal Employee Retirement-Related Provisions

SEC. 1121. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 1122. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1123. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1124. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 1125. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 1126. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made under title II of the Social Security Act while employed by the United States Secret Service. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable .

(ii) BENEFITS.—A covered employee shall not be entitled to any benefit based on any contribution forfeited under clause (i).

(3) IMPLEMENT.—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

Subtitle C—Non-Foreign Area Retirement Equity Assurance

SEC. 1141. SHORT TITLE.

This subtitle may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2009'' or the ''Non-Foreign AREA Act of 2009''.

SEC. 1142. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by adding after subparagraph (B) the following:

''(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

''(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and'';

(D) in clause (iv) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2010; and

''(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 1144 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 1144 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. 1143. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 1144 of this subtitle, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1148 of this subtitle.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1144 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 1144. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 1145. SAVINGS PROVISION.

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

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the ''Rest of the United States'', the President's Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President's Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 1144 of this subtitle, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1144 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this subtitle, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 1144 of this subtitle which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 1146. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1142 of this subtitle), and section 1144 of this subtitle apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 1142 of this subtitle), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 1146(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 1144.

(B) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 1147 of this subtitle.

SEC. 1147. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section 1144 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1144 of this subtitle did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 1148. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this subtitle, including—

(1) rules for special rate employees described under section 1143;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1144 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 1149. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this subtitle (including the amendments made by this subtitle) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 1142 and the provisions of section 1144 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

Subtitle D—Part-Time Reemployment of Annuitants

SEC. 1161. SHORT TITLE.

This subtitle may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. 1162. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to

any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1162.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (i) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 1162 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1509. Mr. ISAKSON 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 201, after line 25, insert the following:

SEC. 652. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

''SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual who is a purchaser of a principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

''(2) DOLLAR LIMITATION.—The amount of the credit allowed under paragraph (1) shall not exceed $15,000.

''(3) ALLOCATION OF CREDIT AMOUNT.—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the principal residence is made.

''(b) LIMITATIONS.—

''(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

''(A) after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and

''(B) on or before the date that is 1 year after such date of enactment.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

''(3) ONE-TIME ONLY.—

''(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other principal residence by such individual or a spouse of such individual.

''(B) JOINT PURCHASE.—In the case of a purchase of a principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other principal residence.

''(c) PRINCIPAL RESIDENCE.—For purposes of this section, the term 'principal residence' has the same meaning as when used in section 121.

''(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

''(e) SPECIAL RULES.—

''(1) JOINT PURCHASE.—

''(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$7,500' for '$15,000' in subsection (a)(1).

''(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $15,000.

''(2) PURCHASE.—In defining the purchase of a principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

''(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

''(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

''(1) IN GENERAL.—In the event that a taxpayer—

''(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

''(B) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

''(2) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (1) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

''(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

''(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2009, and on or before the date described in subsection (b)(1)(B), a taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and 25B'' and inserting '', 25B, and 25E''.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''25E,'' after ''25D,''.

(3) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25E''.

(4) Section 904(i) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(5) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 25E(g).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for certain home purchases.''.

(d) SUNSET OF CURRENT FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''before December 1, 2009'' and inserting ''on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010''.

(2) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''before December 1, 2009'' and inserting ''on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases after the date of the enactment of this Act.

SA 1510. Mr. THUNE (for himself and Mr. JOHANNS) 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, add the following:

SEC. 2832. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.—

(1) IN GENERAL.—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended by striking ''West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation')'' and inserting ''South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the 'Authority')''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended—

(A) by striking ''Foundation'' each place it appears in subsections (c) and (e) and inserting ''Authority'';

(B) in subsection (b)(1)—

(i) in subparagraph (B), by striking ''137.56 acres'' and inserting ''120.70 acres''; and

(ii) by striking subparagraphs (C), (D), and (E).

(b) NEW CONVEYANCE AUTHORITY.—

(1) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the ''Authority''), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) COVERED PROPERTY.—The real property referred to in paragraph (1) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.643 acres and comprising the South Nike Education Annex.

(3) CONDITION.—As a condition of the conveyance under this subsection, the Authority, and any person or entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(4) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, 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 paragraph shall be made on the record after an opportunity for a hearing.

(5) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SA 1511. 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. INOUYE, Ms. STABENOW, and Mr. REID) 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 the bill, insert the following:

DIVISION ____—MATTHEW SHEPARD HATE CRIMES PREVENTION ACT

SEC. __01. SHORT TITLE.

This division may be cited as the ''Matthew Shepard Hate Crimes Prevention Act''.

SEC. __02. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

SEC. __03. DEFINITION OF HATE CRIME.

In this division—

(1) the term ''crime of violence'' has the meaning given that term in section 16, title 18, United States Code;

(2) the term ''hate crime'' has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. __04. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, and tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2010, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010 and 2011.

SEC. __05. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. __06. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section __07 of this division.

SEC. __07. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''§ 249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, 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 race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, 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, 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.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, commits an offense described in paragraph (1) or (2) shall be subject to the same penalties as prescribed in those paragraphs.

''(b) CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or his designee, that—

''(A) the State does not have jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

''(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

''(c) DEFINITIONS.—In this section—

''(1) the term ''bodily injury'' has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

''(2) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

''(3) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

''(4) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Hate crime acts.''.

SEC. __08. STATISTICS.

(a) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender and gender identity,'' after ''race,''.

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting '', including data about crimes committed by, and crimes directed against, juveniles'' after ''data acquired under this section''.

SEC. __09. SEVERABILITY.

If any provision of this division, an amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this division, the amendments made by this division, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. __10. RULE OF CONSTRUCTION.

For purposes of construing this division and the amendments made by this division the following shall apply:

(1) RELEVANT EVIDENCE.—Courts may consider relevant evidence of speech, beliefs, or expressive conduct to the extent that such evidence is offered to prove an element of a charged offense or is otherwise admissible under the Federal Rules of Evidence. Nothing in this division is intended to affect the existing rules of evidence.

(2) VIOLENT ACTS.—This division applies to violent acts motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of a victim.

(3) 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 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.

(4) FREE EXPRESSION.—Nothing in this division shall be construed to allow prosecution based solely upon an individual's expression of racial, religious, political, or other beliefs or solely upon an individual's membership in a group advocating or espousing such beliefs.

SA 1512. 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:

On page 259, between lines 12 and 13, insert the following:

SEC. 824. MODIFICATIONS TO DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

Subsection (c) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4556) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following new paragraphs:

''(6) Each audit report that, as determined by an Inspector General or the head of an audit agency responsible for the report, contains significant adverse information about a contractor that should be included in the database.

''(7) Each contract action that, as determined by the head of the contracting activity responsible for the contract action, reflects information about contractor performance or integrity that should be included in the database.''.

SA 1513. Mrs. LINCOLN (for herself, Mr. BYRD, Ms. LANDRIEU, and Mr. TESTER) 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 VII, add the following:

SEC. 724. REQUIREMENT FOR PROVISION OF MEDICAL AND DENTAL READINESS SERVICES TO CERTAIN MEMBERS OF THE SELECTED RESERVE AND INDIVIDUAL READY RESERVE BASED ON MEDICAL NEED.

(a) IN GENERAL.—Section 1074a(g)(1) of title 10, United States Code, is amended—

(1) by striking ''may provide'' and inserting ''shall provide''; and

(2) by striking ''if the Secretary determines'' and inserting '', as applicable, if a qualified health care professional determines, based on the member's most recent annual medical exam or annual dental exam, as the case may be,''.

(b) FUNDING.—Subject to applicable provisions of appropriations Acts, amounts available to the Department of Defense for the Defense Health Program shall be available for the provision of medical and dental services under section 1074a(g)(1) of title 10, United States Code, in accordance with the amendments made by subsection (a).

(c) BUDGETING FOR HEALTH CARE.—In determining the amounts to be required for medical and dental readiness services for members of the Selected Reserve and the Individual Ready Reserve under section 1074a(g)(1) of title 10, United States Code (as amended by subsection (a)), for purposes of the budget of the President for fiscal years after fiscal year 2010, as submitted to Congress pursuant to section 1105 of title 31, United States Code, the Assistant Secretary of Defense for Health Affairs shall consult with appropriate officials having responsibility for the administration of the reserve components of the Armed Forces, including the Chief of the National Guard Bureau with respect to the National Guard.

(d) MEDICAL AND DENTAL SCREENING FOR READY RESERVE MEMBERS ALERTED FOR MOBILIZATION.—Section 1074a(f)(1) of title 10, United States Code, is amended by striking ''may provide'' and inserting ''shall provide''.

SA 1514. Mr. SANDERS (for himself and Mrs. LINCOLN) 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 V, add the following:

SEC. 573. ISSUANCE OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY TO MEMBERS OF THE ARMED FORCES WHO SERVE ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION FOR LESS THAN 90 DAYS.

(a) ISSUANCE REQUIRED.—Each Secretary of a military department shall modify applicable regulations to provide for the issuance of a Certificate of Release or Discharge from Active Duty (DD Form 214) to each member of the Armed Forces (including a member of the National Guard or Reserve) under the jurisdiction of such Secretary who serves on active duty in the Armed Forces in support of a contingency operation upon the separation of the member from such service, regardless of whether the period of such service is less than 90 days. The regulations shall be so modified not later than 180 days after the date of the enactment of this Act.

(b) CONTINGENCY OPERATION DEFINED.—In this section, the term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

SA 1515. Mr. NELSON of Florida 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. _____. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SA 1516. Mr. CASEY (for himself, Mr. BROWN, Mr. SCHUMER, Mrs. GILLIBRAND, Ms. MIKULSKI, and Mrs. MURRAY) 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 77, strike lines 1 through 26 and insert the following:

SEC. 323. TEMPORARY SUSPENSION OF AUTHORITY FOR PUBLIC-PRIVATE COMPETITIONS.

(a) TEMPORARY SUSPENSION.—No study or competition regarding the conversion to performance by a contractor of any Department of Defense function may be begun or announced pursuant to section 2461 of title 10, United States Code, Office of Management and Budget Circular A–76, or any other authority until September 30, 2010, or the date on which the Secretary of Defense submits to the congressional defense committees the certification described in subsection (b), whichever is later.

(b) CERTIFICATION REQUIREMENT.—The certification described in this subsection is a certification that—

(1) the Secretary of Defense has completed and submitted to Congress a complete inventory of contracts for services for or on behalf of the Department of Defense in compliance with the requirements of subsection (c) of section 2330a of title 10, United States Code; and

(2) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory is in compliance with the review and planning requirements of subsection (e) of such section.

SEC. 323A. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) REQUIREMENT.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) by striking ''A function'' and inserting ''No function'';

(2) by striking ''10 or more''; and

(3) by striking ''may not be converted'' and inserting ''may be converted''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a function for which a public-private competition is commenced on or after the date of the enactment of this Act.

SEC. 323B. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A–76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 720 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

''(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.

''(C) In this paragraph, the term 'preliminary planning' with respect to a public-private competition means any action taken to carry out any of the following activities:

''(i) Determining the scope of the competition.

''(ii) Conducting research to determine the appropriate grouping of functions for the competition.

''(iii) Assessing the availability of workload data, quantifiable outputs of functions,

and agency or industry performance standards applicable to the competition.

''(iv) Determining the baseline cost of any function for which the competition is conducted.''.

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SEC. 323C. TERMINATION OF CERTAIN PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

(a) TEMPORARY SUSPENSION OF PENDING STUDIES.—The Secretary of Defense shall halt all pending public-private competitions being conducted pursuant to section 2461 of title 10, United States Code, or Office of Management and Budget Circular A–76 that had not resulted in conversion to performance to a contractor as of March 26, 2009, until such time as the Secretary may review such competitions.

(b) REVIEW AND APPROVAL PROCESS.—

(1) REVIEW REQUIRED.—Before recommencing any pending study for a public-private competition halted under subsection (a), the Secretary of Defense shall review all the studies halted by reason of that subsection and take the following actions with respect to each such study:

(A) Describe the methodology and data sources along with outside resources to gather and analyze information necessary to estimate cost savings.

(B) Certify that the estimated savings are still achievable.

(C) Document the rationale for rejecting an individual command's request to cancel, defer, or reduce the scope of a decision to conduct the study.

(D) Consider alternatives to the study that would provide savings and improve performance such as internal reorganizations.

(E) Include any other relevant information to justify recommencement of the study.

(2) TERMINATION OF CERTAIN STUDIES.—The Secretary of Defense shall terminate any study for a public-private competition that was or has been conducted for longer than 30 months (beginning with preliminary planning and ending with a performance decision, excluding time expended because of a bid protest, but not additional time required to conduct the study subsequent to a bid protest), consistent with section 8023 of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110–329; 122 Stat. 3626).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the actions taken by the Secretary under paragraphs (1) and (2) of subsection (b).

(d) COMPTROLLER GENERAL REVIEW.—Not later than 45 days after the Secretary of Defense submits the report required under subsection (c), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on whether the review and approval process conducted by the Department of Defense is in compliance with subsection (b) and whether it includes consideration of all costs and savings associated with preparing for and carrying out a pending study as well as all costs that would be associated with converting functions to performance by a contractor and transitioning the Federal employee workforce.

(e) RECOMMENCING A STUDY.—The Secretary of Defense may not recommence a study halted pursuant to subsection (a) until 30 days after the Comptroller General has submitted to the Committees on Armed Services of the Senate and the House of Representatives the report required under subsection (d).

SEC. 323D. REQUIREMENT FOR DEBRIEFINGS RELATED TO CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to allow for pre-award and post-award debriefings of Federal employee representatives in the case of a conversion of any function from performance by Federal employees to performance by a contractor.

SEC. 323E. AMENDMENTS TO BID PROTEST PROCEDURES BY FEDERAL EMPLOYEES AND AGENCY OFFICIALS IN CONVERSIONS OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

(a) PROTEST JURISDICTION OF THE COMPTROLLER GENERAL.—Section 3551(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

''(E) Conversion of a function or part thereof that is being performed by Federal employees to private sector performance.''.

(b) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Clause (i) of paragraph (2)(B) of section 3551 of title 31, United States Code, is amended to read as follows:

''(i) any official who is responsible for submitting the agency tender in such competition; and''.

(c) PREJUDICE TO FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Section 3557 of title 31, United States Code, is amended—

(A) by inserting ''(a) EXPEDITED ACTION.—'' before ''For any protest''; and

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

''(b) INJURY TO FEDERAL EMPLOYEES.—In the case of a protest filed by an interested party described in subparagraph (B) of section 3551(2) of this title, a showing that a Federal employee has been displaced from performing a function or part thereof, or will be displaced as a direct result of the action protested, and that function is being performed by the private sector, or will be performed by the private sector as a direct result of the action protested, is sufficient evidence that a conversion has occurred resulting in concrete injury and prejudice to the Federal employee as a consequence of agency action.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) The heading of section 3557 of such title is amended to read as follows:

''§ 3557. Protests of public-private competitions''.

(B) The item relating to section 3557 in the table of sections at the beginning of chapter 35 of such title is amended to read as follows:

''3557. Protests of public-private competitions.''.

(d) DECISIONS ON PROTESTS.—Section 3554(b) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively;

(2) by inserting after subparagraph (E) the following new subparagraph (F):

''(F) cancel the solicitation issued pursuant to the public-private competition conducted under Office of Management and Budget Circular A–76 or any successor policy;''; and

(3) in subparagraph (G), as redesignated by paragraph (1), by striking '', and (E)'' and inserting '', (E), and (G)''.

(e) APPLICABILITY.—The amendments made by this section shall apply—

(1) to any protest or civil action that relates to a public-private competition conducted after the date of the enactment of this Act under Office of Management and Budget Circular A–76, or any successor circular; or

(2) to a decision made after the date of the enactment of this Act to convert a function or part thereof performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76.

SA 1517. Mr. BUNNING 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 90, between lines 18 and 19, insert the following:

SEC. 335. MULTIYEAR CONTRACT AUTHORITY FOR DEPARTMENT OF DEFENSE FOR PROCUREMENT OF ALTERNATIVE FUELS.

(a) MULTIYEAR CONTRACTS FOR THE PROCUREMENT OF ALTERNATIVE FUELS AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following:

''SEC. 2410r. MULTIYEAR CONTRACT AUTHORITY: PURCHASE OF ALTERNATIVE FUELS.

''The head of an agency (as defined in section 2302) may enter into contracts for a period of not to exceed 20 years for the purchase of alternative fuels.''.

(2) CLERICAL AMENDMENT.—The table of sections of chapter 141 of title 10, United States Code, is amended by adding at the end the following:

''Sec. 2410r. Multiyear contract authority: purchase of alternative fuels.''.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations that authorize the head of an agency to enter into a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(1) there is a reasonable expectation that, throughout the contemplated contract period, the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(2) the technical risks associated with the technologies for the production of alternative fuel under the contract are not excessive; and

(3) the contract will contain appropriate pricing mechanisms to minimize risk to the Federal Government from significant changes in market prices for energy.

(c) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under section 2410r of title 10, United States Code (as so added), until the regulations required by subsection (b) are issued.

SA 1518. 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:

On page 565, after line 20, add the following:

Subtitle D—Other Matters

SEC. 2841. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to Congress a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations, including whether the Secretary anticipates meeting the deadline imposed by subsection (a).

SA 1519. Mr. BURR (for himself and Mrs. HAGAN) 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, add the following:

Subtitle D—Other Matters

SEC. 2481. PROHIBITION ON OUTLYING LANDING FIELD AT SANDBANKS OR HALE'S LAKE, NORTH CAROLINA, FOR OCEANA NAVAL AIR STATION.

The Secretary of the Navy may not establish, consider the establishment of, or purchase land, construct facilities, implement bird management plans, or conduct any other activities that would facilitate the establishment of an outlying landing field at either of the proposed sites in North Carolina, Sandbanks or Hale's Lake, to support field carrier landing practice for naval aircraft operating out of Oceana, Naval Air Station, Virginia.

SA 1520. 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 RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary. The report shall include the following:

(1) An assessment of the re-determination process, including the following:

(A) The rationale for requiring a quadrennial recertification of financial support after issuance of a permanent identification card to a permanently incapacitated dependent.

(B) The administrative and other burdens the quadrennial recertification imposes on the affected sponsor and dependents, especially after the sponsor becomes ill, incapacitated, or deceased.

(C) The extent to which the quadrennial recertification undermines the utility of issuing a permanent identification card.

(D) The extent of the consequences entailed in eliminating the requirement for quadrennial recertification.

(2) Specific recommendations for the following:

(A) Improving the efficiency of the recertification process.

(B) Minimizing the burden of such process on the sponsors of such dependents.

(C) Eliminating the requirement for quadrennial recertification.

SA 1521. Mr. ENSIGN (for himself and Mr. BROWN) 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. EXPANSION OF STATE HOME CARE FOR PARENTS OF VETERANS WHO DIED WHILE SERVING IN ARMED FORCES.

In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs shall permit a State home to provide services to, in addition to non-veterans described in such subsection, a non-veteran any of whose children died while serving in the Armed Forces.

SA 1522. Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. BEGICH, Mr. KOHL, Ms. MIKULSKI, Mr. CARDIN, Mr. INOUYE, Mr. WEBB, and Mr. WARNER) 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 title XI of division A, insert the following:

Subtitle B—Federal Employee Retirement-Related Provisions

SEC. 1121. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 1122. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1123. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1124. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the

third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 1125. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 1126. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security shall change or delete any

entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) BENEFITS.—

(I) IN GENERAL.—No individual shall be entitled to any benefit under title II of the Social Security Act based on wages for which the contributions were forfeited under clause (i).

(II) NO EFFECT ON MEDICARE BENEFITS.—Notwithstanding the forfeiture by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) IMPLEMENTATION.—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

Subtitle C—Non-Foreign Area Retirement Equity Assurance

SEC. 1141. SHORT TITLE.

This subtitle may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2009'' or the ''Non-Foreign AREA Act of 2009''.

SEC. 1142. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by adding after subparagraph (B) the following:

''(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

''(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and'';

(D) in clause (iv) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2010; and

''(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 1144 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 1144 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. 1143. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 1144 of this subtitle, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1148 of this subtitle.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1144 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 1144. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 1145. SAVINGS PROVISION.

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

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes

of section 5304 of that title) is commonly known as the ''Rest of the United States'', the President's Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President's Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 1144 of this subtitle, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1144 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this subtitle, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 1144 of this subtitle which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 1146. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1142 of this subtitle), and section 1144 of this subtitle apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 1142 of this subtitle), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 1146(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 1144.

(B) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 1147 of this subtitle.

SEC. 1147. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section 1144 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1144 of this subtitle did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under

section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 1148. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this subtitle, including—

(1) rules for special rate employees described under section 1143;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1144 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 1149. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this subtitle (including the amendments made by this subtitle) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 1142 and the provisions of section 1144 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

Subtitle D—Part-Time Reemployment of Annuitants

SEC. 1161. SHORT TITLE.

This subtitle may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. 1162. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or

the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1162.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (i) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 1162 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1523. Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. KOHL) 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 title XI of division A, insert the following:

Subtitle B—Part-Time Reemployment of Annuitants

SEC. 1161. SHORT TITLE.

This subtitle may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. 1162. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1162.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (i) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 1162 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1524. 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 appropriate place in title III, insert the following:

SEC. ____. TRANSFER OF CERTAIN ARMY PROPERTY TO UNIVERSITY OF NORTH DAKOTA.

(a) AUTHORITY TO TRANSFER.—The Secretary of the Army shall transfer, without consideration, to the University of North Dakota, Grand Forks, North Dakota, all right, title, and interest of the United States in the property described in subsection (b) if, upon the completion of the contracts referenced in

subsection (b), the Secretary determines that it is no longer in the best interest of the Army to recover the property and there are no statutory, regulatory, or other impediments to the transfer.

(b) DESCRIPTION OF PROPERTY.—The exact legal description of the property transferred under this section shall be determined by the Secretary following an inventory. In general, such property consists of all United States Government property procured for the United States Army Engineered Surfaces for Weapons System Life Extension Program and in the possession of Alion Science and Technology Corporation and the University of North Dakota, both located in Grand Forks, North Dakota, and assigned to the following contracts: FA4600–06–D–0003, SPO7000–97–D–4001, and AMPTIAC–05–0001.

(c) CONDITION OF TRANSFER.—The transfer authorized under subsection (a) shall be subject to the condition that the University of North Dakota enters into an agreement with the Secretary that governs future uses of the transferred property.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transfer under this section as the Secretary determines appropriate to protect the interests of the United States.

(e) DATES OF TRANSFER.—Any transfer of property under this section shall take effect not later than 180 days after the date of the enactment of this Act, or upon completion and termination of the contracts identified in subsection (b), whichever occurs later.

(f) DELEGATION.—The Secretary may delegate roles and responsibilities under this section to one or more subordinates as needed.

SA 1525. Mr. ISAKSON (for himself and Mr. CHAMBLISS) 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 245, between lines 3 and 4, insert the following:

SEC. 803. REPEAL OF SUNSET OF AUTHORITY TO PROCURE FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

Subsection (f) of section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 229; 10 U.S.C. 2533a note) is repealed.

SA 1526. Mr. FEINGOLD (for himself, Ms. MURKOWSKI, Mrs. LINCOLN, and Mr. BURRIS) 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. CONTINUATION OF MILITARY COMPENSATION FOR RESERVE COMPONENT MEMBERS DURING PHYSICAL EVALUATION BOARD PROCESS AND FOR CERTAIN OTHER RESERVE COMPONENT MEMBERS.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(d)(1) The Secretary of a military department shall give a member of a reserve component under the jurisdiction of the Secretary who is being evaluated by a physical evaluation board for separation or retirement for disability under this chapter or for placement on the temporary disability retired list or inactive status list under this chapter the option to remain on active duty in order to continue to receive pay and allowances under title 37 during the physical evaluation board process until such time as the member—

''(A) is cleared by the board to return to duty; or

''(B) is separated, retired, or placed on the temporary disability retired list or inactive status list.

''(2) A member may change the election under paragraph (1) at any point during the physical evaluation board process and be released from active duty.

''(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.

''(e) A member contemplating the exercise of an option under subsection (d) may exercise such option only after consultation with a member of the applicable judge advocate general's corps.''.

SEC. 653. ENCOURAGEMENT OF USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.

Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.—(1)(A) A member of a reserve component described by subparagraph (B) shall be permitted to reside at the member's permanent place of residence if residing at that location is medically feasible, as determined by a licensed health care provider.

''(B) A member of a reserve component described by this subparagraph is any member remaining on active duty under section 1218(d) of this title during the period the member is on active duty under such subsection.

''(2) Nothing in this subsection shall be construed as terminating, altering, or otherwise affecting the authority of the commander of a member described in paragraph (1)(B) to order the member to perform duties consistent with the member's fitness for duty.

''(3) The Secretary concerned shall pay any reasonable expenses of transportation, lodging, and meals incurred by a member residing at the member's permanent place of residence under this subsection in connection with travel from the member's permanent place of residence to a medical facility during the period in which the member is covered by this subsection.''.

SEC. 654. ASSISTANCE WITH TRANSITIONAL BENEFITS.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

''§ 1218a. Discharge or release from active duty: transition assistance

''The Secretary of a military department shall provide to a member of a reserve component under the jurisdiction of the Secretary who is injured while on active duty in the armed forces the following before such member is demobilized or separated from the armed forces:

''(1) Information on the availability of care and administrative processing through community based warrior transition units.

''(2) The location of the community based warrior transition unit located nearest to the member's permanent place of residence.

''(3) An opportunity to consult with a member of the applicable judge advocate general's corps regarding the member's eligibility for compensation, disability, or other transitional benefits.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

''1218a. Discharge or release from active duty; transition assistance.''.

SA 1527. Mr. FEINGOLD (for himself and Mr. WYDEN) 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 B of title III, add the following:

SEC. 312. PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.

(a) IN GENERAL.—The Secretary of Defense shall prohibit the disposal of covered waste in an open-air burn pit during a contingency operation lasting longer than one year.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the use of open-air burn pits in contingency operations. The report shall include—

(1) a description of each type of waste burned in such open-air burn pits; and

(2) a discussion of the feasibility of alternative methods of disposing of covered waste, including—

(A) a plan to use such alternative methods; or

(B) if the Secretary determines that no such alternative method is feasible, a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of such waste.

(c) DEFINITIONS.—In this section:

(1) CONTINGENCY OPERATION.—The term ''contingency operation'' has the meaning given that term by section 101(a) of title 10, United States Code.

(2) COVERED WASTE.—The term ''covered waste'' includes the following:

(A) Hazardous waste, as defined by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5)).

(B) Medical waste.

(C) Solid waste containing plastic.

(D) Automotive and marine batteries.

(E) Pesticides.

(F) Explosives.

(G) Automotive oils.

(H) Fuels and fluids.

(I) Compressed gas containers.

(J) Materials containing asbestos.

(K) Electrical equipment.

(L) Solvents.

(M) Paint thinners and strippers.

(N) Rubber.

(O) Preserved (treated) wood.

(P) Unexploded ordnance.

(3) MEDICAL WASTE.—The term ''medical waste'' means any solid waste generated in

the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production of testing of biologicals.

SA 1528. Mr. LIEBERMAN (for himself and Mr. GRAHAM, Mr. BEGICH, Mr. CORNYN, Mrs. HUTCHISON, and Mr. THUNE) 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 402 and insert the following:

SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE-DUTY END STRENGTHS FOR FISCAL YEARS 2010, 2011, AND 2012.

(a) AUTHORITY TO INCREASE ARMY ACTIVE-DUTY END STRENGTH.—

(1) AUTHORITY.—For each of fiscal years 2010, 2011, and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) PURPOSE OF INCREASES.—The purposes for which an increase may be made in the active duty end strength for the Army under paragraph (1) are the following:

(A) To increase dwell time for members of the Army on active duty.

(B) To support operational missions.

(C) To achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the authority of the President under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority in subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—

(1) IN GENERAL.—If the Secretary of Defense increases active-duty end strength for the Army for fiscal year 2010 under subsection (a), the Secretary may fund such an increase through Department of Defense reserve funds or through an emergency supplemental appropriation.

(2) FISCAL YEARS 2011 AND 2012.—(2) If the Secretary of Defense plans to increase the active-duty end strength for the Army for fiscal year 2011 or 2012, the budget for the Department of Defense for such fiscal year as submitted to Congress shall include the amounts necessary for funding the active-duty end strength for the Army in excess of the fiscal-year 2010 baseline.

(e) DEFINITIONS.—In this section:

(1) FISCAL-YEAR 2010 BASELINE.—The term ''fiscal-year 2010 baseline'', with respect to the Army, means the active-duty end strength authorized for the Army in section 401(1).

(2) ACTIVE-DUTY END STRENGTH.—The term ''active-duty end strength'', with respect to the Army for a fiscal year, means the strength for active duty personnel of Army as of the last day of the fiscal year.

SA 1529. Mr. INHOFE 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 ARMY NATIONAL GUARD DOMESTIC COMMUNICATIONS CAPABILITY.

Not later than 30 days after completing the evaluation of communications systems enhancements and capabilities that are needed for the Army National Guard to respond to natural and man-made disasters, as called for in the Defense Science Board 2009 Report on Interagency Operability, the Secretary of the Army shall submit to Congress a report on the evaluation. The report required under subsection (a) shall include an assessment of the capabilities of GUARDNET, the mobilization, training, and administrative network of the Army National Guard.

SA 1530. Mrs. LINCOLN (for herself and Mrs. HUTCHISON) 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. CERTAIN SERVICE PERFORMED IN THE RESERVE COMPONENTS DEEMED ACTIVE SERVICE.

Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(g) Any person who has not otherwise performed qualifying active duty service shall be deemed to have been on active duty for purposes of all laws administered by the Secretary if the person is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service.''.

SA 1531. 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:

SEC. _____. SENSE OF THE SENATE ON NEGOTIATING CONCESSIONS WITH TERRORISTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States has a longstanding policy of opposing negotiations with terrorists and terrorist organizations on concessions of any kind, including ransom demands, prisoner releases, and hostage exchanges. This longstanding policy has been repeated by numerous administrations over the past 4 decades.

(2) For example, at an August 4, 1975 meeting between President Gerald Ford and Secretary of State Henry Kissinger and Yugoslavian President Josip Tito, Secretary Kissinger explained that the United States ''position is, as it has always been, that we refuse to negotiate and to pay ransom in these cases. We do this in order not to encourage the capture of other Americans for the same purpose.''.

(3) In his comments to President Tito, Secretary Kissinger explained the basis for the United States policy, as well as his expectation that the United States would never change this no-negotiation policy: ''The American Government will always refuse to negotiate because that is the only way we can keep demands from being made upon us.''.

(4) In the same conversation, President Ford said, ''It's our strong feeling that if we were to breach this hard line that we take there would be no end to the demands being made upon us. We have to be tough and that is right in the long run.''.

(5) On January 20, 1986, President Ronald Reagan issued National Security Decision Directive 207, which prohibits negotiations with terrorist organizations regarding the release of hostages.

(6) National Security Decision Directive 207 sets forth in unequivocal terms the United States ''firm opposition to terrorism in all its forms'' and makes clear the Government's ''conviction that to accede to terrorist demands places more American citizens at risk. This no-concessions policy is the best way of protecting the greatest number of people and ensuring their safety.''.

(7) National Security Decision Directive 207 continues to say: ''The [United States Government] will pay no ransoms, nor permit releases of prisoners or agree to other conditions that could serve to encourage additional terrorism. We will make no changes in our policy because of terrorist threats or acts.''.

(8) Department of State Publication 10217, which was released in similar formats by the administrations of George H.W. Bush in 1991 and Bill Clinton in 1994, espouses the same no-concessions policy and makes clear that the United States ''will not support the freeing of prisoners from incarceration in response to terrorist demands.''.

(9) On April 4, 2002, President George W. Bush said, ''[t]error must be stopped. No nation can negotiate with terrorists, for there is no way to make peace with those whose only goal is death.''.

(10) Secretary of State Hillary Clinton, while serving in the United States Senate, wrote in 2007 that the United States ''cannot negotiate with individual terrorists; they must be hunted down and captured or killed.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should firmly maintain its longstanding policy against negotiating with terrorists and terrorist organizations on any concession or demand. It is further the sense of the Senate that any abandonment or weakening of this policy would endanger the safety of American citizens, including United States servicemen, and increase terrorist kidnappings, hostage demands, and murders.

SA 1532. 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 end of subtitle B of title XII, add the following:

SEC. ___. REPORT ON ANY DIRECT OR INDIRECT NEGOTIATIONS WITH TERRORISTS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

(2) NEGOTIATIONS WITH TERRORISTS.—The term ''negotiations with terrorists'' includes any direct or indirect negotiations with any person or organization that—

(A) has been designated by the United States, including any department or agency of the United States, as a person or organization that commits, threatens to commit, or supports terrorism;

(B) has engaged in any activity or is a representative of an organization that would render the person inadmissible under section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)); or

(C) is a member of al Qaeda or affiliated with al Qaeda through any council or activity.

(3) CONCESSION.—The term ''concession'' includes any discussion or demand for—

(A) payment or ransom;

(B) the withdrawal of United States military or diplomatic presence; or

(C) the release of any prisoner or detainee held by the United States.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a preliminary report that identifies any case in 300 days preceding the report in which the United States engaged in negotiations with terrorists regarding any person held in the custody of the United States or allied forces.

(2) PERIODIC REPORTS.—If any employee, agent, or representative of the Department of Defense or the Department of State engages in, authorizes, or cooperates in any way with, negotiations with terrorists regarding any person held in the custody of the United States or allied forces, the Secretary of Defense or, where appropriate, the Secretary of State, shall submit a report to the appropriate committees of Congress within 30 days of the engagement, authorization, or cooperation.

(3) FORM.—A report required under this subsection shall include all relevant facts, including the name of the terrorist person or organization, the name of any prisoner, detainee, or hostage who was the subject of such negotiations, the concession demanded or discussed during the negotiations, the name of any government or third party involved in the negotiations, and the outcome of the negotiations. The report shall be submitted in an unclassified format with a classified annex where appropriate.

SA 1533. 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:

On page 323, beginning on line 19, strike ''or'' and all that follows through line 22, and insert the following:

''(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

''(C) is a member of al Qaeda or a group that is connected with al Qaeda.''.

SA 1534. Mr. VOINOVICH (for himself, Mr. LEAHY, Mr. BOND, Mr. BENNETT, Mr. BYRD, Mr. COCHRAN, Mr. CRAPO, Mr. DORGAN, Ms. MURKOWSKI, Mr. RISCH, Mr. ROCKEFELLER, 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:

At the end of subtitle B of title V, add the following:

SEC. 512. AVAILABILITY OF APPROPRIATED FUNDS FOR INTERNATIONAL MILITARY-TO-CIVILIAN AND CIVIL SECURITY COOPERATION CONTACT ACTIVITIES CONDUCTED BY THE NATIONAL GUARD.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds

''(a) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated to the Department of Defense shall be available for the payment of costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting international military-to-civilian contacts, civil security cooperation contacts, and comparable activities for purposes as follows:

''(1) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

''(2) To build international civil-military partnerships and capacity.

''(3) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments.

''(4) To facilitate intergovernmental collaboration between the United States Government and foreign governments.

''(5) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

''(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for contacts and activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

''(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in contacts and activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

''(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in contacts and activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

''(d) DEFINITIONS.—In this section:

''(1) The term 'military-to-civilian contacts' means the following:

''(A) Contacts between members of the armed forces and foreign civilian personnel.

''(B) Contacts between members of foreign Armed Forces and United States civilian personnel.

''(2) The term 'civil security cooperation contacts' means contacts between United States civilian personnel and foreign civilian personnel.

''(3) The term 'United States civilian personnel' means the following:

''(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

''(B) Members and employees of the legislative branch, and non-governmental individuals, if the participation of such individuals in contacts and activities described in subsection (a)—

''(i) contributes to responsible management of defense resources;

''(ii) fosters greater respect for and understanding of the principle of civilian control of the military;

''(iii) contributes to cooperation between foreign military and civilian government agencies and United States military and civilian governmental agencies; or

''(iv) improves international partnerships and capacity on matters relating to defense and security.

''(4) The term 'foreign civilian personnel' means the following:

''(A) Civilian personnel of foreign governments at any level (including personnel of ministries other than ministries of defense).

''(B) Non-governmental individuals of foreign countries, if the participation of such individuals in contacts and activities described in subsection (a) will further the achievement of any matter set forth in clauses (i) through (iv) of paragraph (3)(B).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by adding at the end the following new item:

''2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds.''.

SA 1535. Mr. MARTINEZ 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 B of title XII, add the following:

SEC. 1222. REPORT ON CUBA AND CUBA'S RELATIONS WITH OTHER COUNTRIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) The cooperative agreements and relationships that Cuba has with Iran, North

Korea, and other states suspected of nuclear proliferation.

(2) A detailed account of the economic support provided by Venezuela to Cuba and the intelligence and other support that Cuba provides to the government of Hugo Chavez.

(3) A review of the evidence of relationships between the Cuban government or any of its components with drug cartels or involvement in other drug trafficking activities.

(4) The status and extent of Cuba's clandestine activities in the United States.

(5) The extent and activities of Cuban support for governments in Venezuela, Bolivia, Ecuador, Central America, and the Caribbean.

(6) The status and extent of Cuba's research and development program for biological weapons production.

(7) The status and extent of Cuba's cyberwarfare program.

SA 1536. Mr. MARTINEZ 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 B of title XII, add the following:

SEC. 1222. REPORT ON VENEZUELA.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) An inventory of all weapons purchases by, and transfers to, the government of Venezuela and Venezuela's transfers to other countries since 1998, particularly purchases and transfers of missiles, ships, submarines, and any other advanced systems. The report shall include an assessment of whether there is accountability of the purchases and transfers with respect to the end-use and diversion of such materiel to popular militias, other governments, or irregular armed forces.

(2) The mining and shipping of Venezuelan uranium to Iran, North Korea, and other states suspected of nuclear proliferation.

(3) The extent to which Hugo Chavez and other Venezuelan officials and supporters of the Venezuelan government provide political counsel, collaboration, financial ties, refuge, and other forms of support, including military materiel, to the Revolutionary Armed Forces of Colombia (FARC).

(4) The extent to which Hugo Chavez and other Venezuelan officials provide funding, logistical and political support to the Islamist terrorist organization Hezbollah.

(5) Deployment of Venezuelan security or intelligence personnel to Bolivia, including any role such personnel have in suppressing opponents of the government of Bolivia.

(6) Venezuela's clandestine material support for political movements and individuals throughout the Western Hemisphere with the objective of influencing the internal affairs of nations in the Western Hemisphere.

(7) Efforts by Hugo Chavez and other officials or supporters of the Venezuelan government to convert or launder funds that are the property of Venezuelan government agencies, instrumentalities, parastatals, including Petroleos de Venezuela, SA (PDVSA).

(8) Covert payments by Hugo Chavez or officials or supporters of the Venezuelan government to foreign political candidates, government officials, or officials of international organizations for the purpose of influencing the performance of their official duties.

SA 1537. Mr. MARTINEZ (for himself and Mr. INHOFE) 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 CONGRESS ON CONTINUED SUPPORT BY THE UNITED STATES FOR A STABLE AND DEMOCRATIC REPUBLIC OF IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The men and women of the United States Armed Forces who have served or are serving in the Republic of Iraq have done so with the utmost bravery and courage and deserve the respect and gratitude of the people of the United States and the people of Iraq.

(2) The leadership of Generals David Petraeus and Raymond Odierno, as the Commanders of the Multi-National Force Iraq, as well as Ambassador Ryan Crocker, was instrumental in bringing stability and success to Iraq.

(3) The strategy known as the surge resulted in significant security gains and facilitated the economic, political, and social gains that have occurred in Iraq since the surge was initiated in 2007.

(4) The people of Iraq have begun to develop a stable government and stable society because of the security provided by the surge and the decision of the people of Iraq to accept the ideals of a free and fair democratic society over the tyranny espoused by Al Qaeda and other terrorist organizations.

(5) The security gains achieved by the surge must be carefully maintained so that those fragile gains can be solidified and expanded upon, primarily by citizens of Iraq in service to their country, with the support of the United States as necessary.

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

(1) a stable and democratic Republic of Iraq is in the long-term national security interest of the United States;

(2) the people and the Government of the United States are committed to helping the people of Iraq ensure the stability of Iraq and peace in the region, which the stability of Iraq will provide; and

(3) the United States should be a long-term strategic partner with the Government and the people of Iraq in support of their efforts to build democracy, good governance, and peace and stability in the region, including through providing non-military assistance to the people of Iraq.

SA 1538. Mr. UDALL of New Mexico 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 571, line 6, strike ''$5,395,831,000'' and insert ''$5,763,856,000''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. 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 14, 2009 at 9 a.m., to conduct a hearing on ''Creating a Consumer Financial Protection Agency: A Cornerstone of America's New Economic Foundation.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, July 14, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. 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 Tuesday, July 14, 2009, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. 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 Tuesday, July 14, 2009, at 2:30 p.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 14, 2009, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Tuesday, July 14, 2009, at 9 a.m. in room 325 of the Russell Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized

to meet during the session of the Senate on July 14, 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.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 14, 2009 at 9:30 a.m. to conduct a hearing entitled, ''Women Veterans: Bridging the Gaps in Care.'' The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. LEVIN. 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 Tuesday, July 14, 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

Mrs. LINCOLN. Mr. President, I ask unanimous consent that Susan Kalasanas, who is a fellow in my office, be granted the privilege of the floor for the duration of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that MAJ Brian Forrest of the United States Army, whom I am privileged to have working in my office for a year, be granted floor privileges for the time the Senate is debating S. 1390, the National Defense Authorization Act for 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 15, 2009

Mr. KAUFMAN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 15; 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 Calendar No. 89, S. 1390, the Department of Defense authorization bill.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KAUFMAN. Madam 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 6:05 p.m., adjourned until Wednesday, July 15, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

PEACE CORPS

AARON S. WILLIAMS, OF VIRGINIA, TO BE DIRECTOR OF THE PEACE CORPS, VICE RONALD A. TSCHETTER, RESIGNED.

DEPARTMENT OF EDUCATION

BRENDA DANN-MESSIER, OF RHODE ISLAND, TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, DEPARTMENT OF EDUCATION, VICE TROY R. JUSTESEN.

DEPARTMENT OF JUSTICE

DENNIS K. BURKE, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE DIANE J. HUMETEWA.

STEVEN M. DETTELBACH, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS, VICE GREGORY A. WHITE, RESIGNED.

BRENDAN V. JOHNSON, OF SOUTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE MARTIN J. JACKLEY.

KAREN LOUISE LOEFFLER, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS, VICE TIMOTHY MARK BURGESS, RESIGNED.

FLORENCE T. NAKAKUNI, OF HAWAII, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS, VICE EDWARD HACHIRO KUBO, JR.

CARTER M. STEWART, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS, VICE GREGORY GORDON LOCKHART.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANTONIO J. ALFONSO
TINA L. ALLEN
MICHAEL S. ALLMAN
JULIE JOANNE ANDERSON
DEBORAH J. ANGELES
RICHARD J. ANSHUTZ
HECTOR R. APONTE
CHRISTOPHER L. ARCHER
GALMAR P. BALMACEDA
GLENN S. BANKSON
JENNIFER D. BANKSTON
AMBER J. BARKER
GEORGE T. BENSEMA
BENJAMIN BERZINIS
MELISSA A. BIRTZER
ANNA M. BRENNAN
DENISE D. CARCAMO
TRACI R. CARTER
WILLIAM R. CARTER
ROBERT L. CHAPLIN, JR.
WENDY A. CHAPMAN
STEPHANIE CHIRICO
KRISTA L. CHRISTIANSON
JUVELYN T. CHUA
WILLIAM N. CLARK
ROBERT L. COLELLA, JR.
JOY A. COLLINS
MOROM D. COULSON
ARMANDO L. CRUZ
PENNY H. CUNNINGHAM
PATRICIA J. DALTON
TAMARA D. DAVIS
PATTI JO IRENE DEMOTTS
RENAE R. DENELSBECK
LATASHA L. DUNN
JON D. EARLES
EMMELYNE P. EATON
MARION L. FOREMAN, JR.
MICHAEL M. FRIEBEL
MICKAELLE M. GERMAIN
TOD A. GIGLIO
MARK C. GOSLING
SUZANNE M. GREEN
KRISTA D. GREY
BOBBIE A. HANNER
MICHELLE L. HARMON
JAMALE R. HART
THOR F. HAUFF
KAREN A. HENDERSON
DAVID P. HERNANDEZ
ERVIN HERNANDEZ
JENNIFER B. HESSOCK
RONALD K. HODGEN
LONNIE W. HODGES
NISA T. HOGLE
DAWNKIMBERLY Y. HOPKINS
CLARENCE M. HUTTO
STEPHANIE ISAACFRANCIS
KELVIN L. JACK
KAREN S. JACKSON
JENNIFER LEA JAMISON GINES
TERRI J. JENNINGS
KARL E. KAMMER
AMANDA C. KRBEC
LYNN M. LAGADON
ALICIA M. LASITER
SCOTT A. LEBLANC
BRENDA LEE
TAMARA A. LEITAKERMYERS
AARON M. LEONARD
DAVID M. LEWIS
SARAH J. LINTHICUM
JON D. LONG
ROY L. LOUQUE
AMY F. MACIAS
ASHA K. MANDHARE
FOSTER ARTHUR MARRUFFO
CURLEN M. MARTINSON
MARIO D. MAXWELL
DANIELLE J. MCALLISTER
CINDY A. MCCULLOUGH
CLAUDIA G. MENJIVAR
TERESE E. MICHAUD
LAURIE A. MIGLIORE
WILLIAM R. MITCHELL
JAMES H. MONTGOMERY
MARIA E. MORGAN
SANDRA R. NESTOR
DAVID S. NORWOOD
GARY W. NOVAK
SARAH E. OLIVER
TONI OLIVIERI
ADELEKE A. OYEMADE
WANDA R. PARKS
TODD M. PFAFFENBICHLER
MATTHEW L. PFEIFFER
DAVID A. POJMAN
JONATHAN M. PRATT
GARY A. PULMANO
DONNA L. RADCLIFF
TIMOTHY N. RAINES
SUSAN P. RHEA
KRISTINE L. RILEY
GRICEL RODRIGUEZ
HEATHER N. ROSCISZEWSKI
ROBERT D. ROTH
SCOTT F. SANDERS
MARY E. SCHROEDER
TIMOTHY L. SHAW
AMANDA L. SIANGCO
ZAHID M. SIDDIQUE
KEVIN J. SKAGGS
ERIKA T. SMITH
PABLO A. SNEAD
LORI S. SPICER
MARSHA R. STARKS
WANDA K. STAUFFER
JAMES C. STEWARD
SHERRY D. STIGALL
ELIZABETH E. TAILLON
WILLIAM L. TENNYSON III
ROSLYN M. THOMAS
CLINTON K. WAHL
MARLENE M. B. WALLACE
JAMES K. WEBB
MARGARET A. WHITE
THEODORA G. WHITFIELD
STEPHEN T. WINNETT
JAMES C. WINTER
MARIA C. YAMZON
SINA M. ZIEMAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

EBON S. ALLEY
MARISA A. ALVARADO
NATHAN L. ANDERSON
JEFFREY D. ANDREOLI
QUENTIN D. BAGBY
PAUL A. BECKER
DESMOND J. BIAVA
GWENDOLYN M. BOLEWARE
PHILIP C. BOSSART
SAUNYA N. BRIGHT
DAVID D. BURNS
PAMELA A. BYRD
EDGAR G. CADUA
CATHERINE M. CALLENDER
LARRY D. CARNES
SEAN M. CHICKERY
RICHARD C. CLARK
BARRY J. CLEARY
JOSEPH S. COFER
ADAYMEE COFRESI
JOANNE S. CONLEY
KWAME A. CURTIS
BRIAN K. DART
LAURA J. DART
ANTHONY P. DAVIS
PATRICE L. DAVIS
STEVEN W. DAWSON
BRENDA L. DEHN
STEVEN A. DEZELL

JOSE DIAZ
PAUL R. EDEN
CHRISTOPHER W. EDWARDS
BEVERLY L. EICHMAN
RICHARD J. FARLEY
DEREK J. FAVRET
JASON R. FEJES
MARSHALL A. FISCUS
GRETCHEN ANN FIVECOAT
MICHAEL G. FLEMING
CARLOS R. FLORES, JR.
KIM FLOYD
JOHNNIE FOSTER, JR.
MARIA E. GOMEZHERBERT
GREGORY A. GOOTEE
ENRIQUE GUERRERO, JR.
ALAN C. HALE
ELISA AMANTIAD HAMMER
JEREMY S. HASKELL
MARY E. HAY
VICTOR L. HOLMES
JERRY O. HOOPES, JR.
DEREC S. HUDSON
TY HUNT
CHELSEA D. JOHNSON
JULIE M. JOHNSON
MORRIS S. JONES II
STEVEN J. KEIFER
SAMANTHA J. KELPIS
PAUL Y. KIM
JACQUELINE E. KING
STEPHANIE I. KING
JOSEPH B. KIRKMAN
KAREN P. KRAMER
KEVIN L. KUBLY
JIMMEY N. LABIT, JR.
DIANE S. LANTAGNE
THAI H. LE
RONNI R. LESLIE
PHILIPP G. LIM
MICHAEL S. LUBY
PATRICIA M. LUCAS
WILLIAM E. LUJAN
ALEXANDER F. MACDONALD
THOMAS J. MADDEN
NATHAN B. MAERTENS
FAIRLIGHT B. MATTHEWS
TIMOTHY J. MCDOWELL
DANIEL S. MCKIM
TRAVIS J. MEIDINGER
CAROLANN MILLER
MICHAEL A. MILLIS
BRIDGET A. MOORE
DEREK F. MUNOZ
MARIO R. MUNOZ
BRUCE A. MURREN
ELIZABETH NAJERA
JON C. NEUMANN
MARK A. NOON
KAREN C. NZEREM
JAIME R. K. OKAMURA
CLIFFORD N. OTTE
CHUNIL PAENG
JAMES E. PARRIS
PAMELA S. PAULIN
VANTHY B. PHAM
ERIC L. PHILLIPS
STEPHEN G. POLY
ARON R. POTTER
NAYDA O. PROTZMAN
BARRY R. REEDER, JR.
RAY C. RENDON
GERMAN REYES
TRACY L. RIGGS
JAIME L. RIVAS
CLAY A. ROBERTS
WILLIAM D. ROBERTS
ALLISON R. ROGERS
PATRICIA ROHRBECK
CESAR ROMERO
ELLEN A. ROSKA
MIKLOS C. ROZSA
JUSTIN E. SANDHOLM
EDWIN Y. SANTOS
SEAN D. SARSFIELD
DANIEL J. SCHNEIDER
JEFFREY J. SCOTT
KELLI J. SILVERSTRIM
BRIAN D. SMITH
MICHAEL A. SMITH
GARY R. SNELLER II
HECTOR R. STEPHENSON
SEAN P. STROPE
DARRELL D. SVATEK
DANIEL D. SWEENEY
BRIAN K. SYDNOR
JASON P. TAUSEK
BRANDON M. TOURTILLOTT
ANTHONY R. TY
DERRICK F. VARNER
THOMAS D. VAUGHN
JEROME L. VINLUAN
THUY N. VO
KHAI H. VUONG
ANGIE M. WALKER
AARON D. WEAVER
JANA M. WEINER
DAVID J. WILLIAMS
MARY A. WORKMAN
CHRISTINE M. YARBROUGH
RICHARD Y. K. YOO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LANCE L. ANNICELLI
PEGGY A. CAIN
PATRICK J. CASTLE
IMELDA M. CATALASAN
JOHN D. CHILDS
KRISSA J. C. CRAWFORD
ANDREW A. CRUZ
DAVID H. DICKEY
MARK R. DUFFY
MELANIE J. ELLIS
SHARON J. GOBER
STEPHEN G. GRIEP
LEVETTE M. HAMBLIN
BARBARA J. HOEBEN
THOMAS G. HUGHES
WILLIAM R. HURTLE
NATALIE M. JOHNS
DAVID W. KOLES
LARRY S. KROLL
MARTIN W. LAFRANCE
DAVID J. LINKH
GUY R. MAJKOWSKI
MARION F. MALINOWSKI, JR.
CHERIE ANNE C. MAUNTEL
TAMMY H. MCKENZIE
DOUGLAS M. ODEGAARD, JR.
MAUD OLIVER KELLEY
MICHAEL B. PEAKE
DARREN P. RHOTON
JOEL B. ROBB
JEREMY M. SLAGLEY
DONNA C. SMITH
SCOTT M. SONNEK
CHRISTINE L. STABILE
STEVEN G. STERN
DAVID F. SWAYNE, JR.
BERNARD L. VANPELT
MINH T. VUONG
DOUGLAS W. WEBB
DAVID A. WELGE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ELISE A. AHLSWEDE
VALERIE T. BELLE
CHRISTINE R. BERBERICK
KATHLEEN M. BROWNING
MIMI CANNONIER
LISA M. COLE
RICHARD S. CONTE
LISA A. DAVISON
KRISTA L. DIXON
JULIE M. FAUBION
KAREN M. FEDERICI
LOUIS A. GALLO
CHERRON R. GALLUZZO
STEPHANIE M. GARDNER
HOLLY L. GINN
ANDREA K. GOODEN
CHRISTINE R. GUNDEL
EVELYN J. HALE
ROSEMARY T. HALEY
KERRY L. HESSELRODE
JADE K. HIN
MARY E. HOLMSTRAND
PENNY L. JESS
HEATHER L. JOHNSON
MARGRET M. JONES
TERYL A. LOENDORF
MARIA L. MARCANGELO
STEPHENIE J. MCCUE
SHERRY D. MOORE
BRENDA J. MORGAN
GEORGE R. MOSELEY
ROBYN D. NELSON
RAYMOND M. NUDO
BRADLEY A. OLSSON
CHRISTOPHER T. PAIGE
KAREN J. RADER
IMELDA M. REEDY
GAIL A. REICHERT
WILLIAM A. REYNOLDS
TREESA J. SALTER
SHEVONNE L. SCOTT
RICKY JAY SEXTON
GEMMA M. SMITH
AVEN L. STRAND
RICHARD J. TERRACCIANO
BEVERLY A. THORNBERG
COLLEEN P. TREACY
MARIA T. VIDA
THEODORE J. WALKER, JR.
MARY M. WALSH
PAUL K. YENTER
DEEDRA L. ZABOKRTSKY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

RAAN R. AALGAARD
MICHAEL D. ALFORD
CHARLES T. ALLEN
KEVIN S. ALLEN
MARK E. ALLEN
DAVID L. ALMAND
DAGVIN R. M. ANDERSON
DANIEL L. ANDERSON
JON M. ANDERSON
STEPHEN L. ANDREASEN
KEITH E. ANDREWS
JOHN S. R. ANTTONEN
JOHN E. ARMOUR
JOHN T. ARNOLD
AMY V. ARWOOD
CHRISTOPHER B. ATHEARN
HANS R. AUGUSTUS
CHRISTOPHER P. AZZANO
GEOFFREY S. BACON
WILLIAM D. BAILEY
JEFFREY A. BAIR
JAMES C. BAIRD
KEITH W. BALTS
JOHN M. BALZANO
PHILLIP B. BARKS
BARTON V. BARNHART
DOUGLAS W. BARRON
BRYAN C. BARTLETT
PAUL E. BAUMAN
KEITH L. BEARDEN
SETH BEAUBIEN
ANDREA D. BEGEL
SCOTT W. BEIDLEMAN
KEVIN S. BENNETT
MARK S. BENNETT
KEVIN L. BERKOMPAS
ALAN R. BERRY
KENNETH T. BIBB, JR.
STEPHEN H. BISSONNETTE
MILTON L. BLACKMON, JR.
KRISTINE E. BLACKWELL
JEFFREY E. BLALOCK
LISA D. BOMBERG
PHILLIP M. BOROFF
MARY NOEHL BOUCHER
RICHARD H. BOUTWELL
CLIFFORD M. BOWMAN
MARCUS A. BOYD
JAMIE S. BRADY
TROY A. J. BRASHEAR
CARL N. BRENNER
EDWARD S. BREWER
SEAN C. BRODERICK
KEVIN D. BROWN
JAMES E. BUCHMAN
LANCE R. BUNCH
SHERRY M. BUNCH
SUZANNE C. BUONO
KEVIN E. BURNS
DEAN E. BUSHEY
ANTHONY C. BUTTS
ERIC D. CAIN
MARLON G. CAMACHO
CAROLYN D. CAMPBELL
TODD D. CANTERBURY
CHRISTOPHER G. CANTU
ROBERT J. CAPOZZELLA
DANIEL D. CAPPABIANCA
MARIA L. CARL
CHRISTOPHER F. CARPER
JAMES W. CASEY
LINA M. CASHIN
HENRI F. CASTELAIN
JOHN W. CHAPMAN
XAVIER D. CHAVEZ
SCOTT D. CHOWNING
ROBYN A. CHUMLEY
MICHAEL CLAFFEY
KELLY B. CLARK
JAMES A. CLAVENNA
LUKE E. CLOSSON III
JAMES A. COFFEY
THOMAS D. COLBY
STAN G. COLE
DAVID M. COLEY
CHRISTOPHER A. COMEAU
DONALD M. CONLEY
SHANE M. CONNARY
MICHELE M. COOK
CHARLES S. CORCORAN
BARRY R. CORNISH
MICHAEL J. COSTELLO
JAMES A. CRUTCHFIELD
DANIEL D. DAETZ
KENT B. DALTON
LEONARD J. DAMICO
ERIC D. DANNA
PETER F. DAVEY
JOHN E. DAVIS
MELVIN G. DEAILE
ALEXANDER DEFAZIO III
JOSEPH W. DEMARCO
DAVID R. DENHARD
MICHAEL R. DENNIS
JAY B. DESJARDINS, JR.
STEVEN P. DESORDI
SCOTT V. DETHOMAS
FRANCES A. DEUTCH
MICHAEL L. DILDA
STEFAN B. DOSEDEL
RONALD J. DOUGHERTY
KEITH J. DUFFY
SCOTT D. EDWARDS
FRANK EFFRECE, JR.
CHRISTOPHER L. EISENBIES
THOMAS D. EISENHAUER
DANIEL J. ELMORE
DOUGLAS K. ENGELKE
ADAM C. ENGLEMAN
REY R. ERMITANO
STEVEN A. ESTOCK
ROBERT A. FABIAN
DAVID T. FAHRENKRUG
DAVID S. FARROW
JAMES L. FEDERWISCH
SCOTT T. FIKE
DONALD N. FINLEY
JEFFREY D. FLEWELLING
DAVID H. FOGLESONG
RICHARD P. FOJTIK
EDWARD L. FORD

TEDDY R. FORDYCE II
MARK A. FORINGER
STEVEN C. FRANKLIN
KENNETH D. FROLLINI
MARK P. GARST
ERIC S. GARTNER
WILLIAM E. GERHARD, JR.
COREY L. GERSTEN
THOMAS C. GILSTER
PETER D. GIUSTI
MICHAEL W. GLACCUM
KELLY L. GOGGIN
PETER E. GOLDFEIN
WILLIAM M. GOLLADAY
SAMUEL D. GRABLE
SCOTT D. GRAHAM
GORDON P. GREANEY
CHARLES S. GREENWALD
THOMAS C. GRIESBAUM
JOHN F. GROFF
MICHAEL A. GUETLEIN
DAVID M. HAAR
DOUGLAS I. HAGEN
MICHAEL T. HALBIG
CALVIN S. HALL II
PAUL S. HAMILTON
DOUGLAS M. HAMMER
JOEL T. HANSON
MICHAEL C. HARASIMOWICZ
SAMUEL M. HARBIN
DAVID F. HARDY
STEVEN B. HARDY
JOHN M. HARRISON
BRIAN E. HASTINGS
DAVID A. HAUPT
CHRISTOPHER P. HAUTH
MARKUS J. HENNEKE
THOMAS K. HENSLEY
MICHAEL A. HESS
THOMAS P. HESTERMAN
DAVID L. HICKEY
CHARLES W. HILL
MICHAEL S. HILL
DAVID W. HILTZ
SAMUEL C. HINOTE
BRADLEY T. HOAGLAND
JEFFREY A. HOKETT
MICHAEL W. HOLL
DALE S. HOLLAND
CAMERON G. HOLT
CHRISTOPHER M. HOLTON
DAVID E. HOOK
CRINLEY S. HOOVER
ADRIAN L. HOVIOUS
JAMES L. HUDSON
DOUGLAS A. HUFFMAN
DEAN G. HULLINGS
THAD A. HUNKINS
JEFFREY R. HUNT
JEFFREY H. HURLBERT
KEVIN A. HUYCK
CHRISTOPHER J. IRELAND
JOHN J. IWANSKI
JOEL D. JACKSON
TROY S. JACKSON
EVA S. JENKINS
JAMES G. JINNETTE
THOMAS N. JOHNSON
RONALD E. JOLLY, SR.
BRIAN S. JONASEN
KEITH B. KANE
KIRK S. KARVER
JANET LYNN KASMER
JAMES C. KATRENAK
RANDY L. KAUFMAN
JOSEPH C. KEELON
WARREN L. KEITHLEY, JR.
REBECCA A. KELLER
MICHAEL J. KELLY
STEPHEN H. KENNEDY
ROMAN H. KENT
DOUGLAS W. KIELY
ROBERT KILLEFER III
PETER E. KIM
CARL L. KING
KEVIN B. KING
CHRISTOPHER E. KINNE
KELLY A. KIRTS
WILLIAM M. KNIGHT
DAVID M. KOCH
MICHAEL W. KOMETER
DAVID W. KOONTZ
MICHAEL G. KOSCHESKI
IOANNIS KOSKINAS
JAMES N. KRAJEWSKI
ANTHONY B. KRAWIETZ
THOMAS R. W. KREUSER
CHRISTOPHER J. KUBICK
JOHN C. KUBINEC
STEPHEN P. LAMBERT
LANCE K. LANDRUM
DAVID M. LANGE
JEFFREY W. LANNING
MARGARET C. LAREZOS
GEORGE B. LAVEZZI, JR.
TIMOTHY J. LAWRENCE
CRAIG S. LEAVITT
DEAN W. LEE
GLENN B. LEMASTERS, JR.
ROBERT T. LEONARD
RONALD K. LIGHT, JR.
NATHAN J. LINDSAY, JR.
RAY A. LINDSAY
JOHN T. LINN
DEWEY G. LITTLE, JR.
VINCENT P. LOGSDON
DAVID S. LONG
RAYMOND S. LOPEZ
ROYCE D. LOTT
DAVID B. LOWE
DAVID J. LUCIA
MICHAEL J. LUTTON
RONALD G. MACHOIAN
KENNETH D. MADURA
ANGEL M. MALDONADO
MATTHEW E. MANGAN
JEFFREY L. MARKER
JAMES D. MARRY
LEE H. MARSH, JR.
STEVEN C. MARSMAN
HAROLD W. MARTIN III
MICHAEL A. MARZEC
DAVID M. MASON
EDWARD J. MASTERSON
KEVIN M. MASTERSON
PATRICK S. MATTHEWS
AARON D. MAYNARD
RACHEL A. MCCAFFREY
JAMES C. MCCLELLAN
JAMES D. MCCREARY
JOE D. MCDONALD
LAWRENCE W. MCLAUGHLIN
DEBORAH A. MCMURTREY
GREGORY J. MCNEW
JAMES P. MEGER
KURT W. MEIDEL
BERRAE N. MEIXSELL, JR.
DOUG J. MELANCON
PABLO F. MELENDEZ
JAMES C. MERCER
DEBORAH A. MESERVE
JEFFERY P. MESERVE
JEFFREY A. MEYER
MONICA E. MIDGETTE
JOHN M. MIGYANKO III
CURTIS S. MILAM
KARLA J. MILLER
CHERYL D. MINTO
MAX B. MITCHELL
RICHARD L. MITCHELL
JOHN J. MOES
CHRISTOPHER A. MOFFETT
RICHARD G. MOORE, JR.
RICHARD D. MOOREHEAD
JOHN W. MOREHEAD
MICHAEL D. MORELOCK
DAVE B. MORGAN
DAVID S. MORK
PETER G. MOUTSATSON
PAMELA A. MOXLEY
WILLIAM C. MURPHEY
TIMOTHY M. MURTHA
DAVID S. NAISBITT
JOHN R. NEAL
HOWARD D. NEELEY
ANDREW T. NIELSEN
MICHAEL J. NOBLE
RICHARD E. NOLAN
CAROL S. NORTHRUP
JULIE ANN NOTO
SHAWNA E. OBRIEN
JOHN SHERMAN OLIVER
CHARLES S. OLSON
EDWIN H. OSHIBA
MICHAEL R. OUTLAW
CHARLES R. OWEN
ANTHONY M. PACKARD
RICHARD S. PALMIERI
BRIAN A. PARKER
EDWARD L. PARKER, JR.
KEITH C. PARNELL
DAVID A. PARR
LIZA M. PARR
SCOTT GEORGE PATTON
JAMES D. PECCIA III
DONALD J. PECK II
STEPHEN D. PEDROTTY
SCOTT D. PEEL
MELVIN H. PETERSEN
RICHARD A. PETERSON, JR.
RODNEY J. PETITHOMME
DAVID L. PHILLIPS, JR.
TODD R. PHINNEY
MARC D. PICCOLO
MICHAEL S. PITTS
KENNETH PLAKS
WILLIAM J. POIRIER
DAVID E. POLLMILLER
MARK E. POLOMSKY
GLENN E. POWELL, JR.
MICHAEL W. PRATT
AARON M. PRUPAS
TERESA A. QUICK
ELIOT S. RAMEY
DOUGLAS M. RAUSCH
ALAN F. REBHOLZ
ROBERT D. REDANZ, JR.
MICHAEL D. REED
RANDALL REED
GREGORY J. REESE
MARC E. REESE
MICHAEL REYNA
KEVIN M. RHOADES
ROBERT S. RICCI
CHRISTOPHER C. RICHARDSON
RENEE M. RICHARDSON
CURTIS B. RIEDEL
PATRICIA M. RINALDI
JAMES E. ROBERTS, JR.
TOMMY A. ROBERTS
WILLIAM A. ROBINSON, JR.
JAMES A. RODRIGUEZ
ROBERT M. ROGERS
JOSEPH J. ROMERO
GREGORY J. ROSENMERKEL
RICHARD P. ROTH
KARL M. ROZELSKY
ERIK K. RUNDQUIST
DANIEL B. RUNYON
THOMAS G. SADLO
MATTHEW D. SAMBORA
THOMAS A. SANTORO, JR.
PETER A. SARTORI
TIMOTHY D. SARTZ
CARL E. SCHAEFER
TERRY SCOTT
DOUGLAS B. SEAGRAVES
DANIEL M. SEMSEL
JOSEPH A. SEXTON
JOHN K. SHAFER
BRETT D. SHARP
JOHN M. SHEPLEY
JEFFREY R. SHERK
MICHAEL W. SHIELDS
LEANNE M. SIEDLARZ
PAUL L. J. SINOPOLI
RICHARD A. P. SISON
MICHAEL L. SLOJKOWSKI
JEFFREY M. SMITH
KAY A. SMITH
JAMES P. SOLTI
WILLIAM A. SPANGENTHAL
RICHARD K. SPILLANE
ROBERT A. SPITZNAGEL
JEFFREY F. STAHA
PHILLIP A. STEWART
DAVID R. STIMAC
RODNEY J. STOKES
ANGELA G. STOUT
PATRICK T. SULLIVAN
JEFFREY P. SZCZEPANIK
DAVID H. TABOR
KYLE F. TAYLOR
KEITH J. TEISTER
GREGORY D. THOMAS
TROY S. THOMAS
WILLIAM C. THOMAS
RICKY L. THOMPSON
DANIEL W. TIPPETT
JEFFREY M. TODD
PATRICK M. TOM
CHARLES F. TOPLIKAR
MARIO J. TRONCOSO
THOMAS J. TRUMBULL II
CLAUDE K. TUDOR, JR.
JOSEPH J. TURK, JR.
ROBERT K. UEMURA
GEORGE A. URIBE
DAVID J. USELMAN
JEFFREY L. VANDENBUSSCHE
MARC C. VANWERT
CRISTOS VASILAS
WADE H. VAUGHT
ROBERT J. VERCHER
DARREN R. VIGEN
JOHN M. VITACCA
DEAN C. VITALE
WILLIAM J. VOGT, JR.
KYLE D. VOIGT
JOHN G. WAGGONER
DAVID W. WALKER
KENNETH A. WALTERS
WALTER H. WARD, JR.
GEORGE H. V. WARING
RUSSELL M. WARNER
DON R. WATSON, JR.
WILLIAM M. WEAVER
MICHAEL K. WEBB
ROBERT E. WEBB
JERRY A. WEIHE
CAROL P. WELSCH
ELIZABETH A. WEST
JEFFREY M. WHITE
TIMOTHY M. WHITE
JAMES T. WHITLOW
CRAIG A. WILCOX
JAMES S. WILDES, JR.
DAVID R. WILLE
JOHN A. WILLIAMS II
ANTHONY W. WILLIS
JOHNDAVID W. WILLIS
GREGORY WILSON
VAN A. WIMMER, JR.
MARTIN G. WINKLER
DAVID B. WISE
DOUGLAS P. WISE
MICHAEL A. WORMLEY
NORMAN M. WORTHEN
DANIEL D. WRIGHT III
JOSEPH M. YANKOVICH, JR.
ANCEL B. YARBROUGH II
STACY L. YIKE
LING YUNG
WILLIAM Z. ZECK
GREGORY S. ZEHNER

EXTENSIONS OF REMARKS

IN MEMORY OF JOSEPH CANNON HOUGHTELING

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. PELOSI. Madam Speaker, I rise to pay tribute to a great California statesman and public servant, Joseph Cannon Houghteling, who passed away on June 23, 2009.

On July 16th, 2009 Joe's family and friends will gather on San Francisco's historic ship the *Balclutha* to celebrate his life, and I wish to honor my friend by submitting his obituary from the San Francisco Chronicle.

Joseph Cannon Houghteling, former chairman of the San Francisco Bay Conservation and Development Commission (BCDC) and Democratic activist, died at home June 23 in San Francisco after a short illness. He was 84. Houghteling spent many years in pro bono public service, with an emphasis on regional government, transportation and the balance between conservation and development. When he stepped down as chairman of BCDC, The Chronicle editorialized ''He has served with wit, style and patience . . . and has brought a spirit of compromise to its responsibility of allowing development but protecting the environment, two goals often hard to reach.'' Born in San Francisco in 1924, son of the late William and Virginia LeSeure Houghteling, Houghteling attended Phillips Academy in Andover, Mass. He then joined the Navy V–12 college officer-training program and attended Bates College and the College of the Holy Cross. He served aboard the USS *Ocklawaha* in 1945–46 with the forces occupying Japan. He graduated from Yale in 1947. After college, Houghteling moved to the Peninsula, where he was publisher of community newspapers including The Gilroy Dispatch, The Los Gatos Times-Observer, The Sunnyvale Standard, The Pleasanton Times and The Mountain View Register-Leader. He owned The Nevada County Nugget for a time. He also founded Diablo Press, which published books on controversial topics including abortion and ''We Accuse,'' a collection of essays on the new American political anger during the Vietnam War, as well as ''The Sinking of the Lollipop'' by Rodney G. Minott, about the congressional campaign of Pete McCloskey and Shirley Temple Black. Although he came from a family of Illinois Republicans, including great-grand-father ''Uncle Joe'' Cannon, Republican Speaker of the U.S. House of Representatives, Houghteling became a committed Democrat. He was a California delegate to the Democratic Conventions of 1956, supporting Adlai Stevenson, and of 1960, supporting John F. Kennedy. He was Northern California treasurer to the 1960 Kennedy presidential campaign. He participated in many other campaigns, including those of both Pat and Jerry Brown, John Tunney, Dianne Feinstein and Pete McCloskey. Houghteling served on the boards of many nonprofits including California Tomorrow, the Planning and Conservation League Foundation, the Coro Foundation, Stanford Hospital, Peninsula School and the California Newspaper Publishers Association. Houghteling joked that he was ''one of Pat Brown's youngest appointees and one of Jerry Brown's oldest.'' Gov. Edmund G. ''Pat'' Brown appointed Houghteling to the State Park Commission, which Houghteling eventually chaired, in 1959; in 1964 he was appointed to the State Highway Commission. Houghteling was appointed to BCDC in 1971; in the mid-1970s, he was appointed chairman by Gov. Edmund G. ''Jerry'' Brown Jr., a post he held until 1982. While chairman, Houghteling shepherded through the Suisun Marsh Protection Plan, which shielded 89,000 acres of wetlands and wildlife habitat from uncontrolled development. From 1972–1982, Houghteling was on the Metropolitan Transportation Commission. While on MTC, he noticed that there was no direct pedestrian access from the Embarcadero to the ferry landing. At Houghteling's suggestion, a passageway was built through the Ferry Building to allow easy access. In 1994, a plaque was installed in the Ferry Building to honor Houghteling. In 1984, Houghteling was appointed to the bi-state Tahoe Regional Planning Agency, on which he served until 1992. Houghteling also was president of the National Maritime Museum Association from 1992–1994. He was instrumental in bringing the submarine the USS *Pampanito* to Pier 45. Houghteling lived in Palo Alto, Los Gatos and Atherton. After moving back to San Francisco in 1978, he kept a home in Portola Valley for many years. Houghteling is survived by his wife of 31 years, Signa Judith Irwin Houghteling, and his daughters with the late Frances Fisher Houghteling: Anne Frances Houghteling and her husband, Herb Greenman, of Palo Alto; Elizabeth Cannon Houghteling and her husband, Philip Balboni, of Cambridge, Mass.; and Mary Wallace Houghteling of Berkeley. He is survived by his grandson, Philip Cannon Houghteling Balboni, of Cambridge. He leaves three nieces and a nephew by his sister, Lucretia H. Robertson, who predeceased him.''

EXPRESSING THE GRATITUDE OF THE HOUSE OF REPRESENTATIVES FOR THE SERVICE OF M. POPE BARROW, JR.

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, there are many people who work very hard behind the scenes to enable the House to fulfill its legislative responsibilities, and Pope Barrow is unsurpassed in his craft. As "the" House Legislative Counsel for the past dozen years, and as "a" legislative counsel for 28 years before that, Barrow has helped me and every Member to prepare and perfect our legislation, that is, the actual words on the papers that Congress enacts into the law of the land. He is a gruff yet genial fellow who takes great pride in his work, and rightly so. He has much to be proud of over the course of his career, as many of my colleagues have already described.

I frankly don't know about Barrow's other genres, but as Legislative Counsel his professional work product here can be indecipherable. Even Shakespeare's prose makes lighter reading. With the Bard one needs only an English-language dictionary nearby. For Barrow's works, one needs, at a minimum, not only Webster's but Black's Law Dictionary, the Revised Statutes of the United States, the Statutes-at-Large, the United States Code, and a pot of strong coffee.

Writing federal legislation is obviously a unique skill and a decorative art form. Pope Barrow and his office colleagues have mastered it. As a practical matter, all of us Members untrained as lawyers in our former lives would always find ourselves at a disadvantage in any legislature, so we owe Pope Barrow and his colleagues an extraordinary debt of gratitude. He evens the playing field so a carpenter like me can compete with any other Member in this place.

Madam Speaker, on behalf of myself and my own staff, and on behalf of the staff of the House Administration Committee, I wish Pope well in his next endeavors, whatever they may be. May Pope Barrow always look back over his 40 years here as fondly as will his office colleagues and every Member of this House.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other puropses:

Mr. KUCINICH. Mr. Chair, we must take measurable actions to replace policies of aggression with policies of dialogue, adherence to international law and an unwavering dedication to the protection of human rights. As such, I oppose the bill based on the inclusion of funding for programs and support for policies that fail to meet these important goals.

This bill continues funding for the International Military Education and Training (IMET) program. IMET is one of the three funding sources that support the Western Hemisphere Institute for Security Cooperation (WHINSEC), formerly known as the School of the Americas (SOA).

This combat-training facility for security personnel in Latin America is notorious for graduating human rights offenders. In its 59 years of existence, the SOA trained over 60,000 Latin American soldiers in counterinsurgency techniques, sniper training, commando and psychological warfare, military intelligence and interrogation tactics. These graduates have consistently targeted educators, union organizers, religious workers, student leaders, and

others who work for the rights of the poor. Hundreds of thousands of Latin Americans have been victims of SOA graduates.

A particularly egregious example shows Americans have been affected too. In 1980, Sisters Dorothy and Jean Donovan of Cleveland, along with two other churchwomen from the U.S., Sister Maura Clarke and Sister Ita Forde, were raped and murdered by members of the armed forces of El Salvador. Three of the five officers involved were graduates of the School of the Americas.

I oppose the continuation of funding for the Merida Initiative and expansion of this flawed program to the Caribbean countries. Time and again, research has demonstrated that illicit drug production in developing countries stems from pervasive rural poverty and lack of sustainable sources of income. More money for guns and other tools of destruction will do nothing to ease the suffering of those struggling with addiction or alleviate the social problems that compel people to produce and/or traffic drugs.

I also oppose the Import-Export Bank provision in Section 7043 of the bill regarding Iran. Sanctions can be an effective diplomatic tool in the right circumstances. However, sanctions are meant to cripple economies and as such can have disastrous consequences for the citizens of any sanctioned country. Iran is experiencing extreme turmoil among its citizens. Recent events make it very clear that the people of Iran are to be commended for their courage, not strangled by an increasingly crippled economy as the fabric of their society is being ripped apart. Furthermore, the provision will undoubtedly target countries that are our allies who will have a role to play as the U.S. moves forward diplomatically with Iran and in the region generally. With the global economic crisis, this policy will cause the U.S. to fall far short of our diplomatic goals in the region.

These are policies that take us down the wrong path. I cannot support this bill.

EARMARK DECLARATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PETRI. 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: The Honorable THOMAS E. PETRI

Bill Number: H.R. 3183

Account: Department of Energy: Energy, Efficiency, and Renewable Energy (EERE)

Legal Name of Requesting Entity: University of Wisconsin Oshkosh

Address of Requesting Entity: 800 Algoma Blvd, Oshkosh, Wisconsin 54901

Description of Request: The $500,000 appropriation will be used by UW Oshkosh to establish a program for biomass recycling to be housed on their campus. This project is in conjunction with several private and public entities in the State of Wisconsin. The EERE account provides federal funds to strengthen the United States' energy security, environmental quality, and economic vitality in public-private partnerships. This project is expected to both reduce organic waste sent to the landfill and produce alternative fuels to replace fossil-fuel generated energy for campus operations. The University believes it will save approximately $150,000 annually in energy savings. Schools, nursing homes, and other community institutions and households will gain a means to dispose of biomass waste in an environmentally responsible manner and the entire community will benefit from reduced demand on landfill capacity. Funding will be used to acquire the anaerobic digesting plant equipment, plan and engineer the installation of the digester plant, and educate the Oshkosh area community about this new technology. This project supports the University's plan to develop alternative sustainable energy sources and follow the Governor of Wisconsin's directive to eliminate dependence on fossil fuels.

Account: U.S. Army Corps of Engineers, Section 1135

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Detroit Division

Address of Requesting Entity: P.O. Box 1027, Detroit, MI 48231

Description of Request: $150,000 for the Corps of Engineers' assistance to participate in an investigation to determine the extent of the Corps' water level management strategy on the depletion of fish and other aquatic habitat within Lake Poygan, Winnebago County, Wisconsin. Lake Poygan once provided abundant high quality habitat for water fowl and other birds, furbearers, and warm water fishery. Much of this habitat has deteriorated in recent years. The existing water level management strategy is being reviewed to determine its role in the degradation. Water levels at Lake Poygan have been managed under the U.S. Army Corps of Engineers' Fox River project since 1872. The project would involve the construction of a break wall on Lake Poygan for the purpose of protecting, improving, and restoring fish and other aquatic life habitat. FY 2010 funding would be used to continue the feasibility phase.

Account: U.S. Army Corps of Engineers—Construction

Legal Name of Requesting Entity: U.S. Army Engineer District, Chicago

Address of Requesting Entity: 111 North Canal Street, Suite 600, Chicago, IL 60606.

Description of Request: The appropriation will provide $7.275 million in the FY 10 Energy and Water Development Appropriations bill, Construction account for the Chicago Sanitary & Ship Canal. The funding would be used for the construction and operation of the electric dispersal barriers in the canal as well as a study to consider alternative approaches to prevent inter-basin transfers of aquatic nuisance species. This request was made with numerous Members and Senators of the Congressional Great Lakes Task Force, along with a request from President Obama.

Account: U.S. Army Corps of Engineers—Construction

Legal Name of Requesting Entity: U.S. Army Engineer District, Great Lakes & Ohio River Division

Address of Requesting Entity: 550 Main Street, Room 10032, Cincinnati, OH 45202

Description of Request: The appropriation will provide $3.2 million in the FY 10 Energy and Water Development Appropriations bill, for restoration projects under the Great Lakes Fishery & Ecosystem Restoration program. The funding would be used in coordination with other federal, state, and local agencies and the Great Lakes Fishery Commission to plan, implement, and evaluate projects supporting the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes. This request was made with numerous Members and Senators of the Congressional Great Lakes Task Force.

Account: U.S. Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: U.S. Army Engineer District, Great Lakes & Ohio River Division

Address of Requesting Entity: 550 Main Street, Room 10032, Cincinnati, OH 45202

Description of Request: The appropriation will provide $4 million in the FY 10 Energy and Water Development Appropriations bill, General Investigations account for Remedial Action Plan (RAP) Committees. The funding would be used for RAPs to identify specific actions to resolve pollution problems by coordinating with the Corps of Engineers in dredging and sediment cleanups. This request was made with numerous Members and Senators of the Congressional Great Lakes Task Force.

EARMARK DECLARATION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mrs. CAPITO. 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.

Awarded under: Corps of Engineers, Construction Account, Central West Virginia, Corps of Engineers.

Baltimore and Huntington Districts

Funds will be used for continuation of authorized waste and drinking water improvement activities under section 571 of the Water Resources Development Act of 1999.

EARMARK DECLARATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that were included at my request in H.R. 3183, the Fiscal Year 2010 Energy and Water Development and Related Agencies Appropriations Bill:

Pinellas County Beach Erosion Control

Account: Army Corps of Engineers, Construction

Legal name and address of requesting entity: Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, FL 33756

Description of requests: $14,000,000 is included in the bill for the Army Corps of Engineers and the Pinellas County Board of County Commissioners to continue construction of

the Pinellas County beach erosion control program. The Pinellas County program was first authorized by Congress in 1966 and reauthorized in 1976 and has provided immeasurable storm protection and recreation benefits to Pinellas County residents and visitors. These funds will be used to support renourishment and restoration of nine miles of critically eroded Sand Key Beach from Clearwater to North Redington Beach in west-central Pinellas County. Erosion since the last nourishment in 2006 now requires the periodic renourishment to maintain the current quality of the beach system, enlarging the beach and dunes. Prior federal funds were utilized for borrow area studies and physical monitoring of Sand Key beaches, as required by the Florida Department of Environmental Protection permit for beach nourishment. This request is submitted in support of the State of Florida's Federal Appropriations Request for Beach Nourishment. The federal and state/local cost sharing averages 60/40 under the current authorization. The combined state and local share of this project will be an estimated $4,700,000. With these funds, a total of $104,815,404 will have been appropriated for the Pinellas County Beach Erosion Control Project since Fiscal Year 1986.

St. Petersburg Sustainable Biosolids Management: Wastewater Sludge and Yard Waste to Renewable Energy

Account: Department of Energy, Energy Efficiency and Renewable Energy Projects

Legal name and address of requesting entity: City of St. Petersburg, 175 Fifth Street North, St. Petersburg, FL 33701

Description of request: $2,500,000 is included in the bill for the City of St. Petersburg for a sustainable biosolids management project to convert wastewater sludge and yard waste to renewable energy. Through a public-private partnership, St. Petersburg proposes to contract with a waste-to-renewable energy company that will build, own and operate a facility that will use City generated biostocks such as biosolids, yard and wood waste, grit and screenings to fuel a biomass gasification and energy facility located at the City's Southwest Waster Reclamation Facility. This proposal seeks to offset a portion of the capital cost to the City. It is expected that the gasification will convert a noxious waste to renewable energy, reduce city cost and pollution of waste disposal, treatment and transportation, generate renewable energy utilized by the city and potentially Eckerd College or other private customers, eliminate the release of methane gas and the potential of ground water pollution from landfills or land spreading. The city will provide a match of $1,309,650.

St. Petersburg Solar Pilot Project

Account: Department of Energy, Energy Efficiency and Renewable Energy Projects

Legal name and address of requesting entity: City of St. Petersburg, 175 Fifth Street North, St. Petersburg, FL 33701

Description of request: $1,000,000 is included in the bill for the City of St. Petersburg to develop and implement a renewable and sustainable solar energy network to provide the electricity required to power 40 city parks. Through a collaboration with Progress Energy Florida and the University of South Florida Center for Utility Exploration, the city will be able to remove all of these parks from the city's power grid. Regional residents, visitors, commercial organizations and governmental agencies will benefit from the demonstration of a wide scale alternative energy technology that will reduce peak demand at power generation facilities, reduce greenhouse gas emissions and dependence on foreign oil. The City of St. Petersburg is uniquely situated to exploit cheap, clean renewable solar power and is committed to utilize the limitless resource to go solar at all of its City parks and eventually all operating facilities. The City of St. Petersburg has 137 parks occupying in excess of 2300 acres of public lands. All parks are served with a varying degree of overhead lighting for basic usage and security purposes. Forty of the parks have buildings that can accommodate the renewable energy system in terms of structural and orientation to the sun. Renewable energy technologies are seen as the only sustainable energy source for the future. However, solar energy can be intermittent in nature necessitating an energy storage medium or energy carrier to effectively use this energy. Through collaboration with Progress Energy Florida, Inc., and the USF Center for Utility Exploration, this project will consist of a photovoltaic energy system, an advanced energy storage battery system and appropriate control systems to make an integrated energy system that will supply a clean renewable energy when it is needed. The system will be interconnected with the power system of the host building. The system will store the solar energy in an advanced battery. The energy will then be used on-peak to reduce the maximum demand of the building. If the battery is not fully charged by the solar panels, off-peak energy from the grid can also be used to charge the battery for peak operation. This project will employ demand side management using both renewable energy and off-peak grid energy. The energy storage system will convert chemical energy into electrical energy. The chemical reaction within the storage system is reversible, thereby allowing the battery to be charged, discharged and recharged. The project will be used to pass on information and benefits about renewable energy. Students and the public will be engaged to learn from and understand the system functions and renewable energy benefits. The solar energy systems are proposed to generate sufficient energy to power the park lighting systems with any excess energy returned to the grid for offsets to city electrical expenses. Previous federal funding was provided for this project in Fiscal Year 2009 in the amount of $1,427,250. The City of St. Petersburg will provide a $500,000 match.

Tampa Port Planning, Engineering and Design for future requirements

Account: Army Corps of Engineers, Construction

Legal name and address of requesting entity: Tampa Port Authority, 1101 Channelside Drive, Tampa, FL 33602

Description of request: $500,000 is included in the bill for the Tampa Port Authority for the continued planning, engineering, and design for a project to widen and deepen the Tampa shipping channel to allow for the safer passage of shipping traffic and to accommodate larger ships requiring a deeper draft. The Army Corps of Engineers completed a draft General Reevaluation Report (GRR) in 2008 which focuses on traffic congestion in the main Tampa Harbor channel where extensive delays occur due to lack of adequate channel width. The 40 mile main federal channel handles traffic in and out of the entire Tampa Bay federal port system for the Ports of Tampa, Manatee and St. Petersburg. The ship channel is too narrow to allow for safe two-way vessel traffic due to the introduction of new longer and broader cruise ships. The impacts associated with having a restriction of this nature include vessels waiting at berth or at the sea buoy while large cruise ships transit the channel. The GRR concurs with the Tampa Port Authority and the port community that the resulting congestion causes safety hazards and economic inefficiencies and recommends widening select portions of the main channel. The GRR finds that vessel operation costs would be reduced, resulting in transportation cost savings, increased harbor safety and reduced cargo delivery delays. In addition, the continued reevaluation of the needs in the Tampa Harbor is necessary, to include deepening, in order to facilitate anticipated growth in trade as the Port of Tampa continues its steady growth and diversification. As Florida's largest cargo port, the Port of Tampa handles approximately 50 million tons of cargo per year. The Port of Tampa is also the largest economic engine in West Central Florida and the nation's 14th largest port in terms of short tons. The Port of Tampa generates an annual economic impact of almost $8 billion on the region which includes the contribution of over $570 million annually in state and local taxes. This project is authorized by three separate federal statutes: The Energy and Water Development Appropriations Act, 2004 (P.L. 108–137); The Energy and Water Development Appropriations Act, 2005 (P.L. 108–447); and the Water Resources Development Act of 2007 (P.L. 110–114). Previous funding for this project has been provided as follows: FY 2009—$478,000, FY 2008—$133,000, FY 2004—$2,500,000, FY 2003—$200,000, FY 2002—$500,000, FY 2001—$300,000.

Intracoastal Waterway Operation and Maintenance from Caloosahatchee River to Anclote River

Account: Army Corps of Engineers, Operations and Maintenance

Legal name and address of requesting entity: West Coast Inland Navigation District, P.O. Box 1845, Venice, FL 34284

Description of request: $4,500,000 is included in the bill for the West Coast Inland Navigation District for the maintenance dredging of sections of the Intracoastal Waterway through six Florida counties, including Pinellas County. The 1945 Rivers and Harbors Act authorized the Intracoastal Waterway to be maintained at a width of 100-feet, and a depth of nine-feet between the mouth of the Caloosahatchee River, near Ft. Myers, and the Anclote River, north of Tampa. The channel runs through six counties (Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, and Lee) and links natural deep-water sections of bays through a series of man-made channels, thereby providing for the safe passage of commercial goods and access to commercial fishing grounds. Dredging of the Intracoastal Waterway commenced in 1960 and was completed in 1967, at which time the West Coast Inland Navigation District began maintenance activities. This funding will support maintenance dredging for Longboat Pass (Manatee County), Venice Inlet (Sarasota County), mouth of Caloosahatchee River (Miserable Mile in Lee County), the Boca Grande Bayou area (Miller's Marina in Lee County),

and a section of the Intracoastal Waterway in Pinellas County just north of the Tampa Bay port shipping channel. Previous funding totaling $1,400,000 was included in FY 2004 and FY 2005 for the design, engineering, and permitting for this project and $1,215,000 was included in FY 2008 and $2,076,000 in FY 2009 for the initial dredging of this waterway.

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mrs. MILLER of Michigan. 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. 2892 the Department of Homeland Security Appropriations Act of 2010

Requesting Member: Congresswoman CANDICE S. MILLER

Bill Number: H.R. 3183 Energy and Water Development and Related Agencies and Appropriations Act of 2010

Account: Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 477 Michigan Ave. Detroit, MI 48226

Description of Request: This request, in the amount of $100,000.00, would be used to implement one or more priority projects that are consistent with the St. Clair River and Lake St. Clair Management Plan. These projects were developed in a broad based and consensus driven process involving multiple counties, local governments, state governments, federal agencies and regional planners.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3183 the Energy and Water Development and Related Agencies and Appropriations Act of 2010

Account: EERE

Legal Name of Requesting Entity: United Way of Southeastern Michigan

Address of Requesting Entity: 1212 Griswold St. Detroit, MI 48226

Description of Request: This request, in the amount of $400,000.00, would be used by the United Way of Southeastern Michigan to assist two community non-profits to make energy efficiency and insulation upgrades at their facilities. The two organizations are Turning Point of Mt. Clemens, Michigan, a domestic violence shelter, as well as the Macomb County Rotating Shelter Team, a coalition of churches that provide overnight shelter to homeless persons and families.

ILLINOIS SCHOOL FOR THE DEAF

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 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 submit 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?

(By Mr. Albert Caswell)

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 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 through to me, loud and clear . . .
For I've developed my senses, so much greater 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"!

MR. GEORGE F. "BUTCH" BUCCELLA

HON. TIM RYAN–

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. RYAN of Ohio. Madam Speaker, I submit the following:

GEORGE F. "BUTCH" BUCCELLA, 68

MINERAL RIDGE.—George F. "Butch" Buccella, 68, of 812 Carson Salt Springs Road, died at 9:32 p.m. Tuesday, June 9, 2009, at Forum Health Trumbull Memorial Hospital in Warren.

He was born Jan. 31, 1941, in Youngstown, the son of Frank and Betty Cutright Buccella.

He was a 1958 graduate of Niles McKinley High School.

Butch owned and operated Buccella and Sons RV Sales for nine years, was a Weathersfield Township trustee for 16 years, where he served as chairman and vice-chairman, co-owned A'Lenzio's Pizza in Mineral Ridge with his wife Judy for 14 years, and was a staff representative to Congressman James Traficant for 17 years until his retirement.

After his retirement, George worked for Western Reserve Limousines and at the Joseph Rossi and Sons Funeral Home in Niles as a hearse and limo driver.

He was a member of the Trinity Lutheran Church in Niles and served on its parish council, was a member and past King Lion of the Niles Lions Club, and involved with the Niles Democratic Club, the Trumbull County Fair Board, and the Jolly Boys Monday Night Gang.

He was also a member of the Niles Area Chamber of Commerce, where he served as president, vice president, and secretary and received its Outstanding Citizen of The Year Award and its Small Business Advocate of The Year Award.

He was on the Fairhaven Workshop Board of Trustees, Niles Churches for Housing, and the Jefferson Democratic Club.

He enjoyed NASCAR as he was an avid Jeff Gordon fan. He built and raced stock cars at the Canfield, Expo, and Sharon Speedways for 28 years, and also enjoyed bowling.

Butch, who was always known for saying "one day at a time" will be deeply missed by his wife, Judy Sheldon Buccella, whom he married Dec. 8, 1962; a son, Jeff Buccella (Dawn) of Austintown; a daughter, Tracie Fynes (Dan) of Garretsville; a sister, Suzanne Miller of Florida; and five grandchildren, Eddie, Kyle, Miamee, Jordyn and Lillie.

He was preceded in death by his parents.

Friends may call from 5 to 8 p.m. on Monday at the Joseph Rossi & Sons Funeral Home and Cremation Service in Niles where the Niles Lions Club will conduct prayers at 7:30 p.m.

Friends may also call from 10 until the 11 a.m. funeral service on Tuesday at the Trinity Lutheran Church in Niles with Pastor Beth Ferne Johnson officiating.

Burial will be at Kerr Cemetery.

Arrangements are being handled by the Joseph Rossi & Sons Funeral Home and Cremation Service Inc. in Niles.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3170

Account: Salaries and Expenses

Name of Requesting Entity: Miami Dade College

Address of Requesting Entity: 300 NE 2nd Avenue, Suite 1402, Miami, FL 33132

Description of Request: I have secured $300,000 for the Miami Dade College Institute for Intermodal Transportation (IIT). This funding will be used for the Miami Dade College (MDC) proposes an Institute for Intermodal Transportation to further provide opportunities that lead to 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. Miami Dade College is uniquely positioned to provide this training through an Institute for Intermodal Transportation (IIT). MDC has a foundation for the coursework and training through its various departments and schools. A number of the educational programs are in aviation under its Eig-Watson School of Aviation. Additional related programs which would support the IIT are the Schools of Criminal Justice, Computer Science, Psychology, Mathematics and Engineering. Miami Dade College currently offers 3 baccalaureate programs with numerous tracks. Over 200 associate degrees and career training certificates are available and could have application to the Intermodal Institute. Miami is a major transportation hub, and the forecast is that Miami will continue to rapidly grow as an international center of transportation. However, Florida aviation and aerospace companies routinely cite "lack of a qualified workforce" as a principal barrier to growth in industry surveys. Presently, many larger organizations have found it more cost effective to contract out specific areas of its workforce to smaller companies instead of performing the work in-house. However, these contractors are often times small businesses that cannot afford to train or certify their own employees. In fact, many of these companies do not have sufficient training in business relationships, process mapping, business and finance. This translates into areas such as customer service, logistics, security, marketing, route scheduling, safety, and maintenance systems. Small Business training in other non-traditional support areas for transportation is also needed. This included areas such as construction inspection, traffic management, and Intelligent Transportation Systems (ITS) management through the Institute for Intermodal Transportation, small businesses would be able to invest in workforce development programs such as project management, managing time and budget, and negotiating expertise. Hence, the Institute will address comprehensive solutions for all modes of transportation, combining academic and "real world" experience. By creating the educational resources for transportation, the proposed Intermodal transportation training center would attract new opportunities for the City and County and help meet future shortages in transportation employment opportunities.

A TRIBUTE TO PETER V. UEBERROTH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BERMAN. Madam Speaker, I ask my colleagues to join me today in honoring the lifetime achievements of Peter V. Ueberroth and his contributions to the Olympic movement and sports in the United States.

Peter is due special commendation for his timely and effective response to the situation sparked by the American-led boycott of the 1980 Olympic Games in Moscow. That boycott led to 14 Communist countries announcing their intention to boycott the 1984 Olympic Games in Los Angeles, California, and organize a rival event called the Friendship Games.

When the Soviet Union announced its boycott of the 1984 Olympic Games just two months before the Games, it threatened to undermine the participation of other countries and create a financial disaster for the Olympic movement. In order to save the Games, Peter Ueberroth personally visited several countries to ensure their participation, including Romania, which became the only Communist country that refused to participate in the Soviet-led boycott.

Despite the Soviet-led boycott, through the efforts to build international good will led by Peter Ueberroth and the Los Angeles Olympic Organizing Committee, over 140 nations still participated in the 1984 Olympic Games.

Peter continued to promote the 1984 Olympic Games by initiating the Olympic Torch Relay that began in New York City, crossed 33 states and the District of Columbia and ended in Los Angeles, covering more than 9,000 miles and involving over 3,600 runners that focused the attention of the country and the world on the Games.

The 1984 Olympic Games were a stunning success, featuring athletes such as Carl Lewis, Mary Lou Retton and Michael Jordan, who led the United States team to a record-setting total of 174 medals, including 83 gold medals.

Peter personally secured the revenue to finance the 1984 Olympic Games, raising an unprecedented amount of funds from private sources so that not one cent of municipal funds would be required of the taxpayers of Los Angeles. The 1984 Olympic Games actually concluded with an unprecedented $215 million surplus.

As a result of his efforts in saving the 1984 Olympic Games and restoring the United States as the leader in international sports, Time Magazine named Peter Ueberroth as the 1984 "Man of the Year," noting that he was the "hero of the Olympics" and the "man who brought honor to America."

Since leading the 1984 Olympic Games, Peter Ueberroth has continued to make contributions to the United States and the world of sports, serving as Commissioner of Major League Baseball, where he led efforts to institute an effective anti-drug campaign.

Following the 2004 reorganization of the United States Olympic Committee, Peter Ueberroth was selected to serve as Chairman of the United States Olympic Committee, revitalizing the United States Olympic Committee and leading the United States to a first-place finish in the 2008 Beijing Olympics.

2009 marks the 25th anniversary of the Los Angeles Olympic Games held under Peter Ueberroth's leadership and in that spirit, I ask now that my colleagues join me in recognizing, honoring and celebrating the achievements, service and contributions of Peter Ueberroth to the Olympic movement, sports, and the United States of America

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BILIRAKIS. Madam Speaker, pursuant to the House 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 Appropriations Act for Fiscal Year 2010.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3183

Account: Operations and Maintenance

Name of requesting entity: Tampa Port Authority

Address of requesting entity: 1101 Channelside Drive, Tampa, Florida 33602

Description: The $5,600,000 will be used for dredging the federal navigation channels in Tampa Harbor. The Tampa Harbor is a federally-authorized project for which, by statute, the Army Corps of Engineers is responsible for maintaining. Maintenance of these channels is essential to ensuring that commerce can move efficiently and safely through Tampa Harbor.

EARMARK DECLARATION

SPEECH OF

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I rise today to submit the following information regarding earmarks I received as part of H.R. 3183—the Energy and Water Development and Related Agencies Appropriations Act, 2010.

The following earmarks were requested by my office and are listed for funding in this bill:

American River Watershed (Common Features), CA

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3183

Account: Corps of Engineers; Construction

Requesting Agency: CA Dpt of Water Resources

Requesting Agency Address: 3310 El Camino Avenue, Sacramento, CA 95821

Recipient: US Army Corps of Engineers

Recipient Address: USACE; Sacramento District, 1325 J Street, Sacramento, CA 95814

Amount: $6,700,000

The project will reduce the possibility of loss of life and flood damage by improving the levee system protecting the Sacramento Metropolitan area from flooding along the Sacramento and American Rivers.

This project represents an appropriate use of taxpayer funds due to the glaring need to bolster flood control systems in the Sacramento Region, specifically with regard to the American River Watershed.

American River Watershed (Folsom Dam Modifications), CA

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3183

Account: Corps of Engineers; Construction

Requesting Agency: CA Dpt of Water Resources

Requesting Agency Address: 3310 El Camino Avenue, Sacramento, CA 95821

Recipient: US Army Corps of Engineers

Recipient Address: USACE; Sacramento District, 1325 J Street, Sacramento, CA 95814

Amount: $66,700,000

This funding will provide for the design and construction of a new spillway at Folsom Dam that will reduce the frequency of flooding in this major urban area.

This project represents an appropriate use of taxpayer funds due to the glaring need to bolster flood control systems in the Sacramento Region, specifically with regard to the American River Watershed.

American River Watershed (Folsom Dam Raise & Bridge), CA

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3183

Account: Corps of Engineers; Construction

Requesting Agency: CA Dpt of Water Resources

Requesting Agency Address: 3310 El Camino Avenue, Sacramento, CA 95821

Recipient: US Army Corps of Engineers

Recipient Address: USACE; Sacramento District, 1325 J Street, Sacramento, CA 95814

Amount: $600,000

The Folsom Dam Raise project consists of the selected 3.5′ raise of Folsom Dam and reservoir dikes, reconfiguring the Folsom Dam penstocks, ecosystem restoration projects, and the construction of a bridge below Folsom Dam.

This project represents an appropriate use of taxpayer funds due to the glaring need to bolster flood control systems in the Sacramento Region, specifically with regard to the American River Watershed.

South Sacramento County Streams, CA

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3183

Account: Corps of Engineers; Construction

Requesting Agency: CA Dpt of Water Resources

Requesting Agency Address: 3310 El Camino Avenue, Sacramento, CA 95821

Recipient: US Army Corps of Engineers

Recipient Address: USACE; Sacramento District, 1325 J Street, Sacramento, CA 95814

Amount: $4,750,000

This public safety project will increase the level of flood protection for the highly urbanized area of South Sacramento County and the City of Sacramento, protecting more than 100,000 residents. The project will increase the level of flood protection from the Morrison Creek stream group, from 50 years to over 200 years.

This project represents an appropriate use of taxpayer funds due to the glaring need to bolster flood control systems in the Sacramento Region, specifically with regard to the Sacramento River.

McClellan Nuclear Radiation Center

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3183

Account: Department of Energy—Nuclear Energy

Requesting Agency: University of California at Davis

Requesting Agency Address: One Shields Avenue, Davis, CA 95616

Amount: $500,000

This request is to provide funding to replace the nation's current sole domestic source of Iodine-125 (I125) production located at the UC Davis McClellan Nuclear Radiation Center (MNRC). In April 2004, the system experienced its fourth and final failure causing production to cease entirely and the system remains inoperable today.

This project represents an appropriate use of taxpayer funds as the McClellan Nuclear Radiation Center represents the only domestic source of Iodine-125, which is essential in detection and treatment of various types of cancer.

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. LEWIS of California. Madam Speaker, I submit the following:

Requesting Member: Congressman JERRY LEWIS

Bill Number: H.R. 3170

Project Name: Loma Linda and Grand Terrace Connected Communities Infrastructure

Account: Small Business Administration

Legal Name of Requesting Entity: City of Loma Linda; City of Grand Terrace

Address of Requesting Entity: City of Loma Linda, 25541 Barton Road, Loma Linda, CA 92354; City of Grand Terrace, 22795 Barton Road, Grand Terrace, CA 92313

Description of Request: Establish a fiber optic infrastructure expansion pilot program between the City of Loma Linda and the City of Grand Terrace's new business park. The pilot will demonstrate how updated and expanded internet access can promote small business, create jobs, enhance local competitiveness and provide green alternatives. The pilot supports innovative solutions to the devastatingly high regional unemployment rate of 12.8%. Because private loans are unavailable as a result of the credit crunch, the region will benefit from this use of federal dollars as the initial investment for future expansions. The success of this pilot will attract both stimulus funding and private investment. Such a program can serve as a model for further economic development in other similarly distressed areas across the country.

Amount: $900,000

PERSONAL EXPLANATION

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. SIRES. Madam Speaker, I would like to state for the record my position on the following vote I missed on July 13, 2009. Had I been present, I would have voted "yes" on rollcall 530 on a motion to adjourn.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following:

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3183

Account: Construction

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 for the South Florida Everglades Ecosystem restoration, FL: Central and Southern FL (C&SF) Project: Comprehensive Everglades Restoration Plan, FL. This funding will be used for the South Florida Everglades Ecostem Restoration: Six projects which are vital to ongoing Everglades Restoration efforts: Picayune Strand—The project involves the restoration of natural water flows across 85-square miles in western Collier County that were previously cleared for a residential community. The project includes construction of three pump stations with spreader canals, the plugging of 40-miles of canals and the removal of 227-miles of roads. Levees will be installed, as required, to provide flood protection for adjacent private properties that would be impacted by the project. ($56 million) Indian River Lagoon—The project will include a 3,400-acres above-ground reservoir to capture local basin runoff with 6,300-acres of storm water Treatment Areas. The project will decrease the excessive water flows into the St. Lucie Estuary, improve the water quality by treating the water entering the Estuary and provide water supplies for the environmental and human needs of the area. ($75 million) Site 1 Impoundment—This project involves construction of an approximately 1,600-acre impoundment where water will be pumped from the Hillsboro Canal. The project will capture and store the excess surface water runoff from the Hillsboro Watershed as well as releases from the Loxahatchee National Wildlife Refuge and Lake Okeechobee. The project will allow more natural, desirable and consistent water levels within the Refuge as well as benefit estuaries downstream ($27 million) C–111 Spreader Canal—This project is located adjacent to Everglades National Park and is part of the South Dade County portion of the Central and Southern Florida (C&SF). The project goal is to create a hydrologic ridge between Everglades National Park and areas east that are mostly in agricultural production. The project is intended to maintain existing

flood protection while restoring natural hydrologic conditions in the eastern panhandle of Everglades National Park ($20 million) C–51 design—The project will provide water quality benefits to the surrounding areas along with Storm water Treatment Area IE ($16 million) CERP design—Includes design project agreements, Project Implementation Reports, detailed project design and RECOVER which are all essential to ongoing Everglades Restoration efforts ($64 million) The funding would be used for six projects which are vital to ongoing efforts to restore the historic South Florida ecosystem including the Florida Everglades. The Florida Everglades are a unique ecosystem that must be preserved for future generations.

Requesting Member: Representative MARIO DIAZ-BALART (FC–25)

Bill Number: H.R. 3183

Account: Science

Name of Requesting Entity: Florida International University

Address of Requesting Entity: 11200 SW 8th St, Miami, FL 33199

Description of Request: I have secured $1,000,000 for the state-of-the-Art Large-Scale Testing for Wind to Enhance Infrastructure Resiliency and Develop Energy-Efficient Buildings. This funding will be used for a full-scale testing in the WoW facility, supported by the enhanced capabilities, will lead to major improvements in the performance of infrastructure and life-line elements, including electrical utility and power distribution systems, safer nuclear power plants in hurricane-prone regions, and increased community resilience under Category 3 and 4 hurricanes. In addition, by virtue of its unprecedented capabilities to simulate natural, turbulent winds, the FIU full-scale testing facility will test innovative building envelopes capable of massively reducing energy consumption in buildings, reducing GHGs, and improving IEQ. The impact of the facility would be enormous. Losses that may remain inadequately insured because of the excessively large risks they entail could be massively reduced by further developing the requisite scientific knowledge through full-scale experiments conducted in the more powerful and equipt WOW. Thus the requested funding would transform WoW the only facility in the world capable of testing a wide variety of types of structure to promote significant mitigation of the vast losses due to hurricanes and contribute massively to improving energy performance of buildings and reducing GHGs. The new capabilities would be a breakthrough in enabling quick results and affordable solutions, thereby making major scientific advancements beneficial to the State and the Nation. The research activities will significantly enhance the economic and societal well-being of the general population and businesses—thus promoting hurricane resilient sustainable communities. Hurricanes caused more than $100 billion in losses in 2005 alone and caused more than 1,400 fatalities in 2004–05. Infrastructure damage and lifeline disruption are severe problems to hurricane prone coastal communities. In 2004 and 2005, seven hurricanes struck the coast of Florida causing severe damage to electrical infrastructure. A record 3.2 million FPL customers were left without electric service as Hurricane Wilma's (2005) winds damaged street lighting, transformers, transmission lines, and substations. Wind is also a significant factor affecting building energy consumption through air leakage, while wind accompanied by rain can affect indoor environment quality (IEQ). Buildings use about one-third of the world's energy. In the United States today, the buildings sector accounts for 40% of the primary energy use. The use of electric power and heat in the buildings sector also accounts for about 40% of the U.S. greenhouse gas emissions (GHGs). Buildings present one of the best opportunities to reduce energy consumption and limit GHGs. Florida International University (FIU) has developed a one-of-a-kind large-scale Wall of Wind (WoW) facility simulating atmospheric turbulent flows and hurricane force winds. Currently the focus of WoW research is mitigation of damage to residential buildings. However, the WoW design allows its use for multiple testing of other infrastructural and lifeline elements. Unfortunately such variety of testing is not feasible owing to the lack of the instrumentation for measuring aerodynamic, aeroelastic, and thermal effects. For this reason this large, expensive, and unique facility is severely under-used. The proposed funding would allow such WoW instrumentation to achieve a transformative testing capability not available anywhere else in the world.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3183

Account: EERE-Building Technologies

Name of Requesting Entity: City of Homestead, FL

Address of Requesting Entity: 790 N. Homestead Blvd, Homestead, FL, 33030

Description of Request: I have secured $500,000 for the City Hall Leadership in Energy and Environmental Design (LEED) Certification. This funding will be used for the City of Homestead is in the process of replacing its aging and inadequate City Hall building with a new structurally hardened, energy efficient, low carbon emission, and environmentally friendly building. This new building, in addition to housing all City departments, will also encompass Homestead's new Emergency Operations Center. The City has requested that the designers include features in the design that will result in a LEED Silver Certificate. The design is complete and procurement for construction will start by the end of February 2009. The total cost of the City Hall project, which will employ approximately 60 persons, is $30 million of which $1 million is estimated for the improvements needed to meet the requirements for LEED Silver Certification. Without this funding assistance, Homestead's LEED certification efforts may not be fully realized. This project follows Congress' and the Administration's stated goals in the American Recovery and Reinvestment Act in areas such as: providing immediate job creation, utilization of green construction technologies, and providing energy efficiency cost savings. Designed to Leadership in Energy and Environmental Design (LEED) silver standards, the new City Hall will serve as a premier example of green construction and energy efficiency technology in the community.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3183

Account: Construction

Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st St., Suite 1032, Miami, FL 33128

Description of Request: I have secured $600,000 for the Miami Harbor Channel Dredging. This funding will be used for the General Reevaluation Report Implementation, Preconstruction, Engineering, and Design for the dredging of Miami Harbor. This funding was authorized via WRDA 2007 (H.R. 1495) for preconstruction, engineering, and design of the recommended project. This will address the federal share at 100% of the anticipated costs for plans and specifications preparation. The Army Corps of Engineers 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 as soon as possible. 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 the real threat of losing business to foreign ports (such as Freeport). The targeted population includes the ships/commerce currently utilizing the Port of Miami and future business which will be generated as a consequence of larger vessels being able to utilize the Port of Miami. Port of Miami growth will benefit the citizens of Miami-Dade County, South Florida and the nation. Miami Harbor is a major economic force for the County, South Florida and the nation. The Port of Miami is one of the nation's strongest economic engines, accounting for over 98,000 jobs and $12 billion in annual economic impact. It is the State of Florida's top container port and one of the largest in the nation

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3183

Account: O&M

Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st St., Suite 1032, Miami, FL 33128

Description of Request: I have secured $777,000 for the Miami River Dredging. This funding will be used for the final phase of the Miami River Dredging Project to restore authorized depth and width to the navigation channel. This project, funded by the US Army Corps of Engineers with a coalition of local sponsors led by Miami-Dade County, removes contaminated sediments from the Miami River, Florida's 4th largest port with an economic value of $4 billion. Since it was improved for navigation in the 1930s, the river has never received comprehensive maintenance dredging. Sediments have accumulated in the federal channel making it narrower and shallower, thereby limiting activities of freighters that utilize ship terminals along the river. The sediments do not meet federal criteria for ocean disposal, so they must be disposed of at an upland site. Dredging and disposal of the contaminated dredged materials improve navigation and enhance the environmental quality of the river and downstream portions of Biscayne Bay, an outstanding Florida water body. Sediments have accumulated in the margins of the federal channel making it narrower and

shallower, thereby limiting activities of freighters that utilize ship terminals along the river. Dredging and disposal of the contaminated sediments is expected to improve navigation and enhance the environmental quality of the Miami River and downstream portions of Biscayne Bay. The target population includes those who use the Miami River for navigational purposes. Additionally, the positive environmental effects from the dredging will be beneficial to all of Miami-Dade County's residents. This project benefits the environment of South Florida because it removes contaminated sediment from the Miami River before those contaminates enter the Bay. Completion of the project will also permit larger commercial vessels to call on the River, thus increasing commerce. Completion of the project will also allow the marine related industry to expand along the River. For example, Merrill Stevens, a local boat yard, is planning on adding over 100 new skilled jobs and a training center to teach local people the skills required to work on large ocean going vessels. This project has the support of the Miami-Dade County Board of County Commissioners, the Mayor of Miami-Dade County, and the Director of the County's Department of Environmental Resources Management.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BISHOP of Utah. 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: ROB BISHOP

Bill number: H.R. 3183

Account: Water and Related Resources

Legal name and address of requesting entity: Weber Basin Water Conservancy District, 2837 East Highway 193, Layton, UT 84040.

Description of project: $1,000,000 to conduct a feasibility study to enlarge the Arthur V. Watkins Dam.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BARTLETT. 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. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010

Bill Number: H.R. 3082

Account: MILCON Army

Legal Name of Requesting Entity: Fort Detrick

Address of Requesting Entity: 810 Schreider Street, Fort Detrick, Frederick, Maryland 21702-5000

Description of Request: This request appropriates $7.4 million for the ALT Auditorium and Training Center Expansion in Fort Detrick, MD. This project is required to meet the directed objectives of Homeland Security Council and National Security Council to provide meeting and conference space for members of the National Interagency Biodefense Campus (NIBC). Currently, the USAG is required to provide space for the biodefense conferences. Fort Detrick cannot provide the required support to the directed interagency biodefense missions as assessed by multiple, independent government organizations as well as increasing degradation of already inadequate community support and space for educational services. Fort Detrick is unable to provide high demand, highly attended, more secure, Interagency Conferences, human capital enhancement, as well as expanded community services. The current auditorium space has inadequate standoff and force protection standards without completion of this project.———

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. CASTLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding a project for Dover Air Force Base included in H.R. 3082, the Fiscal Year 2010 Military Construction—VA Appropriations Act.

Name of Intended Recipient: Dover Air Force Base

Location: Dover, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Account: Military Construction, Air Force

Name of Project: Consolidated Communications Facility

Project Description: The current Dover Air Force Base communications functions are spread among five facilities separated by as much as 1.75 miles, which does not meet Air Force standards. A comprehensive, integrated communications system is impeded by fragmented location of related functions. Consolidating these functions into one hardened facility will improve manpower efficiency by approximately 25 percent. Consolidation and demolition of the old facilities will improve security and will result in approximately $17,000 annual energy savings, which benefits the U.S. taxpayer.

EARMARK DECLARATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. TERRY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the Energy and Water Appropriations Bill for Fiscal Year 2010.

My Congressional District received $1.2 million to fund alternative energy training and solar power research at Creighton University. Creighton University is located at 2500 California Plaza, Omaha, NE 68178. This funding will support costs associated with expansion of its energy technology training program and the establishment of the Research Center for Solar Energy that are consistent with the mission of the Department of Energy—"to strengthen America's energy security, environmental quality, and economic vitality in public-private partnerships that 1) enhance energy efficiency and productivity, 2) bring clean, reliable and affordable energy technologies to the marketplace, and 3) make a difference in the everyday lives of Americans by enhancing their energy choices and their quality of life."

This new program will take advantage of Creighton's developing leadership in energy technology. The new energy technology program will create two faculty research labs that will be designed as settings for project-based and internship-based research settings. Federal funding will allow the university to offer specialized technical training programs in photovoltaics and wind energy to create highly skilled manpower to provide the expertise to develop and implement solar energy. These programs will serve the needs of both traditional and non-traditional students as well as addressing training and retraining needs for a growing energy sector of the economy.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. GRANGER. Madam Speaker, on rollcall Nos. 490, 493, 496, 497, 498, 503, 504, 505, 506, 507, 509, 510, 511, 512, 513, 516, 519, 522, 523, 526, 527, and 528, I was absent from the House due to illness.

Had I been present, I would have voted "no."

HONORING THE 516TH ANNIVERSARY OF THE DISCOVERY OF PUERTO RICO

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise today to celebrate the discovery of Puerto Rico and the contributions of Puerto Ricans to our Nation.

On November 19th, 1493, five hundred and sixteen years ago, Christopher Columbus discovered the island on his second voyage to the New World. The island took the name Puerto Rico, meaning "Rich Port," and ever since, it has been home to the vibrant culture which has enriched American life

I would like to express my gratitude to the Puerto Rican/Hispanic Chamber of Commerce of Palm Beach and Broward counties for their continuing innovation and their role in preserving and promoting Puerto Rican culture.

In honor of all Puerto Ricans who have served, fought, and worked tirelessly to make the United States what it is today, the state of Florida has recognized this November as Discovery of Puerto Rico Month.

On this occasion, I commend Puerto Rican-Americans for their contributions to American

life and extend best wishes to all observing November 2009 as Discovery of Puerto Rico Month.

SPECIAL TRIBUTE TO NYPD ASSISTANT CHIEF RAYMOND DIAZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. RANGEL. Madam Speaker, today I rise to recognize and thank Patrol Borough Commander, Assistant Chief Raymond Diaz of the New York City Police Department who for the last 15 years and a total of 24 years has served my Congressional District with much CPR—Courtesy, Professionalism, and Respect.

The history of American law enforcement is a tale of triumphs and tragedies. Since the first night watch established in Boston in 1631, police officers, the men and women in blue who serve and protect our citizenry, have laid their lives down while serving the public interest. Never having worked in law enforcement, I can see that police work is often dangerous, with long hours, impossible weather, and for not a whole lot of pay, frequently dealing with the worst elements of our society. It has always been my considered opinion that all Americans owe a debt of generosity to our honest and hardworking police officers and the chiefs they serve under for all that they do.

As a thirty-nine year veteran of the New York Police Department, Assistant Chief Raymond Diaz embodies the true spirit of "New York's Finest." He has served and protected my District with great distinction and his tireless dedication to Upper Manhattan and his fellow officers under his command is quite admirable. Assistant Chief Diaz's life long dedication of service in the line of duty should serve as an example to all.

Assistant Chief Raymond Diaz was appointed to the New York City Police Department in January 1970 and began his career on patrol in Manhattan's 1st Precinct. In January 1972, he was reassigned to East Harlem's 25th Precinct where he served for nine years. After a number of assignments in Brooklyn and Staten Island and promotions to the rank of Sergeant, Lieutenant, and Captain, in May 1994 he was assigned back to my beloved East Harlem as the Commanding Officer of the School Safety Division.

Upon Chief Nicholas Estavillo's historic ascension as the City of New York's first Latino Chief of Patrol in June of 2001, Diaz was selected to replace him as the Commanding Officer of Patrol Borough Manhattan North which encompasses my entire Congressional District. As the Commanding Officer of Manhattan North, Assistant Chief Diaz supervised over 2,400 police officers and over 200 civilians in the 12 Manhattan precincts north of 59th Street.

Assistant Chief Diaz is "True Blue;" one of the finest products of my district who came up through the struggles of life. He was born in East Harlem's Metropolitan Hospital to immigrant parents. His father Amador immigrated from Chile and his mother Helena from the Ukraine. Due to a family illness, Assistant Chief Diaz and his younger brother Jay were separated from their parents and raised in foster homes through the Catholic Home Bureau.

Upon graduation from his school, Assistant Chief Diaz joined the United States Marine Corps where he so valiantly served as Corporal in the Vietnam War. As a result, he was the recipient of two Purple Hearts. After joining the Police Department, he attended college night classes and obtained a Bachelor of Arts Degree in Sociology. Assistant Chief Diaz is also a devout family man. He has been married to his wife Lynn for thirty-seven years and is a proud parent of a son, Carlos.

As he is re-assigned to the coveted Manhattan Borough South Command, I congratulate Assistant Chief Diaz on his advancement, and I'm certain that he will continue to serve the communities of the new command with the same leadership, professionalism, and admiration of those he so valiantly served in my district.

So Madam Speaker, I ask that you and my distinguished colleagues join me in recognizing my good friend Assistant Chief Raymond Diaz for all his contributions to my district and the city of New York. He is truly one of New York's finest and I wish him well.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BARTLETT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received in H.R. 2847. The list is as follows:

Bill Number: H.R. 2847

Account: Conservative Operations

Legal Name of Requesting Entity: NRCS

Address of Requesting Entity: 339 Busch's Frontage Road, Annapolis, MD 21401

Description of Request: NRCS Support for Chesapeake Bay Activities: This program was funded: $3,998,000. Since 2003 the Ag Appropriations bill has included an earmark for Chesapeake Bay, MD. Although this earmark has previously not been in addition to state funds the Task Force encourages the committee to make this request additive.

Bill Number: H.R. 2847

Account: Conservative Operations

Legal Name of Requesting Entity: Harford County Executive David Craig

Address of Requesting Entity: 220 South Main Street, Bel Air, MD 21014

Description of Request: Deer Creek Watershed Conservation and Restoration: This program was funded $400,000. This project will assist in the implementation of the Deer Creek Watershed Restoration Action Strategy recommendations, promoting conservation efforts and completing streambank restoration in the Deer Creek Watershed. Deer Creek is the largest watershed in Harford County covering 38% of the county's land area.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding a project that is listed in H.R. 3170, Financial Services and General Government Appropriations Act, FY2010:

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, FY2010, Account: Small Business Administration, Salaries and Expenses, Title: Green Business Advancement Program, Legal Name of Requesting Entity: Community Action Committee of the Lehigh Valley (CACLV)—Rising Tide Community Loan Fund (RTCLF), Address of Requesting Entity: 1337 East Fifth Street, Bethlehem, PA 18015, Description of Request: This program will help small businesses identify and implement energy efficiency improvements. For each participating small business, the CACLV will offer a green business assessment/energy audit, generate an estimated savings calculation based on potential remediation projects, and develop an energy savings plan that outlines work necessary to reach maximum efficiency and a detailed schedule of work. CACLV will work with business owners and contractors in scheduling assessments, audits, and renovations; preparing loan packages and documentation; developing partnerships with community organizations focused on energy efficiency and sustainability; monitoring utility bills and savings of borrowers; and providing technical assistance in environmentally friendly business practices.

INTRODUCING THE WILDLIFE WITHOUT BORDERS AUTHORIZATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. YOUNG of Alaska. Madam Speaker, I am pleased to reintroduce today the Wildlife Without Borders Authorization Act

The Wildlife Without Borders Program was administratively created by the U. S. Fish and Wildlife Service in 1983. For the past 25 years, the International Affairs Office has done a superb job of developing wildlife management and conservation efforts to maintain global species diversity.

While the Congress has already created Multinational Species Conservation Funds to assist highly imperiled African and Asian elephants, Rhinoceros and Tigers, Great Apes and Marine Turtles, the Wildlife Without Borders program has provided a funding lifeline to a number of endangered species that for whatever reason have not merited their own Multinational Species Conservation Fund.

The first conservation grants issued under this program were awarded to the Wildlife Without Borders Program for Latin America and the Caribbean Initiative. Since that time, additional grants have been allocated for projects in Africa, Mexico, India, China and the Russian Federation. In fact, in the past two decades, the International Affairs Office within the U. S. Fish and Wildlife Service, has approved 955 conservation projects at a cost of $20.5 million in taxpayer money. These funds have been matched by more than $60 million in private non-federal money, which is a remarkable 3 to 1 matching ratio.

Among the conservation projects that have been approved are funds for the Winged Ambassadors Program to stop the killing of

Swainson's hawks in Argentina, a project to conserve the forest habitat for monarch butterflies, jaguar conservation in the Yucatan region, the restoration of the California condor in Baja California, Mexico and the purchase of equipment for law enforcement personnel to protect imperiled Far Eastern leopards, Amur tigers and snow leopards.

A fundamental goal of this program has been to build conservation capacity and establish ecosystem management regimes by allocating a small amount of U.S. taxpayer money. It is no exaggeration to state that these are the only funds available to assist these highly endangered international species and without this investment these species may become extinct in the wild.

During the last Congress, witnesses representing the U. S. Fish and Wildlife Service, the Association of Fish and Wildlife Agencies, the Wildlife Conservation Society, and the World Wildlife Fund testified before the House Natural Resources Committee on H.R. 4455. Each of these organizations spoke in strong support of my bill to establish the Wildlife Without Borders Program into law. For instance, the Association of Zoos and Aquariums said that: ''AZA wholeheartedly supports this effort''. The Wildlife Conservation Society stated that: ''Congressional authorization for the Wildlife Without Borders program affirms the leadership of the U.S. Government within the international community, underscoring our commitment to our international wildlife treaty obligations, and encouraging coordinated international efforts to save wildlife species.'' Finally, the World Wildlife Fund testified that: ''There is much to be gained in authorizing the international conservation programs of FWS, and creating one umbrella to promote synergies, efficiencies and coordination.''

By establishing a Congressional authorization for the Wildlife Without Borders Program, we will send a positive message to the international community that the United States is committed to its international wildlife treaty obligations and we recognize the long-term importance of this program by enacting it into law. It will also ensure that this Congress has an opportunity to carefully examine this program, to evaluate its effectiveness and to decide whether its merits further expenditures of taxpayer money in the future.

I urge my colleagues to support this important conservation legislation.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 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. 3183, Energy and Water Appropriations.

Requesting Member: JOHN M. SHIMKUS

Bill number: H.R. 3183

The Account: Construction—Chain of Rocks Canal

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St. St. Louis, MO 63103.

The funding will be used for the continuation of authorized activities on the Chain of Rocks Canal; provides flood control for Metro East and a corridor for navigation of commerce

The Account: Construction—East St. Louis Levee

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St. St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities on the East St. Louis levee which provides flood protection for Metro East.

The Account: Construction—Upper Mississippi River Restoration IL, IA, MN, MO & WI

Requesting Entity: Corps of Engineers at Clock Tower Building Rock Island, IL 61204.

Funding 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

The Account: Construction—Wood River Levee

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St. St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities and for repair flood protection for Metro East at the Wood River Levee

The Account: O&M—Carlyle Lake

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St. St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities including to maintain recreation and flood control activities and to address a project backlog at Carlyle Lake.

The Account: O&M—Lake Shelbyville

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St. St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities including to maintain recreation and flood control activities and to address a project backlog at Lake Shelbyville.

The Account: O&M—Mississippi Rivers Between Missouri River and Minneapolis (MVS Portion) IL

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St in St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities including the navigation channel on the Mississippi River which is essential to all commerce in the United States.

The Account: O&M—Rend Lake

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St in St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities including to maintain recreation and flood control activities and to address a project backlog at Rend Lake.

The Account: Construction—Madison & St. Clair Counties, IL

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St in St. Louis, MO 63103.

Funding will be used for the continuation to the next phase of sewer design and construction in the Glen Carbon and Maryville areas to provide long term regional sewer system for Metro East.

The Account: Section 206—Lake Lou Yaeger Restoration

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St in St. Louis, MO 63103

Funding will be used for the continuation of authorized activities and design and engineering of sediment removal plan for Lake Lou Yeager and allow the viability as long term water source.

The Account: Investigations—Prairie DuPont Levee and Sanitary District and Fish Lake Drainage and Levee District

Requesting Entity: Corps of Engineers St. Louis District at 1222 Spruce St in St. Louis, MO 63103

Funding will be used for the continuation of authorized activities and design and engineering of sediment removal plan for Lake Lou Yeager and allow the viability as long term water source.

The Account: EERE—Hardin County General Hospital Energy Efficiency Upgrades

Requesting Entity: Hardin County General Hospital located at Ferrell Road, Rosiclare, IL 62982.

Funding will be used for energy efficiency upgrades.

HONORING FROST, HOMETOWN, MOODY NATIONAL AND TEXAS FIRST BANKS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PAUL. Madam Speaker, at a time when the financial headlines are dominated by stories of financial institutions seeking taxpayer funds and other special privileges, I am pleased to call my colleagues' attention to a story from the Galveston Daily News about how four community banks came together to help their friends, neighbors and customers begin to recover and rebuild from Hurricane Ike. I ask for unanimous consent to insert this story into the CONGRESSIONAL RECORD.

Last fall, as the people of Galveston were assessing the damage from Hurricane Ike and Congress was beginning debate on spending billions of taxpayer funds to bail out irresponsible financial institutions, representatives of Frost, HomeTown, Moody National and Texas First banks met to discuss how these banks could help jumpstart hurricane recovery efforts. The four banks agreed to make unsecured bridge loans to Galveston businesses to ensure these businesses had access to capital while they waited for federal assistance and insurance payments.

The four banks made more than $40 million in recovery loans. These loans provided lifelines to many businesses struggling with both the devastation of Hurricane Ike and the credit crisis. Without the efforts of these four banks, several Galveston businesses would have had to shut their doors.

In conclusion, Madam Speaker, I extend my thanks to management and employees of Frost, HomeTown, Moody National, and Texas First banks for their efforts to help the businesses and people of Galveston recover from Hurricane Ike.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes:

Mr. ETHERIDGE. Mr. Chair, I rise today in support of H.R. 3081, 2010 State and Foreign Operations Appropriations Bill. This legislation provides $48.843 billion for the Department of State, the U.S. Agency for International Development, and related agencies to help the U.S. meet its foreign policy goals of economic stability and poverty reduction, advance the global fight against the HIV/AIDS epidemic and other health crises.

This bill helps protect our national security through effective diplomacy and international development projects. It provides needed assistance to Afghanistan, Pakistan and Iraq and it promotes security, economic development, health, and education around the world. The bill also provides vital resources to rebuild the capacity of the State Department and USAID. It reverses a decade of reliance on supplemental appropriations and provides an honest accounting of the true cost of critical national security initiatives.

To rebuild our diplomatic and development capacity, the bill provides funding for approximately 1,000 new positions at the Department of State and approximately 300 new employees at USAID as part of the Development Leadership Initiative, creating jobs that hard-working Americans can fill. This bill also provides a total of $7.684 billion for global health programs, including $5.7 billion in total funding for global HIV/AIDS prevention and health initiatives. Diseases like HIV/AIDS, tuberculosis, and malaria continue to threaten the lives of millions of people as well as stability in the developing world, and this bill will advance our security interests while also fulfilling our moral obligation to fight this scourge.

Mr. Chair, H.R. 3081 enhances our ability to keep our Nation secure and our citizens safe. I urge my colleagues to join me in supporting this legislation.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding projects that are listed in H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010:

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Department of Energy, EERE

Title: Energy Reduction and Efficiency Improvement Through Lighting Control

Legal Name of Requesting Entity: St. Luke's Hospital and Health Network

Address of Requesting Entity: 801 Ostrum Street, Fountain Hill, PA 18015

Description of Request: This funding will support an energy reduction and efficiency initiative at St. Luke's Hospital and Health Network by helping to install advanced lighting controls that automatically adjust to lighting needs. Using locally-produced lighting technology, St. Luke's estimates a 20 percent to 30 percent reduction in lighting costs. This project will assure the hospital maintains suitable lighting at all times for patients and staff while saving energy and reducing costs.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Department of Energy, Fossil Energy R&D

Title: Innovations for Low-Cost Gasification Systems

Legal Name of Requesting Entity: Air Products and Chemicals, Inc.

Address of Requesting Entity: 7201 Hamilton Boulevard, Allentown, PA 18195

Description of Request: This funding will advance the development of Green Energy ITM Ceramic Membranes, which can be integrated into a state-of-the-art gasification system to produce synthesis gas for the generation of advanced electric, hydrogen, or other clean fuels power. This versatile technology also enables the capture of greenhouse gases such as carbon dioxide and can be applied in a cost-effective and environmentally responsible manner to a broad list of energy sources, including coal, natural gas, liquid hydrocarbons, biomaterials, and waste materials.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Department of Energy, Science

Title: Energy Systems Engineering Institute

Legal Name of Requesting Entity: Lehigh University

Address of Requesting Entity: 5 East Packer Avenue, Whitaker 318, Bethlehem, PA 18015

Description of Request: This funding will support a research and education program, the Lehigh Energy Systems Engineering Institute (ESEI), at Lehigh University to spawn energy technology breakthroughs while simultaneously creating a pipeline of new talent for the energy sector workforce. The initiative will be a university-based program in which the Electric Power Research Institute (EPRI) and various energy companies partner with university faculty to address critical research needs while developing the next generation of leaders and innovators for the energy industry.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. LATHAM. Madam Speaker, pursuant to the new House Republican standards on earmarks, I am submitting the following information.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Project Name: Clear Lake, IA

Amount Provided: $910,000

Account: Corps of Engineers—Section 206

Recipient: Rock Island Illinois Corps Office

Recipient's Street Address: Clock Tower Bldg Rodman Ave Rock Island, IL 61201

Description: Continuation of authorized activities. This project is to ensure the completion of the feasibility phase, and to initiate construction on the Ventura Marsh portion of the Clear Lake project. This project will ultimately improve Clear Lake, its water quality and environment.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Project Name: Des Moines Recreational River and Greenbelt, Ia

Amount Provided: $4,300,000

Account: Corps of Engineers—Construction

Recipient: Rock Island Illinois Corps Office

Recipient's Street Address: Clock Tower Bldg Rodman Ave Rock Island, IL 61201

Description: Continuation of authorized activities. Funds will maintain scheduled activities including construction of Ft. Dodge bridges/trails (incl. completion of plans and specs), Red Rock Trail and other scheduled activities.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Project Name: Humboldt, IA

Amount Provided: $152,000

Account: Corps of Engineers—Investigations

Recipient: Rock Island Illinois Corps Office

Recipient's Street Address: Clock Tower Bldg Rodman Ave Rock Island, IL 61201

Description: Continuation of authorized activities. Evaluation of flood risk management measures, and restoration of degraded aquatic and wetland habitats on West Fork of Des Moines River.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Project Name: Integrated Renewable Energy & Campus Sustainability Initiative

Amount Provided: $750,000

Account: EERE—Wind Energy

Recipient: Luther College

Recipient's Street Address: 700 College Drive Decorah, IA 52101

Description: This project is part of a 5-year strategic plan that proposes to reduce campus carbon use in the range of 50 percent through the use of energy efficiency and renewable energy. This request will aid in creating a two MW wind energy facility to generate electricity on the Luther campus.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Project Name: Iowa Central Renewable Fuel Testing Laboratory

Amount Provided: $500,000

Account: EERE—Biomass and Biorefinery Systems R&D

Recipient: Iowa Central Community College

Recipient's Street Address: One Triton Circle Ft Dodge, IA 50501

Description: The project allows Iowa Central to expand its partnership with state and federal regulatory agencies, renewable fuel companies, etc. to ensure that the testing needs for renewable fuels quality are met. This initiative conforms to the needs espoused in the new energy policies being put forth.

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, 2010

Project Name: Central Iowa Business Innovation Zone

Amount Requested: $185,000

Account: Small Business Administration Salaries and Expenses

Recipient: Greater Des Moines Partnership

Recipient's Street Address: 700 Locust Street, Suite 100 Des Moines, IA 50309

Description: The Business Innovation Zone (BIZ) is focused on creating business growth for area reinvestment by growing and cultivating, national, and international scale businesses. The primary function of the BIZ is to provide guided professional business mentoring and direction along with connecting entrepreneurial needs with qualified community and state resources. BIZ helps entrepreneurs maximize their success by assisting them in navigating resources, strengthening knowledge, improving skills, forming strategic alliances, and securing proper capitalization

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, 2010

Project Name: Iowa Valley Education and Training Center Acquisition, Renovation, and Expansion

Amount Requested: $500,000

Account: Small Business Administration Salaries and Expenses

Recipient: Iowa Valley Community College District

Recipient's Street Address: 3702 South Center Street Marshalltown, IA 50158

Description: This funding will be used to assist in the renovation and expansion of the Iowa Valley Education and Training Center to better provide outreach, education, and workforce development activities in the region.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. THOMPSON 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. 3170—Financial Services and General Government Appropriations Act, 2010. The entity to receive funding is the Lock Haven Small Business Development Center, 301 W. Church Street, East Campus, J102, Lock Haven, PA 17745, in the amount of $50,000. The funding will be used for establishment of a regional tax compliance center at the Lock Haven University Small Business Development Center.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. ROGERS of Michigan. 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, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (MI–08)

Bill Number: H.R. 3183

Account: Energy Efficiency and Renewable Energy agency in the Solar Energy account

Legal Name of Requesting Entity: Michigan Biotechnology Institute

Address of Requesting Entity: Michigan Biotechnology Institute, 3900 Collins Road, Lansing, Michigan, USA

Description of Request: Provide an earmark of $500,000 to develop leading bioprocesses for the production of energy, fuels, chemicals and materials. The project will create a bio-industry in mid-Michigan which will build the economy with high paying technical jobs, helping to sustain Michigan manufacturing expertise and provide new products to market-leading, Michigan-based companies. 20% of the federal funds will be used for research, 80% will be used for engineering and developing bioprocesses.

Requesting Member: Congressman MIKE ROGERS (MI–08)

Bill Number: H.R. 3183

Account: Energy Efficiency and Renewable Energy agency in the Building Technologies account.

Legal Name of Requesting Entity: Ingham Regional Medical Center

Address of Requesting Entity: Ingham Regional Medical Center, 401 West Greenlawn Avenue, Lansing, Michigan, USA

Description of Request: Provide an earmark of $250,000 to fund energy conservation upgrades on the Greenlawn and Pennsylvania Campuses of Ingham Regional Medical Center. The purpose of this project is to provide the citizens of Lansing and the State of Michigan with access to additional high quality health care and cost effective healthcare. 15% of the federal funds will be used for engineering studies, 30% for salaries, and 55% for construction costs and equipment.

Requesting Member: Congressman MIKE ROGERS (MI–08)

Bill Number: H.R. 3183

Account: Energy and Efficiency and Renewable Energy agency in the Biomass and Biorefinery Systems Research account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: Consortium for Plant Biotechnology Research, Inc., Georgia at P.O. Box 20634, St. Simons Island, Georgia, USA

Description of Request: Provide an earmark of $3,000,000 for clean energy research for the Consortium for Plant Biotechnology Research. This funding would be used for research at Michigan State University and commercialization for clean energy, national energy security, and a cleaner environment. The purpose of this project is to fund research and technology transfers that have applications to energy security and the reduction of greenhouse gases through developing technologies in renewable energy, biofuels, "green" chemicals, and industrial manufacturing processes. Approximately 8% of the federal funds will be used for peer reviewed competitions and 92% is for research projects.

EARMARK DECLARATION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. ROHRABACHER. Madam Speaker, pursuant to the requirements of the Republican Conference of the House, I am submitting the following information regarding earmarks I received, which were included in the reported version of H.R. 3183, the "Energy and Water Development and Related Agencies Act of 2010."

Requesting Member: Congressman DANA ROHRABACHER (CA–46)

Bill Number: H.R. 3183

Name of Project: Long Beach Desalination Research and Development Project

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Long Beach Board of Water Commissioners

Address of Requesting Entity: 1800 E. Wardlow Road, Long Beach, CA 90807

Description of Request: I received $100,000 for Long Beach Water's Desalination Research and Development Project. Long Beach desalination represents the federal government's national interest in making desalination of seawater a viable, cost-effective and environmentally responsive option for supply reliability along the coast of California. Seawater desalination will not be seen by The Congress, the California State Legislature, regulatory agencies, private sector interests or the public as a viable, cost effective and environmentally responsive option for municipal water supply reliability in the United States until advances are made and existing processes optimized in on-going research and development, funded through programs like the Long Beach Desalination Project.

The project is a constructed, large-scale, fully operational seawater desalination research and development facility located in urban/coastal Southern California. The research conducted at this facility is the most important and advanced analysis being conducted anywhere in the nation at this time, to include facility design and construction, permitting, operations, water quality, distribution system integration and alternative, sub-ocean floor intake and outfall systems. It is my understanding funds will be used for Ultra Violet & Chlorine Dioxide research; post-treatment corrosives testing and analysis; under ocean floor intake and discharge demonstration system research, and site restoration. It is my understanding a 50% match share will be provided by the board of water commissioners.

Requesting Member: Congressman DANA ROHRABACHER (CA–46)

Bill Number: H.R. 3183

Name of Project: Santa Ana River Mainstem, CA

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: County of Orange, CA

Address of Requesting Entity: 300 N. Flower St., Santa Ana, CA 92703

Description of Request: I received $52,193,000 for Orange County's Santa Ana River Mainstem project. The Santa Ana River Mainstem Project including Prado Dam (Project) was authorized under the Water Resources Development Act (WRDA) of 1986,

and Section 309 of WRDA, 1996. The Project involves construction, acquisition of property rights, relocations, environmental mitigation and enhancement in Orange, Riverside, and San Bernardino counties. The flood control districts of these counties are the Local Sponsors who are responsible, with the Department of the Army, for implementing the Project.

The Corps considered the Santa Ana River as the worst flood threat west of the Mississippi River. In 1980s, the Corps estimated that 3 million people and 110,000 acres would be impacted, with potential loss of 3,000 lives and $15 billion in economic losses (1987–8 price level). Estimated impacts and loss (without the Project being constructed) would be much greater with current population growth and value of land and structures. In addition to protecting a large, highly populated and rapidly growing area of Southern California, the Project has/will improve protection of major transportation corridors. It is my understanding the non-federal contribution will be 37.5% of the project cost.

Requesting Member: Congressman DANA ROHRABACHER (CA–46)

Bill Number: H.R. 3183

Name of Project: Orange County Regional Water Reclamation Project

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Orange County Water District

Address of Requesting Entity: 18700 Ward Street, Fountain Valley CA 92708

Description of Request: I received $100,000 for Orange County Water District's Regional Water Reclamation Project. This project will increase the region's water independence from expensive and declining imported water resources from the California Delta and Colorado Rivers and supplement the existing water supplies by providing a new, reliable, high-quality source of water. The GWR System is the largest water recycling project of its kind. The Enhancement Project would expand the capacity of the current plant by an additional 18 million gallons per day. With the enhancement, the Project would expand the capacity of the current plant to 88 million gallons per day for a total of approximately 32 billion gallons per year. It is my understanding matching funds have been provided by local grants and other funding sources.

Requesting Member: Congressman DANA ROHRABACHER (CA–46)

Bill Number: H.R. 3183

Name of Project: Westminster, East Garden Grove, CA

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: County of Orange, CA

Address of Requesting Entity: 300 N. Flower St., Santa Ana, CA 92703

Description of Request: I received $900,000 for Orange County's study of the Westminster, East Garden Grove channel. Flood damages along the East Garden Grove-Wintersburg Channel affect residential, commercial, and industrial development located in an 81 square mile watershed, impacting eleven cities in Orange County. Over 20,000 property owners are currently required to participate in the National Flood Insurance Program, while aging levees jeopardize thousands of additional property owners. The study will investigate innovative methods to provide flood protection in combination with improved ecosystem functioning and water quality. Over 20,000 property owners are currently mandated by the Federal government to pay flood insurance because of inadequate flood protection in this watershed. Taxpayer funds are used to rebuild private property and public infrastructure every year that flood damages occur. This comprehensive study is developing innovative, sustainable solutions to flooding, water quality, and environmental problems in this watershed. Those solutions will provide more cost-effective approaches than currently exist, and contribute to the National Economic Development as well as National Ecosystem Restoration Plan. It is the mission of the Army Corps of Engineers (Corps) to provide flood protection, navigation, and ecosystem restoration in meeting these criteria. The U.S. Army Corps of Engineers found that there was federal interest in this project during their reconnaissance study. It is my understanding funding will be used for salaries and professional services for the army corps of engineers investigation.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of the FY 2010 Financial Services and General Government Appropriations Act, H.R. 3170.

Name of Project: Delaware Small Business and Technology Development Center

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 3170

Account: Small Business Administration—Salaries and Expenses

Legal Name of Requesting Entity: University of Delaware

Address of Requesting Entity: University of Delaware, Hullihen Hall, Newark, DE 19716

Description of Request: $100,000 to be used for training and consulting at the Delaware Small Business Development Center to enhance technology-based economic development in Delaware.

HONORING CHANDRA CLANTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. GRAVES. Madam Speaker, I rise today to offer my most sincere condolences to the family, friends, and loved ones of Ms. Chandra ''Chandy'' Clanton.

Tragically, on July 10, 2009, Chandy was involved in a fatal crash while piloting her aircraft during a training flight in preparation for the Wingnuts Flying Circus and Fly-In near Tarkio, Missouri. Chandy was a distinguished pilot, great friend, and loving mother. She was 36 years old and is survived by her two children, Harrison and Drew.

Chandy was among the world's most elite and recognized aerobatic pilots. She was a twelve year veteran in the air show business and a world class aerobatic competitor. She was a three-time member of the United States Unlimited Aerobatic Team, the youngest female pilot to perform at the 2003 World Aerobatic Championships in Lakeland, Florida, and the only woman named to the 2003 ''Stars of Tomorrow'' program.

In addition to being an elite aerobatic pilot, Chandy was an exceptional humanitarian who strived to help those less fortunate than her. She donated countless aerobatic rides to charitable organizations, benefiting her community, church, and people all across our great nation. She was truly a role model for young women, especially those interested in aviation.

Chandy graciously touched the lives of many people. Spectators knew Chandy for her aerobatics, but most people knew her for her contributions outside of aviation. To me, Chandy was a great friend and I was lucky to have known her.

On behalf of the thousands of people across our nation who are mourning this tragic and untimely loss, I wish to offer my most sincere condolences to her family, friends, and loved ones. She will be forever missed by so many.

EARMARK DECLARATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. TERRY. 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 of 2010. Nebraska's Micro-Enterprise Center at The University of Nebraska at Omaha, located at 6001 Dodge Street, Omaha NE 68182, will receive $250,000 from the Small Business Administration out of the ''salaries and expenses'' account in order to establish the technical, knowledge, and support infrastructure needed to foster growth of microenterprises through effective application of information technologies. The Program includes facilities in a central lab to develop and maintain a repository of technology-based solutions to business problems encountered by micro-enterprises. These base solutions, ranging from simple how-to tutorials to fully configured ''business in a box'' servers hosted on a cloud computing (internet based) infrastructure, that will be customized to meet the needs of individual micro-enterprises. Funds will also support additional curriculum development at UNO in Information Technology for Development, including distance learning options. These educational opportunities will develop a well trained workforce to further support the micro-enterprise owner's needs and sustain the communities of micro-enterprises needed for economic development in Nebraska.

The Program will also support mobile labs used by specially trained UNO students who will work on location with the micro-entrepreneurs to provide customized technology-based solutions to pressing business problems. This project trains micro-enterprise owners how to use information technology effectively by providing immediate and accessible, needs-based information systems training,

technical assistance and operations and development services to micro-enterprises. Micro-enterprise owners, gaining the skills and knowledge necessary to use information technology to grow their businesses, will learn to access new customers and markets, achieve administrative efficiencies, learn how to improve their businesses and increase productivity.

The PIs and this project have a well established track record of working with micro-enterprises that are most in need and enabling them to show measurable improvements. This includes working closely with multiple community partners. 37 microenterprises that were selected from a larger pool are presently being actively supported. This project is different from the other micro-enterprise assistance programs in that it addresses the needs of the majority of micro-entrepreneurs by providing them with the ability to use information technology to grow their businesses. Additionally, instruments are being developed and used to assess the effects of our training, technology and trust building interventions on the economic, human and social development of micro-entrepreneurs in the underserved communities of Omaha. After a well established IT, knowledge and community infrastructure is in place approval will be pursued for Center status within the University. Continued educational offerings of developed curricula will sustain development of a trained workforce and microenterprise communities. Efforts for program research, innovation, expansion and assessment purposes will be supplemented by external funding.

In January 2005, Governor Heineman reported to the Legislature on the Nebraska Micro-enterprise Development Act that 87 percent of Nebraska's businesses are micro-enterprises and they accounted for 22 percent of Nebraska's job growth. Many of Nebraska's most successful businesses (e.g., Cabela's, ConAgra) began as micro-enterprises. Since many rural and inner city communities lack the resources and infrastructure for industrial development, micro-enterprises are the only choice for economic development. Despite its effectiveness and track record, Nebraska's micro-enterprise development system is grossly underfunded, according to a recent report to the Unicameral by the Nebraska Rural Development Commission. As with businesses of any size, the performance of micro-enterprises can be enhanced through the effective and strategic use of information technology. This project will provide Nebraska micro-enterprises with an accelerated platform and support for increasing their technological competitiveness, innovation and spur job growth.

EMERGENCY MEDIC TRANSITION (EMT) ACT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. HARMAN. Madam Speaker, today, together with my colleagues Representatives MELISSA BEAN and STEPHANIE HERSETH SANDLIN, I rise to introduce H.R. 3199, that takes an important step toward ensuring the safety and security of our communities by enhancing the surge capacities of local medical facilities, while helping ease veterans' transition into civilian life.

Every year, highly trained, experienced medics leave the ranks of the nation's armed forces. Yet those who wish to find employment in the medical field must start from scratch, fulfilling the same entry-level criteria as citizens without any hands-on experience.

At the same time, hospitals and emergency medical services face a shortage of qualified personnel. Many operate at or near capacity, barely meeting the daily demand for their services. In the event of a terrorist attack, natural disaster, or other mass-casualty incident the resulting surge of patients would overwhelm medical facilities. Having the largest possible pool of experienced emergency medical personnel on hand is crucial in responding to such an incident.

Veterans with medical experience are the ideal people to fill this gap. Who better to come to the rescue in face of a disaster than the same men and women we've trusted to defend this country overseas? In the world of emergency response there is no substitute for experience. First responders routinely face life-or-death decisions, often amid a backdrop of chaos and confusion. This would be magnified during a terrorist attack or natural disaster. Military medics work at the scenes of IED attacks, suicide bombings, and firefights; many have experience equivalent to that of their most seasoned civilian counterparts in this respect.

By treating veteran medics as entry-level trainees, we forego an opportunity to benefit from their existing training and highly relevant experience. Rather than subjecting them to the same coursework as everyone else, states should allow military medics to undertake a regimen that accounts for their existing training and prepares them to provide care in a non-combat environment. Not only will this enhance the surge capacity of medical facilities, it will also spare the cost of unnecessary, redundant training.

The legislation we introduce today will create such a fast-track, removing the barriers that currently impede veterans' assimilation into the corps of emergency responders.

Not only is this an important step to bolstering the nation's preparedness, it also helps veterans transition from military to civilian life. In 2008, the average unemployment rate of recently discharged military personnel was more than 30 percent higher than the rate for non-veterans. Creating an avenue to employment for veterans with medical experience is the least we can do to honor the brave men and women who have risked their lives in defense of their country.

We owe it to veterans to help them find work and we owe our communities the protection they deserve. This is a win-win solution that allows us to do both.

EARMARK DECLARATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. HUNTER. 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. 3183, the Energy and Water Appropriations for FY 2010:

I requested $250,000 in this legislation for the San Diego Four-Reservoir Intertie Project through the Bureau of Reclamation's Water and Related Resources Investigations account. The entity to receive funding for this project is the City of San Diego, located at 202 C Street, San Diego, California 92101.

The City of San Diego is seeking to perform a feasibility study in partnership with the Bureau of Reclamation, authorized by the Omnibus Public Land Management Act (P.L. 111–11), to examine connecting four existing reservoirs in San Diego County (San Vicente, El Capitan, Murray and Loveland) in an effort to study and improve water supply reliability and water yield throughout the region, as well provide an added element of public safety to protect local water supplies. Loveland currently only receives local runoff, El Capitan receives local runoff and imported water, but due to pipeline capacity limitations, the full capacity of the reservoir cannot be utilized. Local rainfall in the watersheds to these reservoirs is inadequate to fill them and only occurs once every five to ten years.

The unused capacity of the four San Diego reservoirs totals an estimated 100,000 acre-feet a year. Maximizing storage capacity would provide a significant water storage volume that can be put to beneficial use if imported water were piped to the reservoirs and efficiently operated. Additionally, connectivity between the reservoirs would allow the isolation of contaminated water in the event of a terrorist attack or natural disaster while, at the same time, transport water from another reservoir to the affected area. Besides the City of San Diego, this project has the full support of the San Diego County Water Authority and the Sweetwater Authority, two local public water agencies.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge the request I have detailed below is (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) 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. As required by earmark standards adopted by the House Republican Conference, I submit the following information on a project I requested and was included in H.R. 3170—the Financial Services and General Government Appropriations Act, 2010.

Account: Salaries and Expenses

Project Name: Technology Education Center

Legal Name and Address of Requesting Entity: Central Oregon Community College, 2600 NW College Way, Bend, Oregon 97701

Project Location: Bend, Oregon

Description of Project: H.R. 3170 appropriates $100,000 for the Central Oregon Community College Technology Education Center project. According to the requesting entity, this

funding will be used to design and construct a 30,400 square foot Technology Education Center that will offer courses designed to ensure that the local workforce meets the needs of local industry. A quarter of the building space will be designated as an incubator for local industries to work with students to conduct research in order to develop new products and/or manufacturing processes that will strengthen local businesses while providing hands-on training to students. This is a beneficial use of taxpayer funding because this effort will ensure that the local workforce meets the needs of local employers and that local businesses have access to a facility that allows them to conduct research that will strengthen their business models.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. ROSS. Madam Speaker, on Monday, July 13, 2009, I was not present for votes because I was attending a meeting with President Obama in the Oval Office.

Had I been present for roll call 530, The Motion to Adjourn, I would have voted ''aye.''

URGING THE OBAMA ADMINISTRATION TO SUPPORT EFFORTS TO BRING ABOUT A RESOLUTION OF THE CYPRUS CONFLICT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to call on the Obama administration to support efforts to bring about a negotiated resolution of the Cyprus conflict and reunification of the country as a federal bizonal, bicommunal, with a single sovereignty, international personality and citizenship. This formula is based on several UN Security Council resolutions and serves as the basis for ongoing talks between Cypriot President Demetris Christofias and the Turkish Cypriot leader, Mehmet Talat.

As my colleagues know, the road to a final settlement over the past few decades has been fraught with difficulty. Numerous earlier diplomatic initiatives were launched, but in the end failed. Ultimately, a negotiated resolution of the conflict must be by the Cypriots, for the Cypriots and one that enjoys the support of Greek Cypriots and Turkish Cypriots alike. There is a strong desire by younger generations from both communities to experience the rebirth of a Cyprus where the rights of all are respected and all can participate in the national life of their country.

As a member of both the Congressional Caucus on Hellenic Issues and the Congressional Caucus on U.S.-Turkish Relations and Turkish Americans, I am gratified that the leaders of both the Greek Cypriot and Turkish Cypriot communities have stated their mutual commitment to work towards a final settlement, and have continued their discussions accordingly. While the administration is currently observing developments and has offered its support if called upon by both communities. It is my hope that it will seize this opportunity to offer and make the resolution of the Cyprus issue a priority. At a time when so many of the world's disputes seem intractable, I believe the Cyprus dispute is one area where, working together, we can truly bring hope and change to a place and people that have longed for it for decades.

Madam Speaker, I hope the United States can play a supportive and active role in making a final settlement possible and encourage others to do likewise. Meanwhile, as President Christofias and Mr. Talat and their teams grapple with an array of tough issues it is my hope they seek to overcome the legacy of the past 35 years and build a brighter future for all Cypriots.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 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. 3183, ''Making appropriations for energy and water development and related agencies programs for the fiscal year ending September 30, 2010, and for other purposes.''

Requesting Member: Congressman JOHN DUNCAN

Account: Energy Efficiency and Renewable Energy

Project Amount: $500,000

Legal Name of Requesting Entity: NTRCI, 2360 Cherahala Boulevard, Knoxville, TN 37932

Description of Request: NTRCI will conduct over-the-road, heavy vehicle testing and research to validate the benefits and reliability of the Legacy rotary engine to demonstrate the capability of the Legacy engine to deliver greater fuel efficiency and thus lower consumption and reduced emissions for the $7 billion Class 8 heavy vehicle engine market.

EARMARK DECLARATION

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. UPTON. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 2997, the Agriculture Appropriations bill for Fiscal Year 2010. I would note that many of my Michigan colleagues signed a letter requesting these amounts.

APPLE FIRE BLIGHT

Department: Agriculture

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity:

Description of Request: Fire Blight is a major threat to Michigan's apple trees and has reduced apple acreage in Michigan by an astounding 24%. Michigan and New York researchers are taking aggressive measures against fire blight including development of blight-resistant varieties and new, environmentally responsible control strategies. Finding ways to control and curb fire blight is of critical importance to apple growers in my district and elsewhere. This research is very promising, and its results will help apple growers significantly increase their yields.

Amount: $346,000

Financial Breakdown: Approximately, $148,000 is for the salaries of laboratory and field research personal; and $36,000 is for materials and supplies. Michigan State University has obtained funding from the Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of $52, 500 in FY09.

PHYTOPTHORA RESEARCH

Department: Agriculture

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity:

Description of Request: Researchers at Michigan State University are leaders in the fight to control Phytophthora capsici, a fungal-like pathogen that lives in the soil and causes numerous plants to rot. Phytophthora management has been complicated by its longevity in soils (10 or more years), its ability to spread in water, its resistance to key fungicides and lack of disease resistant varieties. Michigan State University has developed new techniques for control and resistant varieties. However, losses caused by Phytophthora have become so large throughout the nation in recent years that the economic viability of the vegetable industries in many states is at risk, and more research is necessary. Since 1996, researchers have leveraged private, state and federal funds to significantly advance disease management. The widespread crop loss caused by Phytophthora capsici will be lessened, keeping family farms and their communities viable. Spread of Phytophthora to new sites will be stopped. Ways to remediate/treat infested ground and water sources will be identified. Integrated management strategies that emphasize cultural methods and environmentally friendly practices will be developed.

Amount: $346,000

Financial Breakdown: This money will provide $346,000 in funding for Phytophthora research at Michigan State University. Approximately 85 percent of the funding will go to researchers, technicians and students. Approximately 15 percent will be used for materials, supplies and administration. Michigan State University has received outside sources of funding for Phytophthora research as well. This funding is consistent with the authorized purpose of the Cooperative State Research, Education and Extension Service.

EARMARK DECLARATION

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. LUCAS. 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 FRANK D. LUCAS

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Oklahoma Water Resources Board

Address of Requesting Entity: 3800 North Classen Boulevard, Oklahoma City, OK 73118

Description of Request: I have received $800,000 for the Red River Basin Chloride Control project. This improvement project is designed to control natural chloride brine emissions at three major source areas to improve water quality for municipal, industrial, and agricultural use. Improvements include construction of low flow dams, pump stations, and diversion pipelines to a brine reservoir. The state of Oklahoma expressed a renewed interest in the Area VI element of the project and supports the Area VI reevaluation efforts underway. Area VI is located on the Elm Fork of the North Fork of the Red River in Greer County, Oklahoma.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 3183

Account: EERE

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $250,000 for the Consolidate Alternative Fuels Research project. The funding would support a feasibility study of a proposed project on the Oklahoma State University Stillwater campus to create a unique facility that provides both a regional/national research and testing center for alternative fuels and a training facility for transit and local government transportation. The facility would provide accommodations for a distinct teaching venue that OSU staff will use to instruct urban and rural transit agencies, county and state highway offices, and Native American tribal staffs in the latest technological advances in alternative and conventional fuel/vehicle operations. In addition, this facility will provide maintenance procedure guidance and transit anti-terrorist training.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I submit the following.

Requesting Member: Congressman BILL SHUSTER (PA–9)

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, FY2010

Energy and Water Development and Related Agencies Projects

Project Name: Raystown Lake, PA

Account: Corps of Engineers, O&M

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Raystown Lake

Address of Requesting Entity: 6145 Seven Points Road, Hesston, PA

Description of Request/Justification of Federal Funding:

$3,847,000 for O&M, Raystown Lake, PA

It is my understanding that funding for this project would be used for operations and maintenance at Raystown Lake, operated and maintained by the U.S. Army Corps of Engineers, Baltimore District. Raystown Lake, located in the Alleghenies of central Pennsylvania, is the Commonwealth's largest manmade lake and a major driver of the local economy.

Funding for this project is a valuable use of taxpayer dollars because funding is necessary to offer adequate services, keep recreation areas open, maintain seasonal staffing levels, and provide for general maintenance and cleanliness of facilities. Raystown Lake has substantial economic impact in central Pennsylvania and yields a sustainable and justified investment.

Project Name: Juniata Hybrid Locomotive

Account: Department of Energy, EERE

Legal Name of Requesting Entity: Pennsylvania State University

Address of Requesting Entity: 117 Old Main, University Park, PA 16802

Description of Request/Justification of Federal Funding:

$1,000,000 for Juniata Hybrid Locomotive

It is my understanding that funding for this project would be used to assess and develop technological alternatives to diesel locomotives and to develop a more energy efficient and environmentally friendly locomotive for yard, local, and main line applications. Associated with this research effort is the development of the energy management and control technologies required to maximize the energy efficiency of hybrid locomotives. Converting the existing fleet to new technologies would reduce both emissions and our dependence on foreign oil.

This project is a valuable use to taxpayer funds because it fits the Department of Energy's mission with a focus on developing more energy efficient and environmentally friendly transportation technology that will enable America to use less petroleum and reduce impacts on the environment. Protecting the environment and ensuring our national security through reduced dependence on foreign oil are critical issues facing the federal government.

Project Name: South Central Pennsylvania Environmental Improvement, PA

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers—Baltimore District

Address of Requesting Entity: 10 South Howard Street, Baltimore, MD

Description of Request/Justification of Federal Funding:

$4,000,000 for South Central Pennsylvania Environmental Improvement, PA

It is my understanding that the South Central Pennsylvania Environmental Improvement Program provides design and construction assistance for water-related environmental infrastructure and resource protection and development projects in South Central Pennsylvania. The program provides the funding necessary for local communities to install basic sewer and water systems and is a key aspect of building and enhancing infrastructure for many rural communities in Pennsylvania.

This project is a valuable use of taxpayer funds because building and enhancing infrastructure creates jobs and yields a sustainable and justified investment for communities and our country. Additionally, enhancing basic sewer and water systems is vital to protecting the environment and improving the lives of rural citizens.

EARMARK DECLARATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. GARRETT of New Jersey. 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:

1. Project Name—Greenwood Lake Watershed Restoration, NY & NJ Requesting Member—SCOTT GARRETT

Bill Number—H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account—Army Corps of Engineers, General Investigations

Requesting Entity—Greenwood Lake Commission, 26 Rocky Point Rd, P.O. Box 83, Hewitt, NJ 07421

Description of the Project—Funds will be used to restore water quality and recreational opportunities to the lake by removing hazardous debris.

Description of the Spending Plan—($100,000)

$100,000 is for the final removal of stumps and similar hazardous debris from the Greenwood Lake bottom. All preparatory work has been done.

Total—$100,000

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 3170, the Fiscal Year 2010 Financial Services and General Government Appropriations bill:

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 3170

Account: SBA—Salaries and Expenses

Legal Name of Requesting Entity: University of Missouri System, Columbia, MO

Address of Requesting Entity: University Hall, 1100 Carrie Francke Drive, Columbia, MO 65211

Description of Request: $249,000 is provided for the University of Missouri's Extension Community Economic and Entrepreneurial Development (ExCEED) program. The funding will be used to promote economic development in the Mississippi River Hills Region and the Ozark Heritage Region. Over a three year period, funding will be utilized to expand the current part-time Executive Director position in the Mississippi River Hills Region to full-time, as well as establishing a part-time youth entrepreneurship coordinator and equipment in this rural area. Additionally, over three years this

funding will allow the Ozark Heritage Region to expand their entrepreneurship education and business counseling.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 3170

Account: SBA—Salaries and Expenses

Legal Name of Requesting Entity: Downtown West Plains, Inc., West Plains, MO

Address of Requesting Entity: 401 Jefferson Ave., West Plains, MO 65775

Description of Request: $500,000 is provided for Downtown West Plains, Inc., a 501(c)(3) corporation, to complete the exterior and interior renovation of a 100 year old building which will house a Small Business Incubator. These funds will be matched with $1,144,000 in local, state, and other federal funds. The Ozarks Small Business Incubator, when completed, will provide personalized assistance to small business entrepreneurs by supporting their efforts with business related education, financial guidance, business plan development, mentoring, and access to tangible resources such as building space, shipping dock, and shared office equipment.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 3170

Account: SBA—Salaries and Expenses

Legal Name of Requesting Entity: Girl Scouts of the USA, New York, NY

Address of Requesting Entity: 420 Fifth Avenue, New York, NY 10018

Description of Request: $101,000 is provided to the Girl Scouts of the USA for a national program to improve financial literacy. These funds will allow for the research and development necessary to prepare the foundation for a financial educational program directed towards girls.

A TRIBUTE TO MAMIE NICHOLS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor Mrs. Mamie Nichols, a pioneering activist and community organizer for more than 60 years, who died July 1 at the age of 91. Born Mamie Melton in Norfolk, Virginia her family moved to Philadelphia and settled in the Point Breeze section of South Philadelphia when she was a young child.

She grew up in Point Breeze and married and raised her six children in Point Breeze. But her 88-block neighborhood had been given a death sentence by officials in the Philadelphia Office of Housing and Community Development. Mamie Nichols said she was told by city officials that Point Breeze could not be saved from urban decay and the city was letting it die a natural death.

But Mamie Nichols fought back. Fueled with anger, pride, determination and charm, Mrs. Nichols is credited with saving her neglected community. She founded the Point Breeze Federation and she was a prime mover in the founding of the Childs Elementary School Home and School Association. Her organization established the Point Breeze Performing Arts Center and transformed the long shuttered Landreth School into senior citizens apartments and a community center. She was also named to the Philadelphia Planning Commission and served as a member of the board of Directors of the Pennsylvania Horticultural Society, Philadelphia Green and the Philadelphia Urban Affairs Coalition. And, along her journey she planted flowers in what was to be the greening of Point Breeze.

Mamie Nichols is remembered with deep love and respect by what Dr. Martin Luther King, Jr. referred to as the beloved community.

HONORING CONSUL GENERAL AT THE UNITED STATES CONSULATE GENERAL IN MATAMOROS, MEXICO, MRS. CECILIA BRIDGET ELIZONDO HERRERA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the dedication of Consul General at the United States Consulate General in Matamoros, Mexico, Mrs. Cecilia Bridget Elizondo Herrera, who leaves her post on the U.S-Mexico border for a new task in Caracas, Venezuela.

Mrs. Elizondo Herrera is a native of San Antonio, Texas, and graduated from Incarnate Word High School in 1973. She went on to graduate from Our Lady of the Lake University where she received her bachelor of arts degree in English and political science in 1977. Mrs. Elizondo Herrera went on to complete post-graduate work at St. Mary's University in 1978 and in 2006 earned a master of science degree in national security strategy from the National War College at Ft. McNair in Washington, D.C.

At a young age, Mrs. Elizondo Herrera began her public service to this country when she worked for the Alamo Area Council of Governments, a regional planning agency in San Antonio, and in 1987 joined the Foreign Service as a junior officer in the Administrative Zone. She has served as a Vice Consul in Guadalajara, Mexico, and Administrative Officer and Post Security Officer in Melbourne, Australia. She was then stationed in Washington, D.C., where she served as an Area Manager for the Office of Foreign Buildings with oversight for near East Asia; as a Special Assistant to the Assistant Secretary of Administration, with a portfolio of Overseas Buildings Operations and as a Post Management Officer for the European Bureau with responsibility for the Russian Federation and Finland.

Mrs. Elizondo Herrera has traveled throughout Russia, North Africa and the Arabian Gulf while stationed in Washington. She has served as the Deputy Supervisory GSO at the U.S. Embassy in Rome and Administrative Officer at the U.S. Embassy in Mexico City.

She is a four time recipient of the Department of State Superior Honor Award, and is the recipient of a Meritorious Honor Award in recognition of Non-Immigrant Visa work in Guadalajara.

Mrs. Elizondo Herrera is a member of Executive Women in Government, the National Association of Female Executives and an honorary member of the American Association for Justice Women's Auxiliary. She is the daughter of John P. and Beatrice B. Elizondo of San Antonio, Texas, and is married to San Antonio attorney, Frank Herrera, Jr. They have two sons, Jorge and Javier.

Today, I ask that my colleagues join me in commemorating the dedication of Mrs. Cecilia Bridget Elizondo Herrera, who has served this nation with dignity, honor, respect and admiration.

HONORING THE LIFE AND WORK OF LEONARD E. BRISCOE, SR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in remembrance of Leonard Briscoe who passed away on Tuesday, June 16, 2009 at the age of 69.

Mr. Briscoe was a trailblazer in the African American community in North Texas. In 1971, he was elected to the Fort Worth City Council, making him the second African American to serve in this position. A few short years later, in 1976, he was elected to the Texas State House of Representatives where he served during the 65th Legislature and chaired the Select Committee on Minority Business Enterprise.

As a businessman, advocate, and engaged citizen, Mr. Briscoe was acutely aware of the needs of the minority communities in North Texas. In a period of political turmoil, he encouraged other African Americans to become involved in the political process and was a leading advocate for affirmative action. He understood the dire consequences of inadequate housing for low-income families, and served as Chairman of the Fort Worth Community Development Council. Through this chairmanship, he helped to develop the city's first housing program funded by the Housing of Urban Development Department under the Community Development Act of 1974.

After leaving the Texas State House of Representatives, Mr. Briscoe continued his work to ensure that low-income people and minorities had access to respectable and affordable housing. His business built over twenty housing developments in the Southern part of the country with the help of over $13 million from the U.S. Department of Housing and Urban Development. Because of this, the Department named him ''Entrepreneur of the Year'' in 1984.

I ask my fellow colleagues to join me today in remembering the life and work of Leonard Briscoe, a community organizer, activist, and entrepreneur, who helped so many people across North Texas and the country.

ORLANDO TEA PARTY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. MICA. Madam Speaker, on March 21, 2009, hundreds of Central Floridians gathered in Orlando to express their grievances regarding the recent actions of their federal officials in dramatically expanding our federal spending, federal deficit, and federal programs. As a Representative for Florida's 7th Congressional District it is my honor to present their grievances and declaration.

ORLANDO TEA PARTY DECLARATION MARCH 21, 2009

"When in the course of human events it becomes necessary for like minded patriotic Americans to rally as one against the powers that threaten to alter, diminish and destroy this country we love, proper respect for the opinions of our fellow citizens requires that we should clearly state the grievances that impel us to gather at this great Orlando Tea Party to protest peacefully, but passionately in the tradition of our forefathers whose Boston Tea Party resonated around the world.

The history of the present government of these United States is a history of repeated injuries and usurpations, all having the effect of establishing an unacceptable tyranny over the citizens of these states. Let the facts be selfevident and speak for themselves, and let these grievances be heard in the halls of power in 2009, just as they were heard in the palace of King George III when they thundered forth from the text of the Declaration of Independence on July 4, 1776.

BE it resolved on this 21st Day of March in the year 2009 at the great Orlando Tea Party on the shore of Lake Eola in Orlando, FL, that just as our forefathers at the Boston Tea Party protested tyranny at the hands of the British Crown, and taxation without representation, we hereby raise our voices against the arrogance and the ruinous policies of our own government . . . a government that ignores the will of "We the People" . . . a government that drowns us in debt . . . a government that forsakes the free enterprise system that had driven the engine of the greatest economy on earth, in favor of a relentless march toward socialism designed to subvert the work of the individual and encourage intrusion of government into all aspects of our lives.

And so, let the word go forth from this time and place that we are proud, freedom loving Americans who cherish individual liberty, our Constitution, and all this Nation has stood for over 233 years. We love our country and we are here to take it back!

Let us hereby resolve that we have had enough of massive government driven bailouts using our money! To our elected leaders we say, stop spending money we do not have! This is not your money! This is our money, and we demand you stop this madness! We have had enough of so-called economic stimulus plans that falsely promise we can spend ourselves back to prosperity.

We have had enough of trillion dollar spending schemes being passed without congress or "WE The People" Knowing what's in them. This is taxation without deliberation and we will not tolerate it! We have bad enough of the out of control government spending that is mortgaging our future and threatening our very way of life!

We have had enough of both major parties being arrogant and unresponsive to the people they were elected to serve. We have had enough of seeing money taken unfairly from honest, hardworking Americans through excessive taxation and redistributed to people who have not earned the money. We have had enough of capitalism being targeted as the problem instead of the solution.

And, we have had enough of government being called the solution, when government is the problem! In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions to our elected officials have been answered only by repeated injury, if in fact they have been answered at all. A government so arrogant and unresponsive to its people is unfit to be the ruler of a free people. We therefore, the people of the United States of America, in general congress assembled here, on the shore of Lake Eola in Orlando, Florida, on this 2lst day of March, in the year 2009, do, in the name, and by the authority of the good people of this city and this Nation, solemnly publish and declare that we are a free people, in this free and independent state, and we have the power and the right to demand that our government cease serving its own interest, and whatever destructive political and ideological agendas it is pursuing, and become the government of the people, by the people, and for the people, to which we are entitled as Americans. And this for the support of this declaration, what a firm reliance on divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

Madam Speaker: Today, July 14th, I presented this declaration on the steps of the U.S. House and unfurled a scroll containing thousands of citizens' signatures in support of this declaration.

INTRODUCING THE COMPLETE AND PERMANENT PROPERTY TAX DEDUCTION ACT OF 2009

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Complete and Permanent Property Tax Deduction Act of 2009. This bill makes the property tax deduction, which is scheduled to expire this year, permanent and removes all limitations on the deduction.

The Complete and Permanent Property Tax Deduction Act will help millions of Americans who struggle with high property taxes. Making the property tax deduction permanent will especially benefit senior citizens, whose homes often are the major part of their wealth, and young families struggling to cope with the costs of owning new homes. I respectfully urge my colleagues to help ensure all homeowners can continue to take advantage of the property tax deduction by cosponsoring this legislation.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. GRANGER. Madam Speaker, on rollcall Nos. 492, 494, 495, 499, 500, 501, 502, 508, 514, 515, 517, 518, 520, 521, 524, 525, & 529, I was absent from the House due to illness.

Had I been present, I would have voted "yes."

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2010

SPEECH OF

HON. DARRELL E. ISSA–

OF CALIFORNIA–

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. ISSA. Madam Speaker, I rise in support of H.R. 3082, the "Military Construction and Veterans Affairs Appropriations Act, 2010." This bill will fund our nation's military construction projects and veterans' benefits for Fiscal Year 2010.

While I supported this bill, and what it provides for our military and veterans, it is unfortunate the Democratic leadership in Congress refused to allow debate on many amendments including an amendment proposed by Rep. CONNIE MACK that would have reduced the labor costs of each construction project funded by this legislation.

Currently, federal construction projects which cost more than $2,000 must follow Davis-Bacon wage requirements. The Davis-Bacon Act requires employers to pay workers at least the "locally prevailing wage," as determined by the Department of Labor. Of the reports investigated by the Office of Inspector General, 100% of the wage surveys, used to set the "prevailing wage," contained one or more errors.

According to the Beacon Hill Institute at Suffolk University, Davis-Bacon wage requirements over-estimate wages, inflating construction costs by almost 10%. This amounts to $8.6 billion taxpayer waste per year. For our military and veterans, this is billions that could have been used to update the Vietnam-era quanzi-huts still in use at Camp Pendleton Marine Corps Base or to fix the Post 9/11 GI bill error that will unfairly reduce California veterans' education benefits.

In this time of fiscal uncertainty, Congress must set priorities and spend wisely. Shutting out debate on an archaic measure that unnecessarily increases cost moves our nation in the wrong direction.

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mrs. MCMORRIS RODGERS. 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, FY2010 Energy and Water Development and Related Agencies Appropriations Act

Requesting Member: Congresswoman MCMORRIS RODGERS

Bill Number: H.R. 3183

Account: Water and Related Resources

Legal Name of Requesting Entity: Columbia Basin Development League

Address of Requesting Entity: 8582 Road K, SW; Royal City, WA 99357

Description of Request: Provide an addition of $3,000,000 for expansion of Project infrastructure to allow delivery of Project water to eligible lands. The Project aims to avoid ecological disaster by preserving the remaining

groundwater supplies for other uses, maintain the existing production base, preserve jobs, and provide long-term stability. The Federal Reclamation Columbia Basin Development Project has been the underlying driver for the economy of Central Washington.

Requesting Member: Congresswoman McMorris Rodgers

Bill Number: H.R. 3183

Account: Investigations

Legal Name of Requesting Entity: Confederated Tribe of the Umatilla Indian Reservation

Address of Requesting Entity: 73239 Confederated Way; Pendleton, OR 97801

Description of Request: Provide $203,000 for the Walla Walla Watershed Project. The Army Corp, in conjunction with the Confederated Tribes of the Umatilla, is focusing on the restoration and management of a viable ecosystem within the Walla Walla River Basin. The project is a high priority for the local communities and the agricultural sector because in stream flows enable the start of salmon reintroduction and a strong agricultural economy.

Requesting Member: Congresswoman McMorris Rodgers

Bill Number: H.R. 3183

Account: Science

Legal Name of Requesting Entity: Whitworth University–

Address of Requesting Entity: 300 West Hawthorne Road; Spokane, WA 99201

Description of Request: Provide $300,000 for the purchase of state-of-the-art STEM (Science, Technology, Engineering, and Mathematics) equipment. This equipment is necessary to prepare the general population with the levels of mathematics and science education necessary for the United States to compete.

IN APPRECIATION OF THE LIFE'S WORK OF JOSEPH HOUGHTELING

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. SPEIER. Madam Speaker, long before there was a "green" movement, even before most Americans accepted words like "ecology" and "environment" into their vocabulary, Joe Houghteling was devoting his life to making our world a cleaner, better and more sustainable place. I am sorry to say that, on June 23, after 84 years on earth, the former chairman of the San Francisco Bay Conservation and Development Commission passed away, leaving behind a greener landscape and more educated citizenry.

Madam Speaker, Joseph Cannon Houghteling's life story reads like a history textbook. The great-grandson and namesake of Speaker of the House Joseph Cannon, Joe was born in San Francisco, but moved East with his family and played baseball with future president George H.W. Bush at Phillips Academy in Andover, Massachusetts.

After his studies at Bates College and College of the Holy Cross, he served in the United States Navy where he befriended future congressman—and my political mentor—Leo J. Ryan. After his service, Joe received a Bachelor of Science degree from Yale University and immediately returned home to the Bay Area.

Many Democratic leaders—and more than a few Republicans—relied on Joe's brilliance, advice and counsel on land-use, environmental protection and other issues. He attended the 1956 and 1960 Democratic Party conventions as a delegate for Adlai Stevenson and John F. Kennedy, but also advised Republican Congressman Pete McCloskey, an ardent opponent of the Vietnam War.

Governor Edmund G. "Pat" Brown appointed Joe to the State Park Commission in 1959 and the State Highway Commission in 1964. Even Governor Ronald Reagan—whom he opposed on many fronts—saw the value of Joe's service and appointed him to the Bay Conservation and Development Commission in 1971. Governor Jerry Brown then promoted him to chairman during his administration. While at BCDC, Mr. Houghteling was credited with helping save 89,000 acres of wetlands and wildlife habitat from development.

Many in Northern California know Joe Houghteling's name from the editorial page of their local newspaper. He published many community newspapers in the Bay Area, founded the Diablo Press and owned the Nevada County Nugget.

But Madam Speaker, when I think of Joe Houghteling, his many accomplishments are not what initially come to mind. Rather, it is Joe's wry smile, razor-sharp wit and generous spirit. Joe was as quick with a compliment as he was with a funny story and he never ran out of those. My thoughts are with the family he adored: his daughters—Anne, Elizabeth and Mary Houghteling; a grandson, three nieces, a nephew and most of all, his lovely wife, Judy, who recently told a reporter that Joe used to joke about having his ashes thrown upwind from a boat so that his remains would blow back into the eyes of his mourners, forcing them to shed a tear.

Madam Speaker, no one who knew Joe Houghteling needs help shedding a tear for the passing of this remarkable man. But, like mine, I imagine their tears will be accompanied by silly grins and fond memories of a man who—without a doubt—leaves this world in better shape than he found it.

EARMARK DECLARATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. GOHMERT. Madam Speaker, pursuant to Republican Leadership standards, the following information is submitted regarding funding received in the first district of Texas as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Cypress Valley Watershed Project. The Red River Valley Association, P.O. Box 709, Shreveport, LA 71162, Corps of Engineers, Investigations Account, $100,000 to resume the Cypress Valley Watershed study. This project examines the current and projected water resource needs of the Caddo Lake wetlands and evaluates how Lake O' the Pines reservoir could be operated to potentially meet a broader spectrum of water resources needs in one of the nation's premier natural lakes which is rapidly disappearing because of non-native invasive species.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PUTNAM. 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, FY 2010:

Requesting Member: Rep. Adam Putnam (FL–12)

Bill Number: H.R. 3170

Account: Small Business Account

Project Funding Amount: $100,000

Legal Name of Requesting Entity: Florida Department of Citrus

Address of Requesting Entity: Post Office Box 148, Lakeland, FL 33802

Description of Request: In order for small business citrus operations, in my district and throughout Florida, to remain viable in an ever competitive marketplace and lessen their reliance on manual labor, an effective mechanical harvesting technology must be developed. For this reason, funding is sought for the benefit of citrus small business operators, directed to the Florida Department of Citrus to continue completion of the development of a mechanical harvesting abscission compound. Florida citrus operators have invested over $20 million toward this end, currently in the sixth year of a seven-year process.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regard to H.R. 3183, the Fiscal Year 2010 Energy and Water Appropriations Bill.

Project Name: Wappapello Lake, MO

Bill Number: H.R. 3183

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: City of Poplar Bluff, Missouri

Address of Requesting Entity: 101 Oak St. Poplar Bluff, Missouri 63901

Description of Request: Provide an earmark of $5,416,000 for Wappapello Lake, MO MR&T Operations and Maintenance. This funding is for routine operation and maintenance, as well as work on U.S. Highway 67. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Operations and Maintenance Account.

Project Name: Bois Brule Drainage and Levee District, MO

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Bois Brule Levee and Drainage District of Perry County, MO

Address of Requesting Entity: P.O. Box 347, Perryville, MO 63775

Description of Request: Provide an earmark of $3,773,000 to continue work on a flood

damage reduction and deficiency correction project conducted by the U.S. Army Corps of Engineers. Approximately, $400,000 to award a contract for the Missouri Chute pump station; $420,000 to complete exploration and design of relief wells; $1,176,000 to construct 25 additional relief wells; and $1,777,000 to complete design and begin contracting for the completion of the remaining two pump stations. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Cape Girardeau (Floodwall), MO

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: City of Cape Girardeau

Address of Requesting Entity: 401 Independence Street, Cape Girardeau, MO 63703

Description of Request: Provide an earmark of $183,000 to continue work on a flood damage reduction project conducted by the U.S. Army Corps of Engineers. The $183,000 will be used to complete the rehabilitation of the floodwall. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Clearwater Lake, MO (Seepage Control)

Bill Number: H.R. 3183

Account: Operations & Maintenance

Legal Name of Requesting Entity: City of Piedmont

Address of Requesting Entity: 115 West Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark of $40,000,000 for Clearwater Major Rehabilitation Project to continue work on a flood control project conducted by the U.S. Army Corps of Engineers. The $40,000,000 will be used to complete Phase I(b) construction and continue Phase II to construct a cutoff wall. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Mississippi River Levees, AR, IL, KY, LA, MS, MO & TN

Bill Number: H.R. 3183

Account: MRT—Construction

Legal Name of Requesting Entity: Bootheel Regional Planning and Economic Development Commission

Address of Requesting Entity: 105 E. North Main Street, Dexter, MO 63841

Description of Request: Provide an earmark of $28,874,000 for Mississippi River Levees (MR&T) to continue work on flood protection projects conducted by the U.S. Army Corps of Engineers. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Mississippi River and Tributaries, Construction Account.

Project Name: St. John's Bayou and New Madrid Floodway, Missouri

Bill Number: H.R. 3183

Account: MRT—Construction

Legal Name of Requesting Entity: St. John's Levee and Drainage District of Missouri

Address of Requesting Entity: P.O. Box 40, New Madrid, MO 63869

Description of Request: Provide an earmark of $200,000 for the St. John's Bayou and New Madrid Floodway. This funding will be used to conduct NEPA activities. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Construction Account.

Project Name: Clearwater Lake, Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: City of Piedmont, Missouri

Address of Requesting Entity: 115 West Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark of $2,933,000 for Operation and Maintenance of Clearwater Lake. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: St. Francis Basin, AR & MO

Bill Number: H.R. 3183

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: The Little River Drainage District

Address of Requesting Entity: 1440 Kurre Lane, Cape Girardeau, MO 63701

Description of Request: Provide an earmark of $6,243,000 for St. Francis River and Tributaries, AR & MO Maintenance. This funding will be used for land and damages, cultural resources, engineering, design, construction management and operate and maintain two pumping stations. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Maintenance Account.

Project Name: Caruthersville Harbor, Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: Pemiscot County Port Authority

Address of Requesting Entity: 619 Ward Avenue, Caruthersville, MO 63830

Description of Request: Provide an earmark of $40,000 for Caruthersville Harbor for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately $40,000 is for dredging the harbor to authorized levels. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: New Madrid Harbor, Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: New Madrid County Port Authority

Address of Requesting Entity: 435 Main Street, New Madrid, MO 63869

Description of Request: Provide an earmark of $90,000 for the New Madrid County Harbor for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately $90,000 is for dredging the harbor. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: New Madrid Harbor (Mile 889), Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: City of New Madrid, Missouri

Address of Requesting Entity: P.O. Box 96, New Madrid, MO 63869

Description of Request: Provide an earmark of $40,000 for the New Madrid Harbor Mile 889 for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately $40,000 will be used to dredge the harbor. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance Account.

Project Name: Little River Diversion, Dutchtown, Missouri

Bill Number: H.R. 3183

Account: Section 205

Legal Name of Requesting Entity: Little River Drainage District

Address of Requesting Entity: P.O. Box 159 Cape Girardeau, MO 63702

Description of Request: The Little River Diversion project will be funded at the discretion of the U.S. Army Corps of Engineers, through Section 205 funds. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Section 205 account.

Project Name: Mississippi River Levees, AR, IL, KY, LA, MS, MO & TN

Bill Number: H.R. 3183

Account: MRT-Operations and Maintenance

Legal Name of Requesting Entity: Bootheel Regional Planning and Economic Development Commission

Address of Requesting Entity: 105 E. North Main Street, Dexter, MO 63841

Description of Request: Provide an earmark of $8,011,000 for Mississippi River Levees (MR&T) to continue work on flood protection projects conducted by the U.S. Army Corps of Engineers. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Mississippi River and Tributaries, Operations and Maintenance Account.

IN RECOGNITION OF MICHAEL G. ANDERSON

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. YOUNG of Alaska. Madam Speaker, today I wish to honor Michael G. Anderson—a great American. Mike has devoted his life to the service of our country for the past 38 years. For the first 32 years, Mike served in our United States Air Force. Most recently, Mike was the Chief of Staff of my congressional office, where he dedicated himself to working for the people of Alaska. After 6 years as my Chief, Mike retired and moved into the private sector where he serves Alaska Natives in his new capacity as President of Wolf Creek Fabrication Services, a subsidiary of Chugach Alaska Corporation.

Born in Maui, Hawaii, Mike was appointed in July 1971 to the United States Air Force Academy by Senator Hiram L. Fong. After graduating from the Academy in June 1975, he launched a distinguished military career that began as a combat aircrew member and included operational and staff assignments in the B–52 and B–1B bombers. Additionally, Mike served as an acquisition program manager and commanded two aircraft maintenance squadrons as well as a logistics group. Mike concluded his military service at the Pentagon, where he was assigned to the Secretary of the Air Force's Legislative Liaison Office. Notably, Mike set benchmarks and was recognized for high standards of performance

and achievement at each of his assignments. He retired from the Air Force in January 2003 finishing his military career at the rank of Colonel.

I handpicked Mike as my Chief of Staff after meeting and working with him on several congressional delegation (CODEL) trips to international locations and to Alaska. Mike began serving Alaska and Alaskans with the broad perspective he gained on those CODELs, and immediately gained knowledge and expertise that I would depend on throughout his 6 years on Capitol Hill. As Chief, Mike would serve when the largest transportation bill in our nation's history—SAFETEA–LU—was being formulated and passed. He would travel on my behalf throughout Alaska to ensure constituent issues were heard, investigated, and resolved quickly. He managed a staff that was assigned tough, Alaska-unique legislation, and coordinated congressional policy to make sure it served Alaska and national interests. As a result, my congressional office cemented and grew its reputation for timely and effective constituent services, and for authoring and coordinating relevant and meaningful legislation serving the interests of the people of Alaska.

Mike also received the distinction of being selected and graduating as a Congressional Stennis Fellow for the 110th Congress. He was one of only 72 picked for this distinguished fellowship. He used relationships from the fellowships he nurtured to help secure my legislative priorities for Alaska and our great Nation.

While Mike is moving on to a new career in the private sector, his impact and contribution to our work in Congress will continue. His expertise in Alaska Native issues garnered great respect for him, and will allow him to continue to serve that vital heart of Alaska's culture and heritage. We are grateful for his service to his Nation, to Congress, and to Alaska. More importantly, my wife Lu and I are most appreciative of his loyalty and friendship. Mike and his wife Rene have become dear friends, and we wish them Godspeed and the very best as they start their next career together.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. ROGERS. of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding an earkmark I have received as part of H.R. 3170, the Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman MIKE J. ROGERS (MI 8)

Bill Number: H.R. 3170

Account: Small Business Administration, Salaries and Expenses Account

Legal Name of Requesting Entity: Cleary University-Livingston County Campus

Address of Requesting Entity: 3750 Cleary Drive, Howell, MI 48843

Description of Request: Provide an earmark of $100,000 to enhance student learning through the use of multimedia materials at the Multi-media Center at the Livingston Campus. The center is designed to support self-directed learning outside the classroom. The development of a multi-media center will help create jobs in Michigan and provide the state with a better educated workforce. Approximately $40,000 of the earmark will go toward hardware, software, and multimedia equipment; approximately, $25,000 will be used for physical improvements to the existing building; another, $25,000 will be used to hire and pay the salaries of employees; $10,000 go toward infrastructure and network improvements.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. GALLEGLY. 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, the Energy and Water Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of the Interior, Bureau of Reclamation

Legal Name of Requesting Entity: Calleguas Municipal Water District

Address of Requesting Entity: 2100 Olsen Road, Thousand Oaks, CA 91360

Description of Request: This request is for the Calleguas Municipal Water District Recycling Plant, which will provide critical support to the mission of providing safe and reliable drinking water to the 600,000 people living in the Water District's service area. Each year, the Calleguas Municipal Water District imports over 110,000 acre-feet of water through the California Water Project, and imports constitute 100 percent of Calleguas' supply. The $6,000,000 requested through the Bureau of Reclamation would provide the 25 percent federal share to continue construction of a facility that will reclaim and reuse over 50,000 acre-feet of water annually. This recycled resource will replace water that otherwise would have to be imported, with the added benefit of ensuring water supply in the case of delivery interruptions due to natural disasters or attacks on the imported water infrastructure. The funding for this project, authorized by P.L. 104–266, section 2, will be used for development of a pipeline system that would collect and convey brackish groundwater and recycled water for direct use, stretching local water supplies. The Recycling Plant will facilitate the development of up to 50,000 acre-feet of water per year for municipal and agricultural uses, thereby reducing the need to import water to the region from Northern California. The bill provides $100,000 in funding for this project request.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: U.S. Army Corps of Engineers

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This request of $2,000,000 will be used by the U.S. Army Corps of Engineers for the Santa Clara River Watershed Management Plan Feasibility Study. Encompassing more than 1600 square miles, the Santa Clara River watershed is the largest in Southern California and is divided into two almost equal parts by the Los Angeles-Ventura County line. Since 1991, a group of more than 26 stakeholders has been developing the Santa Clara River Enhancement and Management Plan (SCREMP) for the 100-year floodplain. Recognizing the continued pressure of urbanization in both Los Angeles and Ventura Counties that may affect the floodplain and environmental resources in the Santa Clara River Watershed, the Ventura County Watershed Protection District, Los Angeles County, and the U.S. Army Corps of Engineers agreed to cooperate in expanding the SCREMP to complete a feasibility study for the Santa Clara River Watershed Protection Plan. This funding would go toward the U.S. Army Corps of Engineer's 50% share of the total project cost of $8.2 million. The bill provides $500,000 in funding for this project.

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BRADY of Texas. 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—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District

Bill Number: H.R. 3170—Energy and Water Development and Related Agencies Appropriations Act, 2010

Project: Sam Rayburn Reservoir Operations & Maintenance

Account: Operations and Maintenance, U.S. Army Corps of Engineers

Requesting Entity: U.S. Army Corps of Engineers, Fort Worth District

Address of Requesting Entity: 819 Taylor Street, Fort Worth, TX 76102

This is the third year I've requested funding to repair the Twin Dikes Park marine launching complex since its collapse due to Hurricane Rita, erosion, and excessive wave action. Unfortunately, the Corps has a backlog of maintenance on some of the most widely used recreational facilities at Lake Sam Rayburn. In addition to this project, I continue to support the U.S. Army Corps of Engineers annual request for funding to operate and maintain the lakes, and other water resources of East and Southeast Texas.

The $6,247,000 included in this bill will be allocated to perform annual operations and maintenance of the Sam Rayburn Dam and Reservoir.

HONORING THE SERVICE OF LIEUTENANT JAMIE C. FREDERICK OF THE UNITED STATES COAST GUARD

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. LoBIONDO. Madam Speaker, I rise today to recognize LT Jamie C. Frederick for his service to the United States House of Representatives and for his fifteen years of service to our country in the United States Coast Guard.

LT Jamie C. Frederick was assigned as Congressional Liaison Officer to the House in the Office of Coast Guard Congressional and Governmental Affairs in July 2007. As Congressional Liaison Officer, he worked directly with the Coast Guard's appropriations and authorizing committees to ensure the Service receives the necessary resources and legislative authorities to effectively execute its vital missions. Lieutenant Frederick served as the face of the Coast Guard here in the House and has sacrificed countless hours of time with his family to respond to Congressional requests and to accompany Members and staff as we travel to learn firsthand about Coast Guard missions and policies in the field.

In my roles as Chairman and Ranking Member of the Coast Guard and Maritime Transportation Subcommittee, my staff and I relied on Lieutenant Frederick's tremendous familiarity and understanding of the needs, as well as operational missions, roles and responsibilities of the United States Coast Guard to conduct or oversight of the Service.

Lieutenant Frederick began his Coast Guard career after graduating from Dover High School in Dover Plains, New York. Following basic training in Cape May, New Jersey, he was assigned to the USCG Cutter BITTERSWEET before he moved on to a three year assignment at Coast Guard Station Two Rivers, Wisconsin, where he served as a rescue boat coxswain, engineer and federal law enforcement boarding officer.

In October 1999, he was one of only 30 enlisted members selected to attend Coast Guard Officer Candidate School at the United States Coast Guard Academy, New London, Connecticut. Upon graduation in 2000, he received a commission as an ensign and was assigned to Coast Guard Sector Key West, Florida as an Operations Center Controller and Public Affairs Officer. While serving as the unit's Public Affairs Officer he earned back-to-back CDR Jim Simpson Awards for excellence in media and public relations.

In 2002, he was selected to serve as the Aide to then Coast Guard Chief of Staff, Admiral Thad W. Allen. Admiral Allen is currently serving as the twenty-third Commandant of the U.S. Coast Guard. Lieutenant Frederick was a key member of Admiral Allen's staff during the Coast Guard's transition to the Department of Homeland Security.

In 2004, Lieutenant Frederick was selected to command Coast Guard Station Cape Disappointment in Ilwaco, Washington. As the Commanding Officer, he was responsible for operations and readiness of the largest Search and Rescue and Law Enforcement Station in the Pacific Northwest with 7,100 square-miles of ocean, the treacherous Columbia River Bar, and 42 nautical-miles of the lower Columbia River. During his tenure as the Commanding Officer, the Station conducted over 800 search and rescue and 500 law enforcement cases. In 2006, he and his crew were awarded the Pacific Area Coast Guard Foundation Award for Heroism for a winter rescue of the 50-foot fishing vessel *Catherine M.*

Lieutenant Frederick was a finalist for the Witherspoon Inspirational Leadership Award, the highest leadership award in the USCG, in 2005 and was recognized as an Honorable Mention in 2006. It should also be noted that Lieutenant Frederick's military decorations include the Meritorious Service Medal, two Coast Guard Commendation Medals, the Coast Guard Achievement Medal and a variety of other personal, team and unit commendations.

Lieutenant Frederick was recently selected for promotion to Lieutenant Commander and will attend Johns Hopkins University for a master's degree in communications beginning this fall. I know Lieutenant Frederick will excel in his studies. The critical work he has done in service to the Coast Guard and our nation is an example for all those that serve. I wish the best to him and his wife Kimberly and his children. Thank you, Lieutenant Frederick for a job well done.

EARMARK DECLARATION

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. McCARTHY of California. Madam Speaker, pursuant to the Republican Leadership guidelines on earmarks, I am submitting the following information regarding earmarks I requested that were included as part of H.R. 3183, the Energy and Water Development Appropriations Act, 2010.

Requesting Member: Congressman KEVIN McCARTHY

Bill Number: H.R. 3183

Account: Department of Energy, Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: California Polytechnic State University, San Luis Obispo

Address of Requesting Entity: 1 Grand Avenue, San Luis Obispo, California 93407

Description of Request: $250,000 was included for California Polytechnic State University Center, San Luis Obispo, to purchase student training equipment and establish educational outreach programs for the Center for Renewable Energy and Alternative Electric Transportation Technologies (CREATT). This Center will serve as an alternative energy testbed to develop, demonstrate, and validate new alternative energy technologies to reduce our dependence on foreign oil, reduce emission sources, and help the United States achieve better energy efficiency and energy independence.

TRIBUTE TO THOMAS W.L. KELLEY

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. CORRINE BROWN of Florida. Madam Speaker, this communication is forwarded on behalf of the constituents of Congressional District Three and myself as we pay tribute to the life of Thomas W.L. Kelley. We are all saddened that Thomas is gone so soon but joyful that he has gone to be with his Heavenly Father.

On this occasion, we join with the immediate family and loved ones in saying farewell and praising God for his life. Thomas W.L. Kelley's tremendous character earned him the respect of his family, friends, and classmates at Juniata High School. As you experience this tremendous loss, please know that our thoughts and prayers are with the entire Kelley Family, especially Thomas' parents, Terry and Angela, and Thomas' siblings, Joey and Abbey.

I would also like to take this opportunity to extend my thoughts and prayers to Thomas W.L. Kelley's uncle, Nick Martinelli, who works in my Washington, DC office. I know this loss was extremely difficult for Nick, so I want him to know that his colleagues in Washington wish him the very best in the wake of Thomas W.L. Kelley's untimely passing.

We are happy to stand with everyone recognizing Thomas W.L. Kelley's life on Monday, July 13 at Hoenstine Funeral Home in Lewistown, Pennsylvania. There is an emptiness that only those who have lost a close relative can understand. May the sympathy of those who care make the sorrow of your heart less difficult to bear. Along with all residents of Congressional District Three, I extend my best wishes to you and your family in these difficult times—and I hope you will never hesitate to call on me or my staff if we may be of service in the future.

H. RES. 607 WHICH COMMEMORATES 40TH ANNIVERSARY OF APOLLO 11 MOON LANDING

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PAUL. Madam Speaker, I am pleased to cosponsor H. Res. 607, which commemorates the fortieth anniversary of the Apollo 11 moon landing. Apollo 11's successful mission was certainly a "giant leap for mankind," that should be a source of pride for all Americans.

One of my favorite quotes regarding the moon landing was penned by philosopher Ayn Rand in 1969: "Think of what was required to achieve that mission: think of the unpitying effort; the merciless discipline; the courage; the responsibility of relying on one's judgment; the days, nights and years of unswerving dedication to a goal; the tension of the unbroken maintenance of a full, clear mental focus; and the honesty. It took the highest, sustained acts of virtue to create in reality what had only been dreamt of for millennia."

Rand's words not only apply to the Apollo 11 mission but to all of the work of the National Aeronautics and Space Administration

(NASA). As a representative of the Gulf Coast of Texas, which is home to many of NASA's most significant triumphs, I have had the opportunity to meet many NASA employees. I have always been impressed by their professionalism and dedication to their mission.

In conclusion, I urge my colleagues to join me in celebrating the fortieth anniversary of the Apollo 11 mission to the moon by supporting H. Res. 607.

EARMARK DECLARATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. OLSON. Madam Speaker, to provide open disclosure pursuant to Republican standards on congressionally-directed funding, I am submitting the following information regarding funding that I support included in H.R. 3183, the Energy and Water Appropriations Act, 2010.

Requesting Member: Congressman PETE OLSON

Bill Number: H.R. 3183, the Energy and Water Appropriations Act, 2010

Account: O&M, Corps of Engineers

Name of Recipient: Port of Houston Authority

Address of Recipient: P.O. Box 2562, Houston, TX 77252

Description of Request: $15,603,000 in funding would be used for operations and maintenance of the Port of Houston. The Port is the 7th largest container port in the United States and serves 50 million consumers within a 500-mile radius. In 2007, the Port of Houston provided $285 billion in economic value, $72 billion in personal income, and $16.2 billion in Federal Taxes. It is also home to the second largest petrochemical complex in the world and the largest refinery in the United States.

Requesting Member: Congressman PETE OLSON

Bill Number: H.R. 3183, the Energy and Water Appropriations Act, 2010

Account: Construction, Corps of Engineers

Recipient: Harris County Flood Control District

Address of Recipient: 9900 Northwest Freeway, Suite 220, Houston, TX 77092

Description: $2,500,000 in funding for the Clear Creek Flood Control Project. The project on Clear Creek consists of 15.1 miles of channel rectification and a 500 acre-foot in-line detention from Dixie Farm Road to State Highway 288 and a 1,750 acre-foot detention basin. This project will provide lower flood risks to areas in the 22nd District of Texas. It is estimated the number of homes subject to the 1% (100 year) flood would be reduced from 3,380 to 1,130. Flood Risk Management is in the national interest by reducing loss of life, injury and property destruction and reducing the flooding risks to Harris, Galveston, and Brazoria Counties.

Requesting Member: Congressman PETE OLSON

Bill Number: H.R. 3183, the Energy and Water Appropriations Act, 2010

Account: Construction, Corps of Engineers

Name of Recipient: Port of Houston Authority

Address of Recipient: P.O. Box 2562, Houston, TX 77252

Description of Request: $500,000 for additional construction by the U.S. Army Corps of Engineers. In order to keep the Port of Houston operating at full capacity, the Houston Ship Channel must be maintained. The increased natural shoaling has placed greater pressure on the Port's capacity to store and manage dredge material and without increasing capacity they will not be able to dredge the channel. Without this necessary funding, dredged material capacity will be unavailable and material will be pumped longer distances increasing the cost of dredging for the same volume of material dredged the previous year. This request is for additional construction.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 3183, the FY 2010 Energy and Water Appropriations Act:

FL RENEWABLE ENERGY PROGRAM

Requesting Member: Rep. ADAM PUTNAM

Bill Number: H.R. 3183

Account: Department of Energy's Energy Efficiency and Renewable Energy, Biomass Account

Project Funding Amount: $1 million

Legal Name of Requesting Entity: The University of Florida

Address of Requesting Entity: Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611–0180

Description of Request: Promotes the development and production of bioenergy fuel sources to assist in the development of new energy technologies and improve existing energy efficiencies. The overall goal of this project is to decrease U.S. dependence on imported energy through the creation of renewable fuel sources, and is coordinated by the University of Florida's Florida Center for Renewable Chemicals and Fuel. Funding will aid in the development of renewable energy technologies through the integration of cost-effective research methods, the identification and funding of near-term R&D opportunities ripe for advancement, and by the creation of novel renewable energy systems.

TAMPA HARBOR OPERATIONS AND MAINTENANCE

Requesting Member: Rep. ADAM PUTNAM (FL–12)

Bill Number: H.R. 3183

Account: Corps of Engineers, Operations and Maintenance (O&M)

Project Funding Amount: $5,620,000

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: Army Corp of Engineers, 701 San Marco Blvd, Jacksonville, FL 32207.

Description of Request: Army Corps of Engineers, annual Operation and Maintenance (O&M) funds are needed for periodic dredging in the 70 miles of federal channels in the Tampa Harbor. For FY 2010, the Army Corps' estimated capability is $5,620,000, to include various sections of the Tampa Harbor project, with an emphasis on the upper harbor. The Tampa Harbor is a major shipping channel both for domestic and international trade, and of importance to national commerce. As Florida's largest cargo port, the Port of Tampa handles approximately 50 million tons of cargo per year. The Port of Tampa is also the largest economic engine in West Central Florida and the nation's 14th largest port in terms of short tons.

TAMPA HARBOR CONSTRUCTION

Requesting Member: Rep. ADAM PUTNAM (FL–12)

Bill Number: H.R. 3183

Account: Corps of Engineers, Construction, General—Planning, Engineering and Design

Project Funding Amount: $500,000

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: Army Corp of Engineers, 701 San Marco Blvd, Jacksonville, FL 32207.

Description of Request: In January, 2008, the Army Corps of Engineers completed the draft General Reevaluation Report (GRR), which focuses on traffic congestion in the main Tampa Harbor channel, where extensive delays occur due to lack of adequate channel width. The Corps' GRR found that the ship channel is too narrow to allow for safe two way vessel traffic due to the introduction of new longer and broader cruise ships. The impacts associated with having a restriction of this nature include vessels waiting at berth or at the sea buoy while large cruise ships transit the channel. The GRR concurs with the Tampa Port Authority and the port community that the resulting congestion causes safety hazards and economic inefficiencies, and recommended widening select portions of the main channel. Therefore, $500,000 is requested to complete Planning, Engineering and Design (PED).

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7443–S7508

Measures Introduced: Twelve bills were introduced, as follows: S. 1445–1456. **Page S7480**

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 amendment proposed thereto: **Pages S7449–77**

Pending:

Levin/McCain Amendment No. 1469, to strike $1,750,000,000 in Procurement, Air Force funding for F–22A aircraft procurement, and to restore operation and maintenance, military personnel, and other funding in divisions A and B that was reduced in order to authorize such appropriation. **Pages S7449, S7474–77**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, July 15, 2009. **Page S7506**

Nominations Received: Senate received the following nominations:

Aaron S. Williams, of Virginia, to be Director of the Peace Corps.

Brenda Dann-Messier, of Rhode Island, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

Dennis K. Burke, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Steven M. Dettelbach, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

Brendan V. Johnson, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Karen Louise Loeffler, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

Florence T. Nakakuni, of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years.

Carter M. Stewart, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

Routine lists in the Air Force. **Pages S7506–08**

Executive Communications: **Pages S7479–80**

Additional Cosponsors: **Pages S7480–82**

Statements on Introduced Bills/Resolutions: **Pages S7482–83**

Additional Statements: **Pages S7477–79**

Amendments Submitted: **Pages S7483–S7505**

Authorities for Committees to Meet: **Pages S7505–06**

Privileges of the Floor: **Page S7506**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:05 p.m., until 9:30 a.m. on Wednesday, July 15, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7506.)

Committee Meetings

(Committees not listed did not meet)

CONSUMER FINANCIAL PROTECTION AGENCY

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the creation of a Consumer Financial Protection Agency, after receiving testimony from Michael Barr, Assistant Secretary of the Treasury for Financial Institutions; Richard Blumenthal, Connecticut Attorney General, Hartford; Edward L. Yingling, American Bankers Association, Travis Plunkett, Consumer Federation of America, and Peter J. Wallison, American Enterprise Institute, all of Washington, D.C.; and Sendhil Mullainathan, Harvard University, Cambridge, Massachusetts.

THE ECONOMY AND FRAUD

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Protection, Product Safety,

and Insurance concluded a hearing to examine consumer protection from fraud, after receiving testimony from David Vladeck, Director, Bureau of Consumer Protection, Federal Trade Commission; Chris Koster, Missouri Attorney General, Jefferson City; Charles Bell, Consumers Union, Yonkers, New York; and Sally Greenberg, National Consumers League, and Timothy J. Muris, George Mason University School of Law, both of Washington, D.C.

HARDROCK MINING AND RECLAMATION ACT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 796, to modify the requirements applicable to locatable minerals on public domain land, focusing on the royalties states charge and number of abandoned hardrock mine sites and hazards, after receiving testimony from Ken Salazar, Secretary of the Interior; Robin M. Nazzaro, Director, Natural Resources and Environment, Government Accountability Office; Jim Butler, Parsons Behle & Latimer, Salt Lake City, Utah; Phillips Baker, Jr., Hecla Mining Company, Coeur d'Alene, Idaho; John D. Leshy, University of California Hastings College of Law, San Francisco; and Cathy Carlson, EARTHWORKS, Boulder, Colorado.

GLOBAL WARMING REDUCTION: AGRICULTURE AND FORESTRY COMMUNITIES

Committee on Environment and Public Works: Committee concluded a hearing to examine economic opportunities for agriculture, forestry communities, and others in reducing global warming pollution, after receiving testimony from William Hohenstein, Director, Global Change Program Office, Department of Agriculture; Jeffrey W. Hopkins, Rio Tinto, and Bob Stallman, American Farm Bureau Federation, both of Washington, D.C., and Fred Krupp, Environmental Defense Fund, New York, New York.

TRANSPORTATION'S ROLE IN CLIMATE CHANGE

Committee on Environment and Public Works: Committee concluded a hearing to examine transportation's role in climate change and reducing greenhouse gases, after receiving testimony from Ray LaHood, Secretary of Transportation; Regina A. McCarthy, Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; Mayor Ralph Becker, Salt Lake City, Utah; David Bragdon, Metro Council, Portland, Oregon; Steve Winkelman, Center for Clean Air Policy, Port Chester, New York; and Ray Kuntz, Watkins and Shepard Trucking, Helena, Montana.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of William J. Wilkins, of the District of Columbia, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel, Daniel M. Tangherlini, of the District of Columbia, to be Assistant Secretary for Financial Management and to be Chief Financial Officer, and Rosa Gumataotao Rios, of California, to be Treasurer of the United States, all of the Department of the Treasury, and Carmen R. Nazario, of Puerto Rico, to be Assistant Secretary for Family Support, Department of Health and Human Services, who was introduced by Senator Carper, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee continued consideration of Affordable Health Choices Act, but did not complete action thereon, and will meet again on Wednesday, July 15, 2009.

NOMINATION

Committee on the Judiciary: Committee continued hearings to examine the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States, the nominee testified and answered questions in her own behalf.

Hearings recessed subject to the call and will meet again on Wednesday, July, 15, 2009.

HEALTH CARE SERVICES FOR WOMEN VETERANS

Committee on Veterans' Affairs: Committee concluded a hearing to examine health care services for women veterans, focusing on the on-site availability of health care services for women veterans at VA facilities and key challenges that VA facilities are experiencing in providing health care services for women veterans, after receiving testimony from Patricia Hayes, Chief Consultant, Women Veterans Health Strategic Health Care Group, Veterans Health Administration, and Irene Trowell-Harris, Director, Center for Women Veterans, both of the Department of Veterans Affairs; Randall B. Williamson, Director, Health Care, Government Accountability Office; Joy J. Ilem, Disabled American Veterans, and Jennifer Olds, Veterans of Foreign Wars, both of Washington, DC; Tia Christopher, Swords to Plowshares, San Francisco, California; Genevieve Chase, American Women Veterans, Alexandria, Virginia; and Kayla M. Williams, Broadlands, Virginia.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 24 public bills, H.R. 3195–3218; and 7 resolutions, H. Res. 640–643, 646–648 were introduced.

Pages H8099–H8100

Additional Cosponsors: **Pages H8100–01**

Reports Filed: Reports were filed today as follows:

H.R. 1622, to provide for a program of research, development, and demonstration on natural gas vehicles, with an amendment (H. Rept. 111–206);

H.R. 2729, to authorize the designation of National Environmental Research Parks by the Secretary of Energy, with an amendment (H. Rept. 111–207);

H. Res. 644, providing for consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010 (H. Rept. 111–208); and

H. Res. 645, providing for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010 (H. Rept. 111–209). **Pages H8098–99**

Recess: The House recessed at 11 a.m. and reconvened at noon. **Page H8030**

Committee Election: The House agreed to H. Res. 640, electing a Minority Member to a standing committee: Committee on Standards of Official Conduct: Representative Harper. **Page H8030**

The Chair announced that the operation of H. Res. 640 is stayed pending the House's acceptance of a resignation creating a vacancy on the committee concerned. Agreed to without objection. **Page H8030**

Committee Resignation: Read a letter from Representative Kline (MN), wherein he resigned from the Committee on Standards of Official Conduct, effective today. **Pages H8045–46**

Motion to Adjourn: Rejected the Broun (GA) motion to adjourn by a yea-and-nay vote of 22 yeas to 380 nays, Roll No. 531. **Page H8046**

Motion to Adjourn: Rejected the Broun (GA) motion to adjourn by a yea-and-nay vote of 23 yeas to 377 nays, Roll No. 532. **Pages H8057–58**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Pilot College Work Study Programs for Veterans Act of 2009: H.R. 1037, amended, 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, United States Code, by a ⅔ yea-and-nay vote of 422 yeas with none voting "nay", Roll No. 535; **Pages H8036–37, H8063**

William C. Tallent Department of Veterans Affairs Outpatient Clinic Designation Act: H.R. 402, to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic", by a ⅔ yea-and-nay vote of 419 yeas with none voting "nay", Roll No. 536;

Pages H8037–38, H8063–64

Expressing the profound sympathies of the House of Representatives for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends, and associates: H. Res. 612, to express the profound sympathies of the House of Representatives for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends, and associates, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 533; and

Pages H8039–41, H8061–62

Honoring the life of Wayman Lawrence Tisdale and expressing the condolences of the House of Representatives on his passing: H. Res. 469, to honor the life of Wayman Lawrence Tisdale and to express the condolences of the House of Representatives on his passing, by a ⅔ yea-and-nay vote of 418 yeas with none voting "nay", Roll No. 534.

Pages H8041–43, H8062–63

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

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"; **Pages H8043–45**

Port Chicago Naval Magazine National Memorial Enhancement Act of 2009: H.R. 1044, amended, to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System; **Pages H8046–48**

Conveying certain submerged lands to the Commonwealth of the Northern Mariana Islands: H.R. 934, amended, 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; **Pages H8048–50**

Validating final patent number 27–2005–0081: H.R. 762, to validate final patent number 27–2005–0081; **Pages H8050–51**

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; **Page H8052**

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; **Pages H8052–56**

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; **Pages H8056–57**

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; and **Pages H8058–59**

Expressing support for designation of June as "Home Safety Month": H. Res. 543, to express support for designation of June as "Home Safety Month". **Pages H8059–60**

Ronald Reagan Centennial Commission—Appointment: Read a letter from the Minority Leader wherein he appointed Representative Gallegly to the Ronald Reagan Centennial Commission. **Page H8064**

Senate Message: Message received from the Senate today appears on page H8030.

Quorum Calls—Votes: Six yea-and-nay votes developed during the proceedings of today and appear on pages H8046, H8058, H8061–62, H8062–63, H8063 and H8064. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 10 p.m.

Committee Meetings

DAIRY INDUSTRY'S ECONOMIC CONDITIONS

Committee on Agriculture: Subcommittee on Livestock, Dairy and Poultry held a hearing to review the economic conditions facing the dairy industry. Testimony was heard from Representatives Courtney and Welch; James Miller, Under Secretary, Farm and Foreign Agricultural Services, USDA; and public witnesses.

SEC OVERSIGHT

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled "SEC Oversight: Current State and Agenda." Testimony was heard from Mary L. Schapiro, Chairman, SEC.

BIOLOGICS/BIOSIMILARS INNOVATION

Committee on the Judiciary: Subcommittee on Courts and Competition Policy held a hearing on Biologics and Biosimilars: Balancing Incentives for Innovation. Testimony was heard from Representative Eshoo; and public witnesses.

MANDATORY SENTENCING MINIMUMS

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on Mandatory Minimums and Unintended Consequences, including consideration of the following bills: H.R. 2934, Common Sense in Sentencing Act of 2009; H.R. 834, Ramos and Compean Justice Act of 2009; and H.R. 1466, Major Drug Trafficking Prosecution Act of 2009. Testimony was heard from Julia E. Carnes, Chair, Criminal Law Committee, Judicial Conference of the United States; and public witnesses.

D.C. METRORAIL CRASH; WMATA FUNDING

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held an oversight hearing entitled "Back on Track: WMATA Red Line Metrorail Accident and Continual Funding Challenges." Testimony was heard from Peter M. Rogoff, Administrator, Federal Transit Administration, Department of Transportation; Deborah A. P. Hersman, member, National Transportation Safety Board; Eric Madison, Chairman, Tri-State Oversight Committee of the Transportation Planner Mass Transit Administration, Department of Transportation, District of Columbia; former Representative Thomas M. Davis III, of Virginia; the following officials of the WMATA, John B. Catoe, General Manager; and Jim Graham, Chairman, Board of Directors; and public witnesses.

AFGHAN ECONOMY PROMOTION

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing entitled "U.S. Promotion of the Afghan Economy: Impediments and Opportunities." Testimony was heard from Jeremy Pam, Visiting Research Scholar, Sustainable Development, U.S. Institute of Peace; and public witnesses.

THE "ENERGY AND WATER APPROPRIATIONS ACT, 2010"

Committee on Rules: Granted, by a record vote of 7 to 4, a structured rule providing for consideration of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except those arising under clauses 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read through page 63, line 12. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The rule makes in order (1) the amendments printed in part A of the report of the Committee on Rules; (2) not to exceed one of the amendments printed in part B of the report if offered by Representative Campbell of California or his designee; (3) not to exceed six of the amendments printed in part C of the report if offered by Representative Flake of Arizona or his designee; and (4) not to exceed three of the amendments printed in part D of the report if offered by Representative Hensarling of Texas or his designee. The rule provides that 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. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without demand for division of the question. The rule provides one motion to recommit with or without instructions. The rule provides that after disposition of the amendments specified in the first section of the rule, 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. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the Chair of the Committee on Appropriations or his designee and that the Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII). The rule provides that during consideration of the bill, the Chair may reduce to two minutes the minimum time for electronic voting. Finally, the rule lays House Resolution 618 on the table. Testimony was heard from Representatives Pastor; Cardoza; Arcuri; Costa; Davis of Tennessee; Frelinghuysen; Wamp; Gingrey; Nunes; Kingston of Georgia and Deal of Georgia.

THE "FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010"

Committee on Rules: Granted, by a record vote of 7 to 4, a structured rule providing for consideration of H.R. 3170, the Financial Service and General Government Appropriations Act, 2010. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the committee on Appropriations. The rule waives all points of order against consideration of the bill except those arising under clauses 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read through page 145, line 11. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The rule makes in order the amendments printed in the report of the Committee on Rules. The rule provides that 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 on the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 or rule XXI. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without demand for division of the question. The rule provides one motion to recommit with or without instructions. The rule provides that after disposition of the amendments specified in the first section of the rule, 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. The rule provides that

the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee and that the Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII). Finally, the rule provides that during consideration of the bill, the Chair may reduce to two minutes the minimum time for electronic voting. Testimony was heard from Chairman Serrano; Representatives Inslee; Davis of Tennessee; Emerson; Tiahrt; LaTourette; Frelinghuysen; Sessions; Gingrey; Brady of Texas; Walden; Pence; King of Iowa; Jordan of Ohio and Lee of New York.

WIND AND SOLAR RESEARCH AND DEVELOPMENT

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on New Roadmaps for Wind and Solar Research and Development. Testimony was heard from John Saintcross, Program Manager, Energy and Environmental Markets, Energy Research and Development Authority, State of New York; and public witnesses.

DEFENSE—VA ELECTRONIC HEALTH RECORD INTEROPERABILITY

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on Examining the Progress of Electronic Health Record Interoperability Between VA and DOD. Testimony was heard from Valerie C. Melvin, Director, Information Management and Human Capital Issues, GAO; RADM Gregory Timberlake, USN, Acting Director, Department of Defense/Department of Veterans Affairs Interagency Program Office; the following officials of the Department of Veterans Affairs: Douglas E. Rosendale, Director, Joint Interoperability Ventures, Office of Health Administration, Veterans Health Administration; and Roger W. Baker, Assistant Secretary, Information and Technology; and Mary Ann Rockey, Deputy Chief Information Officer, Military Health System, Department of Defense.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 15, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, to hold hearings to examine the regulation of hedge funds and other private investment pools, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the public safety impact of contraband cell phones in correctional facilities, 10 a.m., SR–253.

Full Committee, to hold hearings to examine the nominations of Mignon L. Clyburn, of South Carolina, and Meredith Attwell Baker, of Virginia, both to be a Member of the Federal Communications Commission, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold hearings to examine S. 227, to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, S. 625, to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas, S. 853, to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, S. 1053, to amend the National Law Enforcement Museum Act to extend the termination date, S. 1117, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, S. 1168 and H.R. 1694, bills to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program, and H.R. 714, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, 2:30 p.m., SD–366.

Committee on Environment and Public Works: business meeting to consider an original bill to extend the programs of SAFETEA–LU, and the nominations of Robert Perciasepe, of New York, to be Deputy Administrator, and Craig E. Hooks, of Kansas, to be an Assistant Administrator, both of the Environmental Protection Agency, 10:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nominations of Vilma S. Martinez, of California, to be Ambassador to Argentina, Nicole A. Avant, of California, to be Ambassador to the Commonwealth of The Bahamas, Vinai K. Thummalapally, of Colorado, to be Ambassador to Belize, and John R. Nay, of Michigan, to be Ambassador to the Republic of Suriname, all of the Department of State, 9:30 a.m., SD–419.

Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine maritime disputes and sovereignty issues in East Asia, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the REAL ID Act, 10 a.m., SD–342.

Committee on Rules and Administration: business meeting to mark up 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, 9:30 a.m., SR–301.

Select Committee on Intelligence: closed business meeting to mark up an original bill authorizing funds for fiscal year 2010 for the intelligence community, 2:30 p.m., SVC–217.

House

Committee on Armed Services, hearing on Addressing a New Generation of Threats from Weapons of Mass Destruction: Department of Energy Nonproliferation Programs and the Department of Defense Cooperative Threat Reduction Program, 10 a.m., 2118 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Beyond Service Core Competency: Are Our Junior Officers Prepared for Today's Security Environment? 2 p.m., 2212 Rayburn.

Committee on Education and Labor, to mark up H.R. 3200, America's Affordable Health Choices Act of 2009, 3 p.m., 2175 Rayburn.

Committee on Financial Services, hearing entitled ''Banking Industry Perspectives on the Obama Administration's Financial Regulatory Reform Proposals,'' 10 a.m., 2128 Rayburn.

Subcommittee Housing and Community Opportunity, to continue hearings entitled ''Legislative Options for Preserving Federally- and State-Assisted Affordable Housing and Preventing Displacement of Low-Income, Elderly and Disabled Tenants,'' 2 p.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled ''General Aviation Security: Assessing Risks and the Road Ahead,'' 2 p.m., 311 Cannon.

Committee on House Administration, Subcommittee on Elections, hearing on Examining Uniformity in Election Standards, 2 p.m., 1310 Longworth.

Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing on H.R. 1064, Youth Prison Reduction Through Opportunities, Mentoring, Intervention, Support and Education Act, 3 p.m., 2141 Rayburn.

Committee on Natural Resources, hearing on the following bills: H.R. 2678, Duwamish Tribal Recognition Act; H.R. 1358, Burt Lake of Ottawa and Chippewa Indians Reaffirmation Act; H.R. 3084 (2576), Chinook Nation Restoration Act; and H.R. 3120, Little Shell Tribe of Chippewa Indians Restoration Act of 2009, 10 a.m., 1324 Longworth.

Committee on Science and Technology, Subcommittee on Technology and Innovation, to consider H.R. 2569, To authorize surface transportation research, development, and technology transfer activities, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Economic Recovery: Tax Stimulus Items that Benefitted Small Business with a Look Ahead,'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on Evaluating GSA's First Experience with National Broker Contracts, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on ''Opportunities and Challenges in the Creation of a Clean Water Trust Fund,'' 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, to mark up the following: H.R. 2770, Veterans Nonprofit Research and Education Corporations Enhancement Act of 2009; H.R. 1293, Disabled Veterans Home Improvement and Structural Alteration Grant Increase Act of 2009; H.R. 3155, Caregiver Assistance and Resources Enhancement Act; and a measure to amend title 38, United States Code, to make certain improvement in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, 10:15 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Hot Spots, 4 p.m., 304–HVC.

Next Meeting of the SENATE

9:30 a.m., Wednesday, July 15

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 1390, National Defense Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 15

House Chamber

Program for Wednesday: Consideration of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 (Subject to a Rule).

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