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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ALTMIRE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 15, 2009.

I hereby appoint the Honorable JASON ALTMIRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Gary Hashley, Calvary Memorial Church, Gering, Nebraska, offered the following prayer:

Almighty God, David, the beloved Psalmist and great King of Israel wrote, ''Show me Your ways, O Lord; teach me Your paths. Lead me in Your truth and teach me, for You are the God of my salvation; on You I wait all the day.''

Father, today I echo King David's thoughts for all Americans, but especially for these, our elected Representatives. Please show us what we need to see, teach us what we need to know, and lead us where we need to go as individuals and as a Nation. I acknowledge publicly that You are God and that all of us who are blessed to live in this great country need to wait on You, and to seek Your face today and every day.

Please, Father, guide the work done in this room and make Your presence known. I ask this in Jesus' name.

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 Louisiana (Mr. FLEMING) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEMING 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.

WELCOMING PASTOR GARY HASHLEY

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska (Mr. SMITH) is recognized for 1 minute.

There was no objection.

Mr. SMITH of Nebraska. Mr. Speaker, I rise in honor of today's guest chaplain, Pastor Gary Hashley. He is joining us from my hometown of Gering, Nebraska, where he serves the congregation at the Calvary Memorial Church. Pastor Hashley's journey began in Michigan, where he graduated both from high school and the Grand Rapids School of the Bible and Music.

Over the years, he has served communities as diverse as Kalamazoo, Michigan, and LaGrange, Wyoming, before settling in Nebraska. It is an honor to be here with him today.

For 30 years, Pastor Hashley's service has had a profound impact on his community. He has led efforts to feed the poor, to spread his faith to those in need, and has even been active with local 4–H councils. I thank Pastor Hashley for his dedication, leadership, and service to our community and for his words of faith this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

AFFORDABLE HEALTH CARE

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

Mr. KUCINICH. Americans want quality, affordable health care. Fifty million Americans are uninsured. H.R. 3200 will still leave 17 million Americans uninsured. Now, how is that possible? Because it keeps in place a for-profit insurance system which siphons off at least $400 billion every year which could be used to make sure all Americans, not just most Americans, receive quality health care.

H.R. 3200 will not solve the problem of underinsurance. Sixty percent of all bankruptcies in America are due to people not being able to pay hospital bills. Of those, 80 percent are insured. People just can't afford the rising premiums, copays, and deductibles which are the basis of insurance company profits.

The only way to break the insurance companies' hold on our system is to guarantee affordable, quality health care to all Americans through a universal single-payer, not-for-profit health care system.

DEMOCRATS SHOULD STOP THE SPIN ON THE ECONOMY

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

Mr. WILSON of South Carolina. Mr. Speaker, Democrats should stop trying to spend the results of their economic borrowing program. Despite what the

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Obama administration has said, the 2,600,000 Americans who have lost jobs since January is a clear sign that their Recovery Act has not done its job. Instead of more rhetoric, Democrats should work with Republicans to put in place commonsense proposals that will rein in the wasteful spending and focus on job creation.

Our economy will grow strong again thanks to individuals and small businesses that create the majority of jobs in this country. It will not be due to the billions in Big Government borrowing perpetrated by this administration. We should focus our time on helping small businesses grow and provide relief to those who are suffering during these tough economic times.

Republicans have offered a plan to do just that, and we will do so without adding trillions in additional Big Government, liberal spending, and actions such as the new health care taxes that will destroy jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

ACCESS TO HEALTH CARE FOR EVERY AMERICAN

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

Mr. BACA. Mr. Speaker, we have a critical role in reviewing the specific details of health care reform. Access to health care is something we owe to every American family across this Nation. Everyone should have coverage. Everyone should have access.

There is no question that we must have comprehensive reform to our health system. Critics to reform are failing to get the message and only talk about rhetoric. Doing nothing for a broken system is not the answer. They do not understand the fear and devastation families face while on trips to the emergency room. They do not understand the severe ramifications faced by families when they receive the doctor's bill or hospital bill.

Families must have access to health care. Never again will you have coverage be denied. Never again will you have to make a decision between life or job decision based on coverage.

I urge my colleagues to support comprehensive health reform.

TAXPAYER DOLLARS SHOULD NOT FUND ABORTIONS

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

Mr. FLEMING. Mr. Speaker, as it stands now, the Democrat health plan equals taxpayer-funded abortions. Let me repeat that. As it stands now, the Democrat health plan equals taxpayer-funded abortions.

If unamended, the Obama health plan restructuring will be the most massive abortion expansion since Roe v. Wade and every insurance premium payer and every taxpayer will be forced to pay for every abortion. The taking of innocent life is not health care. I know; I'm a physician. Yet, without an abortion exclusion, this reform bill will be the platform for thrusting abortion into every aspect of health care in this country.

The Secretary of HHS and the so-called Benefits Advisory Committee will determine the specific mandated services. Abortion will be included in the minimum benefits unless it is excluded, and the Democrats refuse to do that.

This bill does an end run on current abortion funding restrictions by containing language that both authorizes and appropriates.

IMPROVING HEALTH CARE FOR AMERICANS

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

Mrs. CAPPS. Mr. Speaker, we have an historic opportunity to finally improve health care in America, to finally bring access and quality of care to all Americans, not just the lucky few.

I'm so proud to support the bill introduced by the three committees of jurisdiction and to play my part in seeing us pass legislation in both the House and Senate before the August recess. What's great is that there is something for everyone here. There is affordable access to coverage for people who've never been insured before; there is help for seniors stuck in the dreadful part D doughnut hole; there are consumer protections against longstanding egregious practices by insurance companies; there is amazing investment into our health care workforce, including physicians, nurses, and allied health professionals; and there is finally an incentive to practice wellness-based health care instead of illness-based disease treatment.

I urge all of my colleagues to join me in passing America's Affordable Health Choices Act and enacting the health care reform our constituents so desperately need and Americans deserve.

AUTOMATIC ENROLLMENT IN GOVERNMENT-RUN HEALTH CARE

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, as we debate the best way to reform our health care system and ensure that all Americans have access to quality health care, some Members of Congress insist that a government-run option must be included. Yet, in one proposal, Members of Congress are curiously exempt from the public plan.

For those who are convinced that government-run health care won't sacrifice quality and won't lead to rationing, I back a resolution saying that if a Member of Congress votes to support the public option, then that Member must be automatically enrolled in it. If Members are convinced that the government-run public option will deliver the same quality of care as their congressional health plans, then they ought to be the first in line to enroll.

Members of Congress should stop asking the American people to make sacrifices they are not willing to make themselves.

HEALTH CARE SYSTEM REFORM

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

Mr. SIRES. Mr. Speaker, today I rise to speak of the pressing need to fix our health care system. Every day, Americans not only worry about getting well, but whether they can afford to get well or stay healthy. They are not the only ones who worry. All too often small businesses are forced to choose between coverage or layoffs.

We have the most expensive health system care in the world, spending almost 50 percent more per person on health care then the next most costly nation; yet we're not healthier for it.

Mr. Speaker, I am glad that Congress and the President are working together on a plan to reform our health care system, a plan that will reduce costs, provide choices, and guarantee affordable quality health care for all. We must act now, for it is evident that the status quo is simply not working.

WHERE IS THE WEB SITE

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

Mr. PITTS. Mr. Speaker, when Congress passed the $787 billion so-called stimulus bill, the White House promised to set up a Web site where people could go to learn how the money was being spent. Recovery.gov has since been criticized for how long it took to get going and how forthcoming it has been with the information people need; yet it seems doubtful that what critics had in mind was an $18 million overhaul. That's exactly what this administration is planning.

The General Services Administration, the agency that manages Federal Government property, announced Wednesday that $18 million in additional stimulus funds is being spent to redesign the recovery.gov Web site. A cost estimate from www.designquote.net makes the $18 million figure even more outrageous. According to the site, the top-end estimate for a premium Web design from a professional firm flush with all of the bells and whistles comes out at $192,740.

One has to wonder what the other $17,807,260 in taxpayer money will be used for.

NO DISCRIMINATION IN HEALTH CARE

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

Mr. PERLMUTTER. Mr. Speaker, today, much of the conversation is about the health care system. It's a very personal matter to me, as it is to every man, woman and child in American. I have a daughter with epilepsy. She is not insurable. We have a system in place today that denies her coverage, that excludes her from coverage. That's wrong, and it's probably unconstitutional under the 14th Amendment to the United States Constitution.

There should not be discrimination in health care. There shouldn't be denial of coverage because of a preexisting condition. We need to change the system that exists so that there is coverage for all Americans with chronic illness and the like.

The bill that we have in Congress will change that coverage, ladies and gentlemen, and I urge its passage.

□ 1015

SOCIAL SECURITY EXECS HAVE FUN AT THE BILTMORE HOTEL

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

Mr. POE of Texas. Mr. Speaker, Social Security Administration executives recently enjoyed a luxury retreat at the expense of the American taxpayer. They flew 700 of their managers to the picture perfect, swanky Arizona Biltmore Hotel for what they called ''organizational training.''

It cost the taxpayers $750,000. These bureaucrats enjoyed golf, musical entertainment, dancing, skits, catered food, cocktails and even a casino night. Sounds like a vacation for the rich and famous.

Meanwhile, seniors are worried about even getting their monthly Social Security checks.

There was a near riot when taxpayers found out AIG spent half that amount for their luxury retreat by using taxpayer bailout money. But the Social Security spokesman, Peter Spencer dismissed the comparison with AIG by saying, Well, it's different taxpayer money. I'm glad he cleared that up for us.

The arrogance of the Social Security execs to be jet-setting around the country, going to a luxury spa, and then making people paying into Social Security pick up the $750,000 tab is disgraceful. I guess the spendacrats never heard of teleconferencing or even the Motel 6.

And that's just the way it is.

THE PUBLIC HEALTH INSURANCE OPTION—CONTROLLING SKYROCKETING HEALTH CARE COSTS

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

Mr. MURPHY of Connecticut. Mr. Speaker, yesterday we had the historic introduction of our health reform act. This bill is going to fundamentally improve care for Americans, for people that have insurance but also for people that don't.

Importantly, this legislation includes a robust public health insurance option. The cost of health care insurance is just too high for people that have it and businesses that are paying for it, and the public health insurance option is going to be one of our most effective ways to bring the cost of insurance down.

Don't take my word for it. Take a study by the Commonwealth Fund that shows that premiums for individuals can be reduced by 25 percent by the pressure put on private insurers by a public health insurance option. That's why studies show that 70 percent to 80 percent of Americans want the option to purchase a public insurance option because it will lower their costs, both as individuals and as employees of businesses throughout this country who are paying far too much for health care.

Mr. Speaker, I encourage us to take a serious look at a very, very important health care bill that's been introduced before us.

DEMOCRAT HEALTH REFORM

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

Mr. GINGREY of Georgia. Mr. Speaker, yesterday House Democratic leadership held a press conference to introduce their health care reform legislation. As a physician who has practiced medicine for more than 30 years, I have major concerns that this plan will ultimately put a government bureaucrat in between patients and their doctors and eventually lead to a one-size-fits-all health care system where the government decide what treatments are necessary for patients. When money gets tight, this leads to rationing of care and long waiting lists for patients. We've already seen the pilot of this program. It's called TennCare. Just ask the Democratic governor of Tennessee what it's done to the budget in their State.

I want to read just a sentence of testimony from a Canadian doctor who has seen firsthand the consequences of a single-payer system on his patients.

''What we have in Canada is access to a government state-mandated wait list. And the wait lists are long, the patients are languishing and suffering on wait lists. Our own Supreme Court of Canada has stated that patients are actually dying as they wait for care in Canada.''

Mr. Speaker, this is not the sort of health care reform that the American people want or need.

MENTAL HEALTH PARITY IN HEALTH CARE REFORM

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

Mr. KENNEDY. Mr. Speaker, anyone ever heard the expression, ''the proof is in the pudding''? Well, when the private health insurance companies found out that there may not be a government option, you know what happened to the health insurance stocks on Wall Street? They went through the roof. Profits skyrocketed because, you know why? The health insurance companies make money off of the consumers when they don't have competition, when they're able to cut your health care and make profits out of denying you health insurance. That's how the private marketplace makes money, by denying you health care. They only want to cover the healthy and well.

We have the government option, the public option, to guarantee the American people that they get the health care that they paid for. * * *

We're on the side of the American people. We want to protect the people so that they can get their health care, irrespective of a preexisting health care condition.

I'm proud that this health care plan covers all preexisting conditions, including mental health parity as covered by the Mental Health Parity and Addiction Equity Act that was passed and signed by President Bush.

MR. GOHMERT. Mr. Speaker, the words were just said that the Republicans, pointing over here, are bought and paid for. I would ask that those words be taken down.

The SPEAKER pro tempore. Members will suspend. The gentleman from Rhode Island has taken a seat.

The Clerk will report the words.

Mr. KENNEDY. Mr. Speaker, I did not mean to impugn the reputation of any individual Member. I was merely speaking about the party that was representing the insurance companies.

I ask unanimous consent to withdraw the words.

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

Mr. GOHMERT. Mr. Speaker, I withdraw my request that the words be taken down since they are withdrawn and I appreciate my friend doing so.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

DON'T HURT LOW-WAGE EARNERS

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

Mr. GOHMERT. I know we have disagreements on some of these issues and I know what the intent is of the Democratic-proposed health care bill. And I know the intent is not to hurt the lower-wage earner. But this bill that's

being proposed is going to hammer employers with an 8 percent penalty if they don't provide health care.

Well, so they're going to turn around and provide health care because the people I know are saying, We're just hanging on. We've got these good workers. We don't want to lose them. So if I'm going to be penalized 8 percent, I'll have to provide health care; but I'm going to have to reduce their wages by the amount the health care costs. It may be $5,000 or $6,000.

And I'm begging my friends on the other side—this is my plea, Mr. Speaker—don't take $5,000 or $6,000 of wages from the lowest-wage earners right now. Don't force small businesses—and I know there is an exemption at the low end—but smaller businesses are still going to have to either lay people off, pay an 8 percent penalty, or take wages away.

Don't hurt our lower-wage workers.

HEALTH CARE IN AMERICA

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

Mr. WEINER. You know, I would say to the American people who are watching the oncoming debate about health care that in many ways we already know what the two sides are—the Republic Party, the party that opposed the Medicare Act, opposed Social Security, opposed Medicaid. The Republic Party has made it very clear they're not only the Party of No; they're the party of ignoring the problems of the middle class and those struggling to make it.

The Democratic Party, the party that is producing this legislation, is the party that has again and again said, We're going to step up to the challenges facing this country.

Now, if you believe that we are spending just the right amount, that we're not spending too much money on health care, you're alone, because I think we're spending trillions upon trillions of dollars more than we need to. If you think that the hundreds of billions of dollars people are paying for out-of-pocket is just right, then you probably want the Republic Party's plan, which is to do nothing.

But the Democratic Party under the leadership of FRANK PALLONE and Barack Obama and others are saying, We're going to try to solve this problem. You know why? Because that's what we do. That's what Democrats do.

Now the Republic Party doesn't do that. They say, No, no, no. But we have a problem. If you want choice, if you want affordability, and if you want health care for your family, you're going to get it with the Democratic Party, not with the Republic Party.

SPEND, SPEND, SPEND

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

Mr. WESTMORELAND. The last speaker just talked about what the Republicans want to do. Well, what the Democrats want to do is spend, spend, spend. And I gave a little math lesson yesterday, and I'd like to revisit that today, Mr. Speaker.

You know, we talk about millions of dollars and we talk about billions of dollars and we talk about trillions of dollars. The more you hear those words, they just become words, and you don't realize how much money that is.

A million seconds equals a little over 11 days. A billion seconds is 31 years and 8 months. A trillion seconds is 31,710 years. If I gave you $1,000 a second, it would take me 31.7 years to give you $1 trillion at $1,000 a second.

We're not the Party of No. We're the party of doing what we can afford. The Democrats are the party of throwing money at any problem that comes about, with no regard to what it's costing the American taxpayer.

TAKING CONTROL OF SKYROCKETING COSTS

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

Mrs. DAHLKEMPER. Mr. Speaker, any meaningful attempts to create long-term, sustainable health care reform must begin by taking control of our skyrocketing costs. That means we must get serious about combating obesity, a preventable disease that costs this country $117 billion. To that end, I have introduced two pieces of legislation.

The first bill is called the Obesity Treatment and Wellness Act of 2009, which addresses the fact that half the costs associated with obesity are paid through Medicare and Medicaid. My legislation directs Medicaid to pay for nutrition counseling, which can effectively treat this disease.

My second bill, the Healthy Communities Act of 2009, sets up a 5-year public-private community grant program to encourage a community approach to promoting wellness and fighting obesity.

Mr. Speaker, only when we make wellness a major component of our reform efforts can we expect to get control of costs. I urge my colleagues to join me in this effort to ensure quality, affordable health care that works for all Americans.

HIGH-QUALITY, AFFORDABLE HEALTH CARE CHOICES

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

Mr. YARMUTH. Mr. Speaker, opponents of health care reform have tried for months to attack our efforts to bring high-quality, affordable care to all Americans. Their favorite scare tactic has been to allege that a public option will somehow lead to a ''government takeover'' of health care. This could not be further from the truth.

Under the plan we introduced yesterday, the CBO projects that just 3 percent of Americans will be enrolled in the public plan once it is fully implemented, hardly a government takeover. In fact, the CBO estimates that employer-provided plans will have millions of new enrollees under the legislation and that most of those Americans using the health care exchange will choose private insurance for their coverage.

This is a uniquely American solution that combines the best of the public and private sectors to bring some much-needed competition to the health care marketplace, giving American families the peace of mind of knowing they will always have high-quality, affordable health care choices.

AMERICAN SOLUTIONS FOR AMERICAN HEALTH

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

Ms. WATSON. Mr. Speaker, we urgently need to fix the health care system for American families. Every day, Americans worry not simply about getting well, but whether they can afford to get the kind of health care they need. For American businesses, soaring health care costs put American companies at a competitive disadvantage in a global economy. For our fiscal future we have the most expensive health care system in the world.

We're emphasizing cost, choice, security, and quality. We want a policy that costs less, covers more, and is quality. Your choice. You have it. If you like it, you keep it. For security and peace of mind, for quality patient-centered care, we want American solutions for American health.

MOTION TO ADJOURN

Mr. GINGREY 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. GINGREY 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 361, not voting 48, as follows:

[Roll No. 537]

YEAS—23

Bartlett	Gingrey (GA)	Shadegg
Barton (TX)	Gohmert	Souder
Blackburn	Hensarling	Spratt
Broun (GA)	Johnson (IL)	Thornberry
Campbell	King (IA)	Tiahrt
Chaffetz	Olson	Westmoreland
Flake	Pence	Young (AK)
Garrett (NJ)	Price (GA)	

NAYS—361

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Clarke
Clay
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)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McHenry
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
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
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Rothman (NJ)
Roybal-Allard
Royce
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—48

Andrews
Bishop (GA)
Bono Mack
Butterfield
Cardoza
Cassidy
Childers
Conyers
Cummings
Davis (TN)
Dicks
Doyle
Ehlers
Engel
Gordon (TN)
Grijalva
Gutierrez
Higgins
Inslee
Israel
Jackson-Lee (TX)
Kirk
Larsen (WA)
Lowey
Mack
Marchant
McCaul
McDermott
McGovern
McHugh
Mollohan
Paul
Platts
Rogers (AL)
Ross
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Schock
Schrader
Serrano
Sestak
Smith (NJ)
Stark
Sutton
Wasserman Schultz
Young (FL)

□ 1054

Mrs. DAVIS of California and Mr. FRANK of Massachusetts changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 645 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 645

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 63, line 12. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution; (2) not to exceed one of the amendments printed in part B of the report of the Committee on Rules 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 of the Committee on Rules 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 of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

SEC. 4. During consideration of H.R. 3183, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

SEC. 5. House Resolution 618 is laid on the table.

□ 1100

POINT OF ORDER

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

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

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

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

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

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

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, we are going through an appropriations process. We will do two bills this week. Traditionally, appropriations bills have been open rules. They come to the floor. Members are allowed to offer as many amendments as they wish—striking funding, moving funding around, making a policy point. That has been the tradition of this House.

It is sometimes pointed out that it hasn't always been this way, that the appropriations bills haven't always been open, and that there is no reason why they should be. Yet I would remind the House, Mr. Speaker, that, over the past 20 years, we've gotten into a practice of loading up and larding up these appropriations bills with all kinds of congressionally directed spending.

The chairman of the Appropriations Committee likes to say that, when he chaired the Appropriations Committee in 1992, when the Labor-HHS bill came through, there was not one congressional earmark, not one. That's less than 20 years ago. There was not one congressional earmark. I think, in the past couple of years, there have been upwards of 2,500 earmarks in that bill. In the bill that we'll address today, the energy and water bill, there are literally hundreds of earmarks.

Now, one would like to think that the Appropriations Committee would vet these earmarks, would actually check them out to see if they're meeting Federal purpose, if money is being wasted, if it, maybe, looks bad and looks like it's tied to campaign contributions or whatever, but they don't. They don't have the time or the resources or, perhaps, the inclination to do so, so all we have is this forum here on the floor. When you bring an appropriations bill to the floor under a closed rule or a restricted rule—a structured rule—and deny Members the ability to offer amendments, then you've shut down this place in a way that is simply not right.

For this bill, there were 103 amendments submitted. Now, because you have to pre-file your amendments, a lot of Members will submit more amendments than they intend to offer on the floor just to protect their place. So the majority party knows that we would never have offered 103 amendments on the floor. We won't have time to do it. We have done it in years past, but only 21 of these remained in order—78 Republican amendments were submitted, and only 14 were made in order.

The gentleman from Georgia, to whom I will yield 3 minutes, has been offering a number of amendments, and has not been able to have them made in order.

I yield 3 minutes to the gentleman from Georgia.

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

Mr. Speaker, as my colleagues on both sides of the aisle know, I just called previously for a motion to adjourn this body. I don't typically do dilatory motions. I think my colleagues on both sides of the aisle know that. What, Mr. Speaker, I am trying to say to those who are now in charge of this body—Speaker PELOSI, Majority Leader HOYER, the chairman of the Rules Committee—is, look, as the gentleman from Arizona has pointed out, you have taken away so many opportunities—not, indeed, all of the opportunities—for the minority to represent their constituencies. Those constituencies are close to 700,000 people in all of our districts across this country, and we don't have this opportunity, particularly on these very important appropriations bills—on these 12 spending bills—which, after all, are probably one of the two most important things that we as Members of the legislative branch are charged constitutionally to do year after year after year.

I commend the majority for wanting to get the work done and for wanting to have all of that done by the end of the fiscal year. It's insanity not to do that, but we can do it in an open way, as the gentleman from Arizona has pointed out. Going back to the fairness that you all called for when you were campaigning so hard in the fall of 2006, you gained the majority, to a large extent, on that kind of a platform and on that kind of a pledge. So this is wrong, and this is why we're making these points.

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

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California on the point of order.

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

Technically, this point of order is about whether or not to consider this rule and, ultimately, the underlying bill. In reality, it is about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation, itself.

I think that is wrong, and I hope my colleagues will vote to consider this important legislation on its merits and not stop it on a procedural motion. Those who oppose the bill can vote against it on final passage. We must consider this rule, and we must pass this legislation today.

I have the right to close, but in the end, I will urge my colleagues to vote ''yes'' so that we can consider the rule and get down to doing the business of the American people.

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

Mr. FLAKE. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 6½ minutes remaining.

Mr. FLAKE. Mr. Speaker, I realize that this is an unfunded mandates point of order that has been raised. This is not unfunded mandates we're talking about here. Unfortunately, this is about the only way we can get time to actually talk about this rule at sufficient length.

As to the way that these appropriations bills are being shut down for Members and when the gentlelady said that this bill should be voted on according to its merits, the problem is there were dozens and dozens of meritorious amendments that were submitted to the Rules Committee. The fact that they actually had to be submitted tells us we've got some problems here because, as I mentioned, appropriations bills have traditionally been open, but meritorious amendments have been submitted, and only a few have been allowed.

Now, I happen to have six, I believe, allowed in this bill, and I know full well the game here. I offer limitation amendments on earmarks. The majority party knows full well that earmarking is a bipartisan addiction and that the process of logrolling takes effect and that my amendments are defeated routinely. So they can throw me a bone here and there, and that's fine. I understand that. Still, we need to raise these issues. Let me tell you why.

This was in the Washington Post today, and you can look yesterday in Roll Call or in The Hill from the day before. Virtually every day there is a news story about earmarks having gone awry. This one in particular talks about defense earmarks, that there are some individuals in the lobbying community and in the defense community who have pled guilty to taking earmarks from this body and to spreading them around to several contractors who didn't do the work that they promised to do. Some actually took kickbacks for the earmark money they distributed. These were earmarks that were supposedly vetted by the Appropriations Committee, but we know that the Appropriations Committee doesn't have the time or resources to vet these earmarks.

We're going to be doing a defense appropriations bill in just a couple of weeks. We've allowed one day for that bill to be on the floor, and if history holds, only a couple of amendments will be allowed, particularly amendments to strike earmarks. If on this floor we are not going challenge these earmarks, where are we going to do it?

They're not doing it in the Appropriations Committee. From sad experience, we know that. Over the past several years, the chairman of the Appropriations Committee has said they

don't have the time or the resources to adequately vet these earmarks, so we have two choices. We ought to have two choices. Either strike the earmarks and not bring the bill to the floor with congressional earmarks in there or have proper time to vet them on the floor. Or simply say that we're not going to allow them at all until we get this process fixed. Instead, what we've chosen to do is to cover up the process and to pretend that there is no problem here and to simply limit the number of amendments that can be offered on the floor and hope that nobody notices, that nobody sees.

What happens when nobody sees—last year, for example, we weren't allowed to offer any amendments on the floor. The defense appropriations bill was offered as part of a ''minibus'', and no amendments were offered at all. Then we get stories like this. Let me just quote one paragraph from this story:

It really puts a fine point on the murky unaccountable web that exists around earmarks, said Steve Ellis of the watchdog group Taxpayers for Common Sense. These earmarks, because there is very little accountability, provide a petri dish for corruption.

Certainly, that is what we've seen over the past several years, but we are not allowing adequate time on the floor to vet what will be likely over 1,000 earmarks or close to it—if there are not 1,000, there will be several hundred—in the defense bill that's going to be coming up.

What is worse is that hundreds of these earmarks that will be in the defense bill will be given to companies whose executives will turn around and will write large campaign contributions to the sponsor of the earmark in the bill. So, essentially, we are earmarking for our campaign contributors.

I think we should all agree that, if there are earmarks in this body, they certainly shouldn't be going to those who can turn around and can then make a campaign contribution directly back to them. To give a Federal appropriation a no-bid contract—and that's what earmarks are, particularly in the defense bill, no-bid contracts—to somebody who can turn around and write a campaign contribution right back to you is wrong.

What makes it doubly wrong is that now, in the House, we are going to tell Members you can't even challenge those earmarks on the floor because we're going to limit you to three or four amendments. Choose them. That's it. That, Mr. Speaker, is wrong. We can't continue to do that. People say that, outside of the Beltway, nobody cares about process. That may be true, but take it from somebody who was in the majority and who is now in the minority, who is squarely in the minority: Bad process yields bad results, and it will catch up to you sooner or later. What is worse is that what we're doing, particularly with earmarks in the defense bill, reflects poorly on this House.

□ 1115

The cloud that hangs over this body rains on Republicans and Democrats alike; and we ought to stand up to the institution and say, We think more of this institution than that to have this cloud out there. So I would plead with everyone, Mr. Speaker, to not proceed with bills like this which don't allow Members to offer amendments on the floor, the amendments that are meritorious, that are not trying to slow down the process. They are simply trying to improve the bill.

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

Ms. MATSUI. Mr. Speaker, again I want to urge my colleagues to vote ''yes'' on this motion to consider so that we can debate and pass this important piece of legislation today.

I yield back the balance of my time.

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

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

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

I yield myself as much time as I may consume.

GENERAL LEAVE

Ms. MATSUI. I also ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on House Resolution 645.

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

There was no objection.

Ms. MATSUI. Mr. Speaker, House Resolution 645 provides a structured rule for consideration of H.R. 3183, the Energy and Water Development Appropriations Act for fiscal year 2010. The resolution provides for 1 hour of general debate controlled by the Committee on Appropriations.

Mr. Speaker, I first want to thank Chairman OBEY as well as Mr. PASTOR and Mr. VISCLOSKY for their work on this bill. They have been tireless advocates for vital funding in this legislation which truly meets the needs of a number of important areas from our water infrastructure to our national energy policies. Specifically, the bill provides $5.5 billion for the Corps of Engineers, which is $139 million over 2009 levels. For my constituents, this funding is more than just numbers. It is a matter of survival. My district sits at the confluence of two great rivers, the Sacramento and the American. The Sacramento is considered to have the highest flood risk of any major metropolitan city in the United States. Almost a half million people, 110,000 structures, the capital of the State of California and up to $58 billion are at risk of flooding in my district alone. The Federal investments in this legislation for the Corps of Engineers directly benefits not only my constituents but the capital of the eighth largest economy in the world. Vital funding will strengthen levees along the American and Sacramento Rivers, levees which keep my constituents safe every single day.

The bill also makes it possible for the Corps of Engineers to complete a GRR to protect the Natomas community in my district. Additional funds will go toward levee construction in south Sacramento, which will give that community 100-year protection. These are projects I have worked on throughout my career in Congress, and I am eager to see it move forward. Finally, this important appropriations bill will also invest in modifications to the joint Federal project to provide greater efficiency in managing flood storage in the Folsom Reservoir.

From the joint Federal project in Sacramento to the levee work in the Mississippi Delta to the coastal restoration in the southeast, this bill works to protect our communities and commits to a strong investment in our aging infrastructure. The legislation before us today builds on the job-creating work of the American Recovery and Reinvestment Act, which has already started to stem the tide of bad economic news. In April, $10 million was invested in flood protection infrastructure in Bucks County, Pennsylvania. This project alone will create up to 200 quality American jobs in manufacturing and construction. In my district alone, the Recovery Act has invested $21 million already in keeping my constituents' homes safe from floods and in keeping people in their jobs. The legislation before us today builds upon this positive record of infrastructure investment as a job-creating strategy. It will employ scientists to perform hydraulic studies, engineers to design levees and construction workers to move the dirt. When we rebuild our infrastructure, we rebuild our economy. The same is true for energy. When we invest in energy independence, we invest in our economic health. I strongly support the significant energy policies that this bill supports. Thanks to the congressional leadership in this House, our country is finally on the right track toward a clean energy future that will create jobs here at home and enhance our competitiveness abroad. Between the American Recovery and Reinvestment Act and the American Clean Energy and Security Act, this Congress has created a new day for our national energy policy.

The legislation contains $1 billion to reduce our dependence on foreign oil

and keep energy prices low. This funding will go toward research, development, demonstration and deployment of energy technologies which will help our country become more energy independent. When I look to the future of the world economy, other countries are already investing in the clean energy technologies that will power the future. China, for example, doubled its wind power investment in 2008 and has made its intentions clear to become the world's leader in wind energy development. The legislation before us today represents a strong step that this House can take to compete with the Chinese.

This bill also looks toward the future and provides robust funding for both the Department of Energy and the Office of Science. It makes a commitment to support the advancement of innovative technologies by providing $2.25 billion for energy efficiency and renewable energy. It also recognizes the importance of an efficient, reliable, secure and flexible transmission and distribution grid by increasing funding for electricity delivery and energy reliability to $208 million, 52 percent above last year's level. Every increase for clean energy in this bill is a bet on the ingenuity of the American people to compete in a global marketplace where clean energy will drive investment for decades into the future. Just as every dollar invested in levees and other infrastructure in this bill is a down payment on the safety and security of communities, like my hometown of Sacramento, safety and security is what the legislation before us today is all about.

I strongly support the rule and the underlying legislation, and I urge my colleagues to do the same. Mr. Speaker, again, I want to thank Mr. OBEY and the committee for their work on this robust bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself as much time as I may consume.

The underlying legislation, the Energy-Water Appropriations Act, provides over $33.2 billion in funding for critical water projects. It helps to develop a cleaner, more dependable energy sector that is less dependent on unreliable sources of foreign energy. It also supports our national defense system by funding critical weapons and nonproliferation programs. The Water Resources Development Act of 2007, known as WRDA, authorized the deepening of the Miami Harbor to a depth of 50 feet. The underlying legislation follows up on that authorization with $600,000 for the planning of the dredging project. Reaching a depth of 50 feet by the time that the Panama Canal expansion is completed in 2014 is of both local and national importance. Once the Panama Canal expansion is complete, a new class of supercargo carriers will be able to traverse the canal and will be looking for new deepwater ports to unload their cargo. However, there are very few ports in the United States ready to handle those carriers. Once Miami reaches the 50-foot depth mark, it will be the closest U.S. port to the Panama Canal that can handle the carriers and will serve as a vital entry point for international trade in and out of the United States. The ability of the Port of Miami to accommodate those carriers will double the amount of cargo the port is able to handle and will serve to cement Miami's position as the trade capital of the Americas. It will also create numerous high-paying jobs; and it will have an extraordinary impact, obviously, on the local economy.

The Florida Everglades is a great national treasure. The Everglades' combination of abundant moisture, rich soils and subtropical temperatures traditionally supported a vast array of species. Flood control and reclamation efforts in the 1940s and the 1950s manipulated the Everglades' hydrology, redirecting fresh water destined for the Everglades out to sea. Its ecosystem was also harmed by degraded water quality. Pollutants from urban areas and agricultural run-off, including pesticides and excess nutrients, have harmed plant and animal populations. The Comprehensive Everglades Restoration Plan, which I strongly support, will capture fresh water destined for the sea, the lifeblood of the Everglades, and direct it back to the ecosystem to revitalize it. At the same time the project will also improve water supplies, provide flood control for South Florida and protect wildlife. My colleagues in the South Florida delegation and I have worked closely with appropriators to secure funding for this important project. I'm thankful to my colleagues, and I am pleased the Appropriations Committee agreed on the importance of this project by appropriating $210 million. I would like to thank Chairman PASTOR and Ranking Member FRELINGHUYSEN for their bipartisan work on the important underlying legislation that we're bringing to the floor today.

While I support the underlying legislation, I must oppose the rule by which the majority is bringing this bill to the floor. Last month the majority set a dangerous precedent to limit debate on appropriations bills, debate that, historically, was almost always considered under an open rule, an open process of debate. Today, Mr. Speaker, we are set to consider the eighth of 12 appropriations bills, and every bill considered so far has been considered under a structured rule that severely limits the ability of Members from both sides of the aisle to bring amendments to the floor for debate and for a vote and is not in the usual open procedure which allows every Member to offer their amendments.

During last week's Rules Committee hearing on the State and Foreign Operations appropriations bill, the ranking member of the Appropriations Committee, Mr. LEWIS, testified that there was still time to undo the majority's new precedent, restricting the ability of Members to offer amendments to appropriation bills. Mr. LEWIS asked the majority to reconsider the use of structured rules on appropriations bills, to return to regular order, to historical order, to the tradition of an open debate process on appropriations bills. He even offered his services to persuade Members to not offer dilatory amendments, which would hamper the ability of Congress to complete its appropriations work on time, something that both the majority and the minority wish to accomplish. Ranking Member DREIER of the Rules Committee and I also offered to help Ranking Member LEWIS rein in any Members who wished to unnecessarily prolong the debate process. I really hoped that the majority on the Rules Committee would heed Mr. LEWIS' thoughtful suggestion and accept his offer to help move the process along if an open debate process was returned to. However, the majority, once again, blocked the overwhelming majority of Members from both sides of the aisle from having a full opportunity to debate the bill and represent the interests of their constituents.

□ 1130

So, Mr. Speaker, the majority has not understood the damage it is causing this House by closing debate unnecessarily on appropriations bills by breaking, in effect, two centuries of precedents. It is sad.

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from New York, a member of the Committee on Rules, Mr. ARCURI.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague, the gentlewoman from California, for the courtesy of yielding to me and for her strong leadership on the Rules Committee.

Mr. Speaker, I rise today in strong support of the rule and H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act. The bill provides much-needed funding to continue our Federal commitment to meeting the infrastructure needs for our Nation. This bill will create jobs and invest in new technologies, scientific research, and conservation efforts.

I also would like to take a moment to lend my strong support to Mr. PASTOR's amendment to H.R. 3183, the manager's amendment. The amendment provides a critical increase in funding for the Northern Border Regional Commission. The 2008 farm bill first authorized the Northern Border Regional Commission as an independent agency to address the shared economic needs and harness the unique assets of the counties along the Nation's northern border from Maine and New England through New York. In

this region, 13.1 percent of the population lives in poverty. The median household income is $6,500 below the national average. Unemployment is significantly higher than the national average; and the region actually lost population between 1990 and 2000, while the overall population of the United States rose by 13.2 percent.

The region shares many common economic challenges stemming from relative geographic isolation, aging infrastructure, and a loss of natural resource-based industry that has historically been an economic engine. However, at the same time, the region also has a common set of assets, not the least of which is expansive natural beauty and resources, as well as historic and geographic ties.

The commission utilizes the same model that has successfully enabled the Appalachian Regional Commission to facilitate a ''bottom-up'' approach where local development districts, not-for-profit organizations and others bring project ideas and priorities to the commission from the local level.

The regional commission model helps foster improved collaboration and coordination within the region and among Federal and State agencies, while also serving as a vehicle to leverage additional public and private sector investments. By taking a regional view, the commission can promote projects that confer a broader benefit without States having to compete among themselves for scarce funds for the region.

I thank the committee for their hard work to see that the Northern Border Regional Commission receives the funding necessary to make the commission a reality for this region. I thank my colleagues from the region, Representatives MICHAUD, PINGREE, HODES, SHEA-PORTER, WELCH and my New York colleague, JOHN MCHUGH, for their continued efforts to establish and secure funding for the Northern Border Regional Commission.

I urge my colleagues to support the manager's amendment and vote for the rule and for H.R. 3183.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I appreciate this opportunity to express my dissatisfaction with this rule. This is my 11th year here, my 11th appropriations season, and it is the first time where substantive, real discussions have been prevented. I am extremely disturbed at this rule, as all previous rules this year on appropriations.

In years past, if we had a substantive, meritorious amendment, we were allowed to bring it to the floor without having to go through a totalitarian regime where a small group of people get to place their beliefs at the forefront and prevent discussion. So in the charade of saying that they are just protecting us from dilatory amendments, they are using this power to silence us on substantive amendments.

Let me give you my example about why I stand here today expressing my frustration at the heavy-handedness of the majority. I believe that our country is in jeopardy of not having enough energy to power our economy in the future. If we look at the electricity that needs to be generated in the future, we have to build well over 230 gigabytes of new energy over the next 30 years.

Let me put that in perspective. Most power plants are 500 megabits. So this is 450 to 460 new power plants. If we want clean, reliable and affordable energy for this country to power our economy, we have to open ourselves to nuclear power. We can't access Yucca Mountain. That has been shut down. But the rest of the world recycles their nuclear waste and power rods. We do not in this country.

I had an amendment that I felt very strongly about that increased for our national laboratories funding specifically to research recycling technologies that can be used at our nuclear power plants to continue to recycle their materials, as they are being recycled. Not only is this energy efficient, but wise and efficient use of these nuclear rods, which also means that we have solved our waste issue, not totally making Yucca Mountain irrelevant, but certainly making it——

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. TERRY. Thank you. But certainly putting us on a path where we can use nuclear power as clean, affordable energy without the necessity of Yucca Mountain being opened today.

For some reason, in our Energy and Commerce Committee, every one of our nuclear amendments was shut down and voted against. And now we have a Rules Committee that is preventing nuclear power amendments.

I don't understand. I am at a complete loss why the majority wants to shut down nuclear power when it is the cleanest power we can have, the most reliable and the most affordable. That is where our future lies. We can replace old coal-fired plants with clean, new nuclear and produce twice the energy. But for some reason, the majority wants to shut this down.

This rule proves that they are shutting down nuclear power, or at least stepping up and making sure that we aren't going to have more nuclear power in the future. So I ask my colleagues who are pro-nuclear and pro-energy to vote ''no'' on this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Ms. MATSUI. Mr. Speaker, I want to make a point.

This bill makes an investment in nuclear power and makes it clear that nuclear energy is a component of the overall energy mix. The bill provides $812 million for nuclear, $20 million above the fiscal year 2009 level, and $51 million above the President's request. Support is provided for existing activities funded in fiscal year 2009 and ensures this area is included in our funding priorities.

And with that, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Florida for yielding, Mr. Speaker.

I rise in opposition to this rule because 80 percent of the amendments that were brought forward on this bill were not allowed under this rule. And so clearly we are not operating under a transparent process. We are not operating under a process that is allowing the free debate that I think all Americans want us to have on appropriations bills that spend their money.

First, there were some amendments that were brought forward that would have actually directed the Corps of Engineers to base their flood protection decisions on the most safe options to protect our citizens and their property from future storms. That amendment was not allowed under this rule. There was actually an amendment to cut, and I know it is a word that some people don't like over in this building, to cut spending by $7 billion based on the amount of money that was added in the stimulus bill.

I think many of us, on this side for sure, and I would hope some of my colleagues on the other side, would even acknowledge that the President's stimulus bill was a failed spending bill, $800 billion of new government spending at a time when our economy is hurting. And now even the Vice President acknowledges they misread the economy.

Everybody I think that has looked at it objectively acknowledges the spending bill was a bad idea. Those of us who voted against it said it would be a bad idea and hurt the economy then. That is why we proposed an alternative. Yet this steamroller to just continue spending money out of control went on, and they passed the bill.

There was an amendment that was proposed that would have cut that $7 billion in this Department that went through the stimulus bill that clearly isn't working. Instead of controlling the spending and allowing a vote on that, that was ruled out of order under this rule.

All of us that have looked and said, where are the jobs from the spending bill, that stimulus bill, no one can point to the jobs, because we have lost jobs. Since President Obama took office, 2 million more Americans have lost their job. And what is their answer? You would think their answer would be, Maybe some of those Republicans that had some alternative ideas might have been right; we will actually work in a bipartisan way and go talk to them and see what their ideas were because they were good ideas that would have helped small businesses and helped American families get back on

their feet. Instead, these ideas were discarded. Maybe they would go back and look at those ideas again.

Instead, some people in the White House are actually suggesting a second stimulus bill, yet another massive spending bill at a time when the spending is what is hurting our economy. And so we bring an amendment to cut spending, and they rule it out of order in this rule.

Maybe Speaker PELOSI and some of her liberal lieutenants think that the American people aren't watching, and maybe they are high-fiving because they are hoodwinking people into not knowing what is going on here in this House.

But I hate to tell them, the American people are watching, and they don't like what they see. They see massive runaway spending. They see more jobs being lost. They see this energy bill, this cap-and-trade energy tax that would run millions of jobs to countries like China, causing more Americans to be unemployed and raising utility rates on every American family.

The American people are watching this. And they are demanding action from Congress. That is why we are bringing these amendments to cut the spending.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. SCALISE. I want to thank my friend from Florida again. That is why we are bringing these amendments. We are bringing constructive ideas to solve the problems of our country and to propose different approaches, not massive spending, but actually ways to get Americans back employed, ways to help small businesses survive during these tough times, ways to help middle class families who are struggling to get back on their feet. And every time we bring these proposals, the liberal leadership on the other side says, no, we don't want to hear those alternative ideas; we want to just keep spending money like there is no end in sight.

Well, there is an end in sight. And if you look just earlier this week, we reached a hurdle that I don't think is a good hurdle, I don't think anyone should be proud of, but it is a historic hurdle. Earlier this week, our country exceeded $1 trillion in deficits during the course of a fiscal year. It was already exceeded this week, and we still have months to go in the fiscal year.

So this is going to have a devastating effect on our economy, this massive runaway spending. And yet they bring a rule that closes debate on 80 percent of amendments.

I would urge rejection of this rule.

Ms. MATSUI. Mr. Speaker, I want to make a point.

Infrastructure spending on public safety projects in this bill will save jobs across America.

Infrastructure spending is also smart investment, exactly the kind of smart investment the American people want this Congress to be making at this difficult point in our history.

The American Society of Civil Engineers estimates levee construction provides a 6-to-1 return on flood damages prevented when compared to initial investment cost. At the same time, our country's levees are crumbling and putting public health at risk.

Now is exactly the time to invest in this critical public good.

With that, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia, Mr. NATHAN DEAL.

Mr. DEAL of Georgia. I thank the gentleman.

Mr. Speaker, I rise today in opposition to the rule.

The reason is that my colleagues and I from Georgia offered an amendment that was not accepted in the Rules Committee. The amendment would have prohibited funds in this act from being made available to be used to update the calculation of the critical yield of the Federal projects within the ACF and the ACT river basins before the development of updated water control plans for the Federal projects within these river basins.

□ 1145

The reason for the amendment was that language was included in the other body's version of this bill which requested that the critical yield updates be accomplished before the water control manuals themselves. The fact is that these control manuals need to be completed first by the Corps before the critical yield studies can be finished. This is an important study and therefore should be done properly.

Although the critical yield updates are a necessary part of the manual updates, they do not provide any understanding of how water is currently being allocated or how the Federal projects may best be managed. The Corps of Engineers must be allowed to determine the critical yield under appropriate conditions, and our amendment would have made sure that they were able to do that.

This language that is inserted in the bill by the other body is not mutual in regard to the ongoing water struggle between our States. It arbitrarily prioritizes this particular study and diverts resources away from the Corps of Engineers that are needed in order to complete the much-needed water control plans.

And for that reason, since the amendment was not allowed by the Rules Committee, I rise in objection to this rule before the body today.

Ms. MATSUI. Mr. Speaker, I reserve.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, Mrs. MATSUI, once again for her courtesy, and I want to thank all of my distinguished colleagues who have participated in this debate on the rule bringing forward to the floor the appropriations bill, the Energy and Water appropriations bill.

I was particularly impressed by the arguments brought forth by LEE TERRY who explained—and I wasn't aware of it—how, in the authorizing committee, and, quite frankly, then the Appropriations Committee, there have been systematic attempts to limit, close down debate, really, on developing, encouraging in a serious, comprehensive way nuclear power for the Nation.

It reminded me of what I consider an unfortunate aspect of the dogma of the left of the United States. Curious is their opposition to nuclear power. Not necessarily is that the case with the left everywhere. In France, for example, where about 80 percent of electricity is generated from nuclear power, governments of the left and the right. President Mitterand was a strong supporter of nuclear power, as obviously was President Giscard, and then President Chirac, and now President Sarkozy. Left and right in France have seen the critical importance of developing nuclear power and the importance of reprocessing, which was what LEE TERRY was talking about, that ever since the Carter years here we have limited, we have excluded, in effect, that option.

So we're at a point now where we spend so much—we use so much imported oil in this country to generate electricity. That's insane when there is a clean option, nuclear power, which requires reprocessing in order to be really effective, as demonstrated in France. And yet the dogma of the American left on that issue curiously does not make that option possible.

Let me ask, how much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 9½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I just want to add to the gentleman's comments on this important issue of nuclear and its absence, really, in any impactful way in the legislation that comes before the House today.

Our country built its first 100 nuclear reactors in less than 20 years. Today, we know so much more about this particular industry. We are so much more technologically advanced. Without question, we could build a hundred nuclear reactors in the next 20 years, and we would lead the world in this particular energy technology again.

And it's troubling because, like the gentleman, I've been all over the world and all of these other countries look back and say, Why wouldn't the United States, like Japan and like France, take a lead on nuclear again so that they can show leadership on the reduction of carbon and this issue of climate change? That's the logical big step that we could take as a Nation. Yet many of the people who oppose coal in this body also oppose nuclear, and you cannot

possibly achieve their own stated goals without it.

And we could do this. Talking about jobs and a stimulus, that should be step one, is a bold nuclear agenda where we reprocess the spent fuel, turn 80 percent of it back into energy, and lead the world in the energy technology opportunities and industry in the world. The best chance for success is nuclear, yet it's not advanced near enough in this legislation.

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself the remainder of my time.

It is a pillar of thought of the American left's opposition to nuclear power. I think it's evident. And the American left controls the leadership of this Congress, and it's unfortunate, as Mr. WAMP pointed out, because, and as I tried to point out earlier, in other countries left and right agree on the importance of nuclear power. It's clean energy that is available, readily available, and safe to reduce dependence on oil immediately.

Alternative sources are being developed, and they're important. But in terms of the significant substitution of oil with new sources, clean and reliable sources of energy, there is nothing that's available that can be more impacted or more effective than nuclear power. So it's a curiosity.

As a student, I studied comparative politics, comparative law. As a student of the left and the right in many countries, I find it curious as to why it is, because it is evidently a pillar of thought of the American left—opposition to nuclear power—but it's a fact.

I will be asking for a ''no'' on the previous question, Mr. Speaker, so we can amend this rule so we can allow an open process. There is no question that the rules the majority bring forth today will help to cement the dangerous precedent that it set last month. It will further damage bipartisanship and comity in this body.

I urge my colleagues to vote ''no'' on the previous question so we can uphold our tradition of allowing free and open debate on appropriations bills. If we do not do so, I believe the majority will come to regret their decision to close down the deliberative process of the House on appropriations bills.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the remainder of my time.

The rule before us today is a fair rule that allows us to highlight a significant appropriations bill. After seven hearings, the Appropriations Subcommittee on Energy and Water crafted an important bill that brings our spending priorities in line with America's vision for a brighter tomorrow.

The bill before us invests in new technologies, scientific research and conservation efforts. It increases funding for the Army Corps of Engineers and the Bureau of Reclamation allowing them to continue their mission to improve our water infrastructure.

The bill continues to invest in the development of a new smart grid to ensure electricity delivery and energy reliability, and it makes a commitment to renewable energy and scientific research. The bill also continues ongoing nuclear nonproliferation efforts and rejects funding for the development of a new nuclear weapon.

Mr. Speaker, I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 645 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

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

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

adoption of H. Res. 645, if ordered; and

motions to suspend the rules on H.R. 1044, H.R. 934, and H.R. 762.

The vote was taken by electronic device, and there were—yeas 237, nays 177, not voting 18, as follows:

[Roll No. 538]

YEAS—237

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

NAYS—177

Aderholt
Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—18

Bachus
Cassidy
Conyers
Engel
Gerlach
Gordon (TN)
Green, Al
Higgins
Hinojosa
Issa
Levin
Lynch
McGovern
McIntyre
Schrader
Sestak
Waxman
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1220

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably delayed and missed the vote on Motion on Ordering the Previous Question on the Rule for H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 (H. Res. 645).

Had I been present I would have voted "yea" on this vote.

Mr. McINTYRE. Mr. Speaker, on rollcall No. 538, I was unavoidably detained. Had I been present, I would have voted "yea."

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 238, nays 185, not voting 9, as follows:

[Roll No. 539]

YEAS—238

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

NAYS—185

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan

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

NOT VOTING—9

Cassidy
Conyers
Cuellar
Engel
Gordon (TN)
Levin
Schrader
Sestak
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1228

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL ENHANCEMENT 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. 1044, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1044, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 3, not voting 14, as follows:

[Roll No. 540]

YEAS—415

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
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
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
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
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
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
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
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)
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)
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)
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
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—3

Broun (GA)
Flake
Paul

NOT VOTING—14

Capps
Cassidy
Conyers
Engel
Gordon (TN)
Inslee
Johnson, E. B.
Levin
McCarthy (NY)
McCaul
Schrader
Sestak
Taylor
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1235

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NORTHERN MARIANA ISLANDS SUBMERGED LAND CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 934, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 934, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 541]

YEAS—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
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
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
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
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
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
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
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)
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)
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 (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
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—16

Berkley
Berman
Capps
Conyers
Engel
Gordon (TN)
Honda
Johnson, E. B.
Levin
McCarthy (NY)
McCaul
Ryan (OH)
Schrader
Sestak
Taylor
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1242

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.

VALIDATING NEVADA LANDS TRANSFER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 762, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 762.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 542]

YEAS—413

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
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
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
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
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
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 (GA)
Johnson (IL)
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)
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)
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
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)
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)
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
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—19

Brown-Waite, Ginny
Capps
Conyers
Crenshaw
Davis (IL)
Delahunt
Engel
Gordon (TN)
Johnson, E. B.
Levin
McCarthy (NY)
McCaul
Miller, George
Pitts
Roybal-Allard
Schrader
Sestak
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1248

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.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes on July 15, 2009, and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 540: "yea"; rollcall No. 541: "yea"; rollcall No. 542: "yea."

PERSONAL EXPLANATION

Mr. LEVIN. Mr. Speaker, I was unavoidably absent earlier today attending a meeting at the White House and was therefore not present during rollcall votes 538 to 542. Had I been present, I would have voted "yea" on rollcall vote 538 to order the previous question on H. Res. 645, "yea" on rollcall vote 539 on agreeing to H. Res. 645, "yea" on rollcall vote 540 to approve H.R. 1044, "yea" on rollcall vote 541 to approve H.R. 934, and "yea" on rollcall vote 542 to pass H.R. 762.

GENERAL LEAVE

Mr. PASTOR of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3183.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 645 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3183.

□ 1248

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. TIERNEY in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from Arizona (Mr. PASTOR) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. PASTOR of Arizona. I yield myself such time as I may consume.

Mr. Chairman, it is, indeed, a privilege to submit to the House for its consideration H.R. 3183, the Energy and Water Development Appropriations bill for fiscal year 2010. The Appropriations Committee approved this bill unanimously by a voice vote on July 8. This is a good bill that merits the support of the entire House.

I thank all of the members of the Energy and Water Development Subcommittee for their help in bringing this bill to the floor today. This has been a challenging year with our extremely compressed schedule, and I appreciate our Members' attention and participation in this accelerated process.

I particularly want to thank the ranking member—my dear friend, the gentleman from New Jersey (Mr. FRELINGHUYSEN)—for his extraordinary cooperation, insight and friendship.

Mr. Chairman, this is a bipartisan bill that represents the fair and balanced treatment of competing priorities. This is the way our constituents expect their Representatives to work together, and I am proud of this bipartisan process.

I also would like to thank the chairman of the Appropriations Committee, Mr. OBEY, and the ranking member, Mr. LEWIS, for their support.

I was given this assignment 3 weeks ago, and without the great work of the subcommittee staff, we would not be here today. So, today, this afternoon, I want to thank the staff of the subcommittee: the Clerk, Taunja Berquam; Robert Sherman; Joseph Levin; James Windle; Casey Pearce; Rob Blair; and Kevin Jones. They worked many hours and through the weekends to get this bill today on the floor.

I would also like to thank Richard Patrick, from my office, and Ms. Nancy Fox and Ms. Katie Hazlett of Mr. FRELINGHUYSEN's office.

I want to acknowledge our agency detailee, Lauren Minto from the Corps of Engineers, for her assistance, talent and knowledge in putting this bill and report together.

These people have formed a great team, and without their work, we would not be here today. I have to thank them again because their support has been invaluable.

Mr. Chairman, this bill provides funding to address critical issues that affect our Nation's security and prosperity—from Addressing high gas prices, our energy crisis and climate change to advancing science and innovation, to preventing nuclear proliferation, to encouraging effective project management, and to investing in our Nation's flood control and water infrastructure projects.

The total funding for energy and water development in fiscal year 2010 is $33.3 billion. This funding amount is a decrease of $1.1 billion from the budget request, and it is roughly equal to the current fiscal year. While the bill is below the budget request, the primary reason for this difference is a Congressional Budget Office score of $1.5 billion for the Department of Energy's budget request for the Innovative Loan Guarantee Program. The bill provides $406 million above the budget request in program scope.

This bill made a concerted effort to cut lower priority programs and to apply the cuts to higher priority efforts. These spending cuts include 18 activities, totaling $2.5 billion below the President's request.

Given the wide-ranging scope of issues in this legislation that are critical to our Nation's well-being, I set forth the following priorities to ensure that our tax dollars will be spent wisely and effectively. These priorities include:

addressing high gas prices, reducing our dependence on foreign oil, and confronting the energy crisis through increased investment in alternative, domestic transportation fuels and new vehicle technologies;

addressing climate change with sound investments in carbon sequestration, low-emission energy technologies, and science research;

modernizing the energy sector through the research and development

of renewable energy sources, efficient energy technologies, and novel electric grid technologies;

Confronting the terrorist nuclear threat by increasing the protection of nuclear materials and accelerating the deployment of systems to detect such materials at border crossing points and ports;

Improving the security of our weapons by upgrading the protection of our facilities as well as improving the training and equipment of the Protective Force;

Insisting that the President submit to Congress a nuclear weapons strategy and a nuclear complex transformation plan before Congress will consider funding a new nuclear warhead;

investing in dam safety, flood protection, hydropower modernization and infrastructure that is essential to waterborne commerce on our coasts, rivers and inland lakes, which is essential to the safety of our citizens and our economy; and

Saving taxpayer dollars by improving management of agency programs, especially at the Department of Energy.

This bill provides adequate funds to meet the priority needs of the House. It funds the most worthwhile projects and programs near requested levels, and it reduces some programs that are less valuable or less urgent. I urge my colleagues of the House to support it.

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

Mr. FRELINGHUYSEN. I yield myself as much time as I may consume.

Mr. Chairman, I rise in support of the Energy and Water Development Appropriations bill for fiscal year 2010. This is a good bill because it is a significant improvement over the administration's budget request, and it was put together in a very bipartisan manner.

Before I turn to the contents of the legislation before us, like Mr. PASTOR, I would like to thank the fantastic staff—Taunja Berquam, the Clerk; Bob Sherman; Joe Levin; Jim Windle; Casey Pearce; and Lauren Minto. On the minority side, I would like to thank Rob Blair and Kevin Jones. In my personal office, I would like to thank Katie Hazlett and Nancy Fox. In Mr. PASTOR's personal office, I would like to thank Rick Patrick. All of these individuals have worked tirelessly to put together the product before us.

No one has worked harder than Mr. PASTOR, and I want to thank Mr. PASTOR for his friendship and for his leadership and guidance on this bill. The gentleman from Arizona is a pleasure to work with. I thank him for his leadership and for his assistance.

Mr. Chairman, the subcommittee's recommendation totals $33.82 billion, which is $1.1 billion below the President's request and $200 million over the fiscal year 2000 enacted level. While the dollar amounts are significant, the issues contained in this bill are at the core of our Nation's economic prosperity and national security, especially the energy portfolio, and our historic responsibility for the reliability and the protection of our nuclear stockpile. Thus, it is worthy of debate and amendment on the House floor.

□ 1300

The bill was preceded by the American Recovery and Reinvestment Act, which gave more than $44 billion to the agencies under our jurisdiction. In fact, nearly $39 billion alone went to the Department of Energy. The Department has nearly one-and-a-half times more money to manage even before we consider this annual appropriations bill, so our bill cannot be viewed simply through the traditional lens of annual appropriations. With the passage of the stimulus bill, Secretary Chu and his new team assumed new roles as major grant managers and accountants for billions of dollars for new Federal and State programs and hundreds of new employees.

Mr. Chairman, I am pleased that we were able to improve upon the administration's request in several ways. For example, the legislation before us increases the budget request by over $400 million for the Army Corps of Engineers, enabling us to address more water needs across our country. The Army Corps projects touch virtually every congressional district; and I know Mr. PASTOR and I highly respect the interests of all Members who, knowing their district needs, have sought some assistance; and we've done our best to accommodate them. Our recommendation increases research and development for both renewable energy and nuclear power while supporting clean coal initiatives and other technologies, such as geothermal, solar, fusion and wind power. I am exceptionally pleased that our bill keeps the Department on track for the Next Generation Nuclear Plant program.

There are some areas that I would have done a bit differently, of course. Not surprisingly, I would have preferred to have done more to reverse the administration's decision to terminate the Yucca Mountain repository in Nevada, where we have spent over $11 billion of taxpayer and rate payer moneys—in fact, $7 billion of rate payer moneys—with little apparent return. We still have tons of waste to dispose of and to protect. The bill before us does contain the administration's significant cut to the program, and I am deeply concerned that this basically political decision will be followed by others trumping future scientific recommendations and judgments. However, our bill directs $70 million to ensure that the questions raised during the Yucca license application process can be answered; and it requires that funding for the President's suggested Blue Ribbon Panel is only available for a review, which includes all alternatives, including Yucca Mountain. I think this is the only way future review could be credible.

I would also have preferred much more support for nuclear power here in the United States and the greater availability of nuclear loan guarantees. Given what China and other nations are doing to build new nuclear power plants, we could produce much more electricity ourselves while adding American jobs, which we need if the administration as well as House and Senate majority leadership were more supportive. American companies are working abroad building nuclear power plants while we dither here. The President and congressional leadership appear to have a strong bias against nuclear power as well as oil and gas production, which will leave our Nation severely disadvantaged. Energy-intensive industries, like what is left of our American manufacturing base, will no longer be able to compete with nations who are making nuclear and other types of capital investments a priority, and they're not subjecting themselves to self-imposed cap-and-trade emissions reductions. Our lack of investing in nuclear power, so well illustrated in the recent passage of the so-called American Clean Energy and Security Act, is a gift that keeps on giving to our economic competitors China and India, whose economies are already sucking away U.S. jobs at an alarming rate.

We also improved that portion of the committee's jurisdiction that involves nuclear weapons activities, not to promote more nuclear weapons, but to provide more funds to reduce the weapons stockpile. The President's recent trip to Russia and his call for major changes in what is called our nuclear ''posture'' must be matched by the administration's funding requests that will pay for our country's nuclear dismantlements and for the science to certify the reliability of what's left. And we must provide adequate funding to retain our highly specialized nuclear scientists and technicians and to maintain the facilities and laboratories where they do their work. The only way to support our national security is by increasing this account, not by holding it flat. Talk about a delicate balance between nuclear and renewables is only talk, for investments in renewables received $60 billion in the $800 billion stimulus—all of that borrowed money, I should add—and nuclear received nothing. I do hope that we can address this disproportionality in conference.

One of my biggest disappointments, however, is not with the bill but the way it was brought to the floor. With all the debate about climate change, global warming, conservation, carbon footprints and green jobs, Members of Congress in both parties should have the right to propose amendments to address their concerns and support sources of power that they specifically favor and know about, whether that be nuclear, hydroelectric, solar, wind, oil- or gas-based, fuel cell or fusion. That traditional right to amend our appropriations has been severely curtailed by the House leadership. Our appropriations bill affects virtually every

part of our economy, the household budgets of every American family and job prospects for thousands, and the thought that renewables alone are going to give us energy independence is, of course, on its face, absurd.

Before I close though, I'd like, on a positive note, to thank the Army Corps of Engineers, both military and civilian who, as we gather here today, continue to do their remarkable work in dangerous territory in Iraq and Afghanistan. We thank them for their courage, their work and their professionalism. Mr. Chairman, again I'd like to thank Vice Chairman PASTOR for his leadership. Despite my unhappiness about the energy policy issues I have discussed, I intend to support the bill.

I reserve the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the chairman of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I want to congratulate both Mr. PASTOR and Mr. FRELINGHUYSEN for an excellent bill. They are both first-rate legislators, and I think this bill is a very effective and reasonable response to the problems with which it deals. I think it's, most clearly, a bipartisan product as well, and I appreciate that.

I also appreciate the fact that this bill will continue providing significant assistance to Lake Superior communities who need help with sewer and water in order to be able to provide decent opportunities for economic growth in the future. Communities cannot grow without adequate infrastructure.

I also want to suggest that the nonproliferation efforts contained in this bill are important, indeed.

I would also note that when combined with the actions taken in the Recovery Act, this bill will begin the long process of trying to make up for the fact that for almost 30 years, this country has had no effective energy policy. That has to change, and this is part of the effort to change that.

I also appreciate the fact that, as is the case with previous bills approved by the committee, when this bill is finished on the floor, we will have accepted 24 Republican amendments to appropriation bills in the full committee. We will have accepted another 24 on the floor itself. I think that is testimony to the bipartisan approach taken by the subcommittees on bill after bill. I appreciate the cooperation of all of the Members and the hard work of the staff.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I rise to enter into a colloquy with the distinguished chairman of the subcommittee, Mr. PASTOR.

Mr. Chairman, Hanford is the world's largest nuclear cleanup site. The wastes at Hanford are a result of our Nation's nuclear weapons production program that secured our victories in World War II and the Cold War. Hanford cleanup cannot sustain continued reductions without jeopardizing progress, breaking existing legally binding commitments to the State and increasing long-term costs to taxpayers. Achieving cleanup progress requires steady, stable, adequate funding each year for all projects at Hanford, including the tank farms, the waste treatment plant, groundwater protection, and the River Corridor project, which is responsible for stopping contaminants from reaching the Columbia River, shrinking the site by 95 percent, and represents the highest priority work for Hanford's Richland Operations office. I appreciate Mr. PASTOR's attention to this issue and assistance in making adjustments as this bill went through the committee process. These adjustments are a step in the right direction and will have a meaningful impact at Hanford, with full funding provided for the Office of River Protection.

I would like to ask Mr. PASTOR for a commitment to continue to work with me as the final Energy and Water bill is developed.

Mr. PASTOR of Arizona. As we talked earlier this morning, we said that we understand the importance of Hanford as well as all the other sites, and I told you of the possibility that some of us would need to go see the site and look at it firsthand. So you well know that I recognize the importance of cleaning up Hanford and also all of the EM sites. I will work with you on this issue and review the needs of Hanford's Richland Operations office, including the River Corridor Closure project, as we make our way through conference and write a final bill.

Mr. HASTINGS of Washington. Thank you for your commitment on this and for your commitment to nuclear waste cleanup at all the sites. I look forward to continuing to work with you. Obviously the invitation is open for you. Mr. FRELINGHUYSEN has been at Hanford, but I certainly invite you. It is something to see firsthand. I thank you for your commitment.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to another gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. I will join my colleague from the State of Washington's invitation to talk about Hanford issues at some point. I appreciate the Chair's interest in that.

I want to thank, specifically, the committee for including $1.78 billion for energy efficiency and renewable energy research, development and deployment. But I do rise with some concern that the report proposes to decrease water power R&D from $40 million in 2009 to just $30 million. While I understand that the ocean and tidal-based marine renewable energy industry is certainly nascent at this time, estimates suggest that ocean resources in the U.S. could supply more than 6 percent of our electricity generation if ocean renewable energy enjoyed the same Federal investment as other forms of renewable energy. Many countries already operate projects that generate power from both the waves and tidal and currents; and we should lead in this regard, not follow.

In Washington State these efforts are currently underway. The U.S. Navy and Verdant Power will install a demonstration project in Puget Sound in 2010, and Snohomish County PUD will install a project in Admiralty Inlet just north of Seattle in 2011. Federally backed research is underway at the Northwest National Marine Renewable Energy Center, a partnership between the University of Washington and Oregon State University. In Sequim the DOE's Marine Science Lab is researching ocean energy potential and environmental issues. Hawaii, Oregon, Maine, New York, California, Massachusetts and Alaska are also working to develop this industry. Our colleagues in the Senate have recommended $60 million for water power R&D, and I hope to work with Mr. PASTOR through conference to work toward those Senate levels for this important, very promising program.

With that, I thank Mr. PASTOR for his efforts.

Mr. PASTOR of Arizona. I can assure the gentleman from Washington that the committee is aware of this sustainable domestic energy source and its potential. We will continue to work with the gentleman from Washington through conference to highlight renewable marine and hydrokinetic energy development as a priority for the agency.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to rise today in support of the fiscal year 2010 Energy and Water Appropriations bill. I would like to thank Vice Chairman PASTOR and Ranking Member FRELINGHUYSEN for their work on this important bill. They have done a great job putting this bill together.

□ 1315

I also want to thank the staff on both sides of the aisle for their hard work and dedication on this piece of legislation.

I would like to focus my remarks today on the Department of Energy's loan guarantee program. The loan guarantee program is one of the few policy tools we have that delivers immediately available, market-ready, innovative, clean energy technologies that will have a positive impact on our economy.

Congress has authorized $2 billion in loan guarantee authority for front-end nuclear facilities. DOE should be recognized for their work creating a loan guarantee program that has sound criteria to ensure the protection of taxpayers and award guarantees to the most creditworthy projects.

I support the efforts of my colleagues in the House to encourage DOE to administer the loan guarantee program, particularly for front-end facilities, efficiently and in the earliest possible time frame. I also support efforts to ensure that these decisions are based on merit and that all loan guarantees are issued to the most qualified and not necessarily the most politically connected applicants.

This program is not a bailout. It is designed to allow creditworthy companies to invest in large, multibillion dollar ''investment grade'' projects that will create thousands of jobs and inject several billion dollars in the local economy without jeopardizing taxpayers' interest.

For the loan guarantee program to succeed, it must demonstrate integrity and credibility through a fair, objective and timely process. It must also meet the reasonable business needs of the applicants and protect the Treasury and the U.S. taxpayer from undue exposure.

The Department of Energy has personally assured me that all decisions regarding loan guarantees will be made based on the merit of the recommended projects rather than on politics.

I look forward to working with my colleagues, the Department of Energy and Secretary Chu to issue loan guarantees in the earliest time frame possible by applying the program criteria in a fair and unbiased manner.

Mr. PASTOR of Arizona. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Virginia, my good friend, BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Chairman, I, along with my colleague from Virginia (Mr. WITTMAN), would like to briefly discuss the importance of fully funding the Thomas Jefferson Lab's 12 GeV Upgrade.

This important project received accelerated funding in the Recovery Act. It is vital that this project receive the administration's full request of $22 million in this bill. If full funding is not in place for the upcoming fiscal year due to stringent controls in how Recovery Act funds are spent, there is little flexibility for the lab to meet their construction project without costly scheduling delays or potential elimination of physics-related work.

I would hope that the gentleman from Arizona will work with me and Mr. WITTMAN to ensure that this project is funded at the administration's request for fiscal year 2010.

And I yield to the gentleman from Virginia, my colleague, Mr. WITTMAN.

Mr. WITTMAN. Thank you, Mr. SCOTT.

I rise in support and to echo the remarks of my colleague from Virginia (Mr. SCOTT). The Thomas Jefferson Lab is a world leader in nuclear physics research and education. The lab is currently in the midst of a major upgrade to their accelerator facility. Fully funding the accelerator upgrade will significantly expand the facility's research potential and will lead to a greater understanding of atomic particles, the building blocks of all matter. Research at Jefferson Lab will continue to expand our knowledge of nuclear physics that lead to many exciting scientific advances.

I respectfully request that the gentleman from Arizona would work to fully fund this important project at Jefferson Lab.

Mr. SCOTT of Virginia. I yield to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I thank the gentleman for bringing this important issue to us.

You have made a case that the administration request for $22 million for the continuous electron beam accelerator facility is merited.

You have my personal commitment to work with you and Mr. WITTMAN going forward to see that this project receives the funding it needs and deserves.

Mr. SCOTT of Virginia. I thank you for your commitment and thank you for your willingness to work on this important issue and thank my colleague from Virginia for his support and look forward to working with you in conference.

Mr. FRELINGHUYSEN. Mr. Chairman, I'm pleased to yield 3 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT) for purpose of a colloquy.

Mrs. SCHMIDT. I rise to bring attention to the lack of progress by the Department of Energy in processing loan guarantee applications, particularly with respect to USEC's long-pending loan guarantee application for its American Centrifuge Plant project.

USEC filed its application with the Department of Energy for the loan guarantee nearly 1 year ago, yet its application still languishes. USEC has informed the Department of Energy that it needs, at minimum, a conditional commitment from the Department of Energy for a request for a loan guarantee by early August of 2009 or else USEC will begin to demobilize its project.

I would like to now turn this over to my good colleague from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentlelady.

Mr. Chairman, as my colleague said, this loan application is critical for thousands of jobs in Ohio and throughout the country.

I would hope that the Secretary of Energy and other departmental leadership will provide the loan guarantee office staff with the necessary guidance and leadership to address this issue in the immediate future so that a conditional commitment can be issued on reasonable terms.

Mrs. SCHMIDT. I would like to now yield to Mr. WAMP from Tennessee.

Mr. WAMP. I thank the gentlelady. I'm proud that the United States Enrichment Corporation has been developing the highly advanced uranium enrichment technology for the American Centrifuge Plant in my district, the Oak Ridge National Laboratory facility.

USEC's enrichment technology is very well established, the risks have been mitigated, and the technology is fundamentally sound. We should not allow a seemingly risk-averse loan staff at the Department to continually delay a decision on the loan application which will have the effect of terminating this incredible state-of-the-art facility.

Would the chairman work with us to ensure that the program is run efficiently and effectively?

Mr. PASTOR of Arizona. First of all, I thank the gentleman for yielding time and congratulate him on his amendments.

To you and Mrs. SCHMIDT, I appreciate the comments made by all my colleagues. I will be happy to work with everyone to ensure the program is run efficiently and effectively. The management and effectiveness of this program is a priority of the subcommittee. We must ensure that it is fair to all applicants. And, yes, I will work with my colleagues.

Mrs. SCHMIDT. I just want to add that USEC also plays a critical role in our national defense and energy security. USEC's ACP project uses U.S.-owned and developed technology. Under U.S. law and international agreements, only uranium fuel that is of U.S. origin and produced using U.S. technology can be used to meet our defense needs. Our Nation's national security alone is enough of a reason for the Department of Energy to issue USEC a loan guarantee at reasonable terms and conditions.

I just want to appreciate everyone's comments here. We are also talking about 8,000 good-paying jobs in Ohio, Tennessee, and other States. If we are serious about stimulating the economy, this is a great place, because these projects are truly ''shovel ready.''

The Department of Energy must finish its review and issue a conditional commitment with reasonable terms and conditions by the end of this month. If it doesn't, we can expect to see layoffs beginning in early August.

The CHAIR. The time of the gentlewoman has expired.

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

Mrs. SCHMIDT. I just wish to say that I would hope that we can get this resolved quickly, and ask if the gentleman from New Jersey has anything to add?

Mr. FRELINGHUYSEN. Yes. Mrs. SCHMIDT, I agree that 11 months is more than enough for the Department of Energy to act upon the loan guarantee submission for the front-end of the nuclear fuel cycle. It is a personal priority of mine to ensure that this program is run efficiently and in the best interest of U.S. taxpayers. While it needs to move quickly, the loan

guarantee application process should be open and fair to all applicants.

Mrs. SCHMIDT. I thank the gentleman for his comments.

Mr. PASTOR of Arizona. I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman and appreciate your yielding me the time and commend your leadership on the bill. I'm proud of the subcommittee's decision to double the International Renewable Energy Program from $5 million to $10 million this year.

Last year, the committee provided $2 million to promote cooperation between the United States and the Government of Israel for renewable and alternative energy programs. The Government of Israel matched that funding, which is now being directed towards cooperation in the fields of advanced battery technology, solar, wind, biomass, geothermal and energy efficiency.

Moving forward, I urge the House to support continued cooperation between the United States and Israel in the field of alternative energy.

And with that, I yield to my distinguished colleague from New York, Chairwoman NITA LOWEY.

Mrs. LOWEY. I strongly believe that we must continue to show support to the United States-Israel Energy Cooperation. Last year, President Obama told the American people, ''It is time for the U.S. to take real steps to end our addiction to oil, and we can join Israel building on last year's U.S.-Israel Energy Cooperation Act to deepen our partnership in developing alternative sources of energy.'' I agree with President Obama and believe we must work with our global partners and allies to diversify our energy portfolio.

Will the distinguished Mr. PASTOR work with us to ensure that U.S.-Israel Energy Cooperation receives substantial funding and support as you proceed to conference with the Senate?

Mr. PASTOR of Arizona. First of all, thank you for the compliment, and I will tell you that I have ELIOT ENGEL and BRAD SHERMAN, as well as you, Madam Chairman and Mr. ISRAEL, who have brought this matter to my attention, and I want to thank you for raising it on the floor.

I, too, am a supporter of the U.S.-Israel Energy Cooperation. This bill, as you have told us, doubles the account which funds such programs, and I look forward to working to ensure that the U.S.-Israel Energy Cooperation continues to receive strong support in order to accelerate the development of alternative energy programs.

Mr. ISRAEL. I thank the gentleman and the gentlewoman.

Mr. FRELINGHUYSEN. Mr. Chairman, I'm pleased to yield 2 minutes to my colleague from New Jersey, Congressman CHRIS SMITH.

Mr. SMITH of New Jersey. Mr. Chairman, I rise today in strong support of H.R. 3183. The bill includes funding to allow the U.S. Army Corps of Engineers to take a greater role in ongoing efforts to fix significant recurring environmental hazards posed by Wreck Pond, located in my district.

On an average summer day, Wreck Pond is a picture-perfect postcard. However, just below the surface lie dangerous concentrations of high levels of fecal coliforms as well as other nasty contaminants. When it rains, this poison goes onto the beaches, and it has caused, on average, about 80 percent of all beach closings in New Jersey in the past few years.

When Wreck Pond floods, this poison pours into the basements and first floors of nearby homes, which I have seen myself on several occasions. Immediate action is necessary to improve the water quality conditions and mitigate the serious health and environmental hazards caused by its pollution to local residents.

The Corps' work at Wreck Pond will be greatly enhanced and proceed to construction earlier than normally anticipated because of extensive analysis already completed by other agencies at the Federal, State and local level, including work of a $400,000 EPA study, surveillance work by the New Jersey Department of Environmental Protection, as well as the State's installation of provisional storm water outflow pipes and the upstream watershed management programs.

These actions have been effective. However, they are not the best long-term solution, and a permanent fix can be achieved only after the Corps begins its work.

I want to especially thank my good friend and colleague, Mr. FRELINGHUYSEN, for his work, and Chairman OBERSTAR, of the Transportation and Infrastructure Committee, who actually made a trip to Wreck Pond in 2007 to view this himself. I thank them both. RODNEY, thank you for your great work on this.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. SMITH) for the purpose of a colloquy.

Mr. SMITH of Washington. Mr. Chairman, I rise in support of the fiscal year 2010 Energy and Water Appropriations bill, and I am appreciative of the work done by the chairman and ranking member on this bill.

I would like to briefly engage the gentleman from Arizona (Mr. PASTOR) in a colloquy regarding an issue related to the Seattle District of the Army Corps of Engineers and the Howard Hanson Dam.

The Green and Puyallup Rivers located in part in the Ninth District of Washington were flooded by record levels of water in January 2009, causing cities along these rivers to sustain major damage. Levees along those rivers are now in need of repair and rehabilitation, and when added to the other levees that were already priorities for the Seattle district, the need for resources and action is imperative.

Following the record high level of water behind the Howard Hanson Dam on the Green River, significant structural weaknesses were discovered. Because of this damage, water levels at the Howard Hanson Dam are being held at lower-than-normal levels, drastically increasing the possibility of flooding along the banks below.

This is extremely troubling as we are rapidly approaching the upcoming rain and flood season. If the dam were to fail, or if a strong storm brings a heavy level of rain, then the levees below are at serious risk of being breached, causing significant property damage and driving large numbers of people from their homes and businesses.

I respectfully ask to work with the gentleman to ensure that the Seattle district of the Army Corps of Engineers is responsive to the flood prevention needs of those along the lower Green and Puyallup Rivers and will make the repairs of their levees a top priority.

I also ask to work with the subcommittee to make the resources needed to fix the Howard Hanson Dam available in a timely manner as they are identified.

And with that I yield to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I would like to thank the gentleman from Washington for drawing the subcommittee's attention to this very serious issue. He has been a dedicated advocate for the people of the Ninth District of Washington and the surrounding areas. We will work with the gentleman to ensure that the Seattle district of the Corps is responsive to the needs of the cities and people along the lower Green and Puyallup Rivers and that adequate resources are available to repair the Howard Hanson Dam. So we look forward to working with you.

Mr. SMITH of Washington. Thank you. I appreciate that support.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

I rise today in support of the fiscal year 2010 Energy and Water Appropriations bill. I want to commend Chairman PASTOR and Ranking Member FRELINGHUYSEN and their subcommittee for putting together a balanced bill that clearly recognizes the importance of scientific research and energy security to our Nation's competitiveness.

□ 1330

There are several provisions of this bill I'm proud to support. Chief among those is the increase for the Department of Energy's Office of Science. I, along with 70 of my colleagues, asked appropriators for an increase consistent with the President's request to double the investment in the basic sciences within the next decade. The committee provided for $170 million more than the fiscal year 2009. This funding is critical to our basic research infrastructure and national laboratory

work, like that of Argonne in my district.

The innovations and solutions that will enable us to overcome many of our greatest challenges from our economic crisis, environmental concerns, dependence on foreign energy, and escalating health care costs all start with basic research investments.

Economic experts have concluded that science-driven technology has accounted for more than 50 percent of the growth of the U.S. economy during the last half century.

In recent years, Congress has come to recognize that science will be the foundation to address those needs and keep America globally competitive. As evidenced by the American COMPETES Act in 2007, both Democrats and Republicans support efforts to increase basic research in the physical sciences to meet the needs of our growing population. I will insert a copy of our letter in the RECORD.

I support the underlying bill and appreciate the committee's efforts to carefully balance the needs of our energy future and scientific investments. However, I am particularly disappointed that the committee followed the President's budget request to slash Yucca Mountain funding and the failure to increase important loan guarantees to support a revitalized nuclear energy sector.

Illinois receives almost half of its electricity generation from nuclear power, followed by coal. If we are to work towards a low carbon economy, we cannot pick energy winners and losers to meet the growing energy needs of our population.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 3, 2009

Hon. PETER VISCLOSKY
Chairman, Energy and Water Development, Appropriations Subcommittee, House Appropriations Committee, Washington, DC.

Hon. RODNEY FRELINGHUYSEN,
Ranking Member, Energy and Water Development, Appropriations Subcommittee, House Appropriations Committee, Washington, DC.

DEAR CHAIRMAN VISCLOSKY AND RANKING MEMBER FRELINGHUYSEN: As you begin your work on the Fiscal Year 2010 Energy and Water Appropriations bill, we write to express our strong support for the Department of Energy's (DOE) Office of Science. In particular, we urge you to increase Fiscal Year 2010 funding for its research and facilities by 8 percent over Fiscal Year 2009 to $5.2 billion, which is consistent with President Obama's plan to double the Federal investment in the basic sciences within the next decade.

In recent years, Congress has come to recognize that science will be the foundation for the innovation and solutions that will enable us to overcome many of our greatest challenges—from our economic crises and environmental concerns to our dependence on foreign energy and escalating health care costs—and to remain globally competitive as a nation. As evidenced by the overwhelming bipartisan vote for enactment of the America COMPETES Act in 2007 (P.L. 110–69), both Democrats and Republicans support efforts to double federal funding for basic research in the physical sciences within the next decade. Congress built on this commitment by funding the programs and activities authorized by the America COMPETES Act in the American Recovery and Reinvestment Act and in the Fiscal Year 2009 Omnibus Appropriations bill.

Congress must build on and provide the resources to sustain this investment in Fiscal Year 2010. Report after report—from the National Academy of Sciences and the President's Council of Advisors on Science and Technology to the Task Force on the Future of American Innovation and the Council on Competitiveness—has called on Congress and the President to invest in U.S. research capabilities. The benefits of such an investment to the U.S. economy and U.S. competitiveness are well known. Economic experts have concluded that science-driven technology has accounted for more than 50 percent of the growth of the U.S. economy during the last half-century.

This kind of technology-based economic growth cannot be sustained without additional investment in the kind of basic research supported by the DOE Office of Science. We face a world in which our economic competitors in Asia and Europe are making significant new investments in their own research capabilities. These investments are beginning to pay off, as Asian and European countries challenge U.S. leadership in the sciences no matter how it is measured—by number of patents won, articles submitted to scientific journals, degrees awarded, Nobel prizes won, or the percentage of Gross Domestic Product (GDP) dedicated to research and development.

Even as we face greater international competition, these are exciting times for science in the United States. There are many great opportunities for scientific discovery, and with adequate funding, the DOE Office of Science will ensure the U.S. retains its dominance in such key scientific fields as nanotechnology, materials science, biotechnology, and supercomputing well into the next century. Through critical new investments in biofuels research and basic energy science, the DOE Office of Science will continue to play a vital role in developing the knowledge and the technologies essential to ensuring the nation's future energy security. Finally, increased funding for the DOE Office of Science will give the economy a boost in the near-term by creating good-paying, American jobs in construction, manufacturing, and research. And in the long-term, such an investment in the nation's scientific and research enterprise—both human and physical capital—will increase our capacity to innovate, reduce our dependence on foreign sources of energy, enhance our competitive edge in the global economy, and thus create the jobs of the future.

U.S. scientists are as bright as any in the world, but they traditionally have had better tools than everyone else. The DOE Office of Science has led the way in creating a unique system of large-scale, specialized user facilities for scientific discovery. This collection of cutting-edge—often one-of-a-kind—tools makes the DOE Office of Science an exceptional and critical component of the federal science portfolio. Other federal science agencies, such as the National Institutes of Health (NIH) and the National Science Foundation (NSF), greatly depend upon these DOE Office of Science facilities in carrying out their own research activities. In Fiscal Year 2009 alone, over 21,500 researchers have access to these special DOE facilities. Nearly half of those users will be university faculty and students—many whose research is being supported by other federal agencies—and a significant number will be from U.S. industry.

For these many reasons, we urge you to increase funding for the DOE Office of Science in Fiscal Year 2010 by 8 percent over Fiscal Year 2009, consistent with President Obama's plan to double the Federal investment in the basic sciences within the next decade. Furthermore, we urge you to focus this funding on mission-related activities and facilities, and to avoid using core DOE research program budgets to fund extraneous projects. With this funding, the DOE Office of Science will attract the best minds, educate the next generation of scientists and engineers, support the construction and operation of modern facilities, and conduct even more of the quality scientific research that will create jobs and ensure the U.S. retains its competitive edge for many years to come.

Thanks for your consideration. We are cognizant of the difficult budget situation under which your subcommittee is working, and we urge you to contact us if we may be of assistance in any way.

Sincerely,

Judy Biggert, Rush Holt, Howard Berman, John Dingell, Barney Frank, Zoe Lofgren, Ron Kind, David Wu, Michael Capuano, Tammy Baldwin, Bill Pascrell, Joe Sestak, Jerry McNerney, Sheila Jackson-Lee, John Shimkus, Mike Rogers (MI), Adam Schiff, Ron Klein.

Jay Inslee, Daniel Lipinski, James Oberstar, Michael Michaud, Gary Peters, Bill Foster, Anna Eshoo, Zach Wamp, David Loebsack, Eddie Bernice Johnson, Brad Miller, Carolyn Maloney, Doris Matsui, Mary Jo Kilroy, Solomon Ortiz, Lynn Woolsey, Maurice Hinchey, Ellen Tauscher.

Neil Abercrombie, Rosa DeLauro, Bob Etheridge, Stephanie Herseth Sandlin, Henry Waxman, Paul Hodes, Jerrold Nadler, Vernon Ehlers, Earl Blumenauer, Dennis Moore, Chris Van Hollen, Lois Capps, Jan Schakowsky, John Duncan (TN), Tim Bishop, Adam Smith, Jim McGovern, Steve Kagen.

Peter Roskam, Christopher Carney, Carol Shea-Porter, Susan Davis, Raúl Grijalva, Russ Carnahan, Eliot Engel, Bob Inglis, Donna Edwards, Stephen Lynch, Allyson Schwartz, Marcia Fudge, Eleanor Holmes Norton, Jim Costa, Doc Hastings, Roscoe Bartlett.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE) for the purpose of a colloquy.

Mr. ALTMIRE. Mr. Chairman, I rise to commend Mr. PASTOR for his excellent work on this legislation and to thank him for his continued support of the Nuclear Power 2010 program, which is now in its final year.

This program is a success story. It has reestablished the U.S. leadership in standardized, state-of-the-art nuclear power plants and created a licensing process that allows electric utilities the business certainty to make capital investments while also preserving public participation.

I yield to the gentleman from Arizona.

Mr. PASTOR of Arizona. I thank the gentleman for yielding.

I agree, and the committee was pleased to recommend that the Nuclear Power 2010 program receives $71 million in this legislation, an increase of $51 million above the President's request.

Mr. ALTMIRE. I thank Mr. PASTOR. And as he may know, the Nuclear Power 2010 program is of particular importance to my district, home to the Westinghouse Electric Company headquarters and the thousands of my constituents who work for Westinghouse.

Westinghouse helped establish the civilian nuclear energy industry, building the first emission-free electricity generating plant in 1957. Today, more than 40 percent of the world's operating plants are Westinghouse designs, and 62 of the 104 plants in the U.S. are Westinghouse designs.

NP2010 has helped Westinghouse meet today's regulatory requirements for standardizing, siting and licensing the latest nuclear power plant designs.

Mr. PASTOR of Arizona. I want to thank the gentleman for pointing out the vital role this program plays in his district. I am glad that NP2010 funding is included in the bill for all participants who are moving forward with licensing and building to bring the next generation of nuclear plants to the market.

Mr. ALTMIRE. I appreciate Mr. PASTOR for his support of this project and am proud of my constituents who helped bring the AP1000 reactor design to market and make the NP2010 program the success that it is.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 1½ minutes to Mr. CALVERT of California, a member of our committee.

Mr. CALVERT. Mr. Chairman, I rise today to bring your attention to the ongoing water crisis in my home State which has exacerbated the economic downturn throughout California.

Statewide, the unemployment rate has risen to more than 11 percent. In the Central Valley, regional unemployment has reached 20 percent with some communities' unemployment now up to over 40 percent. California's water crisis is the result of severe drought conditions on top of the federally imposed pumping restrictions that have been placed on our State's critical water infrastructure.

The appropriations bill before us provides some funding for a number of California's mid- and long-term water resource management projects. Unfortunately, many of the projects that are receiving funding are years away from completion and will not provide any assistance to Californians suffering today.

Even the most promising short-term projects in the Delta, like the Two Gates project, will only provide relief if regulatory permitting and anticipated court challenges are resolved in quick fashion. Many of the most affected communities have made it clear that they aren't looking for a handout. They want their water and they want their jobs back.

During the markup of this bill in the committee, I offered an amendment to do just that by ending the federally imposed pumping restrictions. Sadly, most of my colleagues on the other side of the aisle rejected the amendment and voted to protect a 3-inch fish instead of protecting jobs and the people of my State of California. I'm disappointed the Rules Committee denied a similar amendment offered by my colleague, Mr. NUNES.

Mr. Chairman, the federally imposed pumping restrictions are harming California families up and down the State. If this Congress and this administration fail to take the bold steps necessary to address the crisis in the next 6–12 months, the people of California will know exactly who's responsible for the job losses.

Mr. PASTOR of Arizona. Mr. Chairman, I would yield 2 minutes to the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I would first like to commend my good friend from Arizona (Mr. PASTOR) for the strong commitment this bill shows toward shoring up both science and the national security of this country. The strong support for the Office of Science will be well received in my home State of New Mexico.

I'm seeking the commitment of the gentleman from Arizona to work with me on refurbishing LANSCE, the Los Alamos Neutron Science Center. This facility plays a crucial role in providing one-of-a-kind experimental capabilities to further the lab's science mission. In addition, it's a key draw for new scientific talent in Los Alamos National Laboratory and high-tech research into northern New Mexico. The capabilities resident within the LANSCE facility cannot be duplicated in a cost-effective manner anywhere else in the country. The investment in the capabilities the refurbishment will sustain will pay for itself many times over.

I yield to Mr. PASTOR.

Mr. PASTOR of Arizona. First of all, I want to thank you for raising this important issue, and you have my personal commitment to work with you as we go forward to find a solution that best serves the national security.

We're well aware of the capabilities and the value of Los Alamos National Laboratories.

Mr. LUJÁN. Mr. Chairman, again, I would like to commend my friend, the gentleman from Arizona for this legislation, and I thank him for his willingness to work with me on this important issue.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time and ask how much time is available on both sides.

The CHAIR. The gentleman from New Jersey has 8 minutes remaining. The gentleman from Arizona has 9½ minutes remaining.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado, my good friend, Mr. POLIS.

Mr. POLIS. Mr. Chairman, I, along with my colleague Mr. CARNAHAN, rise to enter into a colloquy.

Mr. PASTOR, several weeks ago the House Sustainable Energy and Environment Coalition met with the Secretary of Energy, Steven Chu. He shared his vision of eight energy innovation hubs that would deliver transformational energy technologies. This bill only funds one of those important hubs.

When these hubs were first discussed with the committee, DOE's action plan was not fully developed. Since that time, they have made necessary revisions to develop the concept. While we support funding only proposals that are fully developed, we hope that you will work with the members of the Sustainable Energy and Environment Coalition and the Department of Energy to continue working to fund this initiative as this process continues.

Mr. Chairman, I would like to yield to my colleague and fellow SEEC member, Mr. CARNAHAN of Missouri.

Mr. CARNAHAN. As co-chair of the Congressional High Performance Building Caucus, I know firsthand that improvements to our built environment are some of the lowest hanging fruit in terms of energy efficiency gains.

In the long term, we would work with you, Mr. Chairman, to see that all eight energy innovation hubs are fully funded. In the short term, as we enter into conference with the Senate, we would like to work with you to ensure that the Fuels from Sunlight Hub and the Energy Efficient Building Systems Hub are fully funded.

I submit for the RECORD letters from Members and organizations who also support funding of the energy efficient building systems.

I thank you, Mr. PASTOR, for your willingness to address this issue, and I look forward to working with you.

CONGRESS OF THE UNITED STATES,
HIGH-PERFORMANCE BUILDINGS CAUCUS,
Washington, DC, July 15, 2009.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations, Washington, DC.

Hon. ED PASTOR,
Acting Chairman, Subcommittee on Energy and Water Development, Washington, DC.

Hon. JERRY LEWIS,
Ranking Member, Committee on Appropriations, Washington, DC.

Hon. RODNEY FRELINGHUYSEN,
Ranking Member, Subcommittee on Energy and Water Development, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: As members of the High-Performance Buildings Caucus, we commend your work on the Energy and Water Appropriations Act of 2010. This Act makes investments in all areas of energy and makes critical investments in our nation's infrastructure. Of those investments, we hope you will give priority consideration to the Energy Efficient Buildings Systems Hub.

As a Caucus, we have consistently advocated for investments in a particular element of our nation's infrastructure—our built environment. Each year our nation's homes, offices, schools, and other buildings consume 70 percent of the electricity in the U.S., emit 39 percent of the nation's carbon dioxide emissions, and our citizens spend approximately 90 percent of their time indoors. Investing in the research and development of high-performance building technologies can have a direct impact on decreasing our nation's carbon footprint, reducing costs and improving building energy efficiency.

In light of these facts, the Department of Energy fiscal year 2010 budget introduced a request for eight Energy Innovation Hubs, each focused on a specific national energy related topic. These Energy Innovation Hubs

would function in a new structure modeled after the research laboratories involved in the Manhattan Project Labs, Lincoln Labs at MIT that developed radar and AT&T Bell Laboratories that developed the transistor.

According to the Department of Energy, the proposed Energy Efficient Building Systems Hub would:

Develop systems-based approaches to designing commercial and residential buildings that integrate windows and lighting, natural ventilation and HVAC, thermal inertia, onsite energy generation and other factors. Develop building design software with imbedded energy analysis to assist architects and engineers in adopting new technologies for conserving energy. Develop automated operating platforms for real-time optimization of the building control systems, analogous to computer optimization of automobile engine performance.

We understand that during difficult economic and budgetary times, we must be especially careful with federal research investments. It is because of our strong belief in the benefits of energy efficiency gains that we believe that this Energy Innovation Hub will offer the best return for our investment.

While we understand the concerns of the Appropriations Committee regarding possible redundancies within existing initiatives, we hope to work with the Committee and the Department of Energy to address these specific concerns before moving forward. It is our hope that as this legislation moves forward, we will be able to work with you to address this important issue.

Sincerely,

RUSS CARNAHAN,
Co-Chair.
JUDY BIGGERT,
Co-Chair.

CONGRESS OF THE UNITED STATES,
SUSTAINABLE ENERGY AND ENVIRONMENT COALITION,
Washington, DC, July 15, 2009.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations, Washington, DC.
Hon. ED PASTOR,
Acting Chairman, Subcommittee on Energy and Water Development, Washington, DC.

DEAR CHAIRMAN OBEY AND ACTING CHAIRMAN PASTOR: As members of the Sustainable Energy and Environment Coalition (SEEC), we thank and commend you for your continuing leadership in making the investments in clean energy and energy efficiency technologies that are essential for a transition to a cleaner, more prosperous and independent American energy future.

As a Coalition we believe firmly in the advancement of the technologies that will provide cleaner, more economically and environmentally sustainable energy to every segment of our economy. Further, as members of SEEC we have fought continuously for investments in research and development of renewable energy and energy efficiency technologies that will spawn a new American clean energy economy that will create jobs, reduce our dependence on foreign oil, and arrest the progression of global climate change.

In a meeting on June 16, 2009, Secretary of Energy Steven Chu expressed to our members his desire for a new American energy future. As a part of his visionary plan to bring this future to reality, the Secretary called for the creation of eight ''Energy Innovation Hubs'' for the advanced research and development of the energy technologies that will allow America to lead the world in a twenty-first century energy economy.

Under the Energy and Water Appropriations, Fiscal Year 2010 legislation, funding has been allocated for the Department of Energy to establish one Energy Innovation Hub. According to the Department of Energy, this Hub would be chartered for the research and development of ''Fuels from Sunlight'' technologies. While we stand with the Secretary of Energy in supporting the research and development of game-changing, twenty-first century fuel technologies, we would like to express support for the establishment of a second Energy Innovation Hub—using existing funding appropriated to the Office of Energy Efficiency and Renewable Energy—for the research and development of ''Energy Efficient Building Systems''.

The creation of an Energy Innovation Hub to research and develop advancements in increasing the energy efficiency of buildings is a high priority for the Secretary and the Department of Energy. As a nation, our built environment accounts for 40 percent of our carbon dioxide emissions, and consumes 70 percent of the electricity from our electric grid. A lack of energy efficiency contributes to higher energy prices and greater greenhouse gas emissions for homes and for businesses in every state. Greater and more widespread energy efficiency in buildings would result in lower energy prices, less greenhouse gas emissions, and less wasted use of our energy resources. Therefore, we would like to work with the Committee on Appropriations, the Subcommittee on Energy and Water Development, and the Department of Energy to realize the creation of an Energy Innovation Hub to research and develop Energy Efficient Building Systems.

Sincerely,

RUSS CARNAHAN,
JAY INSLEE,
PAUL TONKO,
MARTIN HEINRICH,
DONNA CHRISTENSEN,
BRUCE BRALEY,
JARED POLIS,
PAUL HODES,
TAMMY BALDWIN,
BETSY MARKEY,
PETER WELCH.
The Members of the Sustainable Energy and Environment Coalition.

HIGH-PERFORMANCE BUILDING CONGRESSIONAL CAUCUS COALITION,
Washington, DC, July 15, 2009.

Chairman DAVID OBEY,
Committee on Appropriations, Washington, DC.
Ranking Member JERRY LEWIS,
Committee on Appropriations, Washington, DC.

Re DOE Energy Efficient Building Systems Hub.

DEAR CHAIRMAN OBEY AND RANKING MEMBER LEWIS: As you consider appropriations for the Department of Energy that will impact the energy use associated with buildings, the members of the High-Performance Building Congressional Caucus Coalition (HPBCCC) indicated below, strongly encourage providing funding for the implementation of an innovation hub for energy efficient building systems.

High-performance buildings, which address human, environmental, economic and total societal impact, are the result of the application of the highest level design, construction, operation and maintenance principles—a paradigm change for the built environment. The U.S. should continue to improve the features of new buildings, and adapt and maintain existing buildings, to changing balances in our needs and responsibilities for health, safety, energy efficiency and usability by all segments of society.

Within the private sector, we have made considerable gains toward the design and construction of energy efficient buildings and equipment. In further pursuit of the nation's energy goals and to fully realize the results of private sector innovation, we look forward to working with you and the Department of Energy to establish public-private partnership programs (including the Energy Efficient Building Systems Hub) to effectively develop and implement energy savings technologies and practices.

The High-Performance Building Congressional Caucus Coalition (HPBCCC) is a private sector coalition of leading organizations from the building community formed to provide guidance and support to the High-Performance Building Caucus of the U.S. Congress. The High-Performance Building Caucus of the U.S. Congress was formed to heighten awareness and inform policymakers about the major impact buildings have on our health, safety and welfare and the opportunities to design, construct and operate high-performance buildings that reflect our concern for these impacts. Fundamental to these concerns include protecting life and property, developing novel building technologies, facilitating and enhancing U.S. economic competitiveness, increasing energy efficiency in the built-environment, assuring buildings have minimal climate change impacts and are able to respond to changes in the environment, and supporting the development of private sector standards, codes and guidelines that address these concerns.

Sincerely,

American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE); Glass Association of North America (GANA); AEC Science & Technology; National Electrical Manufacturers Association (NEMA); National Institute of Building Sciences (NIBS); The Carpet and Rug Institute; American Society of Civil Engineers (ASCE); International Association of Plumbing and Mechanical Officials (IAPMO); Plumbing-Heating-Cooling Contractors-National Association (PHCC); U.S. Green Building Council (USGBC); and International Council of Shopping Centers (ICSC).

National Fenestration Rating Council (NFRC); Green Building Initiative (GBI); American Institute of Architects (AIA); Environmental and Energy Study Institute (EESI); Portland Cement Association (PCA); International Code Council (ICC); Architecture 2030; Center for Environmental Innovation in Roofing; Mechanical Contractors Association of America (MCAA); Green Builder Media; International Association of Lighting Designers (IALD); and Air Conditioning Contractors of America (ACCT).

Mr. CARNAHAN. I yield to the gentleman from Arizona.

Mr. PASTOR of Arizona. First of all, you are both correct in that when the Secretary appeared before the subcommittee, this is and was presented as a work in progress. And knowing that we are going to proceed forward with the administration and with the Secretary, we thought that it was in the best interest to fund one hub. And as the Secretary and the administration goes forward in developing these hubs, we look forward to working with you, Mr. POLIS.

The CHAIR. The time of the gentleman has expired.

Mr. PASTOR of Arizona. I yield another minute to Mr. POLIS.

Mr. POLIS. I yield to Mr. PASTOR.

Mr. PASTOR of Arizona. So we look forward to working with you and Mr. CARNAHAN because it's an idea that obviously will expand, will grow, and we

want to make sure that the committee, the subcommittee has the opportunity to work with the Secretary to see its development. So we look forward to working with you.

Mr. POLIS. I would like to thank the gentleman from Arizona.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman and wanted to rise today for a colloquy. And what this has to do with is some poor language that's in the bill, some on the House side and some on the Senate side. But the gentleman from Florida (Mr. BOYD) had put language in the bill that directs the Corps to report back to Congress an outline of the study based on the findings of the National Research Council workshop on water issues in Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa River basins, and we in the Georgia and Alabama and Florida delegations are in support of that language.

However, there was also some language that was put in by Mr. SHELBY on the Senate side that directs the Corps to report the critical yield of Federal reservoirs on the ACF–ACT, and the majority of Members from the Georgia delegation are opposed to that, and it's a bipartisan opposition. It's something that we are very concerned about. We feel strongly that the Corps of Engineers' water manuals need to be updated and that what the Senator from Alabama has put on the bill on the Senate side will hurt that.

So what I would like to do, if possible, is ask the ranking member and the chairman to keep an eye on this issue and hopefully, as this thing develops, oppose the language that's been put in the bill on the Senate side and support the language that Mr. BOYD put in on the House side. Those two bits of language are not in opposition of each other. You can support one without the other.

But the one that we have the most heartburn about in terms of the bipartisan Georgia delegation is the Shelby language on the Senate side.

I would like to yield to anybody who would like to speak.

Mr. FRELINGHUYSEN. Let me say I would be happy to work, like Mr. PASTOR would, to see what we could do to be helpful to all involved.

Mr. KINGSTON, as you know, we have yet to go to conference, but this is an interest that you and other Members have in terms of its effects on your particular States. You have my commitment, as well as the ranking member as you heard, to work with you and work it out.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 4 minutes to the gentleman from New York, a member of the Energy and Water Appropriations Subcommittee, Mr. ISRAEL.

Mr. ISRAEL. I thank the distinguished gentleman from Arizona. I appreciate his leadership on so many issues. In particular, I want to thank him for including my bipartisan amendment with our colleagues, Mr. LARSON from Connecticut, Mr. MASSA, Mr. DENT, Mr. DOYLE, and Mr. INGLIS to restore $45 million to the hydrogen and fuel cell program at DOE. This bill brings the total to $153 million, which I believe can be used to establish a public-private partnership with industry partners who have already displayed a significant investment in the United States.

Currently, Mr. Chairman, the United States is in a neck-and-neck competition with the global market on hydrogen fuel cells. We've got to support these technologies for commercialization within 5 years as a matter of national security, energy independence, and to remain competitive in the energy sector. This investment keeps us ahead.

And I want to again thank the gentleman from Arizona for his leadership and his cooperation, and my colleagues for their bipartisanship in drafting this legislation which the gentleman has accepted.

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Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I want to associate myself with the remarks of STEVE ISRAEL, as the aforementioned also members of the Hydrogen Caucus who have been so critical to promoting this legislation. But I especially want to thank Chairman PASTOR and especially his staff, Taunja Berquam, and also Joe Levin, who played an instrumental role in making sure that we got this important funding included in the bill.

Now, in Connecticut we pride ourselves as being the fuel-cell center. We have more than eight companies, three in my home district. But as STEVE ISRAEL pointed out—and I know Mr. PASTOR knows this—the importance of being energy independent cuts to the core of what we need to do.

This is a technology that has been around for some time. We use it very successfully in NASA. We're able to power our space vehicles. We're able to use the water and be able to heat and cool and power our spacecraft. With that, can we get people back and forth to work and heat and cool our buildings? I think so.

The whole goal here is to make sure that we're able to embrace the most abundant element in the universe, which is hydrogen. If we expect to wean ourselves off of foreign dependency then we have to go with cutting edge technology.

Another young President in 1960 said we could put a man on the moon in 10 years. We did it in nine. Part of the technology in getting us there was hydrogen fuel cells.

It's long overdue for us to make the kind of investments in the public-private partnerships that Mr. ISRAEL alluded to that are so essential to us moving this economy forward and making sure that we're no longer dependent upon OPEC countries, on Libya, on Venezuela or Russia for our source of fuel, but we make it here in America with American innovation and technology.

And with that, again, I thank Mr. PASTOR for your leadership and your outstanding staff for providing us this opportunity, what I know is a bipartisan effort to move this Nation forward.

Mr. FRELINGHUYSEN. We reserve our time, Mr. Chairman.

Mr. PASTOR of Arizona. We don't have any other speakers. So I reserve my time.

Mr. FRELINGHUYSEN. I yield back my time.

Mr. PASTOR of Arizona. Mr. Chairman, as you heard, this is a bipartisan bill. We've tried to balance the different priorities and needs of this country.

Again, I want to thank my ranking member for his cooperation, his support, and his insight in preparing this bill. It is a good bill, and we would not have been able to do it without the staff that was involved in bringing this bill to us.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the FY 10 Energy and Water Appropriations bill. Under the leadership of President Obama, the United States is committing itself to a new national clean energy policy for the 21st century, and this legislation advances that critical objective. Additionally, I am pleased with the important investments this bill makes in our nation's water infrastructure.

The Department of Energy will receive $26.9 billion to fund five primary mission areas: science, energy, the environment, nuclear non-proliferation and national security. Specifically, DoE's Office of Science will receive $4.9 billion—an amount exceeding the goals of the America COMPETES Act—for its basic and applied research in support of our nation's future energy needs. The Office of Energy Efficiency and Renewable Energy will receive $2.25 billion for research, grants and demonstration projects in areas ranging from solar power to industrial energy efficiency. This legislation also provides $5.4 billion for environmental clean-up related to contamination from nuclear weapons manufacturing, and $592 million is dedicated to safeguarding Russian nuclear materials and combating international nuclear trafficking.

To support our nation's water infrastructure, the Army Corps of Engineers receives $5.5 billion for operations, maintenance and construction of vital water projects across the country, and the Department of the Interior is provided $1.1 billion for the Bureau of Reclamation's important work on the nation's dams, canals, water conservation and rural water projects. Finally, I am heartened by the wide-ranging support for Chesapeake Bay restoration initiatives included in this legislation.

Mr. Chair, this bipartisan bill reflects the clean energy and water infrastructure priorities of the American people. I urge my colleagues' support.

Mr. PASTOR of Arizona. Mr. Chairman, I yield back my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and the bill shall be considered read through page 63, line 12.

The text of that portion of the bill is as follows:

H.R. 3183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary when authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $142,000,000, to remain available until expended: *Provided*, That, except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies and plans and specifications of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies and plans and specifications shall not constitute a commitment of the Government to construction), $2,122,679,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by the Water Resources Development Act of 1996 (Public Law 104–303); and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund: *Provided*, That $1,500,000 of the funds appropriated under this heading in title I of division C of the Omnibus Appropriations Act, 2009 (Pub. L. 111–8; 123 Stat. 601–609) is transferred to the Investigations account and, in addition to funds appropriated by this Act, applied toward the cost of carrying out the Seven Oaks Water Conservation Study, California: *Provided further*, That, except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $251,375,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That, except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, when authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,510,971,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 4601–6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104–303) shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That, except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $190,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $134,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the Engineer Research and Development Center, and the Corps Finance Center, $184,000,000, to remain available until expended, of which not more than $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation in this title shall be available to fund the above activities: *Provided further*, That any unobligated balances from prior appropriation Acts for ''Flood Control and Coastal Emergencies'' may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster: *Provided further*, That upon submission to the Congress of the fiscal year 2011 President's budget, the Chief of Engineers shall transmit to Congress the annual congressional budget justifications for fiscal year 2011: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after initial submission of the President's budget that the report has not been submitted to the Congress.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), $6,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. REPROGRAMMING RESTRICTION.—(a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) increases funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section 208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Act of 1996, or section 204 of the Water Resources Act of 1992.

(c) The Army Corps of Engineers shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 102. COMPETITIVE SOURCING.—None of the funds in this Act, or previous Acts making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations for the Army Corps of Engineers.

SEC. 103. CONTRACT MODIFICATION.—None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. INLAND WATERWAYS TRUST FUND.—None of the funds in this Act, or previous Acts making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in the Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662) is enacted.

SEC. 105. TWO HARBORS, MINNESOTA.—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), and modified by section 3101 of the Water Resources Development Act of 2007 (121 Stat. 1133), is further modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of execution of a partnership agreement for the project.

SEC. 106. NORTHERN WISCONSIN.—Section 154(h) of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–254) (as enacted into law by Public Law 106–554) is amended by striking ''$40,000,000'' and inserting ''$60,000,000''.

SEC. 107. MARTIN, KENTUCKY.—The Secretary is directed to use such funds as are necessary, from amounts made available in this Act under the heading ''Construction'', to expedite acquisition of those properties located in the vicinity of Martin, Kentucky, that were damaged by the floodwaters in the May 2009 flood event and that fall within Phases 3 and 4 of the mandatory and voluntary acquisition elements identified in Plan A of the Chief of Engineers, Town of Martin Nonstructural Project Detailed Project Report, Appendix T, Section 202 General Plan, dated March 2000.

SEC. 108. WHITE RIVER MINIMUM FLOW, ARKANSAS.—Section 132 of the Energy and Water Development Appropriations Act of 2006 (119 Stat 2261) is amended—

(1) in subsection (a)(3), by striking ''Corps of Engineers'' and inserting ''Southwestern Power Administration'';

(2) by adding at the end of subsection (a) the following new paragraph:

''(5) PAYMENT TO NON-FEDERAL LICENSEE.—Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 pursuant to paragraph (3) using receipts collected from the sale of Federal power and energy related services. Pursuant to paragraph (6), Southwestern Power Administration will begin collecting receipts in the Special Receipts and Disbursement account upon the date of enactment of this paragraph. Payment to the licensee of Federal Energy Regulatory Commission Project No. 2221 shall be paid as soon as adequate receipts are collected in the Special Receipts and Disbursement Account to fully compensate the licensee, and in accordance with paragraph (2), such payment shall be considered non-reimbursable.'';

(3) by adding at the end of subsection (a) the following new paragraph:

''(6) The Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 in annual payments of not less than $5,000,000, until the licensee of Federal Energy Regulatory Commission Project No. 2221 is fully compensated pursuant to paragraph (3). At the end of each fiscal year subsequent to implementation, any remaining balance to be paid to the licensee of Project No. 2221 shall accrue interest at the 30-year U.S. Treasury bond rate in effect at the time of implementation of the White River Minimum Flows project.'';

(4) by adding at the end of subsection (a) the following new paragraph:

''(7) ESTABLISHMENT OF SPECIAL RECEIPT AND DISBURSEMENT ACCOUNTS.—There is established in the Treasury of the United States a special receipt account and corresponding disbursement account to be made available to the Administrator of the Southwestern Power Administration to disburse pre-collected receipts from the sale of federal power and energy and related services. The accounts are authorized for the following uses:

''(A) Collect and disburse receipts for purchase power and wheeling expenses incurred by Southwestern Power Administration to purchase replacement power and energy as a result of implementation of the White River Minimum Flows project.

''(B) Collect and disburse receipts related to compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221.

''(C) Said special receipt and disbursement account shall remain available for not more than 12 months after the date of full compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221.''; and

(5) by adding at the end of subsection (a) the following new paragraph:

''(8) TIME OF IMPLEMENTATION.—For purposes of paragraphs (3) and (4), 'time of implementation' shall mean the authorization of the special receipt account and corresponding disbursement account described in paragraph (7).''.

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $40,300,000, to remain available until expended, of which $1,500,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,704,000, to remain available until expended. For fiscal year 2010, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $910,247,000, to remain available until expended, of which $53,240,000 shall be available for transfer to the Upper Colorado River Basin Fund and $17,936,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by section 106 of Public Law 91–378 (16 U.S.C. 1706; popularly known as the Youth Conservation Corps Act of 1970): *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total amount appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)) shall be derived from that Fund or account: *Provided further*, That funds contributed under the Act of March 4, 1921 (43 U.S.C. 395) are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under the Act of January 12, 1927 (43 U.S.C. 397a) shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis: *Provided further*, That $4,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106–554: *Provided further*, That, except as provided in section 201 of this Act, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $35,358,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $31,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $61,200,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in section 4(o) of the Act of December 5, 1924 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for the purchase of not more than seven passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. REPROGRAMMING RESTRICTION.—(a) None of the funds provided in title II for Water and Related Resources shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) transfers funds in excess of the following limits:

(A) 15 percent for any program, project, or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project, or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or

(7) transfers, when necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. SAN LUIS UNIT.—(a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

TITLE III—DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,250,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $500,000 shall be for research and development of novel hydrogen energy carriers that are liquid at standard temperature and pressure and store hydrogen in bound chemical states rather than as free molecules, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, $500,000 shall be for development of a demonstration plant for the production of biodiesel fuels from crops that, to the greatest extent possible, are cultivated on existing cropland during off-season rotations and minimize land use per unit of fuel energy produced, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, $3,000,000 shall be for development of a parking canopy facility with solar photovoltaic roof panels for electricity generation to measure the viability of using photovoltaic technologies in locations where environmental and space limitations render conventional power generation costly, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, $153,560,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Energy Efficiency and Renewable Energy Projects'' in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $208,008,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $7,600,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Electricity Delivery and Energy Reliability Projects'' in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 36 passenger motor vehicles, including one ambulance, all for replacement only, $812,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $500,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Nuclear Energy Projects'' in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $617,565,000, to remain available until expended: *Provided*, That funds appropriated for prior solicitations under the Clean Coal Technology Program, Power Plant Improvement Initiative, Clean Coal Power Initiative, and FutureGen, but not required by the Department to meet its obligations on projects selected under such solicitations, may be utilized for the Clean Coal Power Initiative, pursuant to title IV of Public Law 109–58, in accordance with the requirements of this Act rather than the Acts under which the funds were appropriated: *Provided further*, That no Clean Coal Power Initiative project may be selected for which full funding is not available to provide for the total project: *Provided further*, That if a Clean Coal Power Initiative project, selected after enactment of this Act for negotiation under this or any other Act in any fiscal year, is not awarded within 2 years from the date the application was selected, negotiations shall cease and the Federal funds committed to the application shall be retained

by the Department for future coal-related research, development, and demonstration projects, except that the time limit may be extended at the Secretary's discretion for matters outside the control of the applicant, or if the Secretary determines that extension of the time limit is in the public interest: *Provided further*, That the Secretary may not delegate this responsibility for applications greater than $10,000,000: *Provided further*, That financial assistance for costs in excess of those estimated as of the date of award of original Clean Coal Power Initiative financial assistance may not be provided in excess of the proportion of costs borne by the Government in the original agreement and shall be limited to 25 percent of the original financial assistance: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in Public Law 99–190 (42 U.S.C. 5903d): *Provided further*, That any technology selected under these programs shall be considered a Clean Coal Technology, and any project selected under these programs shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That funds available for the Clean Coal Power Initiative may be used to support any technology relating to carbon capture and storage or beneficial uses of carbon dioxide, without regard to the 70 and 30 percent funding allocations specified in section 402(b)(1)(A) and (2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(A) and (2)(A)): *Provided further*, That, of the amount appropriated in this paragraph, $750,000 shall be for development of technologies for integration into gasification systems for the low-cost production of synthesis gas, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, $500,000 shall be for development of fuel cell technologies for conversion of commercially available fuels and biofuels into electricity, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, $300,000 shall be for development of control technologies for increased performance in synthesis gas combustion applications, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, $8,000,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Fossil Energy Research and Development Projects'' in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $23,627,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $228,573,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $11,300,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $121,858,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $237,517,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities under title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $559,377,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 50 passenger motor vehicles for replacement only, including one law enforcement vehicle, two ambulances, and three buses, $4,943,587,000, to remain available until expended: *Provided*, That $15,000,000 appropriated under this heading under prior appropriation Acts for the Advanced Research Projects Agency—Energy is hereby transferred to the ''Advanced Research Projects Agency—Energy'' account: *Provided further*, That, of the amount appropriated in this paragraph, $37,740,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Science Projects'' in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982 (Public Law 97–425) (''NWPA''), including the acquisition of real property or facility construction or expansion, $98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $5,000,000 shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPA: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPA, $1,000,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of such Act: *Provided further*, That $9,000,000 shall be provided to affected units of local government, as defined in the NWPA, to conduct appropriate activities and participate in licensing activities: *Provided further*, That, of the $9,000,000 provided, 7.5 percent of the funds shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: *Provided further*, That this funding shall be provided to affected units of local government, as defined in the NWPA: *Provided further*, That $500,000 shall be provided to the Timbisha-Shoshone Tribe solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPA: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing, or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPA and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPA, including any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy or to withhold payment of any such funds: *Provided further*, That of the funds made available in this Act for Nuclear Waste Disposal, $5,000,000 shall be provided to create a Blue Ribbon Commission to consider all alternatives for nuclear waste disposal.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, $43,000,000 is appropriated, to remain available until expended: *Provided further*, That $43,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of

2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2010 appropriations from the general fund estimated at not more than $0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOANS PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loans Program, $20,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $289,684,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $119,740,000 in fiscal year 2010 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2010, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $169,944,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $51,927,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than one ambulance; $6,320,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $3,000,000 shall be used for the projects specified under the heading ''Congressionally Directed Weapons Activities Projects'' in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than one passenger motor vehicle for replacement only, $1,471,175,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $250,000 shall be used for the projects specified under the heading ''Congressionally Directed Defense Nuclear Nonproliferation Projects'' in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,003,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $420,754,000, to remain available until expended: *Provided*, That $10,000,000 previously appropriated for cleanup efforts at Argonne National Lab shall be transferred to ''Non-Defense Environmental Cleanup'': *Provided further*, That, of the amount appropriated in this paragraph, $13,000,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Office of the Administrator (NNSA) Projects'' in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than four ambulances and three passenger motor vehicles for replacement only, $5,381,842,000, to remain available until expended, of which $463,000,000 shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund''.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 12 passenger motor vehicles for replacement only, $1,518,002,000, to remain available until expended: *Provided*, That, of the funds provided herein, $504,238,000 is for project 99–D–143 Mixed Oxide Fuel Fabrication Facility, Savannah River Site, South Carolina; $70,000,000 is for project 99–D–141–02 Waste Solidification Building, Savannah River Site, South Carolina; $84,296,000 for MOX operations; and $7,000,000 for WSB operation: *Provided further*, That the Department of Energy shall adhere strictly to Department of Energy Order 413.3A for Project 99–D–143: *Provided further*, That, of the amount appropriated in this paragraph, $2,000,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Other Defense Activities Projects'' in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982 (Public Law 97–425), including the acquisition of real property or facility construction or expansion, $98,400,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to the Federal Columbia River Transmission System Act (Public Law 93–454), are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2010, no new direct loan obligations may be made from such Fund.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $7,638,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $70,806,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding the provisions of 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), all funds collected by the Southeastern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the

same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $44,944,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $31,868,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $13,076,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $38,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), all funds collected by the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $256,711,000, to remain available until expended, of which $245,216,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $147,530,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $109,181,000, of which $97,686,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, $7,584,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $349,807,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.) to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That of the amount herein appropriated, up to $18,612,000 is provided on a nonreimbursable basis for environmental remediation at the Basic Substation site in Henderson, Nevada: *Provided further*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (43 U.S.C. 485g): *Provided*, That notwithstanding the provisions of such Act and of 31 U.S.C. 3302, up to $2,348,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $220,000: *Provided further*, That notwithstanding the provisions of section 2 of the Act of June 18, 1954 (43 U.S.C. 485g) and 31 U.S.C. 3302, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $298,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $298,000,000 of revenues from fees and annual charges and other services and collections in fiscal year 2010 shall be retained and used for necessary expenses in this account and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. UNFUNDED REQUESTS FOR PROPOSALS.—None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 302. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING.—None of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees;

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

(3) to develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 303. UNEXPENDED BALANCES.—The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. BONNEVILLE POWER AUTHORITY SERVICE TERRITORY.—None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. USER FACILITIES.—(a) When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users.

(b) When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner.

(c) For purposes of this section, the term ''user facility'' includes—

(1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2));

(2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and

(3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. INTELLIGENCE ACTIVITIES.—Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 307. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operated laboratories funded in this Act, the Secretary may authorize a specific amount, not to exceed 6 percent of such funds, to be used by such laboratories for laboratory directed research and development: *Provided*, That the Secretary may also authorize a specific amount, not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development.

SEC. 308. LIMITED TRANSFER AUTHORITY TO ADDRESS PENSION REQUIREMENTS.—(a) If the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than one percent from each appropriation made available in this Act to any other appropriation available to the Secretary in the same Act for such reimbursements.

(b) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for Naval Petroleum and Oil Shale Reserves, Strategic Petroleum Reserve, Northeast Home Heating Oil Reserve, the Power Marketing Administrations, the Energy Information Administration, Uranium Enrichment Decontamination and Decommissioning Fund, Nuclear Waste Disposal, Defense Nuclear Waste Disposal, and Office of the Inspector General, shall not be subject to this requirement.

(c) This transfer authority is in addition to any other transfer authority provided in this or any other Act.

(d) The Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate in writing not less than 30 days in advance of each transfer authorized by this section.

SEC. 309. CONGRESSIONAL NOTIFICATION REQUIREMENT.—None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or other transaction agreement or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an allocation, award, or agreement or to issue such a letter, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the House of Representatives and the Senate at least 3 full business days in advance of making such an allocation, award, or agreement or issuing such a letter: *Provided*, That if the Secretary of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without such notification, and the Committees on Appropriations of the House of Representatives and the Senate shall be notified not later than 5 full business days after such an allocation, award, or agreement is made or letter issued.

SEC. 310. WAGE RATE REQUIREMENTS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

''(k) WAGE RATE REQUIREMENTS.—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by a loan guaranteed under this title shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.''.

SEC. 311. BONNEVILLE POWER ADMINISTRATION FUND.—(a) Subject to subsection (b), no funds appropriated or otherwise made available by this Act or any other Act may be used to record transactions relating to the increase in borrowing authority or bonds outstanding at any time under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.) referred to in section 401 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140) under a funding acount, subaccount, or fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol.

(b) Funds appropriated or otherwise made available by this Act or any other Act may be used to ensure, for purposes of meeting applicable reporting provisions of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115), that the Bonneville Power Administration uses a fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol solely to report accrued expenditures of projects attributed by the Administrator of the Bonneville Power Administration to the increased borrowing authority.

(c) This section is effective for fiscal year 2010 and subsequent fiscal years.

SEC. 312. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOANS PROGRAM.—(a) ULTRA EFFICIENT VEHICLES.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''an ultra efficient vehicle or'' after ''means''; and

(B) by adding at the end the following new paragraph:

''(5) ULTRA EFFICIENT VEHICLE.—The term 'ultra efficient vehicle' means a fully closed compartment vehicle designed to carry at least 2 adult passengers that achieves—

''(A) at least 75 miles per gallon while operating on gasoline or diesel fuel;

''(B) at least 75 miles per gallon equivalent while operating as a hybrid electric-gasoline or electric-diesel vehicle; or

''(C) at least 75 miles per gallon equivalent while operating as a fully electric vehicle.'';

(2) in subsection (b)—

(A) by inserting '', ultra efficient vehicle manufacturers,'' after ''automobile manufacturers'';

(B) in paragraph (1)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by striking ''and'' at the end of subparagraph (B) and inserting ''or''; and

(iii) by adding at the end the following new subparagraph:

''(C) ultra efficient vehicles; and''; and

(C) in paragraph (2), by inserting '', ultra efficient vehicles,'' after ''qualifying vehicles'';

(3) in subsection (g), by inserting ''or are utilized primarily for the manufacture of ultra efficient vehicles'' after ''20 years''; and

(4) in subsection (h)(1)(B), by striking ''automobiles'' the first place it appears and inserting ''ultra efficient vehicles, automobiles,''.

(b) RECONSIDERATION OF PRIOR APPLICATIONS.—The Secretary of Energy shall reconsider applications for assistance under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) that were—

(1) timely filed under that section before January 1, 2009;

(2) rejected on the basis that the vehicles to which the proposal related were not advanced technology vehicles; and

(3) related to ultra efficient vehicles.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $76,000,000, to remain available until expended: *Provided*, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by section 1441 of Public Law 100–456, $26,086,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of such Act, $13,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission, including the purchase, construction, and acquisition of plant and capital equipment, as necessary, and other expenses, $11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by 40 U.S.C. 15303(1), $500,000, to remain available until expended.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by 40 U.S.C. 15303(1), $500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy

Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed $25,000), $1,061,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $56,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $878,102,000 in fiscal year 2010 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than $182,898,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,102,000, to remain available until September 30, 2011: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,092,000 in fiscal year 2010 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than $1,010,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by section 5051 of Public Law 100–203, $3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $4,466,000: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110–140 in fiscal year 2010 in excess of $4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISIONS, INDEPENDENT AGENCIES

SEC. 401. NUCLEAR REGULATORY COMMISSION REPORTING REQUIREMENT.—The Nuclear Regulatory Commission shall, not later than 90 days after the date of enactment of this Act, provide a report to the Committees on Appropriations of the House of Representatives and the Senate identifying barriers to and its recommendations for streamlining the issuance of a Combined Construction and Operating License for qualified new nuclear reactors.

TITLE V—GENERAL PROVISIONS

SEC. 501. LOBBYING RESTRICTION.—None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. DELTA REGIONAL AUTHORITY.—Section 382B(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–1) is amended to read as follows:

''(1) IN GENERAL.—A decision by the Authority shall require the affirmative vote of the Federal co-chairperson and a majority of the State members (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.''.

The CHAIR. No amendment shall be in order except the amendments printed in part A of House Report 111–209, not to exceed one of the amendments printed in part B of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee; not to exceed six of the amendments printed in part C of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee; and not to exceed three of the amendments printed in part D of the report if offered by the gentleman from Texas (Mr. HENSARLING) or his designee. Each amendment may be offered only in the order printed 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.

After disposition of the amendments specified in the first section of House Resolution 645, 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.

PART A AMENDMENT NO. 1 OFFERED BY MR. PASTOR OF ARIZONA

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111–209.

Mr. PASTOR of Arizona. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. PASTOR of Arizona:

Page 6, line 25, after the dollar amount, insert ''(increased by $1,800,000)''.

Page 7, line 14, after the dollar amount, insert ''(reduced by $10,800,000)''.

Page 23, line 2, after the dollar amount, insert ''(increased by $45,000,000)''.

Page 24, line 13, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 35, line 15, after the dollar amount, insert ''(reduced by $30,000,000)''.

Page 36, line 9, after the dollar amount, insert ''(reduced by $30,000,000)''.

Page 40, line 7, after the dollar amount, insert ''(reduced by $2,500,000)''.

Page 60, line 4, after the dollar amount, insert ''(increased by $2,500,000)''.

At the end of the bill (before the short title), insert the following:

SEC. 503. LIGHT BULB RESTRICTION.—None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 504. PASSENGER MOTOR VEHICLES.—None of the funds made available in this Act may be used to purchase passenger motor vehicles other than those manufactured by Ford, General Motors, or Chrysler.

The CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. PASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. PASTOR of Arizona. Mr. Chairman, I yield myself such time as I may consume.

This amendment provides funding for several important programs within the bill. On behalf of Messrs. ARCURI, MICHAUD, HODES, WELCH and Ms. PINGREE, $2.5 million for the Northern Border Regional Commission to address economic challenges in border counties from Maine to New York.

On behalf of Mr. KLEIN of Florida, $1.8 million for the Corps of Engineers to help address the chronic backlog of regulatory permit applications.

And on behalf of Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. DENT, Mr. MASSA, Mr. INGLIS, $45 million for energy efficiency, renewable energy.

On behalf of Mr. CUELLAR of Texas, the amendment prohibits funds in this bill from being used to purchase lightbulbs unless they the energy star or Federal energy management program designation.

Also, this manager's amendment has an amendment for Mr. KISSELL which does not create any new programs or it follows the current language, and the amendment prohibits funds in the bill from being used to purchase passenger vehicles unless they're purchased from Ford, GM or Chrysler.

The amendment decreases funding for Corps of Engineers' programs and expenses by $10.8 million; the Department of Energy departmental administration by $30 million; the office of electricity by $15 million; and other defense activities by $.25 million.

I reserve my time, Mr. Chairman.

Mr. FRELINGHUYSEN. Mr. Chairman, I respectfully rise in opposition to the amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I don't have any real problem with the content of my chairman's amendment. I do, however, have a problem with carrying the idea of a manager's amendment, which was once only for our full committee's consideration, right on to the House floor.

In committee, this sort of amendment is used for noncontroversial items. Many of these are. They're generally accepted by unanimous consent. But now it's largely used, in many instances, for partisan purposes on the House floor.

None of the content of this chairman's amendment was discussed with the minority, and none of the changes were made or suggested by the minority. If the changes are important, then I think we should be able to discuss them. Otherwise, I fear it is only a matter of time before the majority will include everything they can in this sort of en masse amendment. This will be bad for the institution and I think bad for the American people.

I reserve the balance of my time.

Mr. PASTOR of Arizona. First of all, I apologize to the ranking member in

that it was my understanding that the manager's amendment had been shown to him and had sought his approval, but if they had not, my deepest apologies because I think it's important that this bill, along with the manager's amendment, continue to be bipartisan.

I yield 30 seconds to Mr. MASSA.

Mr. MASSA. I would like to commend the efforts of my colleagues on the Energy and Water Subcommittee for recognizing the importance of hydrogen fuel-cell technologies and what those technologies will play in the future of the American energy portfolio.

Funding for this important research through this bill and through Mr. PASTOR's amendment will help America continue to lead in this critical field necessary for our Nation's energy security.

I believe that using these funds to support important breakthroughs in automotive fuel cells through a public-private partnership with an experienced industrial leader will put America on track to commercialize this revolutionary technology within 5 years.

Significant domestic investments have already been made in this technology, and I have personally experienced the successes of these efforts by riding from my hometown of Corning, NY to Washington, DC in a Hydrogen Fuel Cell vehicle.

We must ensure the continuation of this industry here in the US by partnering with those who have demonstrated the capacity to innovate and produce tangible results in efforts to commercialize Automotive Fuel Cells.

We must not fall behind our foreign competitors in this field. By making this a priority in Washington and providing the necessary funding for this technology, we can ensure America continues to be the leader in Hydrogen Fuel Cells.

Mr. FRELINGHUYSEN. I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

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

I rise to comment about language that is in the report that is attached to this legislation. My good friend and colleague from Florida, Mr. BOYD, has asked that a study be done. The study relates to the ongoing dispute about water between the States of Alabama, Florida and Georgia, and I have no real problem with the study being done.

I simply would hope that we could get assurances from the subcommittee chairman that with regard to the scope of that study that it would be broad enough to include all of the issues that are involved and that it would also allow all three States who have an interest in this to have equal participation.

There has been a perception I think that is a wrong perception that my State of Georgia doesn't have a water conservation program in place. In fact, we have had one in place since 2003, and we believe that all of these issues should be encompassed within the study that is set forth in the report to this particular bill.

And we would hope that we could get assurances, not only from the subcommittee chairman but also from Mr. BOYD, that in determining the scope of that study, that all three States would have equal opportunity to participate.

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

Mr. PASTOR of Arizona. Mr. Chairman, this is a good amendment and I would ask the House Members to support it. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. PASTOR).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART A AMENDMENT NO. 2 OFFERED BY MR. CONNOLLY OF VIRGINIA

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111–209.

Mr. CONNOLLY of Virginia. I have an amendment at the desk, Mr. Chairman.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. CONNOLLY of Virginia:

Page 3, line 24, after the dollar amount, insert ''(increased by $7,000,000)''.

Page 7, line 14, after the dollar amount, insert ''(reduced by $7,000,000)''.

The CHAIR. Pursuant to House Resolution 645, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, I rise to address an amendment to augment the Army Corps of Engineers oyster restoration program by $7 million. This is a critical investment in the health of America's largest estuary.

The Chesapeake Bay is a national treasure. It was the port of entry for Jamestown's European settlers. Many of America's founding fathers, from George Washington to George Mason, settled on the banks of the Bay and tidal reaches of her tributaries. When the colonists arrived, the Bay was extraordinarily fecund. John Smith wrote that one could walk across the backs of swimming rockfish and that a single turtle could feed 40 men. He also wrote that oysters ''lay thick as stones'' covering the Bay's floor. This productivity fueled economic growth in our region. In the early 20th century, H.L. Mencken wrote that oysters, as the most common fare in Baltimore, were the standard meal of every workingman.

Today, we are attempting to restore an ecosystem and oyster population that has been devastated by pollution, to the extent that some have proposed replacing it with nonnative oysters. The Bay's economic productivity, whose fisheries are still worth over $100 million a year, relies on the health of its oyster population, not only for their own value but also because they are a keystone species for the Bay and the major filtration for pollutants in the Bay.

This amendment is an important part of our broader efforts to restore the health of the Bay. I thank Mr. PASTOR and Mr. FRELINGHUYSEN for the committee's support for this amendment and the subcommittee's staff for their assistance.

Mr. Chairman, I yield to Mr. PASTOR.

Mr. PASTOR of Arizona. I just want to inform the gentleman that we support his amendment.

Mr. CONNOLLY of Virginia. I thank the gentleman, and I reserve my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition, although I'm not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. The gentleman's amendment would transfer $7 million to restore and protect a nationally and regionally important resource. These fisheries provide hundreds of jobs, if not thousands, to local oystermen.

I would only say that this is a huge project and must be balanced against other national priorities and ask the gentleman to work closely, as I'm sure he will, with the Corps to ensure that their budget request reflects the needs for the program against the background of other demands the Corps is facing.

With that, I'd be pleased to accept the gentleman's amendment.

I yield such time as he may consume to the gentleman from Virginia (Mr. WITTMAN).

□ 1400

Mr. WITTMAN. I rise in support of the gentleman's amendment, and I want to commend the gentleman from Virginia for his efforts to restore oyster populations in the Chesapeake Bay. Just as he pointed out, they're extraordinarily important both economically and culturally to the State of Virginia.

Historically, the Chesapeake Bay has been one of the most productive fisheries in the world. However, native oyster populations are currently at less than 1 percent of historic levels. Pollution and diseases have taken a substantial toll on oyster populations.

Oysters play a critical role in the Bay. And we all know that oysters are a commercially important resource. The Virginia seafood industry is one of the largest in the Nation and provides a positive economic impact to Virginia of over a half a billion dollars a year.

Oysters also filter and clean the Bay's waters. The oyster is a natural filter. Oysters filter water by removing

algae and nutrients, thereby improving water clarity and quality. Oyster reefs provide habitat for fish, crabs, and many other forms of marine life.

We'll probably never be able to restore the Bay to how it was when Captain John Smith landed in Jamestown in 1607. However, by improving water quality and increasing oyster populations, we will go a long way to restoring the Bay's health. The challenges to oyster restoration are daunting and complex.

The Army Corps of Engineers, along with Federal, State, and private partners, have been working to restore oyster populations. And while relatively limited in scope, the Army Corps oyster restoration efforts have shown oyster restoration successes on several watersheds.

The Army Corps is nearing completion of a Programmatic Environmental Impact Statement to identify an oyster restoration strategy. This major undertaking will guide bay-wide oyster restoration for years to come.

It is clear that the oyster is a critical species to the Chesapeake Bay, and this amendment is an important step to support oyster restoration activities in the Bay.

I urge my colleagues' support.

Mr. CONNOLLY of Virginia. Mr. Chairman, I just want to thank the managers of this bill for their bipartisan support and for their respective staffs, particularly my colleague from Virginia for his support as well.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

PART A AMENDMENT NO. 3 OFFERED BY MR. WAMP

The CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 111–209.

Mr. WAMP. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. WAMP:

Page 3, line 24, after the dollar amount, insert ''(increased by $14,000,000)''.

Page 7, line 14, after the dollar amount, insert ''(reduced by $14,000,000)''

The CHAIR. Pursuant to House Resolution 645, the gentleman from Tennessee (Mr. WAMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

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

I thank the chairman and I thank the committee for an extraordinary product. I think this bill is worthy of our support. The staff has done an excellent job supporting the Members.

I want to thank the Rules Committee for ruling this amendment in order because Mr. DAVIS of Tennessee and myself come to the floor today to offer the amendment to transfer $14 million from the Corps of Engineers regular account, their operating account, over to the construction account. And the reason is that we have on the Tennessee River the Chickamauga Lock, an aging lock with a real problem of concrete growth.

We have known now for 15 years that this lock must be replaced. We are under construction. We're in the middle of construction. The cofferdam is virtually finished now, so the center of the river will be dried out in just the next few months.

The stimulus funding allowed the purchase of the equipment—the steel, the gates—to go ahead and do the construction; but, unfortunately, only $1 million was requested for this project, which will not allow us to go forward. We must go forward.

There are many priorities within the Corps of Engineers Inland Waterway System and they should all be supported as much as possible, but this one can't go forward.

This amendment is really to transfer $14 million from the Corps expense account to the Corps construction account to be used for the purpose of awarding a lock construction contract for the Chickamauga Lock on the Tennessee River.

The reason we have just taken the money from this expense account is to try to get this amendment adopted on the floor so when we go to conference—and I'm a longstanding member of this subcommittee, as is Mr. DAVIS of Tennessee, now a new member of this subcommittee—when we go to conference we can try to work this out, something that the chairman and the ranking member have expressed a desire to do at both the subcommittee level and the full committee level.

We don't want to hold up the trains or cause any problems, but the $1 million would literally freeze us for a year with a lot of equipment, a lot of progress; and we're running out of time. This lock has to be completed and finished by 2014. We spent millions of dollars repairing the lock to keep the current lock open.

We can't allow the Tennessee River to close to navigation and commerce. It would be the largest lock closure in the history of our country if we allowed this to happen. So it's of critical importance to continue to work with us, and I can't thank the chairman and the ranking member enough for their willingness to work with us.

I want to yield the balance of my time to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. My colleague from Tennessee, I appreciate his work that he's been doing to be sure that the Chickamauga Lock is continuing in the process of being sure that we keep that river open.

I want to make further comments. And I deeply appreciate the ranking member and our vice chairman and chairman for at least allowing an opportunity to speak today on this amendment.

When you look at inland water systems and the impact they have on America's economy, if you go to the tributaries of the Ohio, Mississippi, the Cumberland, and the Tennessee Rivers and look at commerce and agriculture that travels those, that becomes the road, basically, for exports for America's production—at least much of it does.

So it's important that we keep our infrastructure along our inland waterways open. It is some of the least expensive methods of transportation. But one of the bright spots in America's economy as far as export is concerned is agriculture. That is the only area where we have a surplus in trade.

So my support of the legislation obviously is to keep all of our rivers open, all of our waterways open for our commerce. It is my hope—and I concur in everything that my friend Congressman WAMP from Tennessee has said—it is my hope that we will be able to pass the legislation, and recommend Members on both sides of the aisle to support this amendment.

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

Mr. PASTOR of Arizona. Mr. Chairman, I claim the time in opposition, even though I do support the amendment.

The CHAIR. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. PASTOR of Arizona. As I told you, I support this amendment since it simply adds money to the Corps construction account. However, I wish to point out that additional funds for Chickamauga Lock cannot be made available until the solvency of the Inland Waterway Trust Fund is addressed.

The project requires 50 percent of its funding from the Inland Waterways Trust Fund, and that trust fund isn't solvent. Before any new multiyear obligations are initiated, the revenue stream or alternative funding solutions for these projects must be addressed.

We have been working with the Transportation and Infrastructure Committee for a comprehensive solution to the issue for some time. I have sympathy for the project. I think I know more about this project because of Mr. DAVIS and Mr. WAMP. I congratulate both of them for bringing the amendment.

Again, the issue at hand is a lot larger than the $180 million project. I support the project.

Mr. FRELINGHUYSEN. Would the gentleman yield?

Mr. PASTOR of Arizona. I will yield to my ranking member.

Mr. FRELINGHUYSEN. Let me associate my remarks with your statement and commend both Mr. WAMP and Mr. DAVIS for being articulate, ardent supporters of this move forward.

I have been to the Chickamauga Lock. I can certainly attest to Mr. WAMP's boundless energy and determination to make this thing happen. He's made me aware of the dangers of what happens if we have inaction. I want to commend you. Obviously this issue is moving ahead, but there's some complex issues that need to be addressed that Mr. PASTOR has appropriately commented on.

Mr. PASTOR of Arizona. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The amendment was agreed to.

PART A AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF WASHINGTON

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111–209.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. HASTINGS of Washington:

Page 17, line 17, strike the period and insert the following: ''; *Provided further*, That $5,000,000 of the funds appropriated under this heading shall be available for the 'Power Program Services' to implement the Bureau of Reclamation's hydropower facilities installations identified under section 1834 of the Energy Policy Act of 2005.''.

The CHAIR. Pursuant to House Resolution 645, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise to offer an amendment that seeks to expand hydropower in the western United States. For almost a century, Western communities have benefited from this low-cost, renewable and emissions-free resource.

In today's environment, where talk centers around the need to provide clean and environmentally friendly power, there is a clear need to promote the original renewable energy, which is moving water. This amendment is a clear opportunity and first step to do just that.

My amendment seeks to follow up on the progress made in the report authorized by the Energy Policy Act of 2005. This report will require the Bureau of Reclamation to determine where new hydropower projects can be added to the agency's existing water supply facilities.

The Bureau of Reclamation is already the second leading hydropower producer in the Nation so it's only natural to require that agency to reassess its hydropower potential.

While the agency failed to look at potential projects on small canals and laterals, it did find six larger opportunities to generate almost 300 megawatts from new hydropower facilities. To date, the Bureau of Reclamation has not implemented one aspect of this report.

If this amendment is adopted, there will no longer be bureaucratic excuses about the necessary resources to begin the installation of new emissions-free resources.

While I'm pleased this amendment was made in order, Mr. Chairman, it only covers part of the hydropower equation. Regrettably, the Democrat leadership did not make my other amendments in order.

One of my other amendments would have decreased carbon emissions by keeping more hydropower resources online. Currently, the Army Corps of Engineers and the Bureau of Reclamation are forced to divert water from hydropower production at some of their dams. This results in a loss of generation that has to be found from some other energy source.

The vast majority of this replacement power is carbon based in the form of coal and natural gas and is much more expensive than hydropower. My amendment, which the Democrat majority chose not to debate on, would have reduced these carbon emissions to help the environment and keep energy affordable by allowing for more hydropower production.

Another amendment would have prohibited the reduction of Federal hydropower if that hydropower backs up other renewable energies, like wind and solar. As almost everybody knows, the sun doesn't shine 24 hours a day and the wind doesn't blow all the time.

Because of these indisputable facts, wind and solar energy need a backup, or a firmed-up, in energy speak, as a base resource. In my home region of the Pacific Northwest, the Federal dams are the models of the backup electricity generation when it comes to wind generation.

In fact, in December of last year, some of the turbines didn't produce electricity, wind turbines, for 11 straight days. Yet the only reason that the lights stayed on was because of the backup electricity provided by hydropower.

My amendment, which was also rejected by the Democrat majority, would have prohibited the loss of hydropower needed to back up these renewable energy sources.

So, in conclusion, the Democrat majority is sending a mixed message by not allowing amendments to protect our existing Federal hydropower, yet allowing an amendment to increase a limited amount of hydropower resources. I appreciate that. The American people deserve to see a full debate about hydropower, the original emissions-free and renewable energy. Nevertheless, I urge my colleagues to support this amendment.

With that, I reserve the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I claim the time in opposition, even though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. PASTOR of Arizona. I'm very happy to tell the author of the amendment that this will be a bipartisan amendment, since we are accepting his amendment.

We understand how important hydropower is, and we need improvements at existing facilities so we can provide the reliable, efficient domestic emissions-free source of renewable energy. Investment in modern turbines has been a benefit of improving existing water quality and fish passage issues, in addition to increasing generation efficiency and capability.

As energy security and issues of global climate change are becoming increasingly important to the decision-making regarding infrastructure investment, improving existing hydropower facilities, we must add some priority.

I urge the Bureau of Reclamation to work with local groups and public power entities as it looks to use its water resources most efficiently. I also urge the Bureau of Reclamation to continue to focus on its core water and related resource projects and not sacrifice that valuable work while engaging in this effort. I support the amendment.

I will yield time to the ranking member, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding. Let me, Mr. Chairman, associate myself again with Chairman PASTOR's remarks. I've been to Congressman HASTINGS' district. When he talks about hydropower, he knows what he's talking about. He's obviously been a strong proponent of nuclear power.

So we're pleased to accept the amendment. Thank you for recognizing me.

Mr. PASTOR of Arizona. We support the amendment, and yield back the balance of our time.

□ 1415

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I thank the gentleman, the distinguished subcommittee chairman and the distinguished ranking member for accepting this amendment.

I just simply wanted to point out that had we been under regular order, we could have probably enhanced hydropower with the two other amendments that were not made in order.

But nevertheless, this is an important step. It is something that we need to recognize, because I firmly believe that an energy plan that includes all of

the above is what the American people understand and what they accept.

And with that, I appreciate the gentleman for accepting my amendment.

I yield back my time.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

PART A AMENDMENT NO. 5 OFFERED BY MR. COSTA

The CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111–209.

Mr. COSTA. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. COSTA:

Page 18, line 14, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 19, line 9, after the dollar amount, insert ''(reduced by $10,000,000)''.

The CHAIR. Pursuant to House Resolution 645, the gentleman from California (Mr. COSTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. COSTA. I yield to the gentleman from Arizona (Mr. PASTOR), the chairman of the subcommittee, to speak on behalf of the amendment.

Mr. PASTOR of Arizona. I would just like to inform the gentleman that we are supportive of his amendment.

Mr. COSTA. I want to thank the subcommittee chair and those Members who have worked very hard on our behalf. This amendment, along with the next amendment offered by my colleague and friend, Congressman CARDOZA, should be taken as two amendments because they are both part of an overall effort that many of us from the Valley delegation have been working on for over the last year on a bipartisan basis to deal with the third year of the drought in California, which, unfortunately, could last a fourth and a fifth year.

Water in California has traditionally not been a partisan issue. My colleagues, Congressmen RADANOVICH, NUNES, MCCARTHY, and CARDOZA and I have worked together on many of these issues. I hope that that tradition will continue.

The drought has been devastating. These two pictures reflect ground zero, which is in my district, in which we have farm communities that have 30 to 40 percent unemployment, food lines in Mendota that I have helped provide food for for those farmworkers, who are some of the hardest working people you will ever meet in your life.

The picture next to that shows fallow fields, over 300,000 acres this year, on which family farmers, in second and third generation, are in fear and frustration of losing their farms.

These two amendments, taken together, are important. Congressman CARDOZA deserves a great deal of credit and effort for working very hard. These two amendments are not a silver bullet, but they are part of an overall effort to provide incremental additional water to our valley.

Amendment 93 provides $10 million for drought relief to the San Joaquin Valley to fund two important projects that we have identified on our list of things to do. The Two Gates project that we have strong support throughout the State on that, if implemented this November, we believe, could act as real relief to allow the Federal and State operating—Federal projects and the pumps to operate as they were intended to. The pumps have operated intermittently and sometimes have been shut down this year. Today, thank God, they are operating at near full capacity. But that will not continue on next year if a biological opinion is implemented that I think is flawed, as does my colleague.

The Two Gates project and the Delta-Mendota Canal Aqueduct Intertie funding will provide, in this amendment, money for the Secretary of the Interior, within the Central Valley Project, to be used to implement both a Two Gates and the Intertie project.

In addition to that, this amendment provides a resolution to the giant garter snake issue which has long been an impediment to water transfers. It gives the Bureau of Reclamation flexibility needed to facilitate water transfers throughout counties in the Central Valley Project area.

Lastly, I want to commend my colleague and thank Congressman CARDOZA, my colleague, for his hard work on this issue. As a result of our efforts beginning in January working with the Westlands Water Agency, with the San Luis unit and others, we have provided, together, with the State of California and the Bureau of Reclamation, over 560,000 acre-feet of water to the west side that otherwise would not be there in these drought conditions, on top of, sadly, what has been a 10 percent allocation of water. Together, that has provided nearly 700,000 acre-feet to the very dry west side.

I want to thank all of those who have been a part of it: Leadership, STENY HOYER; the Secretary of the Interior, who visited at our request last month to the Valley; Secretary Salazar and his Deputy Secretary Hayes and Commissioner Connor, all of whom have been designated as a part of a drought task force team with Secretary Vilsack, the Secretary of Agriculture, because God forbid this drought could last a fourth or a fifth year, in which all of California would be rationing water.

Today, my district is ground zero, along with Congressman CARDOZA's district, but next year it could be far worse. So we will continue to work with Chairman OBEY and other members of the Appropriations Committee.

I want you to know that the San Luis-Delta Water Authority supports these amendments, along with the Friant Water Authority and most of the water agencies in California, because they understand that this amendment, along with the next amendment, is part of that incremental effort to bring water to a drought-stricken area in California that could be, next year, the rest of the State.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim time in opposition, though I am not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. Let me say that while I am supportive of this amendment, it is Congressman DEVIN NUNES who's been on this floor repeatedly calling Members' attention to the catastrophic situation in California, and I'm admiring of both Representatives COSTA and CARDOZA's effort. But it's been DEVIN NUNES who's been really carrying this issue in a very visible way. He went to try to get three amendments in order before the Rules Committee yesterday afternoon and evening, and he was denied that opportunity.

But I'm no expert on California water, but let's give credit all around to Members of Congress that have stood up on this issue to articulate their position, indeed, their passionate position.

I support the amendment, but I certainly want to recognize all members of the California delegation, and since Mr. NUNES' name was not mentioned in earlier comments, I would certainly like to highlight his role making this a priority for our attention.

I yield back.

Mr. COSTA. For the record, I indicated that, traditionally, water has been a bipartisan issue, and I said for over a year now, Congressmen RADANOVICH, NUNES, MCCARTHY, CARDOZA and myself, the five of us, have been working on a bipartisan basis. And I said I hope it continues to work on a bipartisan basis.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. COSTA).

The amendment was agreed to.

PART A AMENDMENT NO. 6 OFFERED BY MR. CARDOZA.

The CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 111–209.

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. CARDOZA:

Page 22, after line 15, insert the following:

SEC. 203. CENTRAL VALLEY PROJECT.— Section 3405(a)(1)(M) of Public Law 102–575 is amended—

(1) by striking ''countries'' and inserting ''counties''; and

(2) by inserting ''a transfer between a San Joaquin River Exchange Contractor and a Friant Division contractor, a transfer between a San Joaquin River Exchange Contractor and a south-of-Delta CVP agricultural water service contractor, and a transfer between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor,'' after ''under California law,''.

SEC. 204. DRAFT RECOVERY PLAN.— The Secretary of the Interior, acting through the Director of the Fish & Wildlife Service, is directed to expeditiously revise, finalize, and implement the Draft Recovery Plan for the Giant Garter Snake (*Thamnophis gigas*).

The CHAIR. Pursuant to House Resolution 645, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I rise today in strong support of the amendment, an amendment that makes technical changes to allow water transfers in the Central Valley of California. This amendment takes a significant step towards addressing the impacts of the water supply crisis in the San Joaquin Valley.

This is a companion amendment to the one that Mr. COSTA and I just introduced. Mr. COSTA is my coauthor of this amendment. And together, these two amendments, in fact, do work to help us deal with the incredibly significant crisis that we have in the Central Valley. People are suffering greatly.

Currently, the Bureau of Reclamation restricts certain water transfers to intracounty transfers. The inability to transfer water beyond county lines has created incredible impediments to efficient and practical water use in our State. This amendment will allow those transfers to occur beyond these county lines so that water users who have enough supply in one county will be able to use it in another county to help their fellow farmers.

As Mr. COSTA indicated, the amendments also direct the Secretary to implement recovery plans for the giant garter snake, an endangered species. The recovery plan will remove the bureaucratic red tape that prevents water projects from moving forward, while also protecting this important species.

We could not be here today working on these problems if it wasn't for the work of the chairman, Mr. PASTOR, for Mr. OBEY, for the cooperation that the entire Valley delegation has shown on this issue. Mr. COSTA has indicated that because of the efforts that we have employed, we have provided our farmers with 500,000 acre-feet that they wouldn't have had otherwise under the current rules.

I want to specifically also indicate my sincere appreciation to Majority Leader HOYER, who has been steadfast in his support of Mr. COSTA and me trying to move this effort forward.

At this time, Mr. Chairman, I would like to yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR), who has also been a diligent supporter of our efforts and has been concerned, has actually visited our district, and I greatly appreciate his help and support.

Mr. SALAZAR. First of all, I want to thank you for your diligence in trying to help the agricultural community in California.

On June 28 of 2009, Mr. Chairman, at the request of Congressman COSTA and Congressman CARDOZA, the Secretary of the Interior, Secretary Salazar and Deputy Secretary Hayes, Reclamation Commissioner Connor held a public meeting to address the issues of the drought in California.

But previous to that, I want to also thank the administration for previously working on issues, because they understood that the drought was of deep concern to this country.

In April of 2009, the Department announced the allocation of $220 million of ARRA funding from the Bureau of Reclamation for water and environmental infrastructure projects in California. Of this amount, $160 million was directed to projects to address needs of the Central Valley. Allocation of $40 million will be made for drought relief actions, most of which will go to California, with final awards coming very, very soon.

Reclamation has released $134 million in water recycling and water reuse grants, of which $120 million was allocated to communities of California. Reclamation has also processed over 100 transfers, totaling 263,000 acre-feet of water to address shortages in the San Joaquin Valley.

Reclamation has also accommodated a rescheduling request by Westside and other Central Valley Water Project contractors to allow them to preserve and use prior year allocations in the sum of 250,000 acre-feet in San Luis Reservoir and 57,000 acre-feet in Millerton Lake. Secretary Salazar has also asked Deputy Secretary Hayes to coordinate Federal efforts related to California water issues.

So I just want to commend the administration for their diligence in trying to address the issues in California.

Mr. CARDOZA. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman from California has 1 minute remaining.

Mr. CARDOZA. Mr. Chairman, I would like to yield 15 seconds to the chairman of the committee.

Mr. PASTOR of Arizona. I just want to indicate to my friend, DENNIS CARDOZA, that we will be supportive of his amendment.

Mr. CARDOZA. Mr. Chairman, I would like to thank the chairman. As I said before, without his help, we could not have made these amendments in order and brought them to the floor. I think these amendments offer significant opportunities to the Central Valley. They are not a panacea. They are not going to cure every problem. We have more work to do.

But, in closing, I want to thank Secretary Salazar for taking time out, coming and visiting our valley, understanding the problem. We have a lot of work to do with the Department of the Interior, the Bureau of Reclamation, but with continued work and cooperation, I think we will make significant progress on the significant challenges that we face in the Central Valley.

With that, Mr. Chairman, I would ask for an ''aye'' vote of my colleagues.

□ 1430

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition, though I am not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. Mr. Chairman, I served on the Energy and Water Committee when I was first elected to Congress in 1994. I took a 2-year hiatus when I chaired the D.C. Committee, working with Mr. FATTAH as ranking member.

There is a water crisis out in your neck of the woods, and we are respectful that Republicans and Democrats didn't work together on these issues. I have to say I'm hugely disappointed at your lack of inclusiveness. You may be spitting mad at Congressman DEVIN NUNES. Yet, for many Members of Congress, he put a human face on the water crisis out there. I'm not going to get into the issues of biological studies and things of that nature, but you at least ought to give your congressional colleague from California credit for raising this issue.

He tried to raise the issue, but quite honestly, he was voted down on the floor a number of times. When he went to the Rules Committee, his amendments were not put in order. Yours were. Basic courtesy would have called for his name to at least be mentioned as he rose to the floor today.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

PART A AMENDMENT NO. 7 OFFERED BY MR. BOREN

The CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 111–209.

Mr. BOREN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 7 offered by Mr. BOREN:

Page 23, line 2, after the dollar amount insert ''(increased by $5,000,000)''.

Page 35, line 15, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 36, line 9, after the dollar amount insert ''(reduced by $5,000,000)''.

The CHAIR. Pursuant to House Resolution 645, the gentleman from Oklahoma (Mr. BOREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. BOREN. I yield myself as much time as I may consume.

Mr. Chairman, my colleagues may be familiar with an initiative I have been working on, the NAT GAS Act, to promote the use of natural gas fueled vehicles, particularly to replace traditionally fueled heavy- and light-duty trucks. I am a strong proponent of natural gas as an alternative fuel source because it is clean, abundant, cheap and readily available, and best of all, as T. Boone Pickens says, it's ours. According to a study by the Department of Energy, it is feasible to produce biomethane from landfills, sewage and animal waste, so one could even argue that it is renewable.

As we continue efforts to drive our country towards a cleaner transportation sector, natural gas vehicles are a natural fit. There is no single silver bullet solution to our transportation energy dilemma. All available alternatives to petroleum must be used in the marketplace and in an application where they make the most sense. For many of these applications, that means natural gas.

In 2008, NGVs displaced 250 million gallons of petroleum in the United States. With adequate support, by 2020, that could grow to 10 billion gallons, but the NGV industry is made up of mostly small companies. In order for the industry to achieve that growth potential in the time frame we need, more research is needed for vehicle integration, deployment, engine development, and cost reductions.

In 1992, Congress authorized a Vehicle Technologies Program to fund a wide range of research activities on passenger vehicles and heavy-duty trucks. The program's mission is to develop leapfrog technologies that will provide Americans with greater freedom of mobility and energy security while lowering costs and reducing impacts on the environment. Though natural gas vehicle research was funded through this program until fiscal year 2005, since then, there have been no DOE activities in this area.

My amendment would add $5 million in funding to this account for natural gas vehicle research. This is a relatively small investment for something that could easily move America towards a cleaner and independent energy future. I hope my colleagues will join me in launching a new direction in transportation fuel by supporting this amendment.

I would like to yield to my friend from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. First of all, I would like to thank the gentleman for yielding, and I would also like to thank him for bringing this amendment.

This amendment funds research and development for one of the small handful of technologies that may reduce the Nation's dependence on foreign oil. This increase in funding is consistent with the committee's efforts in this bill to address rising gasoline prices.

So I tell my dear friend from Oklahoma that we rise in support of his amendment.

Mr. BOREN. Thank you so much. I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition, but I am not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I rise in very strong support of the amendment.

We really need to move toward using natural gas. It is a clean-burning fuel, and we have a huge supply of it in this country. In fact, down in Louisiana just recently, they discovered probably one of the biggest finds of natural gas in the whole world.

As I said, it is a clean-burning fuel, and we need to transition from our dependency on foreign oil. If we continue at the pace we're heading right now, over the next 10 years, we will see a transfer of $10 trillion of our money to countries like Saudi Arabia and Venezuela, and many of those are not friends of ours. So this is a great step in the right direction.

I want to congratulate Mr. BOREN on the amendment. You're doing good work.

Mr. BOREN. Mr. Chairman, I am going to reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I am using this opportunity to speak for the amendment that was previous because I was not able to get out of committee to come down for the debate.

I want to rise in support of the Cardoza amendment. As you are well aware, California is in the midst of a devastating manmade drought. Any action to alleviate the drought faced by the San Joaquin Valley is needed. Facilitating transfers of water from areas of California that have water to spare and sending it to the wetlands in the San Joaquin Valley is a good start, but we must have increased pumping out of the Delta.

I would like to commend my colleagues Mr. CARDOZA, Mr. COSTA and Mr. NUNES for their hard work and for their efforts in offering solutions to the drought in California.

In the meantime, temporary solutions such as the Two Gates and the Canal Intertie projects are necessary to keep farmers in the San Joaquin Valley farming. These projects must be constructed and online by this fall in order to provide any relief to this terrible drought.

The only way to keep the State of California strong is to change the water infrastructure. The California water system cannot continue as it is. If there are no changes, we will continue to see escalating unemployment rates of over 40 percent and the depletion of the agriculture industry.

Mr. BOREN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to recognize for 1 minute the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, I rise in support of the Boren amendment. This amendment would provide $5 million to fund natural gas vehicle research and development at the Department of Energy.

Natural gas is the bridge fuel toward decreasing our dependence on foreign sources of oil and for putting our Nation on a path to energy independence. We have a proven reserve of natural gas right here in the United States. We have enough known natural gas reserves to last us more than a century. As a matter of fact, 98 percent of the natural gas we consume is produced right here in North America. In addition to our vast supply, we already have a way to get natural gas to the consumer with over 1.5 million miles of natural gas pipeline distribution across the country.

Natural gas vehicle technology is readily available in Europe, South America and Asia, with nearly 10 million natural gas vehicles in circulation worldwide. General Motors and Ford currently make 18 different models for purchase overseas, yet have fewer than 150,000 natural gas vehicles here in the United States. We must increase our research and development funding in this amendment, which it seeks to do.

Mr. BOREN. Mr. Chairman, I want to thank my colleague from Oklahoma (Mr. SULLIVAN), who has been a real leader in this effort for natural gas vehicles.

We have got one more speaker on our side, I think, so I am going to continue to reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to recognize for 1 minute the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, while I support the Boren amendment, I do rise in opposition to the manager's amendment and to some provisions that are there.

It strikes me that the manager's amendment results in an earmark for the Big Three automakers. What it does is to stipulate that the alternative fuel cars have to be bought from them. What it does is to ignore the many other American citizens and taxpayers

who produce American-made passenger vehicles in this Nation, but they are manufacturers that are not the Big Three.

I view this as being something that is bad policy. It is bad environmental policy. It is bad appropriations policy. It is bad economic policy. There are 209 vehicles, Alternative Fuel Vehicles, that are going to be purchased to go into these different agencies as stipulated in this bill. The way this manager's amendment is written, it is an earmark for the Big Three, which have already received billions of bailout money.

Mr. BOREN. Mr. Chairman, I firmly believe that these changes will greatly help the integration of cleaner natural gas vehicles in the marketplace. I think that we have a real opportunity today to invest in a cleaner independent energy future for America and to move away from our dependence on foreign oil.

I want to thank my colleagues on the other side, especially my friend JOHN SULLIVAN from Oklahoma. I want to thank the chairman for accepting our amendment.

Ms. MARKEY of Colorado. Mr. Chair, I rise today in support of Congressman BOREN's amendment for natural gas vehicle research. Natural gas has an important role to play in United States energy policy because it is more domestically abundant and cleaner-burning than traditional transportation fuel. We cannot afford to continue sending billions of dollars overseas while neglecting the vast energy resources right here in America. It is critical to our long-term economic prosperity that we invest in our own domestic sources of energy. By increasing research and development funding for natural gas vehicles we can ensure American innovation moves us toward greater energy security while decreasing our carbon emissions. I urge all my colleagues to support Congressman BOREN's amendment to increase funding for the DOE's Energy Efficiency and Renewable Energy Vehicle Technologies program for natural gas vehicle research.

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

The CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. BOREN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

PART A AMENDMENT NO. 8 OFFERED BY MRS. MILLER OF MICHIGAN

The CHAIR. It is now in order to consider amendment No. 8 printed in Part A of House Report 111–209.

Mrs. MILLER of Michigan. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 8 offered by Mrs. MILLER of Michigan:

Page 23, line 2, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 35, line 15, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 36, line 9, after the dollar amount, insert ''(reduced by $10,000,000)''.

The CHAIR. Pursuant to House Resolution 645, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Chairman, you know there has been a great deal of discussion for decades, really, about the issue of energy, specifically the need for our Nation to generate and to utilize renewable and clean energy.

I have lived my entire life on the shores of the magnificent Great Lakes, and I have spent an awful lot of time boating as well on those magnificent waterways. I have always been awed by the power of that water, flowing from Lake Superior all the way to the Atlantic Ocean, actually. I have watched the St. Clair River under the Blue Water Bridge in Port Huron, Michigan, and I have been amazed at the swiftness and the consistency with which that water moves.

I believe that the energy created by that water-flow is a source of energy that we must do more to harness for the use of our people and for industry. To that end, Mr. Chairman, my amendment would increase by $10 million the Water Power Energy Program within the Department of Energy. Increasing this vitally important program by $10 million will restore that program back to FY 2009 funding levels.

The Water Power Energy Program within the Department of Energy is such an important program to our overall goal of reducing our dependence on fossil fuels and of becoming a Nation more reliant on renewable and green sources of energy. The Water Power Energy Program is a program designed to develop, test and evaluate new water technologies and to address barriers to the development of hydrokinetics and hydropower. The program conducts important research and development, and it deploys new innovative water technologies in order to get those products out on the market in an expedient, cost-efficient and environmentally responsible manner.

Additionally, this program allows for the testing and modeling of existing technologies. Hydropower technology has literally been around for hundreds of years, beginning with the earliest waterwheels and then water mills, which helped produce flour from grains, sawing timber and powering textile plants, to today's more advanced technologies, from hydroelectricity to harnessing wave and tidal power.

□ 1445

Hydropower currently accounts for approximately 19 percent of the world's electrical needs and produces no harmful emissions, but it accounts for less than 6 percent of the total United States' electricity needs. Compare that to our neighbor to the north, Canada, who uses hydropower to meet 61 percent of its energy needs. While hydropower only accounts for less than 6 percent, as I said, here in the United States, it makes up 71 percent of our total renewable electricity and produces enough electrical power to power 28 million households.

There are two examples from the great State of Michigan where this technology is being examined and needs to be looked at further, I think, Mr. Chairman. I already mentioned the St. Clair River, but I should also mention the Detroit River. These rivers are known for their very strong currents, moving along at approximately 6-plus knots. Water from Lake Huron funnels down into the St. Clair River through Lake St. Clair and then quickens again through the Detroit River before entering Lake Erie, where that energy is currently just dissipating. This technology can be put to work in rivers, harbors and other coastal areas to capture energy from currents and tides. The best part is that this can be achieved with minimal impact on our environment or the flow of the river. Harnessing this energy will create a truly renewable and green source of clean energy.

Mr. Chairman, again, there has been a lot of interest, a lot of talk about alternative energy sources in the past week. I have heard many express strong support for wind power, and I certainly share their enthusiasm for that energy source. But I will remind my colleagues that sometimes the wind doesn't blow, but the water always flows. With that, I would ask all of my colleagues to support this amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I rise to claim the time in opposition, though I am not in opposition and staying with the flow.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. PASTOR of Arizona. First of all, to the manager's amendment and the issue about the purchasing of cars, I have been told that the current GSA policy that has jurisdiction in the purchasing of cars over the agencies in which this committee has jurisdiction thereof, that we have just restated that policy. It was not intended to be an earmark. It was not intended to do anything different. It is not authorizing on an appropriation bill. It's a restatement of GSA policy. If there is a reason to be against it, it would be because it was redundant. But we did not create any new legislation. We are just restating GSA policy as it concerns purchase of cars under the agencies.

I rise in support of this amendment from the gentlelady from Michigan. In this bill the committee supports strong

investment in renewable energy technologies, such as solar, wind and geothermal power. Water power is an important piece of this renewable portfolio. Refining conventional hydropower technologies can increase the efficiency of our Nation's hydropower dams and cost effectively increase clean power generation without the need for new dams. Research and development of technologies that use waves, tides and streams for power can deliver a new source of virtually untapped renewable energy. So we continue to be with the flow and support the young lady's amendment.

I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I want to commend Mrs. MILLER for being a strong and articulate advocate, and I support her amendment. I thank the gentleman for yielding.

Mr. PASTOR of Arizona. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Michigan will be postponed.

PART A AMENDMENT NO. 9 OFFERED BY MR. HEINRICH

The CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 111–209.

Mr. HEINRICH. Mr. Chair, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. HEINRICH:

In section 307, strike ''6 percent'' and insert ''7 percent''.

The CHAIR. Pursuant to House Resolution 645, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chairman, I offer this amendment in strong support of research and development at our national laboratories. Specifically, my amendment provides a 1 percent increase in the Laboratory Directed Research and Development, which is commonly referred to as LDRD. LDRD increases the ability of laboratories to retain expertise and pursue innovative projects by providing additional discretion for Department of Energy laboratories to select research activities. These high-risk, high-reward projects yield cutting-edge advancements in science and technology and produce some of our most successful research and development initiatives. These are projects with an immediate relevance and a direct impact on national security and our goal of energy independence. Many LDRD projects have formed the basis of some of the national labs' most successful research initiatives. For example, at Sandia National Laboratories in my district, an LDRD researcher developed the chemistry for a decontamination foam that is used by our military to protect us against chemical and biological attacks. In fact, this was the foam that was used to decontaminate the Senate Hart Office Building after the anthrax attacks of 2001. We know all too well that those who wish our country harm are constantly adapting their methods, making these LDRD projects vitally important to our national security.

LDRD is equally relevant to our goal of energy independence. An LDRD project developed a manufacturing process that will substantially reduce the cost of highly efficient LED lightbulbs. These LED lightbulbs have the potential to decrease electricity consumed in lighting by a full 50 percent by 2025. This will translate into meaningful cuts in utility bills for our working families and real savings for our small businesses. Energy independence is a critical element of our national security, and LED efficiency will significantly reduce our demand for energy. These advancements represent just two examples of the multiple innovative science and technology achievements made through LDRD initiatives.

Under the 2009 Omnibus Appropriations bill, our labs were granted authority to use up to 8 percent of their budgets for LDRD initiatives, yet the bill before us today would reduce that amount for 2010 to only 6 percent. My amendment would allow our labs to dedicate up to 7 percent of their budgets to LDRD. It is important to note that my amendment does not require any additional spending, as the LDRD funding percentage is derived from the labs' overall funding level, nor does my amendment cut any other program. Simply put, my amendment encourages innovative research and development that will promote our national security and help us to reach our goal of energy independence. I urge my colleagues to support this amendment.

I yield to the gentleman from Arizona.

Mr. PASTOR of Arizona. Mr. Chair, may I inquire how much time I have.

The CHAIR. The gentleman from New Mexico has 2½ minutes remaining on his time.

Mr. PASTOR of Arizona. Mr. Chairman, first of all, I'd like to thank the gentleman from New Mexico for yielding to me and to inform him that we will support the amendment as offered. However, I have some concerns about increasing the percentage of laboratory directed research at this time. I hope that this increase in lab directed research and development will, in this tight budget environment, produce a net increase in the national security output of the laboratories. I look forward to working with you to ensure this increase is tightly mission-oriented and will be compatible with meeting other challenges of the laboratories. With that, I will inform you that we are supporting this amendment.

Mr. HEINRICH. I thank the gentleman from Arizona.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition, though I am not in opposition to the amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to associate my comments with Chairman PASTOR. These are tight budget times, and I think we worked hard to provide the right balance for priorities on our Energy and Water bill. Many of us would have liked much more, shall we say, money spent on the safety and security of our nuclear weapons stockpile; but quite honestly, that was not to be. We all had to compromise, and this package is a fair, balanced one.

A few comments about the LDRD, the Lab Directed R&D programs. These programs often allow our laboratories to skirt congressional priorities laid out in our legislation. Historically these funds have been used by labs to perform research and development on issues that at times are not at all germane to the Department of Energy. I have seen it firsthand. At the same time, these programs can be most innovative and give our researchers creative opportunities for work. So I don't oppose the amendment. But I want to make it clear that all members of the committee, I am sure, will be watching very carefully to ensure that these funds are used to support the mission of the department.

I yield back the balance of my time.

Mr. HEINRICH. I want to add real quickly that the gentleman mentioned our nuclear stockpile. One of the other LDRD programs that I think was particularly important was the creation and assembly of safety devices for our stockpile, like the gel mylar capacitors that are used in the W76–1. I think the bottom line is that these programs represent some of the most cutting-edge research that we do. They are critical to our national security. They are critical to our energy independence, and I would urge the support of my colleagues.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the

amendment offered by the gentleman from New Mexico will be postponed.

PART A AMENDMENT NO. 10 OFFERED BY MR. CAO

The CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 111–209.

Mr. CAO. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. CAO:

Page 62, line 15, strike ''90'' and insert ''60''.

The CHAIR. Pursuant to House Resolution 645, the gentleman from Louisiana (Mr. CAO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CAO. Thank you.

Mr. Chair, I submitted an amendment to H.R. 3183, the Energy and Water Appropriations bill, to reduce the amount the time the Nuclear Regulatory Commission has to report to Congress. The purpose of this amendment is to encourage agencies to be good partners in the regulatory process by completing their requirements to report to Congress for oversight in a timely manner.

What is the motivation for this amendment? During the last administration the agency was charged with identifying ways to streamline its licensing and review process. Though the Commission stated in a Legal Times article that it would shorten its review time to 30 months, recently a number of companies have complained of the process taking anywhere from 36 to 42 months. Also in June of 2008 the agency was the subject of a New York Times article on lengthy delays in its processing at Yucca. It cited a lack of funds to complete the process.

In this appropriations bill, the NRC is to provide a report to Congress regarding streamlined issuance of construction for new nuclear reactors. As written, the agency was given 90 days to do so. My amendment would reduce it to 60. The reporting which must be done by the commission requires it to report to the Committee on Appropriations of the House of Representatives and the Senate, identifying barriers to and its recommendations for streamlining the issuance of a combined construction and operating license for qualified new nuclear reactors.

In order for Congress to conduct proper oversight of this agency and help it improve its function, the NRC must report its findings to Congress in an expeditious manner. As we go through the process of reviewing our energy needs in this country, it is important that we have the information needed to make decisions as quickly as possible. Therefore, I ask the Members of the House to support this amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I rise to claim the time in opposition, even though I'm not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. PASTOR of Arizona. I support Mr. CAO's amendment because the provision the gentleman is amending requires the Nuclear Regulatory Commission to provide a report on improving its licensing procedure by reducing the time for submission of the report to Congress from 90 days to 60 days. This should improve the NRC's responsiveness to Congress and provide more timely information to the Congress on measures that can be taken to improve the regulatory process.

I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. We support the gentleman from Louisiana's amendment and commend him. It's actually a perfecting amendment of what Mr. KINGSTON had in the full committee. So we commend you for your efforts and support it. Thank you for yielding.

Mr. PASTOR of Arizona. We are in support of the amendment.

□ 1500

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CAO).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

PART A AMENDMENT NO. 11 OFFERED BY MRS. BLACKBURN

The CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 111–209.

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 11 offered by Mrs. BLACKBURN:

At the end of the bill (before the short title), insert the following:

SEC. ____. PERCENTAGE REDUCTION OF TOTAL FUNDS.—Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 645, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, I rise today on behalf of the American taxpayer to continue my push to rein in Federal spending by just 5 percent.

As with the other appropriations bills that my colleagues and I have attempted to amend this year, this proposal would enforce a 5 percent across-the-board cut to the Energy and Water appropriations bill. My amendment would save the taxpayer $1.7 billion and reset Energy and Water spending levels for the next budget.

Spending on Energy and Water programs has increased by, get this, 183 percent over the past 3 years. Under the majority's control, spending has increased 183 percent. The very programs being funded on the House floor this afternoon have already received $51 billion in stimulus funding and $7 billion in supplemental funding this year, this one year.

This Congress has already spent more than $1 trillion than we have taken in. This trillion-dollar deficit is the largest in American history. In my opinion, this deficit represents the height of fiscal irresponsibility and is absolutely unconscionable. On top of it, many of my colleagues are proposing another $1 trillion in government-run health care spending.

Every day we are laying more and more debt on the backs of our children and grandchildren. I ask my colleagues: How do we expect these children and grandchildren, how do I expect my grandsons to pay for college or a first home or start a business when they already owe $70,000 to the Federal Government?

Mr. Chairman, we have to realize debt incurred is opportunity denied. My constituents keep telling me, We are tired of the government spending money we have not made yet on programs we don't want.

Through this appropriations cycle, I have intended to rein in this deficit by cutting spending. And today, again, I will ask the bureaucrats in Washington and their patrons in Congress to trim a nickel from every dollar that they are going to spend.

As our deficit and our debt grow to historic and dangerous proportions, it is more urgent than ever that we take action and bring spending under control.

I reserve the balance of my time.

Mr. PASTOR of Arizona. I rise in opposition to the amendment of the gentlelady from Tennessee.

The CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. PASTOR of Arizona. The amendment proposes a 5 percent reduction to every account in this bill. If you exclude the recovery money, as I mentioned in my opening statement, this bill that is before you is $1 billion below the President's request and is slightly above last year's 2009 funding.

This Energy and Water appropriations bill is a key part of ongoing efforts to meet the infrastructure needs of the country; and after years of neglect, addressing the inadequacies of our national energy policies, we are trying to do it with this bill.

The Energy and Water bill is only slightly above last year's enacted level and is $1.1 billion below the budget request, as I mentioned. Balancing priorities with this allocation require a concerted bipartisan effort. We ended up with a bill that meets the priorities and supports fiscal responsibility.

A reduction of 5 percent would cut $1.7 billion from the bill and undercut a number of priorities at a time when we can ill afford to reduce them further.

I do not support the amendment and urge Members to vote ''no.''

I will yield to the ranking member.

Mr. FRELINGHUYSEN. I also rise in opposition to the amendment. Certainly, I commend the gentlewoman for her hard and repeated attempts to cut the Federal budget. But I agree with the chairman that we have a good bill. It is well balanced. It has been done in a bipartisan way.

I worry about indiscriminate cuts to a bill that affects the protection and reliability of our nuclear stockpile. That is important. We crafted some good things out of the energy portfolio which I think are worthy and defensible. This bill also includes funding that only begins to address a $1 billion-plus retirement pension shortfall through the individual accounts. That is something which I commend the chairman for his and staff leadership on.

This across-the-board cut would take a $1.6 billion bite across each of these initiatives. And I think that would be pretty devastating.

As a result, I rise with him to oppose this amendment.

Mr. PASTOR of Arizona. I would request that Members vote against this amendment, and I yield back my time.

Mrs. BLACKBURN. Mr. Chairman, I would remind my good colleagues that this is not Federal Government money. This is taxpayer money. And every year on April 15, the taxpayers send their portion to the Federal Government, and they charge us with looking out after that money. Many times they set aside hopes, dreams and college educations. They don't get to pursue their priorities because they have to send the money to Washington.

I find it absolutely incomprehensible that this body is not willing to turn to the bureaucrats that line all of these streets and these granite buildings and say, save a nickel out of the dollar. Allow our children and grandchildren to have opportunities. We have to realize, as I said, debt incurred today is opportunity denied for these children and grandchildren. I have heard all those arguments before.

When I was in the State senate in Tennessee, they had this grandiose health care plan called TennCare. Oh, it was going to save all this money. It was a public option. It was the test case for public option. It nearly bankrupted the State. When I offered an amendment to make across-the-board cuts, oh, those are draconian, those are indiscriminate. It is going to shut government down.

Well, guess what? They never took the cuts that we had. But when a Democrat Governor came in and he was faced with seemingly insurmountable odds on balancing a budget because we have an amendment, he made 9 percent across-the-board cuts.

We need to do this. We need to make the hard choices of where we are going to spend this money. You can't say, well, when you exclude this from the stimulus, and when you exclude this amount of money, when you exclude this $51 billion from stimulus and this $7 billion from supplemental, then it is only this. Well, guess what? That money is already spent. You spent the money. So unless they pay it all back, you can't exclude it. So your fuzzy math doesn't add up. It doesn't add up. You have already spent that money.

The person that is being undercut is the American taxpayer. And it is being done by the selfishness and by the greed of those who refuse to say ''no'' to a growing, out-of-control Federal bureaucracy.

I think it is time that we get some backbone on this spending issue. Stop the out-of-control deficit. Stop the out-of-control debt. Vote for the amendment and ''no'' on the debt.

The CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–209 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. PASTOR of Arizona.

Amendment No. 2 by Mr. CONNOLLY of Virginia.

Amendment No. 4 by Mr. HASTINGS of Washington.

Amendment No. 7 by Mr. BOREN of Oklahoma.

Amendment No. 8 by Mrs. MILLER of Michigan.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 1 OFFERED BY MR. PASTOR OF ARIZONA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. PASTOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 172, not voting 5, as follows:

[Roll No. 543]

AYES—261

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch

Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—172

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dreier
Ellsworth
Emerson
Eshoo
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harman
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hoekstra
Honda
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lofgren, Zoe
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—5

Bordallo
Faleomavaega
Schrader
Sestak
Young (FL)

□ 1536

Mr. BRIGHT, Ms. HARMAN, Mr. CULBERSON, Ms. ESHOO, Messrs. WITTMAN, ORTIZ, and HONDA changed their vote from ''aye'' to ''no.''

Messrs. MITCHELL and TEAGUE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 2 OFFERED BY MR. CONNOLLY OF VIRGINIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 69, not voting 7, as follows:

[Roll No. 544]

AYES—362

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
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)
Heinrich
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
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)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOES—69

Akin
Bachmann
Barrett (SC)
Bishop (UT)
Bonner
Boozman
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cassidy
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Gohmert
Hastings (WA)
Heller
Hensarling
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Lee (NY)
Linder
Luetkemeyer
Lungren, Daniel E.
McClintock
McKeon
Melancon
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Olson
Price (GA)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schauer
Sensenbrenner
Sessions
Shadegg
Shuler
Souder
Space
Stearns
Sullivan
Teague
Thornberry
Tiahrt
Tiberi
Walden
Westmoreland
Whitfield
Wilson (SC)
Young (AK)

NOT VOTING—7

Faleomavaega
Herseth Sandlin
Meek (FL)
Pastor (AZ)
Schrader
Sestak
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1541

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF WASHINGTON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. HASTINGS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 432, noes 0, not voting 6, as follows:

[Roll No. 545]

AYES—432

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
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
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
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
Filner
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 (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)
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)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
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)
Sablan
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—6

Faleomavaega
Moore (WI)
Platts
Schrader
Sestak
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1546

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. RICHARDSON was allowed to speak out of order.)

CONGRATULATING THE HOUSE WOMEN'S SOFTBALL TEAM

Ms. RICHARDSON. Colleagues, it's with great pleasure that we come before you to announce the incredible success that we had last night at the First Annual Congressional—may I say—Bipartisan Women's Softball Game.

We want to recognize our two captains, Republican JOANN EMERSON and, of course, our fearless leader who did it all, DEBBIE WASSERMAN SCHULTZ. We want to thank all of you, our teammates.

Mrs. EMERSON. You all, thank you very, very much from the bottom of my heart.

Ms. RICHARDSON. And from mine.

Ms. WASSERMAN SCHULTZ. From the bottom of my foot.

Mrs. EMERSON. We have been told that this was a triumph for women and a triumph of bipartisanship. And I think that says it all. We have proven, I think, that we will rise above any kind of partisanship, work together, come together as a team, and really work hard for something. And I think we're a good example for the whole House.

Ms. WASSERMAN SCHULTZ. In addition to that, we became even closer friends than we were when we started and raised awareness about the fact that young women can and do get breast cancer. We raised $50,000 for the Young Survival Coalition.

So, thank you to all the Members who came out, and all the staff. We especially want to thank the ladies of the Republican National Committee, Democratic National Committee, DCCC, NRCC, and the DSCC for participating and doing a great job. We're going to get you next year.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

PART A AMENDMENT NO. 7 OFFERED BY MR. BOREN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. BOREN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 429, noes 4, not voting 5, as follows:

[Roll No. 546]

AYES—429

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
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
Bordallo
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
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn

Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
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)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
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 (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)
McCarthy (NY)
McCaul
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
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
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)

NOES—4

Campbell
Ehlers
Flake
McClintock

NOT VOTING—5

Faleomavaega
Sablan
Schrader
Sestak
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1553

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 8 OFFERED BY MRS. MILLER OF MICHIGAN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 431, noes 1, not voting 6, as follows:

[Roll No. 547]

AYES—431

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
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
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
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
Fattah
Filner
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
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
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
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)
Sablan
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)

NOES—1

Baird

NOT VOTING—6

Faleomavaega
Farr
Johnson (GA)
Schrader
Sestak
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1558

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1600

The Acting CHAIR (Mr. CUELLAR). It is now in order to consider one of the amendments printed in part B of House Report 111–209.

PART B AMENDMENT NO. 2 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Housatonic River Net-Zero Energy Building project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $1,000,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, this amendment would strike a $1 million earmark that is for—and being from California, I will apologize in advance to the gentleman from Massachusetts if I butcher the name of the river, the pronunciation of the name of the river, but is it Housatonic? You can correct me when it's your time, but the Housatonic River Museum in Pittsfield, Massachusetts, and it reduces funding in the overall bill by that amendment.

Mr. Chairman, it is not unusual lately to see amendments for funding of museums in local communities and around the country, but this one's particularly unusual, I believe, because, as far as I can determine from the Web site, this museum doesn't currently exist. And if I am reading the Web site for this museum correctly, they're still in the design and development phase of this building, and it would appear that this is a $1 million earmark to go to a museum in Massachusetts which does not currently exist and which, according to their own Web site, would not even have construction completed until 2012. And of course, this is the appropriations funding for 2010, so this funding would be available for the museum 2 years before even their Web site indicates they might be completed. So this appears to be an amendment for a museum, $1 million for the museum that doesn't exist.

And I will reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I urge rejection of the amendment before us. In 2006, Congress created the Upper Housatonic National Heritage Area in southwestern Massachusetts and in northwestern Connecticut based on legislation that was cosponsored by our distinguished former colleague Representative Nancy Johnson of Connecticut and myself in the House and by all the Senators from Massachusetts and Connecticut in the other body.

The Housatonic River Museum is being created by a group of local citizens and environmentalists, all residents of that national heritage area, as a venue to highlight the rich cultural history and explore the hopes for the future of that area. The 13,000-square-foot museum is being designed to achieve two sustainable goals: zero carbon footprint and zero net energy usage.

Ninety percent of the money for this project is being raised privately, but the money provided in this bill will allow the museum to maximize energy conservation and efficiency using passive strategies such as natural lighting, natural ventilation, water conservation, high-performance building materials, and, in addition, to generate enough power for its own needs, all from renewable sources utilizing photovoltaic panels, recycled wood pellet boilers and a geothermal well system. The museum will return excess power to the public electricity grid when available and possible.

All of these techniques and processes for energy conservation and efficiency will be made available for explanation and demonstration to thousands of visitors of all ages, but especially to school-age children from near and far.

The museum itself will be lead certified, and will serve as a flagship demonstration project and an example of sustainable construction. It will be the first public building on the East Coast to be listed by the Department of Energy as a zero energy, and will join only seven others of similar designation in the Nation.

This is a good project with high goals and deserves to be funded, and I urge a ''no'' vote on the gentleman's amendment.

I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I have no doubt that it sounds like the museum is going to be a very neat, cool, useful museum in the local area, but I guess I would ask the gentleman a question. Does this museum currently exist?

And I would yield to the gentleman. Does it currently exist?

Mr. OLVER. It is under design.

Mr. CAMPBELL. So it is under construction.

Mr. OLVER. It is under design, and the money is being raised as we speak.

Mr. CAMPBELL. Reclaiming my time, but I would ask the gentleman, have all the funds for this, the construction of this museum been raised?

And I would yield.

Mr. OLVER. I am not familiar with the day-to-day progress of the collection of those construction funds.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, this is $1 million of the public's money going to a museum that doesn't currently exist, that is not currently under construction, and the gentleman from Massachusetts can't tell me if it's even fully funded. I mean, if you don't have enough, if there isn't enough money to build it, it may never be built. It may never be funded.

So where is this million dollars going to go and what is it going to go for?

The gentleman pointed out that most of this museum, or so far they've been doing this raised on private funds. That's great. That's very admirable. That's outstanding. That's the way local museums and stuff should be done. I support them. I'm sure he does as well, and that's the way that funding should be.

And so, should the taxpayers from California and Texas and Louisiana and every place else put their tax money towards subsidizing a privately funded museum in Massachusetts no matter how admirable the message that that museum may be?

And I would reserve the balance of my time.

Mr. OLVER. I continue to reserve.

I think I have the right to close, do I not?

The Acting CHAIR. The gentleman is correct.

Mr. CAMPBELL. May I ask how much time I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman from California has 1½ minutes.

Mr. CAMPBELL. Mr. Chairman, you know, the fiscal and financial status of this country is at an unprecedented low. We will have a deficit this year of probably over $2 trillion. President

Obama's budget projects a deficit of $1 trillion a year as far as the eye can see.

Of the million dollars that will go to this museum that doesn't exist and may never exist, $460,000 of that will be borrowed. Much of that money will be borrowed from people in China and India and other places.

And I guess I would ask, Mr. Chairman, in this time of great fiscal strain, in this time when people are losing their jobs, in this time when we have a gigantic deficit, gigantic debt, borrowing money from all around the world, and a Congress and a President who seem to be unwilling or unable to stop spending and spending and spending, isn't at least this, can't we at least not spend $1 million on something that doesn't even exist and hasn't been fully funded? Can't we at least stop here?

I tell you, Mr. Chairman, if this sort of spending, this sort of $1 million on a local project subsidizing a privately funded museum that doesn't even exist, if this isn't a million dollars we can save, then the message I think, Mr. Chairman, to the American people is that this Congress is absolutely unwilling to save any of their money and to reduce these deficits in the future, which is not just a problem for our children and grandchildren; the problem's going to come on us much sooner than that. It's a problem for us.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I thank the gentleman for yielding and to inform him and our Members that the committee supports the construction of this museum and is against the amendment, so we are urging Members to vote ''no'' on the amendment.

Mr. OLVER. I would just reiterate in this instance that all of this money goes to achieve those specific goals for providing zero carbon footprint and net zero energy usage in this to-be-constructed museum. All of the techniques, an array of techniques, I mentioned five or six, but the array of techniques, all of those will be available as demonstrations for all of the visitors all of the years of the future of this museum.

And he worries that it may never be constructed. Well, if they don't raise the money, which I expect them to do, and to be able to be in construction quite as fast as a good many of our recovery projects might get into construction, but certainly within this and the next fiscal year, that none of that money gets expended. So there is no harm at all in that. And otherwise, we have a very fine museum and a very fine demonstration project which hundreds of thousands of people will see over the next decade.

So I would hope that the amendment will be rejected. I urge a ''no'' vote on the amendment.

I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. It is now in order to consider the amendments printed in part C of House Report 111–209.

PART C AMENDMENT NO. 1 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Maret Center project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $1,500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, before proceeding with the time constraints here, I would ask unanimous consent that my amendment be modified to the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to part C amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.—None of the funds appropriated or otherwise made available by this Act may be used to carry out, or pay the salaries and expenses of personnel who carry out, section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

□ 1615

The Acting CHAIR. Is there objection to the modification?

Mr. PASTOR of Arizona. Mr. Chairman, I object to the modification.

The Acting CHAIR. Objection is heard.

Mr. FLAKE. May I inquire of the gentleman from Arizona why he objects? We were told that this appropriations process, particularly today's bill, was under a modified structured rule simply because of time constraints. I am simply offering to modify my amendment to reflect an amendment that was offered but not accepted by the committee so that no more time would be consumed. This is an amendment that is in order, and it is germane.

I would just ask the gentleman why the objection is being heard.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members' remarks will be directed to the Chair.

Mr. FLAKE. I would ask the Chair to ask the gentleman.

I would yield to the gentleman for a response if the gentleman from Arizona would respond to why he is objecting to this unanimous consent request.

Mr. PASTOR of Arizona. This amendment was taken up by the Rules Committee, and I don't have the authority to change or to modify it. So, rather than get into the debate, I thought it was in proper form to object.

Mr. FLAKE. I will have to go back to my original amendment. Let me just make a point, and I will be making it frequently coming up, so the gentleman or others may want to consult with the Rules Committee.

We were told at the beginning of this process that we were going to be restricted in terms of what we could offer simply because of time, that we could not have so many amendments that would take so much time. There were 108 amendments offered. We would never be able to get them done, we were told. So here we have a bill. The time constraints are set. We are told that some 20 amendments are going to be offered. We are simply asking to swap out amendments.

The Appropriations chairman said, We have an obligation to get our work done, so what Mr. HOYER and I did was offer the minority leader an opportunity from a compressed number of amendments to select their own amendments, any amendments they wanted, but they did not want to limit the number of time.

Here we are saying we will agree to the time, and we are simply asking for unanimous consent to allow us to offer the amendments we would like to offer, and they're objecting. So, Mr. Chairman, all you can conclude, again, is that the majority simply doesn't want to take votes on these amendments. For the first time in years, in decades, we are shutting down an appropriations process, and saying, You can't offer the amendments you want. You only offer the amendments we want. Now, that is simply wrong. I just want to make that point, and I'll be making it again and again.

So I don't blame the gentleman from Arizona. He is not authorized here, but his party has told us that we are only compressing and having, basically, martial law in terms of appropriations bills because of compressed time. We are agreeing to the compressed time. We are simply saying allow us to offer the amendments that are germane that

we want to offer. We are being told, no, you only offer the amendments we want to hear.

That's what we're being told here, and I just want to register an objection to that because we ought to have the freedom to offer the amendments that we have offered like we've been able to do for decades in this House.

With that, let me get to the substance of the amendment.

This amendment would simply strike $1.5 million for the MARET Center at Crowder College in Missouri.

May I ask as to the time remaining?

The Acting CHAIR. The gentleman has 1 minute and 15 seconds remaining.

Mr. FLAKE. I thank the Chair.

According to the Web site, the MARET Center is also known as the Missouri Alternative Renewable Energy Technology Center. It has been around since 1992. It has been funded several times, I believe, with earmarks. It has received, I think, $3 million in earmarks. When we have a deficit nearing $2 trillion this year, I think it behooves us to find areas where we can save. This is an earmark that goes to a college to study renewable energy when we are doing that all over in the budget—in this bill and in others. I think it behooves us to save the money where we can. This amendment would strike that funding, and would save it in the bill.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I would yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Chairman, first, I want to thank Chairman PASTOR and Ranking Member FRELINGHUYSEN for recognizing the importance of this center, the Missouri Alternative Renewable Energy Technology Center, located at Crowder College in southwest Missouri. I am even glad that Congressman FLAKE created an opportunity to speak about this project.

I really don't object to this process at all. I think the more we determine how we are deciding how to spend money, the better off the country is. I also think that it's good to understand that not every decision on where to spend our research and development money should be made by the current administration or by the current Department of Energy. In fact, I am proud of the research that we are doing in southwest Missouri, and it has already had and will continue to have an impact regionally and nationally on renewable energy technology.

This center will serve as a living laboratory. It already serves as a living laboratory, modeling the best practices for solar and thermodynamic energy systems and striving to go even beyond zero energy consumption. Through these efforts, it has served as a regional center.

The project we are talking about today integrates a variety of green construction practices, such as Earth shelter design, a green roof, rainwater harvesting, and low-volatile organic compounds, interiors and furnishings. This is designed to be one of the very first working examples of a net positive energy structure. In other words, this won't be a structure that just produces its own energy. It actually will be a structure that produces all of the energy it uses. It goes beyond the net zero building to put energy back into the grid, and it will provide distributed power to the electric utility company that serves the college.

Crowder College has long been a pioneer in renewable energy. In 1984, Crowder College, a junior college—a 2-year college—designed and built the first solar-powered vehicle to cross the United States. These are southwest Missouri kids out of high school and who are in their first or second year of post-high school training. They built the first solar car that did that.

This same group, this same school, finished second behind General Motors in the first world solar challenge in Australia in 1982. In 2001, they won the fuel-efficiency category of the second ethanol vehicle challenge. That's a vehicle, by the way, that is still used on the campus as a maintenance vehicle. This school won the People's Choice Awards in 2002 in Washington, D.C., for the solar house competition.

So they don't come to this, competing for Federal funds, without having had successes. They don't come without having done things that others have copied, shared and looked at. They come asking for this funding not only to help design, engineer and construct a center that is about to go out for bid but also to use that funding to help people learn how to use these building techniques. They are right there on the campus, learning how to create jobs. We talk a lot here about green energy jobs. This is a center that will actually be used as a laboratory in the building process to teach others how to do this green energy job creation and green energy building.

As we know, buildings consume 48 percent of the Nation's energy. The MARET Center will consume zero percent of the Nation's energy. In fact, it will put energy back into the system. Programs like this are crucial to the efforts we have for our economy and for our national security. Our Nation needs to have a new energy policy, an all-of-the-above strategy, and this is definitely part of that all-of-the-above strategy.

So I urge my colleagues to look at this issue and to look at it carefully, to look at a program that has already had national impact and to help this small 2-year college continue to do the things that they have been doing for over 20 years now to help establish green-collar jobs and green technology.

I would love to see our colleagues come to southwest Missouri and look at what is happening at the MARET Center, because people from all over America will be following their efforts and will benefit from this investment in the future.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield to the chairman, the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. Mr. Chairman, I will inform our colleagues that the committee is opposed to the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. FLAKE. I thank the gentleman.

Mr. Chairman, this sounds like a great program. There are many great programs all over the country. Why do we need to earmark money for this one? There are a lot of other universities that would love to compete for these dollars and for this kind of funding.

That is the problem with the earmarking process that we have. Members of Congress are able to pick and choose. We typically take from those accounts where we have money set aside for competition, where people can, based on merit rather than on political designation, compete for these funds. So, with that, I would ask for support for the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. FLAKE. Before proceeding with my amendment, Mr. Chairman, and so I won't gobble up my time, I would move that the Committee rise so that the whole House may entertain the unanimous consent request to modify my amendment.

The Acting CHAIR. The gentleman's motion is not in order according to the rule (House Resolution 645).

PART C AMENDMENT NO. 3 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 3 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Consortium for Plant Biotechnology Research, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $3,000,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified to the form I have placed at the desk.

Mr. PASTOR of Arizona. Mr. Chairman, I object.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to part C amendment No. 3 Offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.—None of the funds appropriated or otherwise made available by this Act may be used to carry out, or pay the salaries and expenses of personnel who carry out, section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

Mr. FLAKE (during the reading). Mr. Chairman, I withdraw my unanimous consent request. It has been rejected already.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I want to make the point again here. I offered a unanimous consent request to stick within the time frames that we've been given by the majority party. The majority party said to us, Mr. OBEY, said, We have an obligation to get our work done, so what Mr. HOYER and I did was to offer the minority leader the opportunity, from a compressed number of amendments, to select their own amendments, any amendments they wanted, but they don't want to be limited by number of time. I don't fault them for that. I'm simply stating the facts.

Well, here we are with the facts. We're willing to be limited by time. We have the constraints. All we want to do is have the ability to offer our own amendments, and we're not being given that ability. The majority party has objected to a unanimous consent request, not to offer an amendment that is not germane or that would not be made in order. It's just an amendment that they don't want to vote on.

So this is the second time. It will probably happen again and again and again. I don't fault the gentleman from Arizona. He is carrying out the wishes of the leadership.

I want people to recognize what is happening here. We have what amounts to martial law on appropriations bills this year for no reason other than the majority party wants to select the amendments that they want to vote on, not because of time constraints. We are living within the time constraints. We are okay with the time constraints. We are simply being objected to here, and are not allowed to offer the amendments that we want to offer.

□ 1630

With regard to this amendment, this amendment would remove $3 million for the Consortium for Plant Biotechnology Research and would reduce the overall cost of the bill by a commensurate amount.

I reserve the balance of my time.

Mr. ROTHMAN of New Jersey. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROTHMAN of New Jersey. Mr. Chairman, I rise today in strong opposition to this amendment. First I would like to thank Chairman VISCLOSKY, Chairman PASTOR, Ranking Member FRELINGHUYSEN and all the Energy and Water Subcommittee members for their leadership on this important legislation and their support for this project. This is a good bill, and this is a good project. It will protect America's waterways and reduce our dependence on foreign oil. I urge my colleagues to support the bill.

This amendment that the gentleman from Arizona offers would remove funding for a project that would speed the transition of biotechnology from the laboratory to the marketplace.

Since 1989, Mr. Chairman, the Consortium for Plant Biotechnology Research has steered more than $122 million towards energy research projects that are chosen on the basis of scientific merit and their importance for building a renewable energy economy, especially from biomass. The consortium works with more than 50 research universities in the United States of America and matches those universities with private entities, which transform their lab work into technology that can be introduced into the economy, creating jobs in the rapidly growing alternative energy sector. This is a picture of a wonderful public-private partnership that so many on both sides of the aisle talk about.

Through the Consortium for Plant Biotechnology Research, the Federal dollars made available by this earmark are matched 130 percent with non-Federal funds so that for every $1 the government puts in, the private sector puts in $1.30, for a total of $2.30 worth of research.

Recently, Mr. Chairman, Rutgers University in my home State of New Jersey partnered with the Consortium for Plant Biotechnology Research. Rutgers' work is focused on creating plants that require less fertilizer to grow, the result being less energy used in the manufacture of fertilizer, cheaper crops and easily produced biomass that can be converted into clean energy. The result is tremendously efficient research that is cheaper, that will give us better crops and the next generation of clean, renewable biofuels.

Mr. Chairman, if we're going to combat global warming and break America's dependence on foreign oil, investing in research into the next generation of locally generated, renewable biofuels is crucial. The Consortium for Plant Biotechnology Research facilitates exactly that, and I am proud to support this earmark.

I urge my colleagues to vote ''no'' on the amendment.

I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, may I ask the time remaining?

The Acting CHAIR. The gentleman from Arizona has 3 minutes remaining.

Mr. FLAKE. I thank the Chair.

One of the 11 sponsors of this earmark describe this organization to receive it as a ''nonprofit organization.'' A quick glance at its membership roster shows that in addition to 45 well-endowed university members, 46 for-profit corporations also partner in this consortium. Among them are Procter & Gamble and MeadWestvaco. There is a lot of private money for this institution as well. Here again we have a deficit of nearly $2 trillion, and yet we're spending $3 million on an earmark for a Consortium for Plant Biotechnology Research that already receives funding from a lot of private sector organizations, and we're simply adding on with another earmark. Again, it's the case here that when you earmark dollars, in this case you are removing dollars from the account that universities and other organizations can compete for. Over at the Federal agencies, we have a mandate that they compete out these kinds of projects. People compete on the basis of merit, yet here when we skim money off the top and earmark it for certain organizations, there is less money for other colleges, organizations and universities to compete for; and that's simply not right. As we've said over and over again, it amounts to quite a spoils system because just a relatively few people in the House get the bulk of the dollars that actually go toward earmarks. So, Mr. Chairman, I would ask for a favorable vote on this amendment. We simply need to save money where we can when we're running nearly a $2 trillion deficit by the time we get to the end of the fiscal year.

When I came to Congress just 8 years ago, I think our total Federal budget was just north of $2 trillion. Our deficit this year will reach nearly that amount. And still we're earmarking dollars right and left to universities or other organizations that have big endowments already or have private sector partners who already contribute money, and still we're saying they need more. Where does it end? When do we say enough is enough? I would submit that we should say it right here on this

earmark, and I urge support for the amendment.

I yield back the balance of my time.

Mr. ROTHMAN of New Jersey. May I ask the Chair how much time is remaining.

The Acting CHAIR. The gentleman has 2 minutes.

Mr. ROTHMAN of New Jersey. I yield 2 minutes to our distinguished chairman, the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I thank the gentleman for yielding. I will just inform Mr. ROTHMAN that we are against the amendment and support the gentleman's earmark.

Mr. ROTHMAN of New Jersey. I thank the chairman. There are good investments, and there are bad investments. I think one would find it difficult and unreasonable to say that in the present world economic climate, as well as energy climate, that the United States doesn't need to do more to become energy independent. We do need to do more. This is a public-private partnership involving 50 research universities in the United States, where for every dollar of Federal money, the private sector invests $1.30 to come up with ways to provide renewable energy in a clean fashion and clean, green American jobs. I urge opposition to this amendment.

Mr. ABERCROMBIE. Mr. Chair, I rise today to oppose an amendment offered by Representative FLAKE to H.R. 3183, the Energy and Water Development Appropriations bill for fiscal year 2010. This amendment would strike $3 million in funding from the Consortium for Plant Biotechnology Research located in Georgia.

I support this funding because of the amazing progress CPBR funded projects have been able to make. CPBR receives a small amount of funding annually and in turn has a competitive selection process to fund projects that further plant biotechnology that impacts the seed, agrochemical, forestry, food, energy, electric power, and other nonfood agriculture-based industries.

On average, federal funds to CPBR are matched 130 percent with non-federal funds. Industry must provide at least 50 percent cash matching, this requirement is not required by federal grants and goes to prove the worthiness of these CPBR projects and expedites their path to the marketplace. It is noteworthy that 372 CPBR-funded research projects have resulted in 129 patents, 67 patent applications pending, 274 licenses, and 5 start-up companies. In fact, CPBR-funded projects average 2.5 patents/$1 million of federal funding. This is significantly higher than the university rate of 0.13 patents/one million federal dollars, that's 1900 percent higher.

In Hawaii, CPBR funded a professor at the University of Hawaii who developed a process called "flash carbonization" which is now patented and has been licensed to several companies including Kingsford. This process uses a large cylindrical reactor to pressurize and heat tires, green waste and municipal solid waste to make a "biochar" or charcoal that can be used to enhance soil or burn as a fuel. This technology has spawned two energy companies that are building new environmentally friendly industries and creating high paying jobs in Hawaii. This progress started with a small research grant from CPBR.

CPBR supports higher-risk, longer-term environmental research that is essential to innovation, research that companies cannot afford to do on their own. With these federal funds, innovative advancements in environmental and energy research are hastened to the marketplace where they can be implemented. I urge my colleagues to oppose this amendment offered by Representative FLAKE and vote against its passage.

Mr. CONYERS. Mr. Chair, today, I rise in opposition to Representative FLAKE's amendment, which would reduce funding for the Consortium for Plant Biotechnology Research by $1 million. This project, which provides grants to universities for plant-based biotechnology research to promote a cleaner environment, has bipartisan and multiregional support.

Funding for the Consortium for Plant Biotechnology Research helps promote goals set out by this Congress: higher education, job training and environmental protection. A nonprofit corporation based in Georgia, CPBR has partnered with researchers and students in universities located in 32 states across the country to develop biotechnology and renewable energy, biofuels and "green" chemicals that can be used in place of ones that are harmful to the environment. CPBR has been a pioneer in using plants and plant-based materials as affordable and environmentally safer alternatives to fossil fuels.

CPBR is an example of what a public-private partnership should look like. Federal funding is matched, on average, with 130% of non-federal funds, allowing for $2.30 worth of research to be done for every dollar appropriated by Congress. The vast majority of the project funding, 92%, will go to research projects.

In my own District, the University of Michigan at Dearborn received funding from CPBR and the Ford Motor Company which allowed Professor John Thomas and his students to research safer methods of cleaning up toxic waste. They were examining whether plants could be used to extract harmful contaminants from the soil.

Important research like this is being done in universities all across the country because of collaboration between CPBR, the federal government, and private companies. In addition to invaluable information gained from this research, a new generation of environmental students and engineers is being exposed to cutting edge technology. CPBR also has a history of working with predominately African American institutions like Tuskegee University and Albany State. These partnerships provide exciting opportunities for minority students who are traditionally underrepresented in the environmental science and research fields.

Innovation from these projects can lead to new, high-paying jobs. As of September, CPBR research had led to 129 patents granted and 5 start-up companies. Additionally, students that have participated in this research have gained experience that makes them more competitive applicants when they seek high tech jobs after they graduate.

I am pleased to support the Consortium for Plant Biotechnology Research and its vital mission of providing universities and private industry the tools to collaborate to allow for vital environmental research. I encourage my colleagues to oppose Mr. FLAKE's amendment.

Mr. ROTHMAN of New Jersey. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 4 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 4, part C.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 4 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ___. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy" shall be available for the Ethanol from Agriculture project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form that I have placed at the desk.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

Mr. PASTOR of Arizona. Mr. Chairman, I object.

The Acting CHAIR. Objection is heard.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. You know, I thought the third time might be the charm, but apparently not. Let me just make the case again. The reason that we have martial law this year on appropriations bills is because we were told we needed to stay within the time structure. Now that excuse, I have to say, Mr. Chairman, was a bit suspect to start with. We are finished with voting today. We finished I think just before 4 o'clock. We'll be finished with these amendments and be out of here by 5 p.m. That's 2 o'clock on the west coast. Done for the night. And we don't have time to make in order a few other amendments? But here if that were the

case, okay. We're accepting the time constraints. We accept that the majority party believes we should be done at 3 o'clock or 4 o'clock today. So we'll just say, Let's just substitute one of the amendments that we would like to offer for one of the ones that we had made in order under the rule. Yet the majority party says, No, we only want to vote on the amendments that we want to vote on, not the ones you want to offer.

So let's get rid of, once and for all, the excuse that this is a matter of time, that the minority party simply won't agree to live within the time strictures. That is simply untrue. We are agreeing here to live within the time constraints, unreasonable though they may be, from the majority party as long as we can offer the amendments that we would like to offer, but we're not being allowed that. We've asked for three unanimous consent requests, each have been objected to.

Mr. Chairman, this amendment would strike $500,000 in funding for ethanol from agriculture at Arkansas State University, and it would reduce the overall cost of the bill by a commensurate amount.

Mr. Chairman, again, we see what we know is probably best referred to as a spoils system. One appropriator approached me the other day and said, ''I wish you wouldn't use that term. It's pejorative.'' I don't know if there's a less pejorative term that can be used. But here's the case: So far the earmark dollars that have flown out with the appropriations bills thus far, powerful Members of Congress—these are the appropriators and those who are chairmen or ranking minority members—they represent about 24 percent of this body. Yet when you look at the earmark dollars in CJS, 58 percent went to just 24 percent of the body; Homeland Security, 68 percent; Interior, 64 percent; Agriculture, 67 percent; MILCON-VA, 52 percent; Energy and Water—this bill that we're discussing today—58 percent of the earmark dollars go to just 24 percent of this body. It's a spoils system. I don't know of any less pejorative term to use. To the victors go the spoils, I guess. But that's another problem with earmarking. It's not just that dollars are wasted or that dollars in defense bills are basically given out as no-bid contracts. It's that just a small number of people in this body control too many of the dollars, and we're told that we shouldn't let some faceless bureaucrat over in some agency decide where to spend the money because it's our role under the Constitution here in Congress. But if you accept that, you have to accept the fact that every Member of Congress knows their district better than some faceless bureaucrat, as it's always said. But if that's the case, why do appropriators and other Members in leadership know their districts so much better than everybody else around here?

So it seems to be a bit of a spoils system, Mr. Chairman. I have to say, on this earmark with ethanol, we're spending a lot of money on ethanol. When you take the farm bill into account, when you take just about everything else we are doing into account with the energy bills that have been passed, it's not as if we are starving this beast. There is a lot of money going in here. Again, we're sending $500,000 more when we have a deficit nearing $2 trillion.

With that, I reserve the balance of my time.

Mr. BERRY. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Arkansas is recognized for 5 minutes.

Mr. BERRY. Thank you, Mr. Chairman. I thank our chairman Mr. VISCLOSKY, Mr. PASTOR and ranking member Mr. FRELINGHUYSEN for putting together a really good bill, and the staff has done an outstanding job with all of this, and we certainly appreciate all the hard work that they've done and continue to do. It would be the most foolish thing we could possibly do in this country. We have economically succeeded and lived off of the great research—most of it that was begun during World War II, continued after World War II and made us the technology leaders of the world. It has tremendous economic benefits. For us to now pursue a course to say that we don't need to do research, that it doesn't serve a good purpose.

The research that is being done at Arkansas State University, by the Arkansas Biosciences Institute that was created and funded by the State of Arkansas, and tremendous investments have gone into that institute and great work is being done there, some of it, a very small part of it, is being funded by the Federal Government. That is most appropriate. What this does is to make it possible to take the straw that is left after you harvest an acre of rice, and convert it to 270 gallons of ethanol. That's after you take the grain off of it.

□ 1645

It makes all the sense in the world to do this, and this would also be applicable to other crops.

So we are talking about using something right now that just lays there and rots and turning it into fuel that is environmentally friendly. And it makes absolutely no sense not to continue this research, bring it to fruition and put it on the ground and make it work for the American people and reduce our need for foreign oil.

So I rise in strenuous opposition to this amendment. I would ask the House to join me in being opposed to this amendment.

I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining.

The Acting CHAIR. One minute remains.

Mr. FLAKE. We spend upwards, in cumulative subsidies, of about $420 billion at an average of $28 billion annually and climbing on ethanol. We keep hearing year after year after year, we just need to seed corn here, if you will, we just need it to prime the pump, and it will take care of itself later. And 30 years later, we are still subsidizing at about $28 billion annually. And then we have to mandate use for it.

The truth is, we all know you can turn ethanol out of an old boot if you expend enough energy doing it. At some point, you have to question are we doing the right thing here with our dollars. When we are already spending $28 billion annually, does it make sense to throw in another $500,000 to Arkansas State University? Are they going to discover something that $28 billion annually for about 30 years has not discovered?

At some point, we have to say we have a $2 trillion deficit and we have priorities here. So, Mr. Chairman, I would suggest we have to start somewhere. Please, with this program, let's save some money.

I yield back the balance of my time.

Mr. BERRY. I continue to be opposed to this amendment.

I'm very proud of the work that has been done at the Arkansas Biosciences Institute. I think it is the kind of investment that this government needs to make in research and development to make sure that we continue to be the leader in the world in these areas.

With that, I ask my fellow Members to vote against this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 5 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 5 in part C.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 5 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ___. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Fort Mason Center Pier 2 project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $2,000,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman

from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I placed at the desk.

Mr. PASTOR of Arizona. Mr. Chairman, I object.

The Acting CHAIR. An objection is heard.

The gentleman from Arizona is recognized.

Mr. FLAKE. Let the record state, four times now, four times asking unanimous consent to simply swap for an amendment that we would like to offer rather than one that the majority party would like to hear. But again, it has been rejected. So I will go on.

This amendment would prohibit $2 million for funding for the Fort Mason Center Pier 2 earmark and reduce overall cost of the bill a commensurate amount.

According to the sponsor, and I don't see the sponsor here today, the Fort Mason Center operates the retired U.S. Army West Coast Port of Embarkation as a ''national standard for historic preservation, urban planning, sustainable business practices, nonprofit support and incubation'' and on and on.

According to a 2001 press release, this is not the first earmark for the Fort Mason Center by the same sponsor. That year, the sponsor directed a $13 million earmark to the center for seismic upgrades. According to the sponsor, this year's earmark was requested for costs associated with ''repairs related to sustainability and energy efficiency, as well as seismic safety and patron access.''

According to its Web site, the center ''embodies the essence of San Francisco, nearness to nature, combined with novel architecture, a nod to the past, and a dose of the different'' and boasts 300,000 square feet of space for 17 venues and on and on. This center hosts a lot of events annually. I suspect that more than a few of the attendees made their way also to the center's Cowell Theater last year, which is on the same premises, I believe.

Now, I don't know why in the world we keep earmarking dollars for centers like this. They clearly are in areas, in this case, San Francisco, where there is other funding or other funding is already used. But in this case we have a particularly powerful individual who requested the earmark who is able to get it time and time again, and so we are seeing this earmark funded.

At what point do we say we have to make priorities here? When you have a deficit that may hit $2 trillion this year, at what point do we say we can't spend another $2 million for the Fort Mason Center Pier 2 earmark?

With that, I reserve the balance of my time.

Mr. PASTOR of Arizona. I claim the time in opposition.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. PASTOR of Arizona. Before I get into the substance of Fort Mason Center, what I would like to announce is there was concern expressed regarding the manager's amendment, especially as it related to the vehicle purchase as outlined in that manager's amendment. I am committing to work with all Members to address that their concerns will be addressed in conference.

The gentleman from Arizona is right: we have a congressionally directed mark in this bill that will assist the Fort Mason Center to continue its best practices in its development. He is correct: since this base was basically closed down, this area has been developing to assist the people of San Francisco and the surrounding areas as a center for culture, education and recreation. It is located on the northwest side of San Francisco and includes a number of buildings and piers, and it leases space to 24 nonprofit organizations.

The gentleman from Arizona is correct: this is an earmark that continues the development of the center. The attempt of this earmark is to specifically incorporate sustainable design and construction strategies consistent with LEED silver certification in the likelihood it will be better than that certification.

The continued development of the center will now include more and extensive use of solar and wind energy and will serve as a model for sustainable practices within a historically sensitive context.

And so with that, I would request a ''no'' to the amendment.

I reserve the balance of my time.

Mr. FLAKE. I inquire as to the time remaining.

The Acting CHAIR. The gentleman from Arizona has 2½ minutes remaining.

Mr. FLAKE. I would yield to the gentleman from Arizona if he would indicate whose earmark this is.

Mr. PASTOR of Arizona. This earmark, its sponsor is the Congresswoman from San Francisco.

Mr. FLAKE. I believe that is the Speaker of the House.

Now, I mentioned before that the center contains a theater called the Cowell Theater. Last year the earmark sponsor went on a 12-city tour with her new book, ''Know Your Power: A Message to America's Daughters.'' I think that the Member who requested this earmark certainly knows her power. That is part of the problem with this earmark process.

Again, let me point out, in this piece of legislation, the Energy and Water bill, 58 percent of the funding is going to just 24 percent of the body, people who know their power and know that they can get earmarks. And we hear a lot of high-minded rhetoric about earmarks, that we are doing it because we know our districts better than those bureaucrats, and these bureaucrats shouldn't be able to choose because I know my district better. But apparently just a quarter of the Members of this body seem to know their district better than everybody else because they keep getting all of the earmark dollars.

So, when you strip it all away, we are earmarking dollars because we can here and sometimes to the same organizations or institutions that get it year after year after year. And when we are running a deficit that may hit $2 trillion, I would think that we ought to say enough is enough. The sponsor of this earmark appears to be associated with, either is a lone sponsor or in collaboration with other Members, more than $87 million worth of earmarks last year and more than $94 million the year before. So knowing your power certainly helps around here.

At some point, this body has to stand up and say we can't continue to do this. We have to be stewards of the taxpayer money. And I would submit that when we are running a $2 trillion deficit this year, we may hit that coming up, then now is the time to say we can't continue to fund earmarks like this.

I would ask for support of the amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Well, I would tell my dear friend from Arizona, and he is a dear friend, that this year we, our colleagues, at least those from Arizona, that requested congressional direct earmarks in this bill are part of that 24 percent and are very happy to belong to it. So, we will continue to work with Mr. FLAKE and other Members of Congress.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 10 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, designated as No. 10 in part C.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 10 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Whitworth University Stem Equipment project, and the aggregate

amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $300,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the manner designated at desk.

Mr. PASTOR of Arizona. Mr. Chairman, for the fifth time I will object.

The Acting CHAIR. An objection is heard.

Mr. FLAKE. I can't say that I'm shocked by now. This is the fifth time, I guess, but be it noted it is the fifth time we have asked for unanimous consent to offer the amendments that we would like to offer on this side of the aisle. But, again, this request has been rejected, not because of time constraints. We are living within the time constraints. It is because the majority party seems to only want to entertain amendments that they know they can defeat. They don't want anything controversial on the floor, and so we are breaking with tradition that has held for decades and decades, if not a century in this House, that we have open appropriations bills. Instead, we have a sort of a martial law with appropriations bills where they come under a modified rule that only allows the amendment that the majority chooses to hear, not the ones that Members want to offer.

That simply disenfranchises most of the Members of this body, I should say on both sides of the aisle. Many amendments that were bipartisan amendments or amendments offered by Democrats were rejected as well, because the leadership of this body and the majority party simply didn't want to hear those amendments.

This amendment would prevent $300,000 in funding for the Wentworth University for STEM equipment and to reduce the cost of the bill by a commensurate amount. STEM in this case stands for Science, Technology, Engineering and Math. Wentworth University is a private residential liberal arts institution. The STEM equipment provided by this earmark would be located in Wentworth's University Center for Applied Health Sciences.

Now I can't imagine that any university in the United States would not want Federal funding to increase student capacity at their institution. In fact, I doubt these universities would even be picky about the field to which the money was designated.

□ 1700

But simply wanting Federal money does not equate or merit getting the money. You simply ought to have—to the extent that we provide Federal dollars for institutions of higher learning, they ought to be distributed on a competitive basis, not on a spoils system, not because one Member can designate here or there.

We tell the agencies you have to set up a program by which people can compete for grants like this, but then we tell them, All right, but not for this pot of money. We're just going to designate it, and for the rest of the money in the account, then let people compete for that. But I'm going to get mine for my university, or she's going to get hers for her university, or they're going to get theirs for their university. That's simply not right.

If we don't like the way the Federal agencies are distributing the money, then, by golly, we ought to change the way it is set up. And, by the way, they distribute that money, but we shouldn't run a parallel system where we say, We don't like the way you are distributing money so you simply will have to wait and watch while we distribute off the top.

With that, I reserve the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I am pleased to yield to the gentlewoman from Washington State, Mrs. MCMORRIS RODGERS.

Mrs. MCMORRIS RODGERS. Thank you for yielding, and I appreciate the time.

I am in opposition to this amendment. To the gentleman from Arizona's point, if there was a way for us to set up a system whereby universities and colleges could compete for this funding, I would like to look at it. Bottom line, I believe that we do need to be investing more in this type of education.

As a Member of Congress, I have become very concerned about America's competitiveness, and I look at what's happened in this country, and we talk a lot about our taxes and our tax code and the fact that we have the second highest corporate tax in the world and the impact that that has on our competitiveness and our ability for small businesses to compete.

We talk about our regulatory climate, our litigious system, but I also think we ought to be looking at our education system. And we know that around the world other countries are investing in the STEM areas especially, the science, technology, engineering, and mathematics, and it's important to our future. As you think about America's ability to continue to be a leader in innovation and technology, a leader in research, I do believe that we need to be investing more in these areas.

I'm one who is shocked to know that a third of our kids will drop out of high school. Fifty percent who go to college need some kind of remedial math or English. We need to be raising the bar and we need to be giving them more opportunities.

As it relates to natural science and engineering majors, it's estimated by the National Science Foundation that we will acknowledge a shortage of 675,000 natural science and engineering majors in the next few years. We need to give our students the critical skills necessary to compete in the new global economy. Utilizing the advanced technology and state-of-the-art equipment in our colleges, such as what the funding allows in this bill, will help accomplish that goal.

Whitworth University has seen a 57 percent rise in the number of students majoring in science. The STEM Project, which is also matched by private funds, will give Whitworth the ability to install the necessary technology and equipment to allow an additional 2,500 students to pursue science majors. Moreover, inclusion of this advanced technology and state-of-the-art equipment in required research-intensive courses will enable students to be better prepared to contribute to our Nation's workforce immediately upon graduation. This project is supported by a bipartisan group of State legislators, the Greater Spokane Incorporated, and many others that are focused on this issue, Mr. Chairman.

There is no doubt that we must be concerned about out-of-control spending; yet I do believe there are worthy projects out there such as this one which will enable the United States to remain a global leader in the 21st century. And I urge opposition to this amendment.

Mr. FRELINGHUYSEN. I yield to the chairman of the subcommittee.

Mr. PASTOR of Arizona. I rise just to inform the gentlelady that the committee is opposed to the amendment and supports her congressional-directed earmark.

Mr. FRELINGHUYSEN. I yield back.

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. FLAKE. Let me just say again, here we have a private university. I'm sure that it's a great university. I'm sure this is a great program that it has, but we have private and public universities all over the country that are hurting badly and would like to receive funding like this and would like to be able to compete for funding like this under a program where they're on equal footing, where the money is not earmarked or cut off the top and just awarded to individual organizations or institutions. That's the problem with this process. It's one of the problems of this process. And so I would urge adoption of the resolution.

And, again, let me just go back to the request for unanimous consent to modify the amendment.

Again, going back to what the appropriations chairman said the other day to the majority leader or said with the majority leader, We did offer the minority leader the opportunity in the

compressed number of amendments to select their own amendment, any amendments they wanted, but they did not want to be limited in number or time.

Here we're saying we will be limited to number and time. We simply would like to select the amendments that we would like to offer, but we're being denied that opportunity. Five times. Five requests for unanimous consent. Five denials to simply offer the amendments that we would like to offer.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 11 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 11 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Projects—Energy Efficiency and Renewable Energy'' shall be available for the Boston Architectural College's Urban Sustainability Initiative, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $1,600,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The gentleman from Arizona is recognized.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit $1.6 million from funding the Boston Architectural College Urban Sustainability Project.

I appreciate the fact that Boston Architectural College is interested in urban sustainability and green innovation. According to the college, they're hopeful that that project will serve as a model for densely built areas, such as Boston's Back Bay historic district. In fact, the Green Alley funding for this earmark would be constructed in one of Back Bay's public alleys. For those unfamiliar with Boston, Back Bay is a residential, retail, and commercial office district. It's considered to be one of Boston's most—in one of Boston's most high-rent neighborhoods.

While the construction of the project may be carried out by the Boston Architectural College, it will benefit an apparently affluent neighborhood.

With that, I reserve the balance of my time.

Mr. CAPUANO. Mr. Chairman, I would like to claim time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. CAPUANO. The gentleman is right. It is an affluent neighborhood, but the school is not affluent. The neighborhood is not doing the work; the school is going to do it. The neighborhood will benefit from it in some indirect way because they all live near the Charles River. The storm water currently runs into the Charles River and pollutes it.

I want to make it clear. This is like many other things, my presumption is—I don't know yet—but it doesn't sound like this objection is with this particular earmark. It's with earmarks as a whole.

I want to make it clear. Based on things I have read in the papers, this college does not have a lobbyist, either a Federal or State lobbyist. No one from the school has ever donated to my campaign. Nothing at the school is named after me or is proposed to be named after me, and to my knowledge, the school has never received an earmark of any sort from the Federal Government prior to this. So unless there is an objection with this specific earmark, I don't know if it fits into all of the categories that I've heard in the past.

Just for the record, I would like to point out that not every Member of the majority wanted this amendment to be offered today, but I don't mind.

With that, I reserve the balance of my time.

Mr. FLAKE. The gentleman is correct. This goes to the Boston Architectural College. The Sustainable Design Program is an online program. It allows students from all over the country to enroll in classes and complete a certificate without even stepping onto the campus. Who then will be carrying out the project?

I just wonder how the residents of Chicago, for example, whose alleyways have to outnumber just about every city in the world, feel about this earmark. In 2006, Chicago created its own Green Alley Initiative, one of the most ambitious public street makeover plans in the U.S. However, instead of relying on Federal funds, Chicago used its own resources and relied on the Chicago Department of Transportation to implement the program.

If the Boston Architectural College is trying to be an example in urban sustainability, maybe they should be, and we all should be, looking to Chicago for that. Not only has Chicago implemented several green initiatives on a much wider scale, but it does not appear to rely on an earmark to do it.

We simply can't afford to continue to earmark dollars for this program or others when we're running a deficit that could approach $2 trillion this year. I don't know how many times we have to say it or how many times we have to be voted down on the floor on these before we recognize we have to change things here.

We are on a path, fiscally, that is unsustainable. And when we continue to have bills like this that earmark hundreds of millions of dollars not on a competitive basis—remember, earmarks aren't competitive. Earmarks mean that you forego the competitive process. You circumvent it. You tell those that are competing for moneys like this, You will have to take a backseat because we're going to take that money that you could have competed for and we are going to give it to somebody else.

So perhaps this program is worthy of Federal money. Perhaps it isn't. It should have to compete for it. If we don't like the way the Federal agencies have set up the programs for competition, we should change them. We should instruct them to change it. That's part of the process of authorizing, appropriating, and then exercising appropriate oversight.

But instead, here we're saying we don't like the way you do it over there so we're going to create a parallel system and we are going to do it ourselves, and that's simply not right. It's done. It amounts to a spoils system, as I mentioned here in Congress, where few powerful Members tend to get the bulk of the dollars and amounts to something, in the Defense bill, where you are giving a no-bid contract to private companies. And that's simply not right.

We tell the Federal agencies you have to set up a program for competition, but then we do something else, and it's not right, Mr. Chairman.

And I would urge support for the amendment and yield back the balance of my time.

Mr. CAPUANO. I will make the offer right here, right now. I will trade every earmark that will be designated for Boston for all of those designated for Chicago any day of the week. And if this gentleman can make it happen, count me in.

As far as where the money comes from, let me point out that the Commonwealth of Massachusetts is a donor State across the board. We pay more in taxes than we get back. I dare say that the gentleman's State is not in that category, and I don't mind that. I don't mind that because I see myself as an American, not just a citizen of Boston or a citizen of Massachusetts. I think that's the way we built this great country. So I don't have a problem with that. On occasion, do I think we have some good ideas in Boston? Yes, I do.

As far as the gentleman is concerned about our deficit, I think he's 1 million percent right; actually, 1 trillion percent right. And I would join him in anything he would like to do to actually deal with the deficit. One earmark at a time doesn't do it. It makes good

PR. It gets the gentleman up and talking, and it gets other Members—I would really rather be reading the health bill right now, but that's okay.

But I ask the gentleman where was he on November 14, 2002, when this House was voting on roll call No. 482, which was the roll call to maintain the PAYGO rules that were the only things that kept the entire Federal Government constrained?

□ 1715

Only 19 of us voted to keep the PAYGO rules. I was one of them because I share the gentleman's concern about deficits. You don't deal with deficits one nickel or one dime or $1 million at a time. You deal with them across the board, if that's the concern.

If the concern is this particular earmark, I didn't hear too many things that designated this. If the concern is the concept of earmarks, well, I didn't run for office to do nothing. I did not run for office to allow the President or the Governor of the State—and I was a mayor. I don't believe in imperial executives. So we disagree on that issue.

If it is deficit, I will join the gentleman anytime to truly address the deficit problem we have in this country because I think he has a good point on that issue, not on this earmark, which is exactly why I hope this particular amendment is defeated.

And with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. It is now in order to consider amendments printed in part D of House Report 111–209.

PART D AMENDMENT NO. 1 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk designated No. 1.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 1 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Energy Conservation and Efficiency Upgrade of HVAC Controls project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment which would strike an earmark for a half a million dollars to the New York Metropolitan Museum of Art. According to the sponsor's Web site, the money would be used, For needed conversion of various HVAC systems for obsolete and high energy consuming systems to direct digital control systems which will vastly reduce energy costs while allowing for greater conservation and use of existing energy within the building.

Mr. Chairman, I want to stipulate that I have no doubt that this would be a very valuable improvement for the Met. I have no doubt this is a good use of somebody's money, but Mr. Chairman, I have several questions about this.

And listen, let me also stipulate that the Metropolitan Museum of Art is one of the great art museums in the world. When I have the occasion to go to New York City, I love to go to the Met. I particularly love to go to the galleries that have the art of the various impressionists. I can spend hours, if not days, there.

So let me stipulate again, I have no doubt that this is a good use of somebody's money, but let me give you a little background, Mr. Chairman.

The spending that has been taking place in Washington, D.C., is at an unsustainable pace. Already this body has passed a $1.1 trillion government stimulus plan costing every American family $9,810, including $100 million for an after-school snack program, $1 billion for the census; an omnibus costing $400 billion, costing every American family $3,534, including $150,000 for lobster research in Maine, $1.9 million for a pleasure beach water taxi service in Connecticut; a $700 billion bailout program so that folks like Chrysler, GM, AIG and a host of others can get taxpayer dollars costing every American family $6,034.

Only 2 weeks ago, a new national energy tax passed by the House, where every American family that will deign to turn on a light switch, it will cost them between $1,500 and 3,000, and just yesterday, a new proposal by House Democrats for a government-controlled health care plan that will cost a minimum of $1 trillion, and the spending goes on and on and on.

And so given that backdrop, I ask several questions. Number one, is the money for the Met, is this really a Federal responsibility? I mean, according to the chief financial officer of the Met, 31 percent of their money comes from endowment, 28 percent from gifts, 14 percent from admissions. Is it really the responsibility of the Federal taxpayer to pay for this improvement in a heating, ventilation and air conditioning system?

And if it's a Federal responsibility, Mr. Chairman, is it really a Federal priority? Given that we just had reports that the national deficit exceeded $1 trillion for the first time in our Nation's history, I just ask the question, if it is a Federal responsibility, is it a Federal priority?

And if it's a Federal priority, is it equal to other Federal priorities? Is it as important for spending money for the National Institutes of Health to find the cure for cancer? Is it as important as spending money on our veterans health care system? And particularly in this economy, Mr. Chairman, is it as important as giving tax relief to small business, the job engine in America?

And if it raises to that level of importance, I ask one more question, and that is, is it worth borrowing money from the Chinese to send a bill to our children and grandchildren in order to give this improvement for the HVAC at the New York Met? And as great as the museum is, as great as this HVAC system is, Mr. Chairman, I do not think it rises to that level.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. Thank you for offering me the opportunity to talk about the merits of the energy conservation and efficiency upgrade of the HVAC controls project.

This has been vetted by my office, the Energy and Water Appropriations Subcommittee, and the Department of Energy, and they have decided that it will not only directly and positively impact my district but the Nation at large.

Included in the energy efficiency and energy renewable account, this project will use solid-state sensors and controllers in direct digital control systems which have considerable energy-efficiency advantages over conventional systems. These features will yield energy savings of up to 15 percent when compared to conventional systems, thus a significant savings to the environment and a substantial reduction in energy use by a major museum.

One of the goals of the Metropolitan Museum of Art is to reduce the energy consumption of its buildings while improving cost-effectiveness. To achieve these goals, the museum is seeking to use energy efficiency and renewable energy technologies, recycled and sustainable materials, and site-sensitive design to minimize the burden on the environment. And one major piece of this energy-efficiency effort is the upgrade of the various systems to boost energy output, while allowing greater control per building in the complex.

And this will reduce energy waste. This conversion project will also help generate 20 employment positions, which is needed in this time of job loss.

Finally, I would say that the Metropolitan Museum of Art is a national treasure. It is a cultural and artistic center in our country, and even if the gentleman or others do not recognize the value of funding art in our society, which I certainly support, it is part of the economic lifeblood of New York and this country. It pays considerable taxes, and it also generates revenues in our city from the over 5 million annual visitors to the museum. It is one of the top tourist attractions in the country, and by supporting this funding request, you support the thousands of small businesses in the community that will benefit from the many who visit it.

I might also say that the museum is considered one of the finest in the world, and it includes not only the art history of America but the historical art from around the world, and it is also a center that helps other museums, including Texas.

The museum recently volunteered its help to the Kimbell Art Museum in Fort Worth, which draws attendees from Congressman HENSARLING's district, and exhibited the first known painting by Michelangelo. This painting was cleaned, transported, restored and hung by the Metropolitan Museum of Art. Without the contribution of the Met, the Kimbell museum in Texas would not have been able to support the exhibition of this invaluable work.

I am confident this project is a valuable use of taxpayers dollars, investing in creating jobs and helping other museums, and helping the economic development of the district that I am proud to represent.

In response to the gentleman's other points, our economic problems were not created in the 5 months that President Obama has been in office, and they're not going to be resolved in 5 months either. We are facing the most severe recession since the Great Depression, and it will take time for the Recovery Act to take hold.

Likewise, the Recovery Act was not designed to work in 5 months. It was designed to work over 2 years, and the Recovery Act was designed to provide a boost necessary to stop the free-fall and lay the foundation for recovery.

We are working as quickly as possible in my district and across New York State to move the stimulus money into the economy as quickly as possible. Economist Zandi estimates that in the last 3 months alone over 500,000 jobs were saved as a result of the stimulus spending. So far, $43 billion of the recovery spending has come in the form of tax relief to America's working families and businesses. Let's imagine the situation we would have been in if we had not had the TARP money to stabilize our financial institutions and let them fail. The failure of our financial and credit systems would have followed the failure of institutions, crippling our economy with millions of losses of jobs in so many directions and unemployment to millions of Americans.

So I strongly support this. I believe it's a good investment in energy efficiency and job creation and the economic development of our country.

The Acting CHAIR. The gentlewoman's time has expired.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have left?

The Acting CHAIR. Thirty seconds.

Mr. HENSARLING. Mr. Chairman, I would say to my friend, the gentlelady, I don't have the honor of representing Fort Worth in the Congress. My constituents appreciate the Kimbell museum. They appreciate the Met. More importantly, they appreciate the fact that they don't want to borrow a half a million dollars from the Chinese and send the bill to their children and grandchildren and future generations. Those are the taxpayers and the citizens of the Fifth District of Texas that I have the honor of representing.

Spending is out of control. Let's start somewhere. Let's say ''no'' to somebody today so we can say ''yes'' to our children's future tomorrow. I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

PART D AMENDMENT NO. 2 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk designated No. 2.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 2 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ___. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Corps of Engineers-Civil—Construction'' shall be available for the Pier 36 Removal project in California, and the aggregate amount otherwise provided under such heading is hereby reduced by $6,220,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that would strike an earmark, also known as pork barrel spending, for Pier 36 removal in San Francisco California, reduce the overall account by $6.22 million. Apparently, Pier 36 is located along the Embarcadero in San Francisco Bay. Apparently, according to San Francisco's Port Authority, which owns the pier, removal of the pier is necessary to begin a new wharf project.

□ 1730

Again, Mr. Chairman, I would just ask several different questions about this particular earmark. Although I have no doubt that removal of this pier must be a good thing, I'm kind of curious why the San Francisco Port Authority doesn't pay for it itself. I don't think the Federal Government owns this particular pier.

Again, I'm not going to debate that it's not a good use of money. I, again, question whether or not it is a good use of the Federal taxpayer money at this time.

Again, Mr. Chairman, this amendment has to be put in context of the spending that goes on around here. Mr. Chairman, sometimes I just think: When will we stop the madness? When will it stop?

My Democratic colleagues from across the aisle have now brought us a budget which will triple—triple—the national doubt in 10 years. Triple it, Mr. Chairman. We will run up under their budget more debt—more debt in the next 10 years than in the previous 220 years of our Republic combined. This is shocking, absolutely shocking.

Mr. Chairman, as you well know, for the first time in our Nation's history the Federal deficit has exceeded $1 trillion, and in just 2 years the Federal deficit has increased tenfold. We are borrowing forty-six cents on every dollar—borrowing it from the Chinese, from the Japanese, from the Russians—tin cup in hand, running around the world saying, Please, please, lend me money, because I can't stop spending.

I heard one of my colleagues earlier say, Well, you know, this is just nickel and dime kind of stuff. Number one, Mr. Chairman, I hope I'm never in Washington so long that I conclude that $6.22 million of the taxpayer money is not a lot.

Now, I know relative to the entirety of the spending explosion that's going on around this place, maybe it's not a huge amount. But, Mr. Chairman, you know, if you don't start saving the pennies and nickels, how will you ever save the dollars?

I have seen no attempt around this place to reform Medicare, reform Medicaid, reform Social Security. I mean, I'm told that somehow if we nationalize, federalize health care, that if we have a Federal bureaucrat somehow stand between people's families and their doctors, that somehow that's going to save money, when the Congressional Budget Office says it will cost at least a trillion dollars. And that's just a down payment.

I have never known the Federal Government to take something over and somehow it's going to cost less money.

Mr. Chairman, this goes to the culture of spending. Unless you change the culture of spending, you're never going to change spending.

And so, according to the Web site, this is a request of the Speaker of the House. She can lead by example. More so than any individual in this institution, she can lead by example. In November of 2006, she said, ''You can't have bridges to nowhere for America's children to pay for.'' Well, Mr. Chairman, apparently you can't have piers to nowhere for America's children to pay for.

The Speaker of the House once said, ''It's just absolutely immoral—immoral for us to heap those deficits on our children,'' yet the Speaker of the House will heap an additional $6.22 million of deficit on our children. She, more than anybody else, can lead by example. And I'm disappointed this earmark was brought to us today.

I reserve the balance of my time.

Mr. PASTOR of Arizona. I rise in opposition to the amendment and claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PASTOR of Arizona. Actually, this pier is somewhere. It's in San Francisco. Pier 36.

I bring to the gentleman that this removal—in the 2007 WRDA bill, the funds were authorized so that the Corps would begin removing the deteriorated Pier 36, which is located in the San Francisco waterfront.

This pier was built in 1908–1909, and it was built of reinforced concrete for the use as a freight ferry facility. The pier was originally 721 feet long and 201 feet wide. The outer wood portions of the pier, after 70 years of being in the elements, have deteriorated.

Recently, further deterioration has caused the pier to be closed and it has been secured with fencing to prevent entry. The deteriorating sections of decking and wooden support pieces continue to rot, break, and float into the bay, which represents a potential hazard to navigation in the adjacent Federal Channel.

In addition, Pier 36 was constructed using creosote-soaked pilings, which contain a class of chemical compounds known to affect the viability of fish spawning. Use of creosote-treated wood is now prohibited in new construction in the San Francisco Bay.

So, the removal of Pier 36, which was authorized in the WRDA bill 2007, is needed to ensure that the continued deterioration, the piles that would fall into the water, would not cause a threat to navigation and the chemicals that they were treated with would be eliminated as an environmental hazard.

With that, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman. May I inquire how much time I have remaining.

The Acting CHAIR. The gentleman has 30 seconds.

Mr. HENSARLING. Mr. Chairman, again, the Speaker of the House has said previously, in November of 2006, ''I'd just soon do away with all earmarks,'' which begs the question: Why is she bringing at least two of them today?

She has also said, ''It is absolutely immoral—immoral for us to heap those deficits on our children.'' Why is she asking us to heap another immoral $6.22 million of debt on our children?

It is time to lead by example. I urge adoption of the amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, the committee finds merit in this authorized Pier 36 removal and we ask our colleagues to object to and refuse the amendment as offered.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

PART D AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment designated No. 4.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 4 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Electricity Delivery and Energy Reliability'' shall be available for the Automated Remote Electric and Water Meters in South River project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Electricity Delivery and Energy Reliability Projects) are each hereby reduced by $500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that would strike another earmark. This one is for $500,000. According to the sponsor's Web site, funding would be used by the Borough of South River, New Jersey, to purchase and install automated remote electric and water meters for both of the utilities owned by the borough. These meters would provide bi-directional real-time information to both the utilities and the consumer.

Again, not unlike my previous amendments, Mr. Chairman, I will stipulate I assume this is very interesting, useful, cutting-edge kind of stuff for the Borough of South River, New Jersey. I'm sure that this would help the gentleman's constituents. Maybe it will help make them more energy efficient. I will just assume that this is good technology. Again, I assume it's a good use of somebody's money.

But I again question, is it a Federal responsibility, number one. Why the citizens of the Borough of South River, New Jersey? Why not the citizens of Provo, Utah; Missoula, Montana, Bangor, Maine; not to mention Mineola, Texas, which happens to be in my district. Should we buy these for every single borough, city, town, village in the Nation?

Again, Mr. Chairman, this has to be put in a backdrop of what is going on in our economy today. Since the President took office, what we know, Mr. Chairman, is that unemployment has gone up to 9.5 percent, an increase of just 25 percent since the President has been in office.

Since he's been in office, the economy has shed 2.6 million jobs. The public debt has increased 13.66 percent. The Federal deficit now exceeds $1 trillion, $1 trillion for the first time in our entire Nation's history.

And so I would again ask my colleagues: Where do you draw the line? Where do you finally say ''no'' to someone's project today so you can say ''yes'' to our children and grandchildren's future tomorrow? I would hope it would be here. I would hope it would be now.

Again, like another of my colleagues said, I wish we were talking about savings trillions of dollars today. Frankly, I, as other Members of the Republican side, have offered amendments that would save substantial amounts of money, but a funny thing happened on the way to the Rules Committee. Somehow those—those weren't found in order. And so we don't have the opportunity to debate those amendments on the House floor.

So I guess we're left to debate half a million dollar amendments instead of half a trillion dollar amendments like we would like.

You know, we've got to remember that dollars have alternative uses, Mr. Chairman. Every dollar that is spent on an automated remote electric water meter for the Borough of South River by the Federal taxpayer is $1—$1 that cannot be spent on cancer research at the National Institutes of Health; cannot be spent for a rural veterans health care clinic; cannot be spent for tax relief for small businesses—the job engine of America. That's the national priority now, is to get the economy moving again.

And I just ask, number one, is that a Federal priority? Is it a Federal responsibility? Why not other cities? Again, the critical question at a time where we're tripling the national debt

over the next 10 years, is it worth borrowing money from the Chinese and sending the bill to our children and grandchildren?

Mr. Chairman, I say ''no.'' I say ''no'' so that I can say ''yes'' to my 5-year-old son's future, my 7-year-old daughter's future, and the future of all the children and great grandchildren of our country.

I reserve the balance of my time.

Mr. HOLT. I rise in opposition to the amendment, Mr. Chair.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HOLT. I understand the hope of my colleague from Texas to rein in excessive government spending, but he is really misguided on this one.

This is a project that would provide real benefit to the residents of the Borough of South River, and as a demonstration project it would serve as an example for the rest of New Jersey and the Northeast and indeed the whole Nation of how to use technology to conserve energy, to use it more wisely. In fact, every dollar spent, to paraphrase my friend here, on smart metering, is indeed a dollar well spent.

My constituents in New Jersey pay some of the highest utility rates in the Nation. In the Borough of South River, they are seeking assistance to help decrease the electric bills of the borough residents, and they're seeking to demonstrate that this works. Funding for the automated remote electric project will provide relief to the constituents in this municipal energy system, and it will serve as a wonderful example.

South River owns and operates its own utilities. It's moving toward implementing a borough-wide smart grid. This metering that the borough intends to purchase is the first step toward this eventual goal. They would provide real-time consumption information. It would allow the users to make wise decisions based on the real cost of service in real time.

It's just exactly what we have been discussing here in the House of Representatives in recent weeks. It's well established in the scientific community that climate change of recent decades can be attributed to the way we produce and use energy and that climate change is altering our planet in ways that are expensive and deadly.

I spoke to the mayor of South River yesterday, who assured me that he is ready to go ahead with the project. It's one of their top priorities. They have been working on it for years, one in which they have already made considerable investment in preparing an efficient municipal utility.

□ 1745

This will serve, as I say, as an example.

I might add that the gentleman's home State of Texas ranks 32nd in the Nation in tax dollars returned from Washington. My home State of New Jersey ranks considerably lower than that. As a so-called donor State, I don't apologize to my constituents for working to return their tax dollars. I really only regret that all municipal utilities in the country are not funded to convert to smart metering. This is certainly a good investment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I saw that the gentleman from New Jersey was lamenting the high energy rates of his constituents. And although I don't have the House RECORD in front of me, I'm under the impression he recently voted for the national energy tax, which would cost his constituents anywhere from $1,500 to $3,000 a year.

Second of all, I believe in the value of demonstration projects as well. My constituents would like a demonstration project of fiscal sanity in the United States Congress. They have yet to see one. Here is a small demonstration project of fiscal sanity on behalf of our children and grandchildren by adopting this amendment.

I yield back the balance of my time.

Mr. HOLT. May I ask the Chair the remaining time?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. HOLT. Let me try to figure out why it is that the gentleman from Texas (Mr. HENSARLING) is proposing to do this. I can assure, I think it is unlikely that he knows as much about this project as I do, but I must say energy has been my professional field for most of my life.

This is, I would argue, a good investment. To refer to the comments of my colleague from Massachusetts a while ago, this approach of trying to deal with the deficit and excess spending one project at a time is sort of a waste. If the gentleman is really concerned about this, I presume that we will find his vote in the ''aye'' column next week when we consider pay-as-you-go legislation.

If he's concerned about earmarks, as a concept, then I would say, yes, the OMB, the Office of Management and Budget, speaking on behalf of the White House, should have included this project in their request to Congress and many more like it. But they didn't.

And so, is the gentleman saying that the House of Representatives should just be an up-or-down vote on what the President sends to us? The President will decide what the budget should be. We take it or leave it.

Well, no, that's not the way it should work. This is something that I offer. It provides no partisan political advantage. In fact, the mayor of this town is from the other party. No one from the borough, to my knowledge, has made any campaign contribution to any Member of Congress, any member of the borough government. No lobbyist is involved in this.

This is just good policy. It should have been in the budget sent over by the President, but it wasn't. Lots of things should be in the budget sent over by the President, but they're not. That's why we scrub the budget and decide what should be added and what should be subtracted. Call it earmarking if you want, but I don't. I would hope that the gentleman would not think that we should abdicate our responsibilities here as Members.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. PASTOR of Arizona. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NYE) having assumed the chair, Mr. CUELLAR, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

JUMP-STARTING OUR ECONOMY

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

Ms. JENKINS. Mr. Speaker, the number of empty storefronts across Kansas is growing, and the folks who call our towns home continue to ask, Where are the jobs?

They hear about bailouts and the $1 trillion so-called economic stimulus, but Kansans are still struggling.

The Nation's deficit has topped $1 trillion for the first time, and some say it could grow to $2 trillion by this fall. We should be ashamed. But rather than putting the brakes on this out of control spending spree, some think Washington needs to spend more.

Mr. Speaker, when does it stop?

Instead of taxing small businesses out of existence, we should provide tax relief so they can hire more employees and create jobs. Instead of throwing money at programs that aren't working, we should find responsible ways to cut spending.

Small businesses and innovative Americans hold the key to jump-starting our economy. It's time for Washington to let them do their job.

MEDICAL RIGHTS ACT

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

Mr. KIRK. Mr. Speaker, this is what the House government health care bill creates: $1 trillion, 1,000 pages, $1 billion per page. Here is the patient, and over here is the doctor.

Now, moderate Republicans have a much better plan we will put forward. Our Medical Rights Act says Congress cannot restrict the decisions of you and your doctor and eliminates the need for all of this, and puts you right next to your physician, without the need for $1 trillion in spending.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that my name be removed from House Resolution 648.

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

There was no objection.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Air Force Academy:

Mr. POLIS, Colorado

Ms. LORETTA SANCHEZ, California

Mr. LAMBORN, Colorado

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICAN COMMUNITY SURVEY—TOO MUCH GOVERNMENT INTRUSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, under the United States Constitution, article I, section 2, it states that every 10 years there will be a counting of the people. The purposes are twofold: One, to levy direct taxes, and second, to find out how many people live in the United States so that Members of Congress can be apportioned percentage-wise based on population. That is the purpose of the census, and it's a good purpose. Next year we will have another undertaking of the census, of the counting of the people in the United States.

But also, independent of the census, there is a survey that is being taken, given, rather, to American citizens, 3 million next year and 3 million every year. Now, I want to make it clear that this is not the census, but this is a system of surveying the American people, and it just so happens that today I got one of these surveys. It's labeled from the United States Department of Commerce, the Census Bureau, and it's the American Community Survey, and it says, Your response is required by law.

You open this document, you get a lot of paperwork. You get several documents that say you have to fill this out or by penalty of law if you don't, but you get the survey. Mr. Speaker, the American Community Survey is 28 pages. If a person receives one of these and doesn't fill it out, you've violated Federal law.

Now, the survey contains a lot of information that makes me wonder, Why does the Federal Government even want this information? Why should the Federal Government even have this information?

And here's some of the questions that it asks: the value of your residence, how much you pay monthly for your residence on your mortgage, how many rooms in your house, how many toilets are in your house, what kind of vehicles do you drive. I guess they want to know how many pickups are in Texas.

Do you have a stove? a refrigerator? What type of fuel do you use? How much does it cost you each month to use that fuel? How much does each person in the household or in the residence, rather, make? What is their income? Where do they work? What do they do? How long have they done that? What is the cost of the mortgage? What is the cost of health insurance for each person, and what is the cost of taxes in the house? And it goes on and on and on, 28 pages, required by Federal law under the American Community Survey Act.

I won't go into all the questions because I don't have time, but I'd like to mention one more. One question is, each person has to answer this question, because of a physical, mental or emotional condition, does the person have trouble concentrating, remembering, or making decisions?

Now, should the Federal Government have that information? And why should a person in the residence make that determination about themselves and then have to answer that question for everybody else in the residence?

I certainly hope they're all getting along well.

It also asks, because of a physical, mental, or emotional condition, does the person have difficulty dressing, doing errands, difficulty shopping? And it goes on and on and on, Mr. Speaker.

Back in 2007, two historians found some old documents from the Department of Commerce archives and the Franklin Delano Roosevelt Presidential Library. These documents confirmed for the first time that the Census Bureau turned over information to incarcerate over 100,000 individual Japanese Americans after the Pearl Harbor attack. This information was reported by USA Today. The Census Bureau information made it all possible. Of course, the Census Bureau has denied that it gave that information. But be it as it may, it was legal in 1940.

In 1942, documents proved the Census Bureau turned over these addresses of the Japanese Americans to the War Department. In 1943, they turned over their financial information to the Department of the Treasury.

□ 1800

This was all nice and legal in the War Powers Act of 1940. It was legal, but it wasn't ethical, and we know what happened to 100,000 Japanese Americans. They were interned. The point is this, Mr. Speaker. This should be voluntary. If United States citizens want to give all of this information to the Federal Government so the Federal Government can have a file on everybody, then they should be allowed to do that, I guess, but it shouldn't be required by law. That is why I've introduced legislation to allow citizens not to fill this document out if they don't want to, because it invades, in my opinion, their personal privacy rights.

Once again, I'm not talking about the census. I am talking about the survey that is being required by law to be sent out. People down in southeast Texas, people who live in Cut and Shoot, Texas, for example, shouldn't be required to fill this information out. It violates their privacy. It's too much government. It may be well-intended, but the Federal Government should not have this information, and we as Members of Congress should allow this information to be, not required, but voluntarily given by the people of the United States.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

H.R. 3183: ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Speaker, I rise today to express my strong support for H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act of 2010.

I applaud the subcommittee chairman and the ranking member for moving this important bill through the Appropriations Committee and to the House floor.

This bill funds some of the most critical programs in south Florida, where I live, and my constituents are very much in tune with this particular bill.

I would like to spend a few moments today focusing on how this bill affects our area of south Florida.

Since coming to Congress, I have been committed, along with my Democrat and Republican colleagues, to working to make sure with the Florida delegation and with Members throughout the country that they support Federal Government obligations to restore the incomparable River of Grass, which is known as the Everglades.

I was very pleased that President Obama, in his budget request, met his promise and followed up on that to make Everglades restoration a priority. Although the $210 million in this bill doesn't quite match the President's request, the fact remains that this bill makes Everglades restoration its biggest construction project.

I commend the chairman and ranking member for keeping Everglades restoration as a national priority. It is historical.

Mr. Speaker, H.R. 3183's commitment to Florida's priorities are also something to be mentioned. The beaches of south Florida are some of the most beautiful in the Nation, but our coasts are facing a real crisis. They have become seriously eroded, endangering both the personal property and the personal safety of residents and guests. My district in south Florida encompasses over 75 miles of beautiful coastline on the Atlantic, and it has numerous shore protection projects, but many are mired in the Army Corps of Engineers' permitting process.

There are many reasons why the permitting process is not as efficient as it could be, but one problem we can address right here is the understaffing at the Army Corps of Engineers. For example, Palm Beach County, which is one of the counties I represent in south Florida, was forced to pay out of its taxpayer dollars the salary of an additional Army Corps of Engineers staffer to deal with the county's many projects awaiting some Army Corps action. In essence, Palm Beach County became fed up with waiting year after year for the Corps to act on their permit applications, so they are now paying for the extra Army Corps employee to do his job.

Mr. Speaker, this is a ridiculous situation that is unfair to the taxpayers of south Florida, who are paying their fair share here up in Washington. That is why I filed an amendment that was accepted as part of Chairman PASTOR's manager's amendment. This language, combined with increases in the underlying bill, will add $11.8 million on top of last year's funding level to fund more staff and to support more personnel to help act on a more efficient basis with regard to these permits. This sizable investment will unclog the permitting pipeline that is hurting so many of our coastal communities. They deserve a timely decision so they can determine the best ways to protect their residents and the natural resources.

Mr. Speaker, south Florida and the entire country need greater strategic investment in our Nation's priorities. This particular bill, H.R. 3183, will put us on a path towards energy independence in addition to a number of other bills we've already put on the table and have sent to the President. The only way we can reduce our dependence on foreign oil is to invest in a multitude of technologies and to make these technologies right here in the United States, creating the jobs right here. This bill invests in solar and wind energy in order to make our electricity cleaner. At the same time, it also invests in weatherization and in energy efficiency to bring down costs for consumers and businesses. The bill includes investments in clean coal technology and nuclear energy research so that we can unleash these innovations and create high-quality American jobs.

The bill also makes critical investments in vehicle technology so that our gas tanks get more miles per gallon, which will save us money at the pump. Of course, using less gasoline means we will import less gasoline, and that is an essential national security item because, currently, we are importing 60 percent of our oil from unstable countries around the world that, in many cases, are financing terrorism and drug trafficking with our petrodollars. I believe that a transition to new energy sources will ensure that we do not continue to send billions of dollars to countries that are, at best, not our friends and, at worst, are our enemies. My strongest belief is that we should never again have to make a foreign policy decision based on where the next drop of oil is coming from.

Lastly, H.R. 3183 builds on the recently passed American Clean Energy Security Act and Recovery Act, which has jump-started American investment in this new energy economy I've been talking about. I truly believe this is an historic moment and an extraordinary opportunity to create jobs in south Florida and throughout the Nation and to unleash a new generation of energy technology built right here in America.

I am proud to support H.R. 3183, and I am looking forward to seeing the results on the ground in south Florida.

H.R. 3036: BRINGING SUNSHINE TO COSTS OF CONGRESSIONAL TRAVEL OVERSEAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, many Members of the House may have seen a recent Wall Street Journal article that documented how existing disclosure requirements allow many of the costs associated with congressional delegation trips overseas, known as CODELS, to go unreported.

Right now, when Members of Congress take foreign trips using commercial airlines, the costs are publicly disclosed in reports published in the CONGRESSIONAL RECORD. However, the costs of Members' foreign trips using military aircraft are not. In the past, Members of Congress have used military aircraft even when traveling to exotic locations that are readily served by commercial airlines. Press reports have indicated that the military even maintains a specially outfitted VIP fleet, operated out of Andrews Air Force Base, where aircraft can carry costs estimated at $10,000 per hour.

When a Member of Congress takes a taxpayer-funded trip overseas, taxpayers have a right to know how much of their hard-earned money is being spent on that travel. For this reason, I recently introduced H.R. 3036.

This legislation would direct the Department of Defense to provide a report on the costs incurred in taking a Member of Congress, an officer or an employee of Congress on a trip outside the United States. It would then require the Member of Congress to disclose those costs, and these costs would be publicly reported online.

Mr. Speaker, it is important to note that this bill would not apply to any trip for which the sole purpose would be to visit one or more U.S. military installations or to visit U.S. military personnel in a war zone, since there may be varied security reasons for not disclosing the costs of these trips.

With an ever-growing national debt and with our military budget stretched thin, it is more important than ever that Congress acts as a responsible steward of taxpayer dollars. Bringing sunshine to the costs of Members' foreign travel will help ensure taxpayer dollars are efficiently used.

I am pleased that this legislation has received the support of the National Taxpayers Union, of Eagle Forum and of Public Citizens Congress Watch. It has also been endorsed by the Council for Citizens Against Government Waste. Their letter of support for this bill states:

''Military aircraft is necessary when flying into war zones or U.S. military installations overseas; however, the military fleet is too often used to shuttle Members back and forth to locations served by commercial airliners. Members of Congress should be held accountable for every bill footed by taxpayers.''

Again, that statement that I just read is from a letter that the Council for Citizens Against Government Waste wrote to support this legislation. In fact, Mr. Speaker, I submit the text of this letter for the RECORD.

In closing, I hope my colleagues will become cosponsors of H.R. 3036, and will join in bringing transparency to the cost of foreign travel by Members of Congress.

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC., June 29, 2009.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: Congressman Walter Jones (R–N.C.) recently introduced H.R.

3036, a bill that would bring transparency to taxpayer-funded overseas trips taken by members of Congress. On behalf of the more than 1.2 million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support this legislation.

The military maintains a specially outfitted VIP fleet out of Andrews Air Force Base that can cost up to $10,000 per hour to operate. Members of Congress often take advantage of these military aircraft for overseas travel, even in instances where commercial flights are readily available and more cost-effective. The cost of commercial airline travel is publicly disclosed, but the cost of travel on military-owned jets is not provided.

H.R. 3036 would require the Secretary of Defense to determine and disclose the cost of foreign trips for members of Congress using military aircraft. These costs would then be publicly reported online through the House Clerk's website.

Military aircraft is necessary when flying into war zones or U.S military installations overseas; however, the military fleet is too often used to shuttle members to back and forth to locations served by commercial airliners.

Members of Congress should be held accountable for every bill footed by taxpayers. All votes on H.R. 3036 will be among those considered in CCAGW's 2009 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,
President.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MASSA) is recognized for 5 minutes.

(Mr. MASSA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE TRAGEDY OF A SOCIALIST AMERICA AND ITS DESTRUCTION OF HEALTH CARE

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. Mr. Speaker, this is not a roadmap. This is the Democrats' new health care plan, all of these white things. Can you believe that? I was just talking to my colleague over there, Mr. POE from Texas.

All of these white things are new agencies of government, new agencies of government that we're going to have to pay for in order to take care of the health of the Nation. Now, this thing is going to cost between $1 and $3 trillion over the next 10 years, and I doubt seriously if anybody who is writing this 1,200-page bill, or whatever it is, knows what this stuff does. It's just crazy. Look at all of these agencies. Look at the minefields that people have to go through to get to their doctors down there at the end to take care of their health care needs.

Other countries that have used this kind of an approach ration health care for senior citizens. They ration health care for people who have certain kinds of diseases. They have to wait months and months and months for MRIs and for other things that we would get very rapidly here in the United States because we have the highest quality of health care in the world, and so we are going to create a government bureaucracy.

I hope my colleagues back in their offices are looking at this, because most of them haven't seen this.

We are creating a government bureaucracy that looks worse than any Federal highway system like in California. I mean you can't even find your way around this thing, but that's not the worst of it.

Since last October, this is how much money we've spent: $700 billion on the TARP program, which includes $54 billion for the auto bailout, which we really didn't need to do because they filed for bankruptcy anyhow, so that $54 billion was wasted. Who cares. That's just taxpayers' money. Then we had $1.1 trillion, including interest, for the stimulus package, which is not working, because they said that was going to keep unemployment below 8 percent. Now it is 9.5 and is going up like a rocket, so that didn't work. That's $1.1 trillion. On the omnibus spending bill, we had $410 billion. The defense supplemental was $106 billion. Now, there may have been some necessity for that. The SCHIP bill was $73 billion. The cap-and-trade is going to cost every family in this country between $1,000 and $3,000 a year in additional expenses for turning on their lights or for putting gasoline in their cars or for getting gas to heat their homes. Then there's this health care bill, which will be $1 trillion to $3 trillion, and I'll tell you: It is going to be a lot more than that.

Let me tell you a little story, my colleagues who may be paying attention. When I was a state senator, the Federal Government came into Indiana and said, If you don't take the Medicaid bill, we're going to withdraw $2.5 million in Federal highway funds. They were blackmailing the State of Indiana into taking the Medicaid program by saying that we were going to lose $2.5 million if we didn't take it.

I went up to the Senate floor, and I said, Hey, it's going to cost us 10 times this amount of money if we do take Medicaid. I said it would cost about $25 million. Do you know how much that costs now? Between $1 billion and $2 billion a year. I was so far off it isn't funny.

This thing right here is not going to cost $1 trillion to $3 trillion. It's going to cost trillions more than that. It's going to reduce the quality of health care. It's going to cause the rationing of health care, and it's going to ruin the system of health care we have in this country. It's just a tragedy that this is happening.

This administration is moving as rapidly as they can toward a socialistic form of government, and everybody in this country ought to know it. They are trying to control and are controlling the investment business, the banking business, the automobile business; with cap-and-trade, they're controlling the energy business; and now the health care business. This is really a tragic time for America, and I hope everybody in this country who may be paying attention will really take a close look at this and will call their Congressman if they are paying attention.

I know I can't address them, Mr. Speaker, but if I were addressing the American people, I would say, Contact your Congressman and tell him you don't want this mess passed into law. It is going to jeopardize the quality of your health care here in America.

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.)

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.)

□ 1815

CALLING FOR BOYCOTT OF STELLA D'ORO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Thank you, Mr. Speaker and my colleagues. I want to call everyone's attention to something that is happening in my district. It is actually very disgraceful. There is a plant called Stella D'oro. Everyone knows about Stella D'oro, the cookies and the cakes that they make. In fact, for many years I spoke about Stella D'oro with a sense of pride. When I appeared on the Colbert show, I took out a package of cookies, of bread sticks of Stella D'oro's and talked with pride about some of the things that were being made in my district.

The Stella D'oro company was founded in 1932 and was family run until they sold to RJR Nabisco in 1992. RJR Nabisco became a part of Kraft Foods. It was taken over by Kraft. And what happened was, Kraft Foods then sold Stella D'oro to a company called Brynwood Partners. Brynwood Partners really doesn't care about running this place or being fair to its workers. It really only cares about the bottom line. So what they did was they pushed the workers, and they told them that in order to keep their jobs, in order to finance their purchase of Stella D'oro, the workers would have to take a 25 percent pay cut for its 135 workers, many of whom had worked there for decades, were proud of the product

they created. And besides that, they didn't stop there. They told the workers that they would have to make health insurance unaffordable by imposing crushing premiums on these people, eliminating their holidays, eliminating their vacation and sick pay and other crippling costs. So the workers, who are not making a lot of money to begin with, there is no way that they could suddenly accept this. So they went on strike. And Stella D'oro—again, Brynwood Partners—responded by hiring a bunch of scabs to replace the strikers and, in essence, dismiss the strikers. Well, the strikers appealed to the National Labor Relations Board, the NLRB; and the NLRB ruled in favor of the strikers. It told Brynwood, who now runs Stella D'oro, that they must take the striking workers back with some back pay.

And now what is Brynwood Partners threatening to do? They are saying that they're going to close down, shut down the company entirely; and in essence, these workers would totally lose their jobs. How vindictive that is. They win a ruling from the National Labor Relations Board only to have Brynwood Partners say they're going to shut down this company, which has been run since 1932. It's really disgraceful when a company like Brynwood Partners—which obviously doesn't care about making cookies, doesn't care about the neighborhood community-type of business that it was—only uses this company as the bottom line.

Just the other day we had a rally in front of the Stella D'oro company in the Bronx, in my district, to show the workers that we stand by them and support them. I want to let Brynwood Partners know that I am not going to be quiet about this or take this lying down. There are other things that Brynwood Partners own, and we really ought to scrutinize and watch everything they do because if they are allowed to get away with this, they can get away with anything, if nothing more than the bottom line, as far as I am concerned, corporate greed. Something ought to be done for these workers. Again, the National Labor Relations Board ruled in favor of the workers, and so the reaction of the company is to just close it down. That is a disgrace. It should not be happening in 2009. This Congress needs to take note of it and needs to stand behind these workers.

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.)

GLOBAL TRADE AND JOB CREATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Mr. Speaker, this evening I have taken out this Special Order to talk about an issue that is of grave importance to the American people. There is no doubt about the fact that the American people are hurting. We are seeing tremendous losses across this country. People are losing their homes. In California, the State that I am privileged to represent, we have an unemployment rate statewide of 11.5 percent. People are losing their jobs; people are losing their businesses; and people are hurting. It's something that has been recognized by Democrats and Republicans alike. We right now are witnessing the implementation of policies that I believe, very sincerely, will exacerbate the problem.

We were promised when we were provided with the so-called economic stimulus bill—$787 billion, but if you include interest a $1 trillion stimulus bill—we were promised by the President of the United States that if we implemented that measure, we would not see the unemployment rate exceed 8 percent. And we all know today, unfortunately, as I said, in California the unemployment rate statewide is 11.5 percent. Nationwide it is 9.5 percent. Economists across the board and the President of the United States, even in an interview yesterday, have indicated that we are going to see a continued increase in the unemployment rate. Now that was, again, after we were promised that implementation of the so-called economic stimulus bill which would prevent unemployment from exceeding the 8 percent level.

Since that period of time, we have seen this House pass a massive tax, which is going to be inflicted on families across this country as it relates to energy. Now you will recall one of the hallmarks of the President's platform and the statements made repeatedly by our colleagues on the other side of the aisle have been that we would not see any kind of tax increase imposed on Americans earning under $250,000 a year; and yet we know, based on the very modest report that came from the Congressional Budget Office, that we will see at least a $175 increase in the energy tax imposed on Americans as it relates to this so-called cap-and-trade measure.

The debate that's going on right now relates to health care. We all want to do everything that we can to ensure that those 40-plus million Americans who are uninsured have access to quality, affordable health care. But the measure that is before us, I clearly believe, undermines the quality of care and the assurance that people will have access to quality health care. We also know that the cost imposed on small businesses and big businesses across this country will be very great. And those numbers, as have been shown in a wide range of reports that have been brought before us, have led many to indicate that there will be a tremendous job loss because of this. Because the increased costs, as it relates to health care, inflicted on small businesses will lead many of them to reduce the number of jobs.

So I am very concerned, obviously, as are the people who I am privileged to represent from the Los Angeles area and the people across this country and, frankly, I think many Democrats as well as Republicans here in the House of Representatives, they are very, very concerned about this issue of dramatically increasing the size, the scope and the reach of the Federal Government. It is very well intentioned, of course, Mr. Speaker. It is very well intentioned because we all want to make sure that we focus on improving our environment and decrease our dependence on fossil fuels. We all want to ensure that every American does have access to quality affordable health care, and we want to make sure that we get the economy back on track. But I believe that the trillion-dollar economic stimulus bill, the so-called economic stimulus bill, the so-called cap-and-trade bill that has been put forward and the measure that would dramatically increase the cost of health care and diminish the quality of care are troubling signs. The reason I have taken out this Special Order—and I know I am going to be joined by colleagues of mine, Mr. Speaker—is that we are in a position where we still have a chance to actually focus on job creation.

I'm going to talk this evening about something that has been very near and dear to me for many, many years. It goes back to my education in college; and that is, the notion of the United States of America playing a leading role in global economic growth so that we can increase the number of good American jobs. That means good jobs right here in the United States of America. I believe that trade is key to that. Trade, global trade is going to play a big role in creating jobs, jobs, jobs. Because the natural question that has continued to come forward from this promise that we would not see the unemployment rate exceed 8 percent is, Where are the jobs? We have a chance. Mr. Speaker, we still have an opportunity to turn the corner on that. With a shrinking economy and mounting job losses and anxiety for what the future holds, we need the job-creating power of open trade more now than we have ever needed it. It's one of the very sad ironies of the trade debate. Tough economic times often lead people to say that we should pull up the drawbridge and lead to a term that I know no one likes to have hanging around their necks, but that term is protectionism. Protectionism is a bad thing. But frankly, during tough economic times, there are many people who happen to respond by being proponents of protectionist measures, in fact, avoiding the notion of more open trade. There is a fundamental and very dangerous misconception held by many, including,

frankly, many here in the Congress—I'm happy to say very few on the Republican side, but many on the Democratic side.

As I talk about this, Mr. Speaker, I also want to add that I hope very much we'll be able to get back to the bipartisan consensus that once existed in our quest for open trade. The fundamental and very dangerous misconception that is held by many is that engaging with 95 percent of the world's consumers who live outside of the United States somehow hurts job creation right here in the United States. Let me repeat that, Mr. Speaker. We need to remember that 95 percent of the world's consumers don't live here in the United States. They live outside of our borders. So the notion that engaging with those 95 percent somehow hurts job creation here is preposterous. In fact, nothing could be further from the truth. Even during these difficult economic times, even during this economic recession, even during this time when people are looking for jobs, they've lost their homes, they've lost their businesses, we continue to be the world's largest exporter of both goods and services. There are 57 million jobs directly supported by this engagement in the worldwide marketplace today. Now that is more than one-third of our entire workforce who have trade actually responsible for the fact that they have jobs today. A million Americans have their jobs today because of our engagement in the global marketplace. It also means that more than one-third of our workforce would be threatened if trade were to be diminished. But the impact of trade engagement is even more far reaching than these 57 million jobs with a direct connection to global trade. There are tens of millions of additional jobs that are indirectly related to trade as well. Manufacturers that lower costs and become more competitive by importing parts of their supply chain actually benefit from trade. That means raw materials coming into the United States for manufacturers so that they can engage in the export of finished products, there are a tremendous number of jobs that are related to that. Manufacturers that lower costs and become more competitive by importing those parts for their supply chain actually benefit from trade.

□ 1830

So do the retailers and wholesalers who sell the goods these manufacturers produce. There are thousands of small businesses who provide services for exporters, whether it is information technology, the IT sector support, printing services, logistics or any of the countless business services that help facilitate companies that are globally engaged. All of these companies, all of these companies are indirectly tied beyond the 57 million jobs here in the United States that are directly tied to global trade. All of these support efforts create, again, tens of millions of jobs right here in the United States. And so we as Americans benefit from both imports and exports as well.

Unfortunately, that message gets lost amid the constant barrage of anti-trade rhetoric which we regularly hear. The protectionists and the isolationists who want to disengage from the worldwide marketplace have been adept and relentless in making their case against trade.

That is why we are here tonight, to take a look at the actual facts and to try to set the record straight on the tremendous benefits of open trade and the opportunity it presents to help to begin restoring job creation in this country.

Again, Mr. Speaker, as we talk about these items that I mentioned, the economic stimulus bill, which hasn't kept the unemployment rate at the 8 percent level that was promised by the President, it has gotten instead to 9.5 percent, the health care measure and the so-called cap-and-trade bills which many studies have shown will cost jobs, we can help reduce the numbers of job loss if we were to focus on creating jobs through greater trade. It is instructive to look at past trade agreements and see what the impact has been on our economy and on our workforce right here in the United States.

Let's look at the U.S.-Chile free-trade agreement as an example. It passed with bipartisan support. But it also drew the usual criticism from protectionists who oppose open trade at every opportunity. This agreement was passed in 2003; so we now, Mr. Speaker, have 6 years of experience and data to draw from in analyzing what the impact of the U.S.-Chile free-trade agreement has been.

Since implementation of this agreement 5 years ago, our exports to Chile have increased by 345 percent. Now, when Congress considered this agreement, the International Trade Commission had estimated that there would be a 12 to 52 percent growth in the first 12 years. So far, we have seen growth that is nearly seven times higher than even the highest estimates that we had back in 2003.

More than 10,000 U.S. companies are sharing in the success by exporting to Chile. This includes large manufacturing companies like Caterpillar which relies on export markets for half of all of its sales, to small, family-run companies like Lion Apparel in Dayton, Ohio. These companies and their workers have been boosted by the explosion of new trade that was made possible by this U.S.-Chile free-trade agreement.

Mr. Speaker, this is a success story that has been repeated throughout every agreement that we have implemented. Again, I underscore that, throughout every agreement that we have implemented, we have success stories to which we can point, which is why we actually have a manufacturing goods trade surplus with our free-trade agreement partners. Let me repeat that, Mr. Speaker: we have a manufacturing—we are constantly hearing regularly from critics of trade that we have a tremendous loss of manufacturing jobs because of trade agreements, but we actually have a manufacturing goods trade surplus with our FTA partners. The key to increasing manufacturing jobs in this country is more, not fewer, free-trade agreements.

The same holds true throughout all sectors of our economy. Now, I spoke today with the CEO of UPS, one of the great companies, Scott Davis, who in yesterday's Wall Street Journal penned a fascinating piece talking about the new jobs that trade enables his company, UPS, to create. And these are the words from Mr. Davis. He said, for every 40 internationally shipped packages, UPS, United Parcel Service, can create one new job. This is only common sense.

He explained to me today when we were talking about this that if you look at those who were moving the packages, not just the drivers, but those who had responsibility for handling packages and all, it creates the equivalent for every 40 packages the United Parcel Service exports.

Greater engagement around the world means more economic growth, greater competitiveness and more job creation. It is just that simple. Now that is the good news, Mr. Speaker.

The bad news is that failure to expand our trading relationships were even worse, withdrawing into isolationism, which tragically is what has happened in the past couple of years, will have very, and already has had and will continue to have, very negative consequences at a time when we, as Americans, cannot afford to lose a single job here in the United States of America.

Because jobs, jobs, jobs, here at home, in the United States, is what this is about. It is what the American people are talking about. It is what they are asking for. It is what they were promised in last fall's campaign and what they had been promised throughout this year. And so we have before us a great opportunity that will, in fact, help us create more jobs.

On Monday, U.S. wheat growers announced that they are on the verge of losing half of their exports to Colombia if we do not quickly act on that agreement.

While the U.S. has stalled this agreement, Colombia has moved forward with other negotiations. It has just signed an agreement with the trading group known as Mercosur, the South American trade bloc led by Brazil which includes Argentina, Paraguay and Uruguay.

Colombia also intends, along with linking up with Mercosur, to conclude an agreement with Canada, our northern neighbor this fall, our NAFTA trading partner is engaging with Colombia now, in large part because we have failed to comply with the agreement that we made to have an up-or-

down vote here in the House of Representatives and in the Senate on the U.S.-Colombia free-trade agreement.

Without the U.S.-Colombia FTA, our wheat producers, who already face tariffs that can range as high as 124 percent, will not be able to compete with our Argentinean and Canadian counterparts who will enjoy duty-free access into the Colombian consumer market.

This is just one example, Mr. Speaker, of the competitive disadvantage our farmers, manufacturers and service providers face and will continue to face if the United States refuses to move forward or takes a step back.

Now we have three pending agreements. I mentioned the Colombia agreement. We also have pending agreements with Panama and South Korea that were negotiated in good faith. The first two, Panama and Colombia, are two very, very important key allies as we all know right here in the hemisphere. Their goods and services already enjoy duty-free access to the U.S. consumer market. That is a good thing. We are able to get cut flowers, coffee and things like that that come from South America, from Colombia especially, duty-free here in the United States. These agreements would simply level that playing field, providing us access to their consumer market.

The latter, South Korea, is a very important strategic ally as we know. And it is the world's 13th largest economy. The potential for economic growth and job creation by entering into what would be the world's largest bilateral trade agreement ever is staggering. With our unemployment rate at 9.5 percent and job losses, as we all know, mounting every month, we cannot afford to delay another moment.

These agreements, Mr. Speaker, are job creation agreements and American job creation agreements, which is something that Democrats and Republicans alike want to see happen. Job creation is at the forefront of Americans' minds right now. We know that.

Well, I believe comparisons of our economic situation and the Great Depression may be misguided. There is a very significant lesson to be learned from that time in our Nation's history. Conservatives and liberals alike agree that the economic decline that began with the stock market crash in 1929 was dramatically exacerbated and prolonged by the Republican-initiated, I'm embarrassed to say, the Republican-initiated Smoot-Hawley Tariff Act, which instituted dramatic, drastic protectionist measures. It began as an agriculture measure to impose tariffs on agriculture items and products, but it expanded. And it was very, very far reaching. This was precisely the wrong approach to take, plunging us as a Nation further into an economic depression.

I would hope that we have learned the basic lesson from our history: isolationism is always bad for an economy. But it is especially, especially dangerous when we are already facing hardship.

Mr. Speaker, this Congress has tried nearly every possible kind of bailout in order to stimulate our economy. And as we have seen in the past several months, not one has worked, certainly not as has been promised. It is time for us to turn to a proven policy that again will create good jobs right here in the United States of America, well-paying jobs. We know that jobs that relate to trade pay significantly higher than those that do not.

So it is time to move with this trade agenda. We can move it forward. We have an opportunity to do that.

I'm very pleased, Mr. Speaker, to be joined by a number of my colleagues who have been very active in our trade working group and, well, no one is on their feet at this moment. I will be happy to yield to my good friend from San Diego who immediately lurched to his feet and understands full well how important the issue of trade is, as he represents the very, very important gateway city into Latin America of San Diego.

I'm happy to yield to my good friend, Mr. BILBRAY.

Mr. BILBRAY. Thank you. I appreciate the gentleman from California for bringing this item up.

Mr. Speaker, one item I would like to discuss is the issue of our neighbors to the south. Every country in Central America has taken on the issue of free trade with the United States. And at great political risk, their political leaders have been willing to step forward and say, for the prosperity of the hemisphere, we must cooperate and work together, not just militarily, not just through aid, but through that long-term relationship of trade.

And it is sad to see that while they have the political bravery to do the right thing for their economies and for their citizens, our political system stands frozen in our tracks. Speaker PELOSI refuses to bring forward the agreements that their leaders have been brave enough to step forward and support.

Mr. DREIER. If I can reclaim my time just to add a comment to that, not only has there been a refusal to bring it up, but for the first time since implementation of the 1974 Trade Act, when a commitment is made to a country in good faith, with which we embarked on these negotiations, for the first time ever, after that vote was promised, we here under the leadership of Speaker PELOSI, utilized the Rules Committee, where I sit, and it was over my protest, of course, to actually subvert and prevent the up-or-down vote that was promised to our very, very important allies in Colombia.

I'm happy to further yield to my friend from San Diego.

Mr. BILBRAY. I appreciate that.

You can imagine the frustration of somebody that sits down with you, negotiates in good faith, give and take, comes down to an agreement, and you tell them, go over and get your country to support it, and then we will go over and get ours, and you go ahead and do your part, you expend the political capital, you're brave enough politically to ask your people to support a proposal, and then you turn around with your partner, who asked you to agree and to move this agenda, to sit there and stonewall and refuse to even allow a vote, that kind of stab in the back with our partners.

And these are not partners, Mr. Speaker, that are far away. These are our neighbors to the south. These are people that not only we, but our grandchildren and our great grandchildren are going to be living with for centuries to come.

Mr. DREIER. If I can reclaim my time, let me just add that not only are they our neighbors to the south, but they are, without a doubt, our strongest allies on the South American continent playing a big role in dealing with the interdiction of illicit drugs coming into the United States.

And I regularly point to the fact that there is no country in modern history that has gone through a greater transformation for good in a 5-year period of time than Colombia. And the reason is that under the leadership of President Uribe, he has not only taken steps to demobilize the FARC and the paramilitaries in his country, but he also has made great steps towards dealing with the labor issues. And tragically there have been, in the past, labor killings, and there have been problems that continue to exist in Colombia. But he has been so helpful with us.

We do know that on the South American continent today there are leaders who are not only not friendly to the United States, but are subverting the cause of freedom; and we know those leaders, Rafael Correa in Ecuador, Abel Morales in Bolivia and, of course, Hugo Chavez in Venezuela, and Daniel Ortega in Nicaragua. We are seeing very serious problems here. And yet we have this important, strong ally dealing with these issues.

We promised them that we would have a vote so that we can create good, American jobs for Caterpillar's workers, for Whirlpool's workers, and for the other small businesses that exist.

That is why I think it is very, very important that we continue to hold up our tradition of supporting our global leadership and trade, continue to do that.

And I'm happy to further yield to my friend.

□ 1845

Mr. BILBRAY. Colombia is a good example of somebody who is brave enough to take on the drug cartels, was brave enough to take on the extreme leftists in their continent and be able to be brave enough to be an American ally. And for us to stiff-arm them and to basically punish them, it appears, for being a friend, who in the world will

want to risk themselves of being an ally of the United States? This is the example we're setting.

Moving on from Colombia, Panama is really a time-sensitive issue. Mr. Speaker, while we sit here today, Panama is moving forward with an aggressive program to rebuild the Panama Canal, one of the greatest, if not the largest, expenditures that Latin America has seen in our age. We are sitting on the sidelines while Panama is moving and looking to build this new project.

And can you imagine at the turn of the last century if America had sat back and allowed other countries to be able to take advantage of the economic opportunities, if Teddy Roosevelt had ignored the challenge of Panama and Central America, where we would be today and how history would be different.

Today, the Panamanians are building the canal. They want to buy Caterpillar equipment. They want to buy John Deere tractors. They want to see Bechtel and American companies come down there. They want to create American jobs because they want to have a full prosperity zone down there working with us to build the new canals.

While they're waiting to move forward, our political system in this city is stiff-arming them again, freezing them, and doesn't have the political bravery to do the right thing and allow a vote on a proposal that they were brave enough to move forward to.

So anyone who's listening to us and is looking at those factories that could be buying tractors, bulldozers, equipment, could be getting the contracts for the canal, just remember, it's your political process here in Washington that's freezing it out giving China and giving people from Iran, giving the rest of the world the leg up to get jobs out of the Panama Canal while Americans are being obstructed.

Mr. DREIER. I thank my friend for his contribution. And just to take his great example on Panama and to further build on Colombia, it's very interesting.

It has been, as I look at my colleagues here, Mr. HERGER, Mrs. BIGGERT, Mr. CONAWAY, who've been very involved in this issue for so many years, it's hard to believe when I was given this number today, it has been 967 days—967 days—since we signed the agreement with Colombia. And people from the State of the great gentlewoman from Hinsdale, Illinois, who work for Caterpillar and others have actually been forced in that 967 days to pay $2.1 billion in tariffs that otherwise would not have been there. And if one could think of the tremendous number of jobs that could have been created right here at home—because that's what this special order is about, Mr. Speaker. It's about creating good jobs here in the United States of America.

This Special Order is actually the brainchild of my friend from Hinsdale. We were having a meeting of our Trade Working Group, and she proposed that we come to the floor and talk about how we can create more good U.S. jobs by expanding open trade.

And with that, I'm happy to yield to the author of this Special Order, my friend from Hinsdale (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding, and I thank you for heading up this Special Order, and I thought I better get down here since I had proposed it. And I think it's a great idea because we—trade is so important right now during this recession. It is more important than ever that we continue to advance freer, fairer global commerce and not regress towards more harmful protectionist trade policies. And free trade agreements are one of the many ways to improve all of the Americans' standard of living and to get our economy back on track.

And you mentioned Caterpillar. Let me just say that there are two plants that are very close to my district, and I have had the opportunity to drive a top loader 10 times.

Mr. DREIER. Reclaiming my time, Mr. Speaker, I find it very hard to believe the gentlewoman from Hinsdale drove a high loader. A Caterpillar high loader?

Mrs. BIGGERT. A 10-ton loader that has a basket.

Mr. DREIER. If I were to witness that, Mr. Speaker, I would get out of the way, but I'm sure you did very well.

Mrs. BIGGERT. I can drive it forward and backward, and it is a huge vehicle. I think it holds a million golf balls in its basket, so you can imagine how big this is.

But this is such an important piece of equipment. And Colombia has had so many of these vehicles to go—for trade. And here, as you said, we have the tariff that has to be paid by Colombia at $200,000 per vehicle for an off-road tractor going into Colombia while Colombian exports come into the United States nearly duty free.

So this trade agreement is so right because that $200,000 per vehicle could be used and stay in America with a free trade agreement and supply many more jobs in my district and nationwide. And, in fact, in days since the Colombia Free Trade Agreement was signed here and has not been put into place, U.S. companies have paid over $2 billion in tariffs on goods and services that are exported to Colombia. And the money, you know, could do so much more.

Let's go back for a minute to the Chile Trade Agreement, because I was the Republican whip on that. You put me in that position, and it was really an eye-opener, I think, for so many Members on this floor.

So many of them were skeptical. So many of them thought this was—that we shouldn't be entering into this, all of these global trade agreements. And the benefits that have been provided by that where American exports to Chile grew from $2.7 billion in 2003 to $12.1 billion in 2008. That's outstanding.

Mr. DREIER. Reclaiming my time, I would like the gentlewoman to repeat that number. So, again, the actual raw number in dollar value of the increase in our exports from the United States is what number?

Mrs. BIGGERT. Our exports to Chile grew from $2.7 billion in 2003 to $12.1 billion in 2008, and U.S. imports from Chile grew from $3.7 billion in 2003 to $8.1 billion in 2008.

Now, I love those green grapes that come in from Chile. And, you know, this is a thing where food products and everything that's coming from there is that we send over our products when they're having their winter; they send over their food products when we're having our winter. So it works out.

And then another statistic is that in 2008, the U.S. was Chile's top source of imports and the second largest destination for Chilean exports while Chile was the 25th largest export market for U.S. goods.

So we are doing really well to have that partnership, and that's why we need to move ahead with these other trade agreements.

Let me just say one more thing about the Peru Trade Agreement also that was passed. My home State of Illinois, we exported $198 million in goods to Peru in 2006. So, as seen with Chile and other countries, we have a fair trade agreement with the amount of exports to Peru that will only increase. So we should do everything to encourage the trade agreements that are now on the table.

And the cost, the cost of stalling these free trade agreements, for example, it's not fair that an Illinois company like Caterpillar should have to pay the $200,000 tariff and so many other companies that face the same thing; plus, the national security issue, the fact that we're dealing with countries so that we're not allowing some of the countries that are hostile to us to just have such a foothold there.

With the Colombia agreement, I think a couple of things. And so many of these agreements have gotten into human rights or labor protections, and I think Colombia, in particular, has worked so hard to further reduce the violence and increase labor protections there by improving the labor and human rights in their nation. And we actually used to meet with President Uribe for so long, and it really was a shame then that we could not get this agreement through. And it really was unfair to change the law—I don't think you can change the law, but to have the Speaker not allow this agreement to come up within 45 days.

Mr. DREIER. Mr. Speaker, I would say to my friend it was not just—it was not just a change. It was, from my perspective, a complete abrogation of the responsibility that we had. And my concern is that we embark not only on other free trade agreements, but any other international negotiation with

any other partner in the world to deal with national security issues and other challenges out there. What good is our word after a commitment was made that there would be an up-or-down vote because of trade promotion authority that was granted by the Congress to the executive branch and negotiate this agreement saying we would have an up-or-down vote and then all of a sudden reneging on that commitment that was made?

I would be happy to further yield to my friend.

Mrs. BIGGERT. I thank the gentleman for yielding.

I think you are absolutely right. That is a much stronger statement, and that is the statement that should be made to abrogate our agreement. And I think that after all that Colombia had done with the labor protections—for example, in 2005 and 2006, Colombia issued new Presidential decrees and regulations that addressed the concerns about the applications of labor laws, cooperatives, and temporary workers.

In 2006, they agreed to the establishment of a permanent representative of the International Labor Organization to be stationed in Colombia to promote the fundamental rights of workers.

In 2007, the Colombian legislature passed laws that significantly expedite proceedings and enhanced Colombia's existing labor courts. All of these changes, and yet we could not get this labor agreement and the trade agreement through after so much negotiation that it really is a shame.

So these significant efforts to improve labor relations in Colombia have led to the Colombian labor unions representing 79,000 Colombian workers to fully support the U.S.-Colombia Free Trade Agreement. All of these things. It's an embarrassment.

Mr. DREIER. So the gentlewoman is saying that the unions in Colombia are supportive of this agreement?

I'd be happy to further yield.

Mrs. BIGGERT. Correct; 79,000 workers in the union support this agreement.

Mr. DREIER. We're constantly hearing, Mr. Speaker, that unions are all opposed to this agreement. It seems to me that the unions here in the United States of America are opposed to it, and I've never quite understood that. How can creating more jobs for the union members and workers at Caterpillar and Whirlpool and a wide range of other companies across this country be the wrong thing to do, opening up markets so that their products can be sold into those countries? To me, I can't understand it.

And when we've got the unions—all except one union, I'm told, and it's actually basically the public services union, which has nothing to do with the issue of global trade is the only union in Colombia that has opposed this. But I have had the chance in Bogota to meet with a wide range—and I know my colleagues have—of union leaders who are passionately supportive of this measure because they know it will end up being beneficial to their country and their workers.

I'm happy to further yield.

Mrs. BIGGERT. I think there is a disconnect with some of the unions that they don't understand that this is what creates jobs in the United States when we have the products that we're going to export, and the more that we export, the more jobs that we have created, and this is what moves our economy along.

Let me talk about one more issue, and that is that the U.S. trade deficit is shrinking. In May this year, there was a 9.8 decline in the U.S. trade deficit. That means that we are exporting more and more. We have been at a deficit where we have imported more, so we are running a trade surplus.

Mr. DREIER. If I could reclaim my time, I will say to my colleagues something that I mentioned in my opening remarks, and I know that you'll agree with this, and people are always saying that these trade agreements cost manufacturing jobs here in the United States, people are thrown out of work because of these trade agreements, when, in fact, the opposite has been the case. We actually run a manufacturing job surplus with our partner countries with these FTAs.

And I'm happy to further yield.

Mrs. BIGGERT. I think that the surplus has been running $9.3 billion for January through May of 2009.

Mr. DREIER. It's a very, very impressive measure.

Mrs. BIGGERT. So I thank the gentleman so much.

Mr. DREIER. I thank the gentlewoman for recommending that we take time to talk to our colleagues about this important issue.

And, again, I will say I know that she and Mr. CONAWAY, Mr. HERGER and others join me in hoping that this will be a bipartisan agreement.

□ 1900

Let me just take one moment as I prepare to yield to my other colleagues, and I'm happy to yield again to my friend from Hinsdale, to talk about the much-maligned North American Free Trade Agreement.

Now, my friend comes from Texas. My California colleague is here. We represent States that border on Mexico, and we so often hear people describe virtually every ailment in society as being tied to the North American Free Trade Agreement when, in fact, more than one-third of all U.S. exports, more than one-third of all the exports leaving the United States of America, go to our NAFTA partners, and for some States, that percentage is significantly higher.

Michigan, we know what a devastating economy Michigan has. The number actually in Michigan is 68 percent of the exports from that State go to our NAFTA partners, obviously a great percentage to Canada but also much to Mexico.

In Ohio, we so often hear our colleagues from Ohio maligning any kind of trade agreement. Yet, 54 percent of the exports from Ohio, where do they go? To our NAFTA trading partners. Those jobs created in Ohio, 54 percent of them go to our NAFTA partners.

In Indiana, it's 52 percent. In fact, without the North American Free Trade Agreement the manufacturing workforce of these States would be devastated, and let's say that again, Mr. Speaker. While we hear that NAFTA is responsible for any job loss that takes place in Ohio, in Michigan, and in Indiana and other States, in fact, were it not for the North American Free Trade Agreement the manufacturing job loss would be tremendously higher than it is today.

Since implementation of the North American Free Trade Agreement between Canada and the United States and Mexico, we have actually seen our trade triple to nearly $1 trillion. Between 1993 and 2007, 28 million American jobs have been created, or a 25 percent expansion in our workforce. Between 1993 and 2007, U.S. industrial production, three-quarters of which is manufacturing, rose by 57 percent, almost double the productivity increase in the 12-year period before implementation of the North American Free Trade Agreement.

And more than 110,000, small- and medium-size businesses export to Canada and Mexico, 110,000. I know many of them are in Texas, many in California, many in Illinois and other States. These companies are spread all across the country, but the top exporters to Canada and Mexico are, in fact, Texas, California, Michigan, Ohio, Illinois, New York, Indiana, and Pennsylvania.

And so while we regularly hear the North American Free Trade Agreement as being maligned and responsible for any economic challenge we face in this country, the opposite is the case.

Have there been any people displaced? Well, of course there have been, and that's one of the reasons I've supported trade adjustment assistance, as I know my colleagues have, so that any people who do, in fact, face job loss that they will be in a position where they are able to be retrained, put into positions that will end up being very beneficial for them.

So I'm very pleased now to be joined by one of the great champions of the trade agenda who's a member of the Agriculture and Intelligence and the Armed Services Committees, and he's the gentleman from Midland, Texas (Mr. CONAWAY). I'm happy to yield to him.

Mr. CONAWAY. Well, I thank the gentleman for yielding to me, and those are some pretty startling facts. I'm a CPA and I tend to work better with facts than I do with hyperbole and make things up and guesses and wishes. Those facts are pretty startling when it comes to the——

Mr. DREIER. I must say, it's unusual for me to use facts.

Mr. CONAWAY. For the much-maligned North American Free Trade Agreement, most of the time you hear people criticize it, but they do it based on old data based off of misconceptions, and when you begin to lay out the facts to them, particularly from the States who—some of the most inflammatory comments that I heard on this floor about NAFTA come from Members from Ohio. And that's a pretty startling fact that we will have to confront them with perhaps the next time that they bring that up.

I would like to move back to Colombia because I think, given free trade agreements that are the most ripe for execution and for completion, Colombia would certainly be in that category.

My colleague mentioned it had been 967 days that that bill has languished in our system. Let me point out that, over 925 of those days, we're under the leadership of Speaker PELOSI. So it has been the Speaker who has stood in the way of reducing tariffs by $2.1 billion, that my colleague mentioned earlier; insisting that the 35 percent tariff on automobiles remain in place; the 10 percent tariff on cotton remain in place; and the 10 percent on computers and other things made in the United States remain in place.

Mr. DREIER. Mr. Speaker, would my friend repeat those numbers? I think that's very, very telling, and that is a tariff level in place basically undermining the ability of sending the products of U.S. workers here in the United States into Colombia.

Mr. CONAWAY. Well, it's interesting that between the unions and the Federal taxpayers, we own General Motors, and so a General Motors car made in the United States bears a 35 percent tariff if you try to sell it in Colombia. So you add 35 percent to the cost of that car, and it competes with a car say made in Korea or other places that don't have that tariff, and then we don't compete well on a cost basis. So those are American manufacturing jobs. They speak to you on behalf of the American taxpayers and the unions for a change, which I don't normally speak to, if we're going to prosper General Motors, why not do something that drops the tariff, makes us more competitive for the taxpayer-made automobiles to be sold in Colombia?

As you mentioned earlier, Colombia's continued with the unilateral trade agreements that they're doing that continue to disadvantage American businesses that compete with businesses from those countries that Colombia——

Mr. DREIER. Reclaiming my time, let's state for the record, I would say to my colleague, why it is that Colombia has resorted to these agreements with Mercosur, with Canada. The reason is very simply, 967 days ago when this agreement was signed, President Uribe and our friends from Colombia assumed that within a relatively short period of time, that we in both Houses of Congress would do our due diligence of looking at the agreement, and then we would have had an up-or-down vote. So it's hard to blame our friends and allies in Colombia for having embarked on negotiations with Canada and with Mercosur as we have, again, reneged on our commitment to have an up-or-down vote here.

And I'm happy to further yield to my friend.

Mr. CONAWAY. Well, I thank my friend for yielding.

I was startled last week when I saw a headline attributed to a comment that our United States Trade Representative Ron Kirk made that trade still or was a high priority with the White House. High rhetoric but no action. I've not seen any pressure from the White House on the Speaker to tell the Speaker that we have a great friend in Colombia, we have an ally, a stalwart ally in President Uribe, and we need to quit thumbing our nose at him, quit treating him like a redheaded stepchild, and begin to treat him as the friend and ally we know him to be by recognizing the importance of this free trade agreement, and getting it passed, getting it signed and getting it implemented into law.

The only reason I can see so far, remaining reason, is our trade unions' opposition to this particular trade agreement. I'm not sure why they picked out Colombia because, in the grand scheme of things, Colombia's overall economy doesn't threaten any particular business in the United States.

But the remaining issue is with our trade unions. It's been my experience that Colombia has addressed almost every single one of the issues with respect to union organizers that was the pushback. They've decreased the violence significantly. They've agreed to ILO standards. As my colleague Mrs. BIGGERT mentioned earlier, they've agreed to an Office of the High Commission from the U.N. on human rights. All those things have been agreed to so there's no rational reason to continue to maintain the 35 percent trade barrier on automobiles. There's no rational reason to maintain the 10 to 15 percent trade barrier on movies and DVDs. There's no rational reason to maintain the 10 percent tariff on cotton. And finally, there's no rational reason to maintain the 10 percent tariff on computers. That hurts American businesses.

My colleague mentioned a while ago that our trade unions don't understand that when we make things in the United States and sell them overseas that creates jobs. I would respectfully disagree. They are bright, smart people. It's counterintuitive why they would be against creating jobs in America so that we could build stuff and sell it overseas, but I think they full well understand the mechanics of how that works.

So I would encourage my colleagues to continue to push on the Colombia Free Trade Agreement. Colombia is the strongest democracy in South America, and at a time when there's unrest in Honduras, unrest in Venezuela, unrest in Bolivia and throughout that region, we need a strong ally in that country. We need to put our actions where our mouth is, in effect, and put this agreement in place so that we can quit insulting our good friend President Uribe by refusing to bring this up.

I appreciate the gentleman for the time.

Mr. DREIER. I appreciate the gentleman for his very thoughtful contributions and I'd be happy to yield to my friend from Hinsdale.

Mrs. BIGGERT. I was going to maybe correct what I said. What I meant to say that there were people on the other side of the aisle that had blocked these agreements, and not the trade unions. I know that so many of them really do know how important this is.

Mr. DREIER. I thank my friend for her contribution as well, and it has been an unfortunate thing. I believe that there are intelligent people within the union movement here in the United States who understand that creating jobs in the United States hinges in large part on opening up markets where 95 percent of the world's consumers are outside of our borders, and yet, they have, for some unknown reason, and there's lots of speculation as to why they do this, they have continued to drum up and really pander to what is the lowest common denominator of fear, frightening people, My gosh, if we embark on an agreement, we're going to lose jobs, when, in fact, every shred of evidence that we have is that the opposite is the case.

And I thank my friend for her contribution. I thank my friend from Midland as well.

Now, I'm very, very pleased, Mr. Speaker, to yield to our very, very hardworking colleague who for many years served as the top Republican on the Ways and Means Committee Subcommittee on Trade who's been a great champion of it, as a fellow Californian, represents important agriculture industry in his State, the largest industry. I say as an Angeleno, that I know full well that agriculture is the number one industry in our State of California, and the idea of opening up new markets is very important.

And actually, as the gentleman begins, I want to talk a little bit about the U.S.-Korea Free Trade Agreement because I know that would play a very big role in benefiting the constituents he has, the farmers whom he represents.

With that, I'm happy to yield to my friend from Chico.

Mr. HERGER. Well, I thank my good friend from California (Mr. DREIER) for yielding and also for the leadership that you've given over the years in this incredibly important area of trade, of fair trade, of free trade, and how crucially important it is to our economy, not just to the district I represent but to our entire Nation.

And Mr. Speaker, the number one concern for Americans right now is the economy. Americans know that the health of the U.S. economy directly impacts their job and their ability to provide for their family and keep a roof over their heads.

At the beginning of the year, Democrats pushed through the Congress an unprecedented measure to spend $787 billion in an attempt to stimulate the economy. That was money we had to borrow, creating a national deficit that will reach almost $2 trillion by the end of the year.

The President assured the American people that this was the only way to prevent the unemployment rate from reaching 8 percent. Yet, with this mammoth deficit spending, the unemployment rate has skyrocketed not to 8 percent, but to 9.5 percent, with estimates indicating it will reach 10.5 percent before the end of the year and no end in sight.

While Americans continue to struggle to find work, Congress has moved on to other issues, ignoring one of the most obvious and efficient vehicles to promote economic growth and create jobs: trading with other countries. Importantly, this solution doesn't require the government spending billions of dollars nor does it require a huge expansion or invasion of the government into the free market. It is as simple as removing foreign barriers to U.S. goods and services so that our workers and businesses can compete on a level playing field in the global economy.

Most Americans don't know that the U.S. is not only the number one trading Nation in the world but also the number one manufacturer and that our record exports last year were the one bright spot in our economy.

Mr. DREIER. Mr. Speaker, let me ask my friend to repeat that. We are the number one manufacturing country in the world? So few people realize that. People believe that it is China. People believe that there are other countries, that Mexico is, but we continue, even with this struggling, down economy to be the number one manufacturing country in the entire world?

Mr. HERGER. That is absolutely correct, number one manufacturing Nation in the world, the number one trading Nation in the world. Trade is part of the foundation of a strong economy and high standard of living.

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Today, for example, more than 57 million American jobs depend on trade, and these jobs pay 13 to 18 percent higher wages. Clearly, it would be in our Nation's best interest to build on this record, helping us through this difficult economic time.

The premise is simple: reducing tariffs and other barriers would make our goods less expensive and therefore more competitive in foreign markets. The additional sales from exports will help sustain and grow our U.S. businesses during this economic downturn, creating much needed job opportunities in the United States.

When you combine the fact that demand is sluggish in the United States due to the high unemployment and general uncertainty about the economic outlook with the fact that 95 percent of the world's consumers live outside the United States, it seems like the commonsense solution would be to encourage U.S. exports by reducing barriers abroad. The best way to do this is to negotiate market-opening trade agreements with other countries.

Mr. Speaker, my district in rural northern California is typical of many districts across the United States that are largely dependent on agriculture. We produce more almonds, walnuts, rice, and prunes than we can possibly consume, and heavily rely on exporting these goods to foreign markets.

The bottom line is promoting free and fair trade through these agreements is an essential component of economic recovery. Unfortunately, House Democrat leadership has failed to take this necessary step for our workers, despite the fact that we have three agreements—three agreements already negotiated and just waiting for congressional approval.

Two of these pending agreements are with close U.S. allies in South America: Panama, and Colombia. Both of these countries largely already have duty-free access to U.S. markets due to trade preference programs, while our goods face high tariffs in theirs. Yet, these nations want to move from a one-way trade relationship to a two-way relationship. Why? This Congress is preventing that from happening when our workers would benefit from new opportunities in these markets.

It is mind-boggling to me that the U.S. Government continues to ignore the needs of our workers in such a way.

We also have a pending agreement with South Korea, which is the most commercially significant agreement for the United States, as Korea is already our seventh largest trading partner.

Together, these three trade agreements would increase U.S. exports by at least $10.8 billion, as estimated by the U.S. International Trade Commission. That clearly means more businesses for U.S. companies and more jobs for American workers. And these benefits are spread throughout the entire economy. All sectors benefit: manufacturers, agricultural producers, and services.

Yet, instead of providing this true stimulus to our struggling economy, Congress and the administration have chosen to tie our hands behind our back. We must realize the cause of this inaction. If the American people knew that denying a vote on the Panama agreement is causing U.S. workers to miss an opportunity to export heavy machinery to Panama for their $5 billion Panama Canal expansion project, would they think Congress is acting in their best interest by sitting on the agreement? I think not.

If the American people knew that if Canada ratifies their agreement with Colombia before the U.S., Colombians will be buying Canadian wheat instead of U.S. wheat, would they think that loss in market share to our competitor is acceptable? I don't think so.

If the American people knew that if the European Union ratifies their agreement with South Korea before the U.S., Koreans are going to use European services instead of services provided by American workers, would they think their Members of Congress are doing what's best for American workers? Absolutely not.

By not finalizing these agreements, we not only miss out on opportunities for our businesses to expand; we will also start to lose our current market share to our competitors. The EU, Canada, China, and other nations aren't standing still. They will continue to push for their own market-opening agreements that would put U.S. goods and services at a competitive disadvantage.

Mr. Speaker, the reality is that if we are not moving forward, we are moving backwards—and other countries aren't going to wait for us to catch up. Trade is an essential part of economic recovery and the American people cannot afford for this Congress to continue to ignore it. Expanding trade opportunities for our businesses will help them grow and expand, creating jobs that American workers need right now. And if that isn't reason enough, we don't have the luxury of time to sit back and wait while our competitors race by. I urge this Congress to act on behalf of American workers and pass the three pending U.S. trade agreements. Our great Nation is at a crossroads. Will the Democrat Leadership of this Congress take our Nation down a protectionist path, isolating our Nation from the rest of the world, or are they going to choose the path traveled by Pres's John Kennedy and Bill Clinton and embrace the quest for open markets that have helped make this country the greatest Nation in the world?

During this time of economic instability, it has never been more important for the leaders of our Nation to actively choose open markets and free & fair trade. The United States already tried protectionism in the 1920s—it was called the Smoot-Hawley Act of 1928 that raised tariffs on products in every sector which resulted in a worsening of the Great Depression. Mr. Speaker, the American people cannot afford to go down their protectionist path again. We desperately need the benefits & opportunities that these trade agreements create.

Mr. DREIER. Mr. Speaker, let me thank my colleague for his very thoughtful contribution, especially mentioning the very important Korea agreement.

This is about jobs, jobs, jobs created right here in the United States of America. And that is exactly what these trade agreements will do.

I thank my friend and all of my colleagues for their participation in this very, very important Special Order. I will say, Mr. Speaker, that we will continue this conversation, and look forward to work in a bipartisan way to get these agreements through so that we

can create more good job opportunities for our fellow Americans.

URGENT NEED FOR HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. DONNELLY of Indiana). Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. I thank Speaker PELOSI and my colleagues for allowing us to come down for the next hour or so and speak to you. We're doing a joint hour. Occasionally, those of us who are pushing for health care reform to happen for our constituents this year have come down to the floor to share our thoughts about the urgent need for reform.

We're sharing this hour with the 30-something Working Group, which I'm honored to be a part of. And I know our hope is that, at the very least, Representative RYAN will be able to join us later this evening as part of this hour.

But we are here to focus our thoughts and our energies and to talk to our colleagues about the need to pass real comprehensive health care reform for this country and for our constituents. We know what the problem is out there because when we're out there at our town halls, when we're setting up our office hours at the supermarket or the grocery store, it's our constituents that are coming to us and telling us about the fact that they just can't afford this health care system any longer.

If you're lucky enough to have insurance, you've seen your family have to pick up more and more of the share. As the cost of health care goes up for businesses, they're passing more of it along to individual consumers.

So now, if you're a family of four out there, you're likely to be spending $3,000 to $5,000, at least, on health care, even when you have insurance. Your deductible now is in the thousands of dollars rather than in the hundreds of dollars.

That copay that you have to bring with you to the doctor's office now isn't $5 or $10; it's $100 or $150. Those drugs that used to only cost you $5 or $10 when you showed up, well, if it's in the wrong tier of drug, you may be paying 50 to 70 percent of the cost of that drug.

If you're a senior citizen and you happen to find yourself in the dreaded doughnut hole, not only are you paying the full cost of those drugs, and potentially bankrupting yourself in the process, but you're paying the highest prices in the entire health care market when you show up at the drug store.

You're paying more than the Federal Government pays for that drug. You're paying more than Blue Cross/Blue Shield pays for that drug. You're paying through the nose for it.

This health care system is broken. It's broken because the people that got it just can't afford it any longer.

Now, much of the cost is very visible to people. That cost that you now bear as an employee, that you didn't used to have to pay, that increased deductible or that copay, that hurt is felt. We're feeling it for you because we're hearing those stories increasingly about people that just can't come up with the money to pay that high deductible, people that just don't have the cash to fill in the drug company doughnut hole. That hurt is visible and real for our constituents.

But there is an invisible pain. There is an unseen hurt that we need to talk about here on this floor because there are a lot of businesses that are passing along the cost of health care, but there are also a lot of businesses that are eating the cost of health care, that don't want to have a high-deductible plan for their employees. So what they do is they pay it instead.

The business decides that they will pay the 10 percent increase in premiums, but it just means that their employees don't get a wage increase that year. Or when they were supposed to get a 5 percent bump up, they only get a 2 percent bump up.

There are millions, millions of employees in this country who should be making more in take-home wages but aren't because the businesses that they work for are paying more in health care costs than they ever have before.

Now that's just not me talking; that's just not anecdotes I hear from the business owners and the employees in my district. That's data. That's data that shows that over the last 10 years the premiums charged to employers from health care insurance companies have risen by 120 percent during the last 10 years—120 percent jump. More than double—a more than doubling of health care premiums charged to businesses.

During that same time, average wages have grown by only about 20 or 30 percent. During that same time, wages have grown at less than the overall rate of inflation. Guess what? That's because of the cost of health care eating into the money that people take home from their paychecks.

Lastly, the invisible cost comes here. Guess what, Mr. Speaker and my colleagues? We've got a system of universal health care in this country. We're not inventing a system of universal health care. We've got one now. It's just the most inhumane, most unconscionable, most inefficient universal health care system in the world because our Federal law guarantees you health care, but only until you get so sick, you get so crippled, that you get so desperate that you as an uninsured individual have to show up to the emergency room. And so you get care, but it's too late.

It's the most expensive, most inefficient way of delivering universal health care. There is a cost to that, because when that individual who could have just gotten a prescription to cover their growing infection and instead lets it get to such an extent and such a degree of severity that they have to show up at the emergency room and they have to have major surgery to cure that festering illness and infection, there's a cost to that of 10 to 20 times what the cost of the preventative service might have been.

That cost doesn't just sort of evaporate in the air. It doesn't disappear into the ether. It's real. It's substantive. The hospital picks up that cost and forces private insurers to reimburse them more to help them cover the costs of the uninsured. Charges some of it back to the government. Every taxpayer in this country, a portion of your tax dollars that you send to the Federal and State government goes to hospitals and emergency rooms to cover the cost of all those 50 million people that walk in without insurance.

So there are costs all throughout the system, both visible and invisible, that we cannot sustain. And so we've come down here to the House floor today to not just focus on the problem—I think you've got to talk about the disease in order to get a diagnosis—but to talk about the fact that for the first time in almost a generation we are on the verge as a United States Congress of rising to the massive challenge that confronts our health care system.

We are on the precipice of passing real health care reform that lowers the cost of health care for everybody in the system whether you're an individual paying it or you're a business having to bear the burden of the cost, and at the same time makes the system more fair for people right now that are paying more for health care just because they happen to be sicker than somebody else; for those millions of people who can't find health care in the first place because they happen to have a preexisting condition.

For all those senior citizens out there who are trying to decide between 20 different plans that the difference can only be deciphered in the fine print of the paperwork that they send you in the mail, we're going to make this system more transparent, we're going to make it more fair, we're going to give people more choice. And by doing that, we're going to lower the cost of the American health care system for everybody so that those very visible costs that are holding families back are controlled and those invisible costs that too often aren't seen by wage earners or by taxpayers disappear over time.

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So I'm really glad to be down here this evening. I see Representative SPEIER's joined us, so I'd love to hear from her as well. We're going to be joined later on, I know, by Representative RYAN and others to focus some attention on this problem of health care and the approach that we're going to take in this House. So I'd love to have Representative SPEIER from California join us to talk a little bit more about the challenges that we confront and

some of the solutions that we put forth.

Ms. SPEIER. Well, thank you to the gentleman from Connecticut. I want to thank you for your leadership and for your comments because this issue can't wait. I think we know that better than most.

But tonight what I would like to do is talk to the 80 percent of Americans who have health insurance, who basically ask, Well, why should I care about health care reform? I have health insurance. And to the 80 percent of Americans who do have health insurance, I have a few things to tell them.

Right now, for all of us that have health insurance, we are in a position of paying for those that don't have health insurance. It's called cost shifting. So for the premiums that we pay, part of each premium is actually paying for the uninsured. It's called cost shifting. And it's estimated that every American family pays $1,100 per year for the uninsured.

So, for instance, you go into the ER with a broken ankle, you get health care. The uninsured person goes into the ER for that same broken ankle, they get health care because we have a Federal law that requires that all people get health care when they return to the emergency room. But we pay $2,000 for that broken ankle, not because it costs $2,000, but because the individual who came in with no health insurance didn't pay. And that's where the cost shifting takes place.

So with health care reform, it's going to be much like many States in the country have as it relates to auto insurance. There's a mandate for auto insurance, and now we're going to mandate that every American have health insurance. And for those who can pay, they will pay. And for those that can't pay, we will help them pay.

Now, the next question I want to answer is why is health care so expensive.

Currently, the United States pays twice as much as any other industrialized country in the world for health care; $6,700 for every man, woman, and child. Now, compare that to what's paid in Germany or Canada, where it's $3,000. Or take the country of Japan, where it's $2,500. And the cost of living in Japan is just as high as it is here in America.

Now, the conventional wisdom would suggest that, well, our health care is more expensive because our outcomes are better. You get better care if you pay more money. Well, that's simply not true. The U.S. ranks first in unnecessary deaths among the 19 industrialized nations.

Now, let me repeat that. The U.S. ranks first among—the most unnecessary deaths that take place as a result of a lack of health care. In fact, the number is pretty staggering. It's like 22,000 Americans will die this year for lack of access to health care.

We waste a lot of money on health care spending. Recent estimates are that one-third of the care provided in this country, to the tune of some $700 billion, doesn't improve anyone's health. Now, if a third of the care that's being provided isn't providing additional health care, then it's wasteful spending. And when they talk about $700 billion of wasteful spending, it's time for all of us to sit up and think, wait a minute. What's really going on here?

And 20 percent of the health insurance premium goes for overhead and profits. Now, when I tell you that in 1994 only 4 percent of the health care premium went for profits and overhead, you've got to scratch your head and ask, how did we go from 4 percent in 1994 in overhead and profits to 20 percent in 2009?

Next question that I want to answer is how does this health care reform make it safer for me.

I want to tell you a dirty little secret. It's a dirty little secret about health care that no one wants to talk about, and it's about medical errors, and we have known about it for decades. The Institute of Medicine put out a report that said there are 100,000 deaths in America every year because of medical errors; 100,000 deaths.

Now, I'm going to talk about a specific bacteria infection that people get typically in the hospital. It's called Methicillin-resistant Staphylococcus aureus. Now we say MRSA for short. Now, the MRSA infection rate is growing by leaps and bounds. In fact, there's 100,000 cases of MRSA a year. Two-thirds of those people that get that infection get it in the hospital setting.

Now, of the 100,000 people that will get a MRSA infection, 19,000 of them will die because of that infection. Now, that's a stunning figure.

If there was a 747 that crashed in the United States every week, that's the equivalent of 19,000 deaths. And if there was a 747 that crashed every week in America, we wouldn't tolerate it. We'd call on the FAA. We'd call on the airlines. We would stop it. But we've done very little to stop the spread of MRSA in hospital settings.

Now, this health care reform bill takes an important step, not a full step. It doesn't go all the way, but it does now require that hospitals will have to report their hospital-acquired infections.

What we need to do, furthermore, is put the protocols in place so that we can stop these infections from occurring and we can stop the deaths as well.

Now, the last thing I want to talk about is something that not everyone is necessarily familiar with if you're in a group health setting, and it's called a preexisting condition. If you're in a group health setting, it doesn't matter if you have a preexisting condition. You are covered. But if you're in the individual market and have a preexisting condition, good luck.

And I'd like to show you these health care horror stories, preexisting conditions. These are the types of preexisting conditions that can prevent you from getting health insurance in this country. Depression, sprained ankle. How about a misdiagnosis for bipolar disorder?

This is an actual case. A young woman was given a bad diagnosis. Her doctor confirmed that she never should have been diagnosed; yet, when applying for individual insurance, she was denied due to her psychological history, even though it was a misdiagnosis.

Well, look down that list. Diabetes, gallstones, anxiety, stress. How about tested for multiple sclerosis? Not that you have multiple sclerosis, but that you were tested for it becomes a preexisting condition and you can be denied health insurance in the individual market.

Let's move down to bunions. How about too thin or too heavy? How about too healthy?

Believe it or not, this was a reason given to a gentleman for not giving him health care. In Florida, he sought insurance in the individual market because he was working for an architectural firm that didn't offer it. He'd been healthy all his life. He'd never been to the doctor. He did all the right things. He was a health nut and stayed in shape. And so when he went shopping and he was declined coverage, it was because there was a ''lack of current medical records.'' Now, he explained that he didn't have any medical records because he hadn't been to a doctor because he's been healthy. But for that reason, because he was too healthy, he was declined health insurance.

I had a story that just came into my office today. It's a family in my district, and they called because they were concerned. They have twin sons. One of their sons just had a dislocated shoulder from an athletic event. Not unusual. But because he had that dislocated shoulder, they had been told by their health care insurer that they will now exclude coverage for any shoulder injuries for both sons, even though the twin brother was not engaged in the athletic activity and didn't dislocate his shoulder.

So, health care reform makes preexisting conditions a thing of the past. All of this would be wiped away. All of these horror stories would be gone. Americans could breathe a sigh of relief that now, no matter what your ailment, and believe me, all of us have a preexisting condition of one sort or another; it just hasn't been tested because we've been in the group health market. But all of us will be able to access health care and health insurance through the health care reform proposal.

You know, much like you, I came to Congress to make this country a better place. With real health care reform, I believe we'll have an opportunity to do just that.

Thank you. I yield back.

Mr. MURPHY of Connecticut. Thank you very much, Representative SPEIER. Thank you for drawing attention to what this reform effort that we're talking about here tonight means, not just to these people that you're talking about that have been denied coverage for preexisting conditions, but what it means to all the folks that have insurance out there.

If I had a dime for every person I've run into that has talked to me about the fact that, you know what, they're not really happy in the job that they're in. They want to go do something else, or that they really have a great idea, a business that just has been germinating in their mind and they want to go out and start it, but they can't leave their current job. They can't go out and start that business because they're going to lose their health care because their daughter is sick and they've got some health care for her now, but if he leaves or she leaves and goes out and does what they really want to do with their life, or starts that small business, that they're going to lose that health care coverage. There are millions of Americans who have health care today and are trapped, are trapped in their job, are trapped in their place of employment, because they can't dare lose the coverage that they have.

Now, in the most powerful country in the world, in the beacon of freedom from around this globe, that kind of servitude to your employer, just because you have insurance that you can't leave, just doesn't seem right.

But it also is just absolutely silly economic policy. Think of all of the innovation that we're stifling. Think of all of the great entrepreneurs who never get to go out and invent, who never get to start that business because they can't leave the insurance that they have. So this really is fundamentally about trying to make health care for those that have it more meaningful, more real, but also more flexible. And I thank you for drawing attention to this issue.

Well, we are blessed to have with us on the floor Representative RYAN. We were talking earlier. This is kind of a hybrid health care hour/30-Something hour, and one of the things we're talking about here, Mr. RYAN, is that this is hard; right? This is a big problem. We've got one the most confusing, most complicated health care systems in the world, and we're going to take on a very complex and convoluted system at a lot of different angles.

So the bill that is going to come out is going to be big. It's going to have a lot of pages to it, because in order to tackle a really complicated and confusing health care system, you have to have the guts to think big. You've got to take on all of the various problems that have been created in this system, whether it be high cost health plans, preexisting condition exclusions, postclaims underwriting, all of the various tricks of the trade that insurers and others have used to try to make money and exclude people we've got to take on and do things with.

But it also makes it really easy for folks who are critical of health care to just sit back and say, Well, what you're proposing isn't any good, and we're just going to sit back and criticize rather than propose alternatives. And that seems to be the dynamic once again that's playing out on this floor, that the Democrats are going to offer real solutions, real opportunities for this country to move forward on health care, and we're going to be met with opposition that defends the status quo and really doesn't offer alternatives. So we're here tonight to——

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MURPHY of Connecticut. Absolutely.

Mr. RYAN of Ohio. Because we have, hot off the presses here, a copy of and a chart of the Republican health care plan. And it has been the Republican health care plan for a good many years now, and it will continue to be the Republican health care plan, and it looks very similar to the Republican energy plan. Not quite sure exactly what it is. Lots of question marks. No real solutions for the American people. And as you, I think, articulated a few minutes ago, this is a major issue for real people all over the country, for people who have lost their jobs because of the downturn in the economy, for people who come from communities who have been dealing with the global restructuring, with the loss of manufacturing jobs.

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Many people from my district for the last 30 years, whether they were in the rubber industry in Akron or in the steel industry in Youngstown or in the auto industry in Warren, have had to deal with this tumultuous change in our economy. This is prior to Wall Street's pulling the rug out from the national and, really, from the global economy, and this is prior to the bad policies over the past, you know, 8 to 10 years that our friends on the other side have consistently pushed.

You know, from a lot of the people who do have some criticism, maybe, for what's going on, I don't hear anyone saying the answer is to cut taxes for the top 1 percent and to get defense spending kicking. We've been doing that. Prior to the Democrats' coming into office a couple of years ago in the House and then prior to President Obama's getting elected, we had a policy where there were tax breaks for the top 1 percent, and they were supposed to invest all of that money into our economy. It never really happened.

I think what happened over the course of the last couple of years was that the Reaganomics—supply side economics—cut taxes for the wealthiest and then hoped the crumbs fell somewhere in Youngstown, Ohio, for some of the workers to maybe get a bite of. It has not worked. With the deregulation of Wall Street, we saw what happened there. It has caused a global recession almost to the likes of the Great Depression. The only things I feel are saving this from being a Great Depression are the Great Depression programs—unemployment insurance, Medicaid, Medicare, Social Security, the Pension Benefit Guaranty Corporation, and the health care tax credit that we increased from 65 percent to 80 percent in the stimulus bill. Those are the only things preventing people from being on the streets. They've lost their homes, and they have no health care. If it weren't for these basic safety nets that we've set up, there would be cheese lines again. Let's be honest about it. No one wants to admit it.

So what we are trying to do here with energy, quite frankly, and now with health care, is to shift what's going on in our country. It has taken us a long time. Since 1980 this supply-side economic policy has been happening. What we are trying to do is to shift 30 years of this nonsense that has been implemented and to restructure our country, to unleash the power, as Mr. MURPHY stated earlier, of the American people. Those people in our districts who don't have health care or who have lost their jobs and who are scared in America need to be helped. I make no bones about it, and I don't think anyone else does, because the top 1 percent has been fine. They will be fine.

What we are trying to do is to restructure the system. We are trying to take health care as it currently is, Mr. Speaker, and squeeze the fat out of it, squeeze the special interests out of it, take the savings to help cover everyone, and invest at the front end by making sure that we don't have copays for preventative care, to make sure that no one will lose their insurance or will have to go bankrupt because of their health care issues. To me, this is basic common sense.

The security for the American people is what we are looking for so that they can confidently go about their business, so that they can create wealth, take chances and be entrepreneurs. That's what this is all about.

If you take these two pieces of legislation, the health care and the energy, you are talking about unleashing the potential, the innovation, the entrepreneurship, the talent, the intellect, and the skill of the American people.

Mr. MURPHY of Connecticut. Will the gentleman yield?

Mr. RYAN of Ohio. I would be happy to yield.

Mr. MURPHY of Connecticut. Let me go back to a number that I used at the outset of this hour.

Over the last 10 years, a time during which the Republicans had control of this House and the Senate and during which the Republicans had control of the White House, the employers in my district saw health care costs go up by 120 percent. Now, they've had a lot of things increase during that time.

Frankly, Mr. RYAN, the only thing that competes for that are energy costs, probably during that same time, depending on what oil was costing from coming abroad. Energy prices might have gone up by 120 percent, but nothing else has increased by 120 percent. That is an unsustainable rate of growth for our employers, and it puts them at a tremendous disadvantage vis-a-vis the rest of the world. We live in a global economy today.

If we want to go back and diagnose all of the reasons that our economy, essentially, went into a free fall at the end of last year—and that were abated at the beginning of this year, in part, by the actions that this Congress took—you've got to look at health care costs. You've got to look at the fact that $1,500 of every car produced in this country can be accounted for just with regard to retiree health care benefits. That number is essentially zero for their competitors in Asia or in Europe. This economy is weighed down by a health care system that costs twice as much as every other health care system in the rest of the world.

So, if we want to talk about economic revitalization, if we want to talk about making this country globally competitive again and about coming out of this recession stronger than we were when we went back into it, then we've got to do something about costs.

We spent some time today in our committee, Mr. RYAN, with the nonpartisan Congressional Budget Office. They outlined for us the economic effects of our bill, and they made it very clear: The reforms that are outlined in our bill are going to lower the costs of health care insurance for individuals and for employers, that the menu of options that we are going to present, an increased menu of affordable options for businesses and for individuals, is going to lower the costs of health care. In an era where most businesses are crossing their fingers and are hoping and praying that this year's premium increase is only 10 or 11 percent, a decrease in cost is almost unthinkable for those businesses, and it's central to why we're doing health care reform.

Mr. RYAN of Ohio. I thank the gentleman.

These numbers are from 2004, but they illustrate the point, and we'll get them updated.

The United States in 2004 spent $6,100 per person on health care with one's life expectancy to be 77½ years. In Canada, France and Germany, they spent $3,000 and a little bit of change, and their life expectancies are 3 years more than ours, 2 years more than ours and 1½ years more than ours. We're spending double. So what we're saying to our employers is that the status quo can't stand. We are being wasteful with our health care dollars. We are wasting money in this system.

So, if you're a conservative, if you're a businessperson and if you're standing in the halls of Congress and if you have to look at and analyze the health care situation, you will come to the conclusion that it is better for us as a country to put money upfront toward preventative care and to save money on all of these costs that happen down the line.

We have universal coverage now, but it's through an emergency room, Mr. Speaker. That's no way to run a health care system. Don't come to us, you know, unless it's an emergency. Then come to us. Then we'll take care of you. No business would run that way. You would put money up front. We'll give you a prescription. We'll help you with your wellness. We'll help you deal with your stress reductions. We'll help you deal with mental health. We'll help you deal with a lot of these issues so that you don't come to our emergency rooms as often for health care.

I have a CEO in my district who talks about his hospital. He has said to me more than once, Give me the opportunity to get that person and to give him a $20 prescription instead of my having to deal with him when he comes to my emergency room where it costs me $100,000. That's what we're trying to do here. That's what this whole health care reform is all about.

I want to yield to a friend of mine. We have worked on a variety of issues together and will continue to. He is a great Member from Rhode Island, and he is a very dear friend, Mr. LANGEVIN.

Mr. LANGEVIN. I thank the gentleman for yielding.

I just want to echo your comments because you're right on target.

Clearly, in the United States, we have a health care system that is broken. We're in crisis and it's unsustainable. It is clear, when you look at statistics from around the world, that we have the highest costs and yet the worst outcomes when it comes to health care. That's because, when you look at the number of uninsured and when you aggregate it, well over 47 million Americans are without health insurance. That is the reason we are on a path that we cannot sustain, and it's not serving anyone in terms of delivering good health care and good quality when we have a system that has so many who are uninsured and when we're spending our dollars so inefficiently. So I want to be here tonight to add my voice to this clarion call for health care reform.

I want to begin, of course, by thanking my colleague from Connecticut (Mr. MURPHY) for organizing this Special Order to discuss health care reform. I thank Mr. RYAN for his contributions to this effort tonight, and I thank the other speakers who have spoken or who will speak later.

Let me say that I believe that we need to have a frank discussion, an honest discussion, with the American people about this issue. It's an issue that directly impacts everyone in this country—individuals, families, businesses—at every level of our government. Regardless of one's age, gender, race, religion or income level, everyone has a direct stake in our health care system, and it's important that Americans are properly informed of their choices as Congress moves forward with health care reform.

Now, I think every Member of Congress certainly is in agreement on one fact, which is that our current health care system, as I said before, is not sustainable. I'm really disturbed, I have to say, by allegations from my colleagues on the other side of the aisle that proposing real solutions which offer substantive changes to the status quo is somehow seeking to socialize medicine or is seeking to ration care. I think this is something that we should address, so I'd like to offer some insights into this, some clarifications on this point.

First of all, the thing that we must acknowledge—and Mr. RYAN was talking about it earlier, the unfortunate truth—is that we're already experiencing rationing under the current system. We experience it when insurance companies deny individuals coverage based on their health statuses or preexisting conditions. We see it in the millions of families whose premiums and co-pays are so high that they have to forgo basic care and life-sustaining treatments or have to choose between medications and groceries. We see it in businesses that can no longer offer insurance as a benefit to the employees, not because they don't want to but because they simply can't afford it. Each of these circumstances represents a form of market-based rationing, which is a basic failure of our current health care system, of our private health insurance markets, due to skyrocketing costs.

I want to be very clear to my colleagues and to the American people that reducing costs and expanding health coverage to all Americans doesn't mean reducing quality, access or choice. On the contrary, we can and we must use the money already in the system more efficiently to ensure access and to expand everyone's choices of insurance coverage—of doctors and of more effective treatments.

The most recent draft of the House proposal, while far from a finished product and while far from perfect, does build on the strengths of our current system, the employer-based system, and then supplements that with a health insurance exchange. What does that mean?

Well, it means that Americans who are happy with their current health care coverage can keep it, but those who don't have coverage through their employers will be able to shop for their choices of private health plans just like Federal employees and Members of Congress do. They will also have the option, of course, of choosing a public plan alternative, which, I think, is vitally important. Those Americans who cannot afford to purchase insurance in the private market will receive assistance in paying for the coverage that they do choose.

Under this new system, private health insurance companies will now have to play by a new set of rules. The insurers are no longer going to be in the driver's seat. We are putting the American people in the driver's seat.

□ 2000

We're going to make sure there is a basic new set of rules and fairness in our health insurance system. Again, the health insurers will no longer be able to deny coverage based on a person's previous health condition, and they'll have to participate in a more transparent and competitive marketplace. This means reducing out-of-pocket costs or unexpected fees when patients become sick and need the care that they have paid for and have been promised. Greater transparency will translate into more manageable costs so that when we open our bills or statements, we know exactly what we're paying for. Most importantly, under this vision of health care, doctors and patients will make medical decisions, not insurance companies or the government. I cannot overstate this point enough. Medical decisions should always be left to the patient and his or her health care provider. That's what we're going to ensure under this system. This is the health care system that we can and we must strive for, one that offers stability for families, where coverage is not lost because someone changes or loses their job or becomes unexpectedly ill. These are, as we know, without a doubt challenging times. We face extraordinarily high unemployment in this country. In my home State of Rhode Island right now, the unemployment rate has reached 12.1 percent. This is on my mind every single day when I come to work, at night when I go to sleep, the first thing when I wake up in the morning is this on my mind, and how do we fix that and get our economy back on track. Well, fixing health care is going to be vitally important to do that because the current status quo is just unacceptable. Even more unacceptable is that every job lost places access to even the most basic health care coverage at even greater risk.

As I conclude here tonight, let me just say this: That in a Nation that has led the world in health care innovation, every citizen should have access to affordable high-quality care. I believe this to be true not only for moral reasons but because this is what will ensure that we remain the global leader in health care innovation in the 21st century. It also makes sure that our workers and our businesses will continue to be competitive in this global economy in which we now live.

I urge my constituents and Americans from across the Nation to engage in a real, honest, clear discussion on health care reform and to demand a universal health care proposal that puts the American people first. I am just proud to be able to join this Special Order tonight, talking about the need for health care reform. Again, I want to thank and commend the gentleman from Connecticut (Mr. MURPHY) for organizing this event. I'm pleased to be here with you, with Mr. RYAN and with all of our colleagues who care passionately about health care reform. This is our time. This is the year when we are going to fix health care in America once and for all for the American people.

Mr. MURPHY of Connecticut. I thank the gentleman who has been such a great leader on this for a very long time. I think he is right. This is our moment. But it's no coincidence that it's taken a long time to get here because there are a lot of forces that are aligned against health care reform happening here. For whatever reason, for a long time they had control of the levers of power down here. The folks that have been doing very well off the status quo have stopped health care reform from happening here for a long time. There are a few individuals out there who are running some of the big health care companies, who are down on Wall Street, who have made their fortunes off this health care system. But what's happened is they've priced their products, whether it be a drug or a medical device or an insurance plan, to such an expensive degree that people can't afford to get it; and so the cost of their fortune ends up being people's lives, people's health. So it is no coincidence that it's taken us this long to get here. There are powerful interests that are aligned against getting health care to people that don't have it.

Mr. RYAN of Ohio. If the gentleman would yield, one of the reasons is the projection for costs. If we do nothing, this plan here, if we implement or just let the Republican health care plan continue, that means an $1,800 increase next year and down the pike. So the reason Mr. LANGEVIN thinks about this before he goes to bed and when he gets up is because we know the cost of inaction. We don't have to explain to people in the heartland what the cost of inaction is. It's an increase of $1,800. It's more people being knocked off the rolls, more people calling our offices saying, Hey, can you help us? I just got denied coverage. It says in my policy I got covered, but now I'm not getting covered. All of this happens, and it is a cost to all of us. So I think the reason we have to act now and why it's so important is because the cost of inaction is an $1,800 a year increase.

Mr. MURPHY of Connecticut. That is absolutely right. As I was saying earlier, some of that cost is sort of invisible to people because all of the money that we send to emergency rooms to cover the uninsured, all of the extra medicine that is being practiced out there that doesn't need to be practiced that we're paying for through our Medicare and Medicaid systems is buried in the people's tax bills. The wages that people never got because their employers took all of the extra money they earned that year and sent it to the insurance company to pay for their increased premiums. So that increase in the health care system that we're going to see if we don't enact health care reform is visible in some places, to some people out there, and it is invisible in other places. I just see no way to get this economy back up and running unless we take on the high cost of this health care system.

Now it's one thing to sort of be for cutting costs in our health care system. We heard a lot of people on the Republican side of the aisle talk in unison with us about cutting cost. It's another thing to be for things that cut cost. I want to talk for just one second about the element of the Democratic plan that saves our health care system about $100 billion over the next 10 years and is giving small employers and individuals the option, if they want to, to buy into a government health care plan—you know, not unlike the one that you and I have access to or the Medicare plan that lots of other folks have access to. All we're saying is that people and businesses should have the choice to go out there and buy a not-for-profit government-sponsored health care plan. If they think that their private insurance is better, then stay there. But if they think that maybe they'll do better on a government plan which costs less because it doesn't have to pay the big CEOs' salaries, it doesn't have to return big returns to shareholders, if they think they'd be better off there, let them go there. And our nonpartisan budget office has told us that that's going to save the health care system about $100 billion a year. The Commonwealth Fund, a nonpartisan research group, estimates that an individual might be able to save $1,100 a year by choosing that government-sponsored health care option. Now it's up to them whether they want to do that. But we are hearing from both our budget experts here and our budget experts outside of this building that there are real cost savings. That's why when we're looking at surveys on this issue of whether or not the public wants to have the option to buy into a public health care plan, every single survey they have done shows that 65, 83 percent, 76, 72 percent want that option. In fact, on this chart the most remarkable thing is that the highest survey here, the survey that shows 83 percent of people wanting the option to buy into a government-sponsored health plan, that survey was done by a group called EBRI, which is essentially all of the major institutional health care companies' research arm. So even when the groups out there that are a little bit more skeptical about health care reform do a survey, they find the same thing that everybody else finds. So listen, I think that there could be some real bipartisan agreement here on cutting costs. But it's one thing to stand up on the House floor if you are a Republican and

say that you want to cut costs. It's another thing to actually be for legislation that does it, that actually implements cost-cutting measures.

Mr. RYAN of Ohio. That's the money that we reinvest back into those cost-saving measures, that we reinvest back into preventive care so that kids will have dental, kids will have oral, which could be the same thing. Kids will have hearing checkups. All of these things will be included for young kids. Vision. These are all things that, as we save this money and steer it back into the front end of this program, we are going to have healthier citizens.

Now I was reading an article last night that hit me about energy, and it also makes a good point about health care. We are in a direct competition, Mr. Speaker, with China. I don't think anybody will deny that. I think we all know that we are in a direct competition with Asia and with China. In China they lose 400,000 people a year, who die because of the air pollution in China. So the point on the energy bill is, they are clearly not doing enough. At some point those people are going to say, We want clean air. And once we jump ahead in the energy field and start making these products and exporting them to China, we now have created a massive export market. But the philosophy is different because we are saying that our values, our priorities here are about putting the money on the front end, making sure everybody's covered. This chart here, the difference in the $6,000 that we spend per citizen and the $3,000 and some change that Canada, France and Germany spend and have a higher life expectancy is because they cover everyone. They allow people to get preventive care so they're healthier, so that they can go to work, so that they don't miss weeks at a time of work. They get the prescription, and they can go back to work.

I mean, we heard a lot over the last decade or two about family values. What is a deeper value than the health of your kids and the health of our families? There is not one. Because if you don't have health, you don't even have happiness. There are very few unhealthy happy people. When you are unhealthy, you are unhappy. So this is fundamental to the values that we have as a country. It will unleash a level of productivity in this country. All of the anxiety that people have will be channeled and unleashed into more positive endeavors and at the same time begin to move us in a direction where we are not going to bankrupt the country. We are going to make the country healthier, more productive, create more wealth and at the same time contain our health care costs, which will probably end up saving us a lot of money in Medicare. I mean, one of the things that people forget is, all of these people who don't have health care that are older, that think, I'm going to wait until I get on Medicare; and then once they get on Medicare, the problem is exacerbated. The cancer has spread, and a variety of other problems ensue. So this is an opportunity for us to say that as we try to compete in a global marketplace, we have the opportunity to enhance the intellect, the productivity and the health of our citizens.

Mr. MURPHY of Connecticut. You know, there are a lot of really great companies out there who have figured this out. I think of a company in my State, Pitney Bowes, who has been a leader in health care reform because they've figured out over time how much money they were losing to sick workers, how much productivity they were losing because they had a health care plan that somebody else was administering out there that had a financial incentive to deny care. So they decided that they were going to take on their health care plan themselves, that they were going to put health care clinics in their facilities, that they were going to put health care close to their employees, that they were going to give rewards to employees that worked out, that invested themselves in keeping themselves healthy. There are companies out there that have figured out really great models to provide better health care, more immediate on-site care for their employees; and they have benefited not just because they feel good about keeping their employees healthy but because their bottom line has been strengthened by the fact that their employees are healthier, showing up for work more often and ready to produce and ready to compete.

You mentioned the fact that this health care system is going to bankrupt this economy. Right now we're spending 17 percent of our GDP on health care, and economists are telling us that in the not so distant future $1 out of every $3 that we're spending in this country is going to be on health care. That is just unsustainable. But on a much more local level, these are personal bankruptcies too. We think of bankruptcy in this country as, you know, being somebody that went out there and bought too many snake oil securities or made a real bad bet in a real estate investment and then all of a sudden they've gone belly-up. No, Mr. RYAN. You know this. Half of the bankruptcies in this country, half of the families that have to go into bankruptcy do so because they had an unexpected medical cost, a cancer or a terminal disease that bankrupted their family. Lives, families devastated through no fault of their own, just because they got sick and they either didn't have insurance or they had insurance that wouldn't cover the full extent of the illness.

□ 2015

The dirty little secret out there is that a lot of insurance plans, you may not know this because it is in the fine print, have a lifetime limit on the amount of money they will spend on you. So you're okay until you get really, really sick. But for that 1 or 2 percent of people that are spending millions of dollars on their care over their lifetime, your insurance runs out even if you think that you have it

So this is about individual people whose lives are shattered, shattered by having expenses that they can't control. That is what this health care reform is about as well, Mr. RYAN.

Mr. RYAN of Ohio. And when you look at the company you were mentioning, no co-pays on prevention, no rate increases for preexisting condition, there will be a big sigh of relief in this country when this is passed. An annual cap on out-of-pocket expenses, and we are saying to people in America, in 2013 or whatever the date is that this gets implemented, you will not go bankrupt because of a health care condition that you may have or a member of your family may have. It is said and done. That is what this bill is about.

Mr. MURPHY of Connecticut. Mr. RYAN, it is not that we are not going to ask people to contribute to the cost of health care. We are talking about caps on the amount of money that you're going to contribute. But we are still going to expect people to step up to the plate and pay for part of health care, to have a little bit of exposure and scratch in the game themselves. And that is important. It is important to have shared responsibility.

Nobody is talking about the government coming in here and either taking over our health care system in general or paying for everybody's health care or even asking insurance companies to pay for 100 percent of health care. We want individuals to have some scratch in the game. We just don't want it to end their lives.

Mr. RYAN of Ohio. Exactly, and flip their families and send them out of their homes and the whole ripple effect that happens. And there is another point to this that is in here but it is not in here. As we talk about prevention, and there's great sections in here about community health clinics and different preventative measures that are going on and that we are going to continue to promote preventative medicine and public health training grants and those kinds of things that I think are very, very important to what we are trying to achieve here.

It is sending a signal, and I think President Obama has been sending a signal, people have got to take care of themselves as well. This is not just, okay, you can now do whatever you want and you're going to be covered. Like Congressman MURPHY said, Mr. Speaker, each citizen will have skin in the game, and their health care decisions at some level will affect what they pay. But what we are saying is, we will be helpful, you will contribute, there will be shared responsibility here, and at the time you have to do what you need to do to take care of yourself.

And we all have that responsibility now as we have the demographic train

coming down the pike with baby boomers going into Medicare, going into Social Security and all of these issues. We have got to be a lean, mean, productive economic force in the world so that we can drive our economy and help pay for a lot of this debt that has been accumulated over the course of the last 8 to 10 years and move us forward.

But, again, we know the cost of doing nothing. We know exactly what will happen. Health care bills will go up another $1,800 on average next year and as far as the eye can see. Again, this is not a plan. This is our friends on the other side; this is their Republican health care plan, a bunch of lines going to a bunch question marks and back again and maybe, you know, at some point, maybe off the chart somewhere there is a solution there. It hasn't worked.

They had an opportunity here when they controlled the House, the Senate, and the White House to implement whatever it is they come up with. Maybe they have a couple of these squares they can fill in. But whatever it is they came up with, they had a chance to implement it. And now it is Johnny-come-lately, and we are going to get this done. And I think the President is committed to this; we are committed to this.

Every time I go home, I meet thousands of Delphi employees who have been left behind in the GM bankruptcy, both salaried and union, and steel workers who have lost their jobs and had their pensions cut in half, those in the PBGC, lose their health care. This is what this is about. Those are the people that will benefit from this, Mr. MURPHY.

I want to thank you as we wind down here for the opportunity to do this. We will be here tomorrow and possibly Friday and next week, day in and day out, because it is that important for us to pass this. I really believe that the health and welfare of our country depend on it. And I think that the energy bill and with this, I think this is transformational for us and I think a great opportunity for places like northeast Ohio.

And I yield back to my friend.

Mr. MURPHY of Connecticut. I thank you for joining us here. We will be down here talking about this because it is so important to get health care for America. As you said, our friends on the other side of the aisle had 8 years to get this done. And people may say, well, Mr. President, you're taking on a lot really quickly. But we are paying for the costs of inaction. We are paying for the costs of a Republican Party which for whatever reason decided not to do much about the cost of our health care system.

And we are going to get this done. We are going to get this done so that nobody loses their livelihood, nobody loses their access to the apparatus of opportunity just because they get sick and can't afford to treat themselves. We are going to lower the cost of doing business. We are going to lower the burden of the cost of living for families, and we are going to do it this year.

And with that I yield back.

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. ELLSWORTH). 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. Thank you, Mr. Speaker. I appreciate the privilege of being recognized here on the floor of the House. And I would be happy if I could borrow the poster from Mr. RYAN with all of the question marks on it, because I have the one with the Democrats' answers on it. And I think what he has done is perhaps looked at these question marks and created, I'm not sure who actually comes up with these things, and decided that he would produce government solutions for all the question marks that could be produced on the poster that he has delivered here earlier in this hour.

And so I have here something that looks to me like the basis of it, which is HillaryCare, and I believe if I go back to my office in Iowa and I dig through my archives from my construction company that was seeking to thrive during the Clinton administration, I have in there the very poster that was laminated that showed the entire flow chart of HillaryCare which was presented to the American people and rejected by the American people. It has got to be, once I compared the two to the template, for what we have here that is produced off of this bill.

There really aren't question marks with what Republicans want to. We have more ideas than we can agree upon. I will concede that much. We have sought to improve health care, but we fought Democrats every step of the way. Now it is clear that when you look at the differences between the proposals that we have and what it is that they are poised to vote for, here is what will happen. You will hear all kinds of platitudes about how we can't stimulate the economy and grow our way out of this situation that we are in unless magically the solution that arrives is ''let's go to socialized medicine and that is going to fix our economic woes.'' Somehow when I hear that said, I can't connect it, Mr. Speaker.

I'm listening to the dialogue that comes out, and with such great self-confidence it flows. Let me see. I wrote it down. I was listening to Mr. MURPHY from Connecticut, and he said, let me see, I see no way to get this economy back on track unless we fix health care. Fixing health care means nationalizing health care. It means turning into socialized medicine. And what goes on, if we look at the flow chart here, is the Health Choices Administration, HCA, just a moment, I will get this back where I can read it too, Mr. Speaker, the Health Choices Administration, HCA sets up a commissioner. There is a health insurance exchange that would presumably broker health insurance through this exchange. It's kind of like where you might trade on the Board of Trade for a commodity like corn oil or beans or gold. And they want to trade traditional health insurance plans that would be in there and then a public health plan matched up against it. Now that is the center piece of this proposal.

And what it really says is that they want to establish a government health insurance program that would compete directly with the private health insurance programs that are out there. And we have hundreds and hundreds of those insurance programs that are out there, and if I remember correctly, the number that I have seen was 1,300 different companies competing in health insurance and the health insurance business. That is a lot of competition. It is not a little competition; it is a lot of competition.

If you believe competition brings out the best in us and the markets that are driven because of the competition and the demand that is there, then you have to know that there are a lot of different models that have been tried, and there may be some good models that weren't marketed very well, and there may be some bad models that were marketed well, and there may be some other alternatives out there.

But this I can guarantee you, Mr. Speaker, if there is a better idea in how to insure health care in the United States of America, it will not come from government. Government doesn't provide solutions. The creativity is not there. And this proposal that comes from the Democrats that was just unleashed on America yesterday has within it a series of presumptions on how they are going to save money on health care.

One, if we listen to the gentlemen that made their presentations here within the last hour, they would tell you they are going to squeeze the profit out, that there are people that are actually making money by providing us the very best health care in the world, and we surely couldn't have that. We couldn't have people that are making money doing this.

I don't know where people get incentive. We have good hearts. We are altruistic people. But it is nice to have a little profit so that you can justify going to work. Otherwise you might just stay home and raise the kids and work in the garden, go fishing, golfing, mow the grass, whatever you do. If you squeeze the profit out, people are going to quit going to work. And that is what they suggest is going to happen. Squeeze the profit out, take it out of whatever might be there for the insurance companies, take whatever might be in the profit for the health care providers, our doctors and our nurses and our administrators and all the people

that work so well in the health care industry—and by the way, let's acknowledge the volunteers, the EMTs that are out there on a daily and nightly basis. They deliver more regularly than the mail does, rain or snow or sleet or hail. Nothing stops them from going out to save people's lives and increase the quality of our life.

But into all of this mix, they propose that we upset the very, the largest and the best health care system in the world. To what purpose? Fix the economy? Mr. MURPHY would have you think that because he says that he can't imagine getting our economy back on track unless we fix health care.

Here it is: ''I see no way to get this economy back on track unless we fix health care.'' This is something that was amazing to me, Mr. Speaker. I listened to, at the time, it was Senator Obama, Candidate Obama, arguing to the American people that they should elect him President because he is going to fix all of these things that aren't functioning with government and that the economy will work better if we just simply nationalize our health care plan.

Now, I will concede this point: this Nation spends too high of a percentage of its GDP on health care. It is too high if you compare it to other countries in the world. But it is not too high when you are someone who needs that care, when you have cancer in the family, when you need some emergency heart surgery. We are not a country that waits in line for health care. But the countries that are mentioned here do wait in line. Canadians wait in line for health care. The Europeans wait in line for health care. Those in the United Kingdom wait in line for health care.

One of the gentlemen, I believe it was Mr. RYAN from Ohio, said that people delay getting health care services until they qualify for Medicare, then the cancer spreads and presumably it is a bigger problem. ''The cancer spreads because people wait until they qualify for Medicare'' was what the statement was.

But it is a fact that if one is diagnosed with cancer in the United Kingdom, your life expectancy is, on average, 18 years less than if you are diagnosed with cancer in the United States.

Now I wonder how the gentleman that gave the presentation the last hour would reconcile that, and I will use that, that dirty little secret, about how much better our care is for cancer patients here in the United States and how much longer our life expectancy is than it is in a place like the United Kingdom. Presumably they have a similar health care plan to those in the European Union. And their answer will be, the life expectancy of Canadians and Europeans is 1 or 2 or 3 years longer than the life expectancy of those in the United States.

Well, that is typical liberal logic, Mr. Speaker. They would look at one statistic, and if that statistic could support the argument they want to make, they don't look underneath that to ask the question, why would the life expectancy of a Canadian be longer than the life expectancy of an American by 1 year, I think that data was. I didn't get to see the chart.

The first thing you need to do when you hear some data like that is ask some other questions like why? How could it be if one is diagnosed with cancer and lives to 18 years longer in the United States than if you are under the socialized medicine program of the United Kingdom, then how can you then equate that the life expectancy of someone in the United Kingdom is going to be longer than that of the United States because they have access to health care when that health care supposedly cures their cancer, but they are dying 18 years sooner?

□ 2030

Could it be, Mr. Speaker, that there are other factors involved that reduce the life expectancy here in the United States? How many of us die violently in accidents, for example, compared to those in Canada? How many of us die of addictions like abusing illegal drugs or from alcoholism? What are the ratios of that? How many die of suicide? I wouldn't think that is a situation that's going to be solved by a socialized medicine program, except I'm just willing to bet there's something in the flowchart here to expand the mental health that I might have overlooked in this nasty-looking, modern-day, technicolor, expanded and exploded version of the former Hillary Care.

It is here somewhere, I'm confident, how they would address the mental health situation. And that is an issue, and it is an issue we can certainly talk about how to address. But when you carve all of these things out of the statistics, I'd be willing to take the stand at the life expectancy of Americans who take care of themselves similar to the ways that Canadians take care of themselves is equal to or better than that of Canadians or Europeans.

And otherwise, what is the variable? If they're dying 18 years sooner from cancer in Europe than they do in the United States, then would there be some other illness that counterbalances that? Maybe it's diabetes here in the United States because we may tend to be a little heavier, and I believe we do tend to have diabetes more often. Put those factors into place, but don't just throw a blanket number out here and tell us that you have to upset the best health care system in the world because you've got one data point that you can point to without looking underneath that data point to draw a legitimate conclusion from that data.

This is a typical approach.

Let's see. If I go on, the dirty little secret from Mr. MURPHY. There is a secret limit to what insurance will spend on you. You know, I don't know that that exists, and it implies that exists in every health insurance policy in the United States. I expect it exists in some of them. I'm confident it doesn't exist in all of them. But here is the real little dirty secret that is in this bill and this broad, exploded, technicolor floor chart that's built off of the foundation of the former Hillary Care plan that came out in about 1993.

Part of the secret is this. They intend to tax the middle class workers in America and some of the working poor in America—in fact, probably all of the working poor in America—to fund this outrageously high-priced socialized medicine plan. And how will that work, Mr. Speaker? And here's how it will work.

There will be a surcharge, according to this bill, that will be imposed upon the payroll of employees. Now, the employer is asked to pay the tax, 8 percent that would be put upon the payroll. It would be calculated off of the wages of the employer's workers in order to fund the health insurance plan for those employees if the employer doesn't provide the health insurance for them.

Now, to make it simple, they want to tax the employer who doesn't provide health insurance for the employees. Now, that may sound good to people who don't have health insurance. It may sound good to someone who a little begrudges their boss and maybe the lack of generosity on the part of their boss, but here's what happens. And I will just draw this comparison so we can think of it in relative terms.

The Social Security that we pay, the payroll tax that we pay, all of us on our payroll, up to whatever the cap is, is considered by economists to be—even though it's 50–50, and I've many times sat down and done the math formula making out payroll for my own employees. I would multiply .0765. That's half of the payroll tax, and that came out of the employee's side. And then that same .0765, which adds up to 15.3 percent, employer's half came out of my side. I would look at that and I would say, that 7.65 percent out of the employer is something I'm actually paying to the employee. It's the cost of hiring that employee. It's a fixed cost that comes with it.

So regardless of whether I take it out of his check or my check, it's all money that I would be paying that employee if it weren't going to the government. It is a tax on his earned wages, his or her earned wages. And so I've always viewed it that way, as the payroll tax being a tax on the earned wages of the employee and the limiting factor on how much I can afford to pay the employee.

Let's say you can afford to hire someone who will return for you $30 an hour, and if you pay them in total cost of their wages, their overtime wages, the payroll tax, the benefits plan that you have, whether it be health insurance, retirement plan, whatever else it may be, all of those costs—including the lost time that's in transition, the lost time in production in coffee breaks

and all of those things that have to be added in, the inefficiencies are added in. Let's say all of that adds up and it costs you $20 an hour to have this employee hired and you can make $30 an hour off of having that employee. Now, there's a little margin there to work with. And of course you have other factors involved to take that profit to apply to, such as the overall overhead of the company, and the list goes on.

But let's say it costs you $20 an hour to have this employee working for you and he's making $30 an hour, and you can make that work and have a little margin for profit and apply some of that overall margin to your overhead, your own administrative costs, and along comes the government and says, Well, I'm going to tax you $10 an hour for this employee.

Now they've taken entirely all of the cushion that was there and the necessary profit that you have to have to fund other parts of the company from that and the profit that you have to have to build enough capital so you can offer somebody else a job, and government takes it all away. Now, what's an employer to do? I will tell you exactly. He has to lay off the employees that cost him more money than they are making. You can't sustain yourself that way. You can bridge these gaps over time and things go up and down, but over time, this will all be reduced down to can you afford to have the employee or can't you.

And one of the ways that you adjust that affordability is if the Federal Government adds $10 on to the cost of keeping the employee. You have to look at that in terms of, then, if that eats up all that you have to work with, then you have to look at lowering the employee's wages, or more often it happens, you simply don't offer the raises at the same time you might have otherwise. This comes off the backs of the worker.

Democrats want to tax the working poor and the working middle class and the middle and upper class Americans to pay for a health care plan that I believe is completely misguided, that doesn't fix what it's designed to fix and surely will not fix this economy.

We have to know that their approach to the economy is so far off that more of the same is not going to solve the problem. These are a bunch of Keynesian economists here that are in charge of the country today in the White House, in the House of Representatives, and in the Senate, and they believe, like FDR believed, that if you could just borrow enough money and pour it into this economy and replace jobs in the private sector with government jobs in the public sector, that somehow you could stimulate this economy and get the engine or this economic engine running again.

Mr. Speaker, I can find no empirical data out there that consistently supports the idea that we can borrow money from our children's and grandchildren's future, and actually borrow it directly from the Chinese and the Saudis, while we're at it, and dump that money into this economy and stimulate the economy so that it grows.

Back to the 1930s, I thought—and I believe there's been a definitive experiment that's taken place with Keynesian economics, this borrow money and dump it in in government jobs and grow government to compensate for a shrinking that has taken place in the private sector.

And if we go back to Henry Morgenthau, who was the Treasurer for FDR back in the 1930s, he objected and he said, What have we to show for this? We borrowed money. We spent money like nobody has spent it before, and we haven't created any jobs. We have nothing to show for all of the money that we have spent. And he was the believer, he was the mouthpiece for FDR's Keynesian approach to the New Deal. The New Deal that I was taught was a good deal when I went to school—and, of course, I went back and actually studied the data and came to an informed conclusion rather than just simply a cursory statement that reinforced FDR's New Deal program.

The father of this, of course, was John Maynard Keynes, the father of Keynesian economics. And he—throughout those years, he was very influential in the 1920s and 1930s and less so in the 1940s, although America was distracted from economics during that period of time. But Keynes said that he could solve all of the unemployment in America. All we needed to do was go find an abandoned coal mine and go out there and drill a lot of holes down in that abandoned coal mine and fill those holes full of American cash, greenbacks, the dollar, drop cash down into those holes, fill them up again, and then fill the old coal mine up full of garbage—this is his story—and turn the entrepreneurs of America loose to go dig up of the money. It would create all these jobs in digging through the garbage, digging down through the holes, finding the money, keep everybody busy, and the entrepreneurs would find that money eventually—and probably all of it somehow—and it would keep everybody busy and they would all have a job and they would all have money.

And I know that it was a facetious model. I know that he drew that description as, let's just say, a facetious model that would illustrate how ridiculous it can be. I think he began to realize this later on in his career how ridiculous it can be to put government in to make work and to put government into the business of intervening between the private sector. That's what's going on here in America.

But the dirty little secret, to use the phrase used by Mr. MURPHY from Connecticut, is not that there is a limit on what an insurance company will provide and that they will shut off their health care. What the dirty secret is, Democrats have committed to taxing the working people in America to fund their trillion-and-a-half or more health insurance plan that is designed to crowd out the private sector insurance companies in America, the hundreds and hundreds of them that are providing such a good job and such a highly professional service. And it comes down to the health insurance exchange and those qualified health benefits plans that exist today competing against a proposed and newly created public health plan that would crowd out our private health insurance here in America as we know it.

We have a model we can look at to learn from this. Otto von Bismarck established a national health care plan in Germany before the turn of—into the 20th century. My guess is 1898, but I suspect it was actually before that. I know that it's the oldest national health care plan in the world. And then it didn't cost very much because medicine hadn't developed very far. But they do have private health insurance in Germany, but what it is, it's 10 percent of the market. And the national plan, the required plan has crowded out all of the private health insurance in Germany except for about 10 percent. And the people that have that 10 percent are those who are self-employed, that run businesses, that have found a way within their business to go out into the marketplace and buy some health insurance that provides them perhaps a little better care than they get out of the government plan.

So that's what we can expect to happen with the insurance companies here in the United States should the Democrats in this Congress, in the House and in the Senate, and in the White House get their way, Mr. Speaker. We will see these proud, important, independent health insurance underwriters, their companies, these people that are doing this business, this service on Main Street in many small towns in America and across this country, we will see them shrink down, drop off one by one, companies dropping off one by one. Some will go in one fell swoop. But they're looking at almost the death knell of their industry if this socialized medicine plan gets passed by this Congress.

And yes, they will try to find a little niche in the market, but it isn't going to happen in the end. Some will find their way, but they will be narrowed down like they were narrowed down in Germany.

And we won't have the people that are answering the phone at 7 o'clock at night going over to someone's house to sit down and talk through their health insurance plan with them, helping to nurture them and helping inform them as to the situation. It will be a government bureaucrat that punches the clock, and there will be a lineup outside the door. We know how this works in government agencies. There will be a lineup outside the door.

And that bureaucrat will take the appointments at the appointed time, usually. And when it's time for the coffee

break in the middle of the conference, they will get up and go off into the break room. They will have their little coffee break and it will last all of 15 minutes, and when it's time for the lunch hour at noon, the ''closed'' sign goes on, the bureaucrat walks out the door and goes off down to the bistro or wherever to have lunch with his other bureaucrats. He or she shows back up again at 1 minute to 1 o'clock and opens up the door again and starts through this process.

□ 2045

And the American people will not be able to compete. They will not be able to go someplace where they're treated like a real human being customer. They will be treated by a government bureaucrat.

Don't we have 300 million Americans who have experience with bureaucrats? Don't we know what that does to the attitude? Bureaucrats have an attitude. It's the nature of it all. It's because they have a monopoly. People that have a monopoly have an attitude, and whether they're in the private sector or whether they're in the public sector, if it cashes out the same for being nice as opposed to being not so nice, to being the same for providing happy, friendly service, compared to providing that grumpy, reluctant service, we know the result. People like that often gravitate towards the government.

We'll create this great big massive technicolor flowchart of interrelated government agencies. And by the way, the ones in color are the new ones. The ones in white are existing. Medicaid, SCHIP, Medicare, they're existing. Go on down the line, through the private insurers, they're existing. Traditional health insurance plans, they're existing, but they get shoved into the qualified health benefits plan, but they have to write a plan that actually qualifies, too, which takes some of these people out.

These are existing government. Here are the departments: Treasury, Health and Human Services, Veterans Administration, Defense Department, Labor Department, here's Congress, the President. Institute of Medicine exists. There's the National Health Service Corp., they're there. States, all these programs.

And the ones in white are existing. The ones in color are created new. All of those that are in color, that's thousands and thousands and thousands, Mr. Speaker, of new bureaucrats, new bureaucrats who will be handed this monopoly, and they will be in the business of not only taking customers in and writing their insurance plans in the pace that they see fit, because they're government after all—what government office stays open after 5 o'clock on any working day? What government office would ever think of coming in on a national holiday? What government office would take a look at how they're going to retool their service so they could compete with higher competition, so they could expand because they could compete better? They won't do that because they're handed a monopoly, and if they can't compete, then they will be subsidized more by the taxpayers in America.

And we will be trained as a people to line up outside the door, patiently wait our time, take what we can get, not be able to shop around because these qualified health benefits plans that come from our traditional health insurance providers will be squeezed out. And by the way, that squeeze-out that will come will not be an accident; that's the result of people who really didn't think through what they were doing to the American people. It will be the willful, premeditated result of the people who happen to have the gavels in this Congress now and the power in the White House now who believe in socialized medicine.

They want to adopt a policy that's a socialized medicine policy, and they want to kill the private sector because they don't believe in it. They believe that government provides better than individual competition, free markets and people provide, and that's the great divide in our two approaches here, not a chart with question marks on it. Those must be things that were confusing to Mr. RYAN, the chart with all of these new bureaucracies on them.

And I would say, Mr. Speaker, that it's a chilling thought to think that my children and my grandchildren and their children and every generation beyond them might be receiving their health care standing in line in front of a government agent who hangs the closed sign the minute the clock ticks past the appointed hour, regardless of how long the line is.

We're a people that will be conditioned to a lot of things, but standing in line is not one of the things that Americans do well. We have to do that when we get on an airplane now to go through the security at TSA. And I look at that and I watch that, the security line, and sometimes I wonder how do they ever get Americans to stand in line like that. We don't do that. We'll stand in line to get into a ball game. We will stand in line to get into a concert. We'll stand in line to vote. And now we will stand in line to get on an airplane. And if this broad exploded Technicolor Hillarycare expanded plan gets passed by this Congress, you know it will be signed by the President. He wants a bill to sign, and I don't think it matters what's in it. Americans will be standing in line for their health care, not just in the offices to get signed up to be part of the public health plan but lined up in emergency rooms, clinics, hospitals, all across this country or in a queue that doesn't show up so much, not one that you can see that's clearly tangible until you look at the long lists that will be there because it's an inevitable result that socialized medicine produces rationing of care. It's been a fact wherever it's been tried. It's a fact today wherever it exists, and it will become a fact in the United States of America should this program that was unleashed on us yesterday be made law.

Here's another place where they think they're going to save. They're going to save money by rationing care, getting you in a long line. Places like Canada, United Kingdom and Europe, people die when they're in line. There are plenty of examples of that.

I listened to the gentlelady talk about some anomalies that justified to her socialized medicine. Well, they would describe those who die in line in Canada or the United Kingdom or Europe as being just simply anomalies, that somehow the system let them fall through the cracks. The families that lose their members don't think that it is just the system that fell through the cracks. It's a real life, a real loved one.

Someone whose health care is rationed by formulas that are created by bureaucrats, the bureaucrats that will close their door at the appointed time, could be the health choices administration commissioner; could be coming from the bureau of health information; it could be the ''national priorities for performance improvements''.

When I see national priorities, we know that some of the national priorities will be they want to spend less money on certain types of care. That will mean that people will die because they weren't a high enough national priority. They've already got it here in the bureaucracy. National priorities for performance improvements, it says. Well, here's how they want to improve their performance, and by the way, I endorse some of these things as being good ideas. I just don't think that government can run it and make it work.

They want to expand the information technology in their health care. I agree with that. I think we ought to have interconnected health—the health records so that if someone gets sick from my district who happens to be in Speaker PELOSI's district in San Francisco, they can put their health care card into an Internet-connected security database and find out what prescription drugs a person might be on, find out what they've been treated for and be able to save lives accordingly and provide efficiencies accordingly. And I think it could reduce the numbers of those people that are going around and shopping for prescriptions if we had a central database. And I believe that is being developed within the health care industry and not fast enough to suit any of us, I don't think, including the people that are developing it.

But info tech is a good thing, and it can be used in a lot of good ways, and you don't have to have socialized medicine to have information technology.

Second item that they would save money with would be comparative research. Good, we're doing a lot of comparative research. They're earmarking

comparative research. We're earmarking comparative research although you don't see it much because this place has been—this floor, there's not really legitimate debate on this floor because this House has been shut down by the Speaker and the Rules Committee. I have to inject that in. Special Order and 1 minutes is about the only place where you've got an opportunity to have these kind of discussions, Mr. Speaker.

Comparative research is good. The other countries can do a little more research and that would be great. But what happens is we do the research in this country. All of the progress—I put it this way—much of the progress that has been produced by the pharmaceutical companies and the innovations that have come on to the health care markets within the last generation have dramatically transformed the way we provide health care in this country. The research and the development is predominantly paid for by American users of pharmaceuticals, and the beneficiaries of that research are the people in the countries like Canada, United Kingdom and Europe where they do negotiate for a cheaper rate and where here in the United States we're paying too much of that. We can fix that without socialized medicine, and I'd like to see them pay a greater share of the costs of the research and development that goes into making these wonder drugs that we have today that do extend people's lives.

And I would add that those people in those countries that have a longer life expectancy are probably using American research and development pharmaceuticals. They might be made in a foreign country, but a lot of them are produced by the R&D here in the United States, and they're the beneficiaries of it as well.

Third thing they would do to save money on health care is more prevention and wellness. Mr. Speaker, you don't need to socialize the health care system in United States of America in order to have more prevention and wellness. That's something that is emerging. It's emerging in our culture. It's emerging with some of the health insurance providers we have in this country who are packaging up proposals in different ways to provide incentives for the insured to live a healthier lifestyle, to get regular checkups, to go across the scales and watch their weight and, let's say, avoid some of the vices that shorten our life expectancy, and letting that be reflected in the premiums that are being paid.

But I can guarantee you, Mr. Speaker, that this public health plan of the health insurance exchange is not going to have those incentive nuances in there. It's the private sector that's going to produce those things, and we need to encourage them to do that.

So they have borrowed some ideas from the private sector, but the idea that they've borrowed that is the centerpiece of this is the idea of expanding Medicare to reaching across the generations and reflecting the model of socialized medicine that exists in Canada, the United Kingdom, Europe. We could keep going further east I think, Mr. Speaker, and might end up with something that's a little closer to what they're talking about.

So we're a country that has thrived on free enterprise. We need to continue to thrive on free enterprise, and the idea of socialized medicine is an idea that's abhorrent to Americans. The idea of standing in line waiting for a bureaucrat to approve your health insurance premium is also abhorrent to Americans.

I went over and visited Russia earlier this year, and as I traveled around Moscow, Mr. Speaker, I saw something there that was kind of a phenomenon that exists in Russia that I'm afraid might exist in the United States if they pass this socialized medicine. And that is, that if you watch the Russians walk around Moscow—I didn't go much beyond Moscow—so they walk around out there with their shoulders hunched, looking down at the sidewalk. And I see people on the streets of Washington, D.C., do that all the time, but they're looking out for all the cracks and bumps and holes that we have. It's a matter of survival here. Where I come from we look people in the eye when we walk down the sidewalk. We bid them good day, good morning, good afternoon, nice to see you. We're friends and neighbors working together.

And it doesn't happen in that country. They look down and their shoulders are hunched, and they wander around, and if you sit and watch them, they will wander around. You can follow one of those fur coats and a hat, and it will lead you to a line, and they go get in line. They stand there. And then the line moves slowly. And I stood in line for nearly 2 hours, even as a Member of Congress, to walk into their legislature, the Duma, and they knew we were coming. And I see the other Russians standing in line a lot longer than I was. It looks to me like they go find a line and stand in it, and then they get to the front of the line and find out why they're there, do whatever it is, buy their toothpaste or whatever, and then go find another line and stand in it.

It looks like the Russians, to me, are conditioned to go to from line to line, standing in line. It reminds me of that story of where you see someone will go out in the street—it's a comedy routine from back in I think the 1950s or 1960s—and stand on the street in New York City and look up into the sky and just stare into the sky. And someone else would come along and look, and someone else would come along and look. And after a while, there's a whole crowd of people looking up into the sky, and the original person that was looking at nothing, steps back, smiles. Well, he's drawn a crowd by doing that.

Just standing in line in Russia draws a line behind you. It doesn't really—I mean, without regard to what's in front of that—and I know they have to talk to each other and figure out if they're wasting their time. Human nature is human nature.

We're going to create line standers in America, people who capitulate to the system, submit themselves to the system. And I will argue that the health care system we have in the United States, some of the problems we have is because we have too much government and we submit too much to the system, and the individuals who are receiving the health care don't have enough vested interest in, not enough skin in the game, to be able to use their incentives that should be there to do a better job of evaluating the costs.

So what should we do? And I will provide some answers here, Mr. Speaker, on what we should do for health care.

First and foremost, take a look at our health savings accounts. We did that. We put that in place as Republicans, as a Republican majority in the House and in the Senate, and it was signed by President Bush. And who comes out against health savings accounts today? Well, they don't comport very well with socialized medicine, Mr. Speaker. So that's something that's probably going to go.

□ 2100

Probably not going to be in this flow chart here that—I don't see the health savings account. Now I've not read the whole bill, and I don't know that I'm going to put myself through that.

But we passed health savings accounts. And it stands today this way: if you are a young couple at age 20—I do this because round numbers, I can figure—at age 20, and you put in the $5,150 for a couple into a health savings account, tax-free, first year. And then that groove being indexed to inflation grows each year since then. And we're in about year 6, I think we are. Maybe year 5.

You put that money, the maximum amount in the health savings account every year and spend $2,000 out for reasonable health care costs and grow this account at around 4 percent, and when I did the math on this, that made sense. Today, it doesn't quite make sense. It will again.

Grow that at about 4 percent. If that couple would work and put the maximum into their health savings account every year from age 20 to age 65, they arrive at Medicare eligibility with about $950,000 in their health savings account. Now that's a pretty good deal.

But I can tell you what the Democrats in this Congress want to do with that if they get their hands on that money. They want to tax the $950,000 in the health savings account. They'll tax it then, before you can take it out, because you won't really need much of it, if any of it, anymore. Or, they will take it out of you in inheritance tax when you die.

You are not going to be able to avoid Democrats increasing taxes on you. And that's one of those dirty little secrets, is your health savings account will be taxed, by the ideas of Democrats, either when you die or when you try to take the money out when you retire.

Here's what I propose: let's increase that amount. Let's increase that amount to the point where that couple can arrive at age 65 with enough money to buy paid-up Medicare replacement insurance policies, policies that they own. Or maybe a transition policy that they have owned throughout their working lives that's theirs, that is transportable, that can go with them, a policy that they own, and let them transition into a lifetime health insurance plan and be able to use their health savings account to purchase that full up.

That's one thing we should be able to do to give people back some freedom. And I can tell you what it costs today if you wanted to buy a Medicare replacement policy at age 65. The liability—the present value of that liability of Medicare replacement at age 65 is around $72,000 this year. That's about where we are.

So it gives you an idea if that $950,000 were in a 65-year-old couple's health savings account today, they could write a check for $144,000 and buy a paid-up Medicare policy and take the difference—let's just call that $800,000—and I would want them to have that tax-free and go off and retire, travel the world, will it to their children, buy a new convertible, whatever they want to do, and give them their freedom because they've earned it by being responsible.

But the problem that we have is the Democrat plan takes away the responsibility of the insured, of the individuals in this country, and puts it on somebody else. It puts it on the employer that says regardless whether your employee wants to sit down and market his way through a health insurance plan—his or her—regardless of that, if they don't have health insurance provided by you, then we're going to tax you 8 percent on that payroll. And I said earlier that comes out of the worker. That's wages he is not going to get. The employer has to crank it out of the worker because he is paying all the market can stand on the wages that are there. So, we tax small business, we're going to tax workers.

There was the issue raised of preexisting conditions. We can do some things with preexisting conditions without adopting socialized medicine.

But here's a point that was made by the gentleman from Arizona yesterday, JOHN SHADEGG, who is a leader on this health care policy that we have. He said, If you like your health insurance, and over 70 percent of Americans like the health insurance that they have, if you like it, then get ready to lose it, because you will lose it under this Democrat plan.

In this flow chart is the trap that you will be sucked in from here, over here to the public health care plan. And when President Obama says, If you like your health insurance, if you like the plan that you have, don't worry, you get to keep it.

Well, Mr. Speaker, you get to keep it for the first minute that President Obama signs such a bill, and probably the first hour, day, month, maybe even a year. But maybe not. Maybe not. Because most of the health insurance in this company is provided through people's jobs through their employer who brokers it. And there are long, deep reasons for that that I won't go into tonight.

But the President can't say you get to keep your health insurance plan because he doesn't make that call. If the government model, this public health plan here, if that model is financially advantageous for the employer, if the policies that the employer are paying for cost the company more than the policy that's offered by the public insurance plan, an employer will almost always then drop the private-payer health insurance plans, these that are in this circle, which would become the qualified health benefits plans, drop them and adopt the public health plan.

Now how is President Obama going to tell some company they can't do that? And if you don't quite follow this yet, Mr. Speaker, I will put it this way.

Walmart announced last weekend that they are supporting an employer-mandated health insurance plan. They announced that policy over the weekend and I thought, Why would Walmart do that?

I have the press release here. Let's see. I'm going to say this. They would do that because it looks like it would help their bottom line. Here's what they said. The company says it supports the employer mandate because all businesses should share the burden of fixing the health care system. Well, I don't know what the basis is for that statement except that there must be some advantage to this.

So are we to believe that a huge company, a company that I applaud for the business model that they've creatively put together, but are we to believe that a huge company like Walmart that is everywhere would propose and support—an employer-mandated health care system is the language that they used—would Walmart support that and then not adopt the public health plan, because they already have the traditional self-insurance plans provided to 52 percent of their employees? Would they then move into a qualified health benefit plan for all of their employees because of the mandate that they have endorsed, or would they opt into the public health plan option?

Would Walmart still support the President's proposal, which is basically what has been presented here in this Congress? Would they still support it if they had to guarantee they were going to keep the qualified benefits plan? Would they still support it if there was in the bill that they couldn't drop the private provider and could not opt into the public plan, into the government plan, into the socialized medicine plan?

I think not. I think they want the best option of the two. They will fight to preserve that. So will a lot of companies. But I think this is about something that puts pressure on some of their competition that doesn't provide as much health insurance for their employees as Walmart does for theirs. Less responsible employers, some might call that.

But there still remain a lot of uninsured in that group. Some are on Medicaid. That's true for a lot of companies that are more entry-level wages.

I don't take so much issue with that. I just point out that the idea is this: the employees of Walmart won't get to decide that they get to keep the private plan that they have today, the traditional health insurance plan in this white box that will transition into a qualified health benefit plan, most likely, if it does qualify, unless a bureaucrat says it doesn't. They'll write some new rules for that. Those employees won't make that decision. Walmart will make that decision.

So when the President says, If you like the plan you have, don't worry, you get to keep it, in truth, you should worry. JOHN SHADEGG is right: if you like your plan, get ready to lose it, because you will lose it. The public plan will crowd out the private plan and everybody will fall under the same category, and we will have health care that is rationed in America. We will have lines, and we will have bureaucrats with their nose in the air making life and death decisions on the health care that will be provided to the American people. It is inevitable. It's resulted in that every time that it's been found.

Now, I draw another comparison. The Canadians are forbidden by law to jump ahead in the line. Now if they didn't have a line, you wouldn't have to have a law that forbids you from jumping ahead in the line and accessing health care.

So when you need a hip replacement—and I have seen the data on this. I actually have to guess, but I believe what I saw for a hip replacement number was 171 days of waiting. Something in that category is pretty close, anyway. I don't know how long you wait in the United States. Not at all, if you're in a hurry. Somebody will get you in. They'll find a way to schedule it. We have that kind of service here in this country.

I talked to an individual in my district a year and a half or so ago who had immigrated to the United States from Germany. And he had had hip surgery over there under their socialized medicine plan, a German; but he didn't get his surgery in Germany. He had to go to Italy to get his hip surgery.

The European Union has queues—longer lines in some places, shorter

lines in another place is—certain times that you get into a line and move closer to the front of the line. I suppose you try to get yourself in as many lines as you can.

But this individual happened to be—I ran into him when he was out picking up some things for home improvement, as I was, and he told me the story about how long he had to wait in line and what he had to do to go from Germany to Italy, get in that line and then get his hip replacement, hip surgery.

Here in the United States you're not going to have a measurable line. You might be able to get in one if you're not in a hurry and get it scheduled for convenience. But if you want that surgery, you're going to get that quickly.

Now, Canadians have an innovative thing. One is it's against the law to jump ahead in line. Those are not enforced equally across the provinces in Canada. So some people with more money, some people with more influence get ahead in the line.

Mr. Speaker, if you have ever had the experience of standing in line—and one of the easy ways to think of this is in the airport. If you're standing in line waiting to try to make a flight and you see one or two or three flight crews arrive late and they go get in line in front of you and they start going through the security—now they're actually pretty efficient at it and I know I want to get them on the planes and get these planes going. The lines would be longer if the crews don't show up.

But I stood in that line and had to back up. And the result is this: when someone gets in line in front of you, you have to back up. The line gets longer. Have you ever stepped in a line and watched the line get longer? You know that it isn't paying your time very well to stand in that line.

Well, the lines get longer in places in Canada and in Europe because you have people who have money and influence and power that get preferential treatment over those who don't have the money, influence and power.

So, in Canada it's resulted in this: some of the employers who offer a good employment package pay the wages and the benefits to their employees, the employees who have full access to the Canadian socialized medicine plan. But also as part of the package, let's just say, for example, if they need heart surgery and you're working in Toronto—just say you're wearing a suit and tie, working in a company in Toronto who puts together a good health care package, a good employment package. Here will be the wages, the vacation time, the retirement benefits. They don't get to say the health care plan for Canadian, but they do get to say, You can opt out and go to the United States.

And in their employment package will be an insurance plan that will put them on a plane in Toronto and fly them to Houston for heart surgery so that they can cut ahead of the line. They don't have to wait.

Now, what kind of a country has a health care plan that we would want to emulate that would have employment packages that fly people all the way across the continent to give them heart surgery quickly because the line is too long in Canada?

And it's worse than this, Mr. Speaker. There are companies that have sprouted up in Canada that turnkey these things. Sometimes within the health insurance plan that's part of the employment, that says, We will opt you out of the country to get you fast health care services to the United States. And sometimes it's someone in Canada who can't wait in line to get the service.

And so there are companies there like tour companies, travel agencies, travel/health care agencies that put together the package. So let's just say that you are in Quebec and you want to go to, let's say, the Mayo Clinic in Rochester, Minnesota, to get a hip replacement, and the hip replacement line you're in in Canada is long.

Well, the travel/health care agency in Canada that's sprouted up because of entrepreneurs, you can go contact them and they will set it up. They will say, Here, let me see. You arrive at the airport here in Quebec at this time and this is your flight number and here's your ticket. And you can fly down to the Mayo Clinic and here's the hotel that you can go check into. You'll arrive at this time. Transportation to the hotel is a shuttle bus from the airport to the hotel that you'll be staying at.

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Here is your examination from the doctor and the surgeons, and they'll do that examination, and later on in the day, or overnight, they'll start the surgery, give you the hip replacement. Here's the package on the rehabilitation therapy. Here is your trip back and your plane ticket back to Quebec. Turnkey. I don't know how long it takes, I'm guessing three to four days turnaround, give you a little therapy, send you back home again. All of that, you write one check to the travel/health care agency that's sprouted up to meet a demand that exists because of the lines and the rationing that necessarily result in government-run plans and always have.

And, Mr. Speaker, I'll go back to 1948 and 1949. I had a World War II vet hand me a stack of Collier's magazines. And he fought in Europe, the Second World War. He'd saved these Collier's magazines all of those years, from 1948 and 1949. Now, 1948 was the year that the United Kingdom established their national health care plan, their socialized medicine.

And in the magazine, each issue of the magazine had a story about the health care that was unfolding in Canada. And you can just range through some of them. I can remember pictures of people lined up outside doctors' offices, nurses that were frazzled, doctors who were speaking into the record quoted saying, I have to see so many more patients now in order to provide enough income because I'm being paid so much less per patient, I have to spend less time with the patient, and I have to run them through and see too many patients an hour. I'm missing diagnoses. I'm not able to treat these patients the way I should be. The relationship between us is so fast that there is no doctor/patient relationship.

People are leaving the health care industry because the stress was turned up and the margins were turned down. And we have a good lot of highly talented people in this country that stepped forward to go into the health care industry, good doctors and nurses and other providers. And they're highly educated. It takes a long time to train a doctor, roughly a decade to turn one out that can start to take charge and teach others. That takes time and money. They need to be paid what it's worth to attract them into the profession and to be able to be on call in the middle of the night and on weekends and all the things that they do. And that isn't going to happen in a country that rations health care and squeezes down the prices, Mr. Speaker.

So, I would just suggest that we should think long and hard before we leap into this abyss. As I listened to the gentleman from Connecticut (Mr. MURPHY), I would suggest that he should know this, if anyone does, and that is, when you turn government loose to do something that the private sector should be doing, Murphy's Law always applies. Murphy's Law, of course, is what can go wrong will go wrong.

The incentives will not be in place to provide the quality of care, the timely service. And we don't have rationing of health care in the United States today. We don't have lines that exist in a measurable way. We don't have long lists on paper of people that are waiting their turn to get their service.

We have the best health care system in the world, and it's getting better, and we can do more with competition. We can do more with addressing the medical malpractice litigation that we have in this country that they don't have to a measurable extent in the other countries. We can do better with health savings accounts. We can do better with bringing in competition. We can allow people to expand their health savings accounts, and we can allow them to have enough money in that they can bargain down a higher co-payment and a higher deductible in order to get a lower premium.

And you roll all of this together. If you give people freedom, if you give them responsibility, if you believe in the free market system and you let the markets do what they will without interference, without the intervention of some fraudulent medical malpractice suits that are driving up these premiums and causing doctors to do tests that are unnecessary, except to protect them from litigation, we can bring this

health care down, and we can see the quality of it go up, and we can also be an inspiration for the rest of the world.

And creating socialized medicine is not a solution for an economic problem. That will make the problem worse, not better. And we are, on one side of us, we are Adam Smith free-marketeers on the Republican side of the aisle. These are the Keynesian economists on the Democrat side of the aisle, those who want to grow government, nationalize eight huge entities in America; that all happened on the watch of President Obama, the nationalization of eight huge entities.

And with that in mind, nationalization, there is no exit strategy there. There will be no exit from socialized medicine, and cap-and-tax will crush this economy as well. We must draw a line. This is it. This is the Rubicon. I'm not going across into the irrevocable policy. And those that do, I believe, will regret it the rest of their life.

With that, Mr. Speaker, I thank you for your indulgence, and I would yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

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 Mr. KLEIN of Florida) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MASSA, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, July 22.

Mr. POE of Texas, for 5 minutes, July 22.

Mr. FORBES, for 5 minutes, July 16.

Mr. DREIER, for 5 minutes, July 16 and 17.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, July 16, 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:

2655. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Modification of Temporary Liquidity Guarantee Program (RIN: 3064-AD37) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2656. A letter from the Chief Executive Officer, Anti-Doping Agency, transmitting the Agency's 2008 Annual Report and Financial Audit, pursuant to 21 U.S.C. 2002 36 U.S.C. 10101; to the Committee on Energy and Commerce.

2657. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mount Enterprise, Texas) [MB Docket No.: 08-226 RM-11494] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2658. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

2659. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Authorization Validated End-User (VEU): List of Approved End-Users and Respective Eligible Items for India [Docket No.: 0906151047-91048-01] (RIN: 0694-AE65] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2660. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the 2008 Australia Group (AG) Intersessional Decisions; Additions to the List of States Parties to the Chemical Weapons Convention (CWC) [Docket No.: 090113021-9025-01] (RIN: 0694-AE55) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2661. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-123, ''Processing Sales Tax Clarification Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2662. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 18-124, ''National Law Enforcement Museum Sales and Use Tax Credit Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2663. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-125, ''Records Access Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2664. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-126, ''Raze Permit Community Notification Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2665. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-127, ''Citizen-Service Programs Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2666. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-128, ''Child Development Center Directors Relocation Fairness Clarification Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2667. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-133, ''Transportation Infrastructure Improvements GARVEE Bond Financing Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2668. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-134, ''Anacostia River Clean Up and Protection Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2669. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-135, ''Clean and Affordable Energy Fund Balance Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2670. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-136, ''Neighborhood Development Tax Deferral Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2671. A letter from the Director, Office of Congressional Relations, Federal Trade Commission, transmitting notification that the Commission recently began the audit of financial statements for the fiscal year 2009; to the Committee on Oversight and Government Reform.

2672. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Temporary Alternative Size Standards for 7(a) Business Loan Program (RIN: 3245-AF96) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2673. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Rehabilitation and Employment Program-Duty to Assist (RIN: 2900-AM91) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

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. FILNER (for himself, Mr. BUYER, Ms. CORRINE BROWN of Florida, Mr. STEARNS, Mr. SNYDER, Mr. MORAN of Kansas, Mr. MICHAUD, Mr. BROWN of South Carolina, Ms. HERSETH SANDLIN, Mr. MILLER of Florida, Mr. MITCHELL, Mr. BOOZMAN, Mr. HALL of New York, Mr. BILBRAY,

Mrs. HALVORSON, Mr. LAMBORN, Mr. PERRIELLO, Mr. BILIRAKIS, Mr. TEAGUE, Mr. BUCHANAN, Mr. RODRIGUEZ, Mr. ROE of Tennessee, Mr. DONNELLY of Indiana, Mr. MCNERNEY, Mr. SPACE, Mr. WALZ, Mr. ADLER of New Jersey, Mrs. KIRKPATRICK of Arizona, and Mr. NYE):

H.R. 3219. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROSS (for himself and Mr. MEEK of Florida):

H.R. 3220. A bill to amend title XVIII of the Social Security Act to reform Medicare coverage and reimbursement for home oxygen therapy services; 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. GEORGE MILLER of California (for himself, Mr. HINOJOSA, Mr. BISHOP of New York, Mr. PAYNE, Mr. HOLT, Mr. COURTNEY, Ms. HIRONO, Mr. ANDREWS, Mr. KILDEE, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. LOEBSACK, Ms. FUDGE, Mr. SCOTT of Virginia, Ms. ESHOO, Mr. TIERNEY, Mr. SABLAN, Mr. WU, Mr. KUCINICH, Mr. HARE, Mr. SESTAK, Ms. WOOLSEY, and Mrs. DAVIS of California):

H.R. 3221. A bill to amend the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. CULBERSON):

H.R. 3222. A bill to promote Internet safety education and cybercrime prevention initiatives, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Mr. BOOZMAN):

H.R. 3223. A bill to amend title 38, United States Code, to improve the Department of Veterans Affairs contracting goals and preferences for small business concerns owned and controlled by veterans; to the Committee on Veterans' Affairs.

By Mr. BECERRA (for himself, Ms. MATSUI, and Mr. SAM JOHNSON of Texas):

H.R. 3224. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Ms. NORTON, Mr. BLUMENAUER, Ms. MATSUI, Mr. MORAN of Virginia, Mr. CONYERS, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. MOORE of Kansas, Mr. ENGEL, Ms. KAPTUR, Mrs. MALONEY, Mr. MCGOVERN, Mr. CARSON of Indiana, Mr. GRIJALVA, Ms. LEE of California, Ms. EDWARDS of Maryland, Ms. WOOLSEY, and Mr. CLEAVER):

H.R. 3225. A bill to help provide funds for community gardens, and for other purposes; to the Committee on Agriculture.

By Mr. KINGSTON (for himself, Mr. CARTER, Mr. ALEXANDER, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. LATTA, Mrs. BACHMANN, Mr. POE of Texas, Mr. PITTS, Mr. FLEMING, Mr. LINDER, Mr. CAMPBELL, Mr. CHAFFETZ, Mr. KING of Iowa, Mr. HOEKSTRA, Ms. FALLIN, Mr. SHADEGG, and Mr. LAMBORN):

H.R. 3226. A bill to provide that appropriated funds may not be used to pay for any salaries or expenses of any task force, council, or similar office which is established by or at the direction of the President and headed by an individual who has been inappropriately appointed to such position (on other than an interim basis), without the advice and consent of the Senate; to the Committee on Oversight and Government Reform.

By Mr. LEVIN (for himself and Mr. DAVIS of Kentucky):

H.R. 3227. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Ways and Means.

By Mr. MURPHY of Connecticut:

H.R. 3228. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects in the Town of Canton, Connecticut; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 3229. A bill to amend the Alaska Native Claims Settlement Act to recognize Alexander Creek as a Native village, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI (for herself, Mr. INSLEE, and Ms. NORTON):

H. Res. 649. A resolution supporting the goals and ideals of National Community Gardening Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. STEARNS:

H. Res. 650. A resolution recognizing that country music has made a tremendous contribution to American life and culture and declaring country music to be a uniquely American art form; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

105. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 141 urging the United States Department of Defense to renew and increase its supply of essential excess and donation surplus equipment to Illinois public safety officers through the 1033 Program, the LESO Program, and the U.S. General Services Administration's Donation Program (Federal Surplus); to the Committee on Armed Services.

106. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE RESOLUTION NO. 86 memorializing the Congress of the United States to take such actions as are necessary to create a national catastrophe fund; to the Committee on Financial Services.

107. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 91 memorializing the Congress of the United States to address the issue of global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for citizens, and maintains America's global competitiveness; to the Committee on Energy and Commerce.

108. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 86 urging the Congress to honor the contributions of African-American slaves in the United States by declaring that every February 28th shall be designated as Honor the Contributions of African-American Slaves in the United States Day; to the Committee on Oversight and Government Reform.

109. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 101 memorializing the Congress of the United States to enact legislation to prohibit fetal torture and dismemberment; to the Committee on the Judiciary.

110. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 68 encouraging Congress and President Barack Obama to support H.R. 693, the Reaching the Star Act, creating a Suburban Transit Access of STAR line inter-suburban commuter rail to ease road traffic congestion in 100 communities from Joliet to O'Hare International Airport, providing safe and reliable transportation options for the more than 1.6 million area residents living in high-congestion areas; to the Committee on Transportation and Infrastructure.

111. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 44 urging the members of Congress to introduce and give full consideration to a bill comparable to the Patriot Employers Act in order to ensure that American firms contribute their fair share to our society's social welfare; to the Committee on Ways and Means.

112. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 82 memorializing the Congress of the United States to enact legislation and appropriate monies in order to provide additional homeland security funding for state maritime enforcement agencies; to the Committee on Homeland Security.

113. Also, a memorial of the House of Representatives of the State of Oklahoma, relative to House Resolution No. 1043 disapproving the United States Department of Homeland Security's assessment report concerning Rightwing Extremism; to the Committee on Homeland Security.

114. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 233 urging the United States Congress and the President of the United States to enact H.R. 676, pending in the 110th Congress, which provides universal health insurance coverage for all individuals residing in the United States and its territories; jointly to the Committees on Energy and Commerce, Ways and Means, and Natural Resources.

115. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 55 calling upon federal policy makers to ensure that goods sold domestically meet U.S. food and product safety standards; jointly to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. ACKERMAN, Mrs. MALONEY, Ms. SHEA-PORTER, Mr. LANGEVIN, Ms. ZOE LOFGREN of California, Mr. SCHIFF, and Ms. KILPATRICK of Michigan.

H.R. 40: Mr. RANGEL and Ms. WATERS.

H.R. 173: Mr. COFFMAN of Colorado.

H.R. 207: Mr. WALDEN.

H.R. 208: Mr. RYAN of Ohio, Mr. PAULSEN, Mr. MCNERNEY, and Mr. WALDEN.

H.R. 211: Ms. FUDGE, Mr. EDWARDS of Texas, and Mr. HALL of New York.

H.R. 213: Mr. SESTAK.
H.R. 235: Mr. WALDEN and Mr. ELLISON.
H.R. 275: Mr. MORAN of Virginia.
H.R. 406: Mr. HIMES and Ms. BALDWIN.
H.R. 426: Mr. POSEY.
H.R. 442: Mr. BURGESS, Mr. AUSTRIA, and Mr. TIBERI.
H.R. 503: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 510: Mr. MOORE of Kansas, Mr. CARDOZA, Mr. CHANDLER, Ms. HERSETH SANDLIN, Mr. WITTMAN, and Mr. ELLSWORTH.
H.R. 571: Ms. SUTTON.
H.R. 690: Mr. MILLER of Florida and Mr. YOUNG of Florida.
H.R. 691: Mr. PAUL.
H.R. 702: Mr. SIRES.
H.R. 734: Ms. PINGREE of Maine.
H.R. 795: Mr. JACKSON of Illinois.
H.R. 804: Mr. PASTOR of Arizona.
H.R. 847: Mr. MURPHY of New York.
H.R. 848: Mr. TIERNEY.
H.R. 936: Mr. TEAGUE.
H.R. 939: Mr. HIMES.
H.R. 953: Mr. ORTIZ, Mrs. MCMORRIS RODGERS, and Mr. HOEKSTRA.
H.R. 982: Mr. AUSTRIA.
H.R. 1020: Mr. HONDA and Mr. VAN HOLLEN.
H.R. 1064: Mr. LIPINSKI and Mr. MCNERNEY.
H.R. 1137: Mr. MEEK of Florida.
H.R. 1156: Mrs. MCMORRIS RODGERS.
H.R. 1166: Mr. DAVIS of Illinois.
H.R. 1173: Mr. ARCURI and Mr. SHULER.
H.R. 1177: Mr. GONZALEZ, Mr. CAMPBELL, and Mr. TIM MURPHY of Pennsylvania.
H.R. 1190: Mr. HASTINGS of Washington.
H.R. 1207: Mr. SALAZAR, Mr. KIRK, and Mrs. EMERSON.
H.R. 1240: Mr. MAFFEI.
H.R. 1245: Mr. WITTMAN and Mr. KIRK.
H.R. 1283: Mr. GRAYSON.
H.R. 1293: Mr. MILLER of Florida, Ms. CORRINE BROWN of Florida, Mr. BILIRAKIS, and Mr. SNYDER.
H.R. 1346: Ms. LEE of California.
H.R. 1382: Mr. SHADEGG.
H.R. 1410: Mr. MILLER of North Carolina.
H.R. 1441: Ms. BALDWIN.
H.R. 1470: Mrs. CAPITO.
H.R. 1509: Mr. HALL of New York.
H.R. 1548: Mr. MURPHY of Connecticut and Mr. STEARNS.
H.R. 1558: Ms. TITUS and Mr. HIMES.
H.R. 1618: Mr. WILSON of Ohio.
H.R. 1625: Mr. OBERSTAR.
H.R. 1684: Mr. TIBERI and Mr. BURGESS.
H.R. 1700: Ms. ZOE LOFGREN of California.
H.R. 1751: Ms. CORRINE BROWN of Florida and Mr. SARBANES.
H.R. 1761: Mr. GRIJALVA.
H.R. 1776: Mr. HIMES.
H.R. 1826: Mr. ROTHMAN of New Jersey and Mr. FATTAH.
H.R. 1831: Mr. UPTON, Mr. SESSIONS, Mr. GARRETT of New Jersey, Mr. BERMAN, Mr. ROGERS of Michigan, Mr. MORAN of Kansas, Mr. TONKO, and Mrs. MYRICK.
H.R. 1835: Mr. MATHESON.
H.R. 1941: Mrs. DAVIS of California.
H.R. 2006: Mr. DONNELLY of Indiana.
H.R. 2017: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WALDEN, and Mr. LATTA.
H.R. 2060: Ms. ESHOO.
H.R. 2097: Mrs. KIRKPATRICK of Arizona.
H.R. 2122: Mr. JONES.
H.R. 2149: Mr. HIGGINS, Mr. PUTNAM, and Mr. THOMPSON of Mississippi.
H.R. 2184: Mr. SIRES.
H.R. 2193: Mr. PAULSEN.
H.R. 2194: Mr. MILLER of North Carolina, Mr. GOHMERT, Mr. BISHOP of Georgia, Mr. STUPAK, Mr. CAO, Mr. LANGEVIN, Mr. FARR, Mr. ALTMIRE, Mr. CALVERT, Mrs. BLACKBURN, Mr. TERRY, Mr. MINNICK, Mr. BARTLETT, Mr. KLINE of Minnesota, Ms. CORRINE BROWN of Florida, Ms. SUTTON, and Mr. HOEKSTRA.
H.R. 2215: Mr. DINGELL, Mr. KILDEE, and Mr. PETERS.
H.R. 2220: Ms. KOSMAS, and Ms. PINGREE of Maine.
H.R. 2245: Ms. WATERS, Ms. RICHARDSON, Mr. CAMPBELL, Mr. WALZ, and Mr. SIMPSON.
H.R. 2261: Mr. LATHAM.
H.R. 2293: Mr. LANGEVIN.
H.R. 2296: Mr. DENT, Mr. SMITH of Nebraska, Mr. BRIGHT, Mr. TIBERI, Mrs. EMERSON, Mr. CULBERSON, Mr. MCCAUL, Mr. PERRIELLO, and Mr. GRIFFITH.
H.R. 2329: Mrs. DAHLKEMPER and Mr. PETERSON.
H.R. 2363: Mr. FATTAH, Mr. BERMAN, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2365: Ms. MCCOLLUM.
H.R. 2373: Mr. PERRIELLO, Mr. BUTTERFIELD, Mr. KILDEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KRATOVIL, Ms. GIFFORDS, and Mr. PAULSEN.
H.R. 2381: Mr. HARE and Mr. GRIJALVA.
H.R. 2425: Mr. FARR and Mr. WOLF.
H.R. 2440: Mr. LAMBORN.
H.R. 2452: Mr. RYAN of Ohio, Mr. YARMUTH, Mr. KIRK, and Mr. THOMPSON of California.
H.R. 2469: Mr. LATTA, Mr. BROUN of Georgia, Ms. FOXX, Mr. GINGREY of Georgia, Mr. SHADEGG, Ms. FALLIN, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. ISSA, Mr. PENCE, Mr. CONAWAY, Mr. KINGSTON, Mr. FLEMING, and Mr. PITTS.
H.R. 2478: Mr. PLATTS, Mr. CUMMINGS, and Mr. FORBES.
H.R. 2480: Mr. FRANK of Massachusetts, Mr. LIPINSKI, and Mr. MILLER of North Carolina.
H.R. 2497: Mr. BLUMENAUER.
H.R. 2499: Mr. ROGERS of Alabama.
H.R. 2548: Mr. CONNOLLY of Virginia.
H.R. 2561: Mr. CAO.
H.R. 2563: Mr. HILL, Mr. POSEY, Mr. MARCHANT, Mr. TIBERI, and Mr. CONAWAY.
H.R. 2590: Mr. PAUL.
H.R. 2625: Ms. BALDWIN.
H.R. 2626: Mr. MCCOTTER.
H.R. 2642: Mr. WILSON of Ohio.
H.R. 2648: Ms. MOORE of Wisconsin, Mr. FALEOMAVAEGA, Mr. COHEN, and Ms. DELAURO.
H.R. 2669: Mr. RAHALL.
H.R. 2681: Mrs. NAPOLITANO.
H.R. 2695: Mr. PLATTS.
H.R. 2709: Ms. HARMAN.
H.R. 2724: Mr. HODES.
H.R. 2740: Mr. SOUDER, Mr. MEEKS of New York, and Mr. MCCOTTER.
H.R. 2759: Mr. ETHERIDGE, Ms. CORRINE BROWN of Florida, Mr. RUPPERSBERGER, Mr. WELCH, and Mr. GERLACH.
H.R. 2771: Mr. BOREN.
H.R. 2811: Mr. HASTINGS of Florida.
H.R. 2835: Mr. MORAN of Virginia and Mr. ELLISON.
H.R. 2842: Mr. LINDER.
H.R. 2861: Mr. ELLISON.
H.R. 2894: Mr. CHANDLER.
H.R. 2906: Mr. SARBANES.
H.R. 2920: Mr. COSTELLO and Ms. SUTTON.
H.R. 2938: Mr. SHIMKUS.
H.R. 3011: Mrs. KIRKPATRICK of Arizona, Mr. KLINE of Minnesota, and Ms. PINGREE of Maine.
H.R. 3017: Mr. MCNERNEY.
H.R. 3024: Mr. BISHOP of Georgia and Mr. BLUMENAUER.
H.R. 3025: Mrs. DAHLKEMPER.
H.R. 3042: Mr. WAXMAN.
H.R. 3044: Mr. HERGER, Mr. MCHENRY, and Mr. DRIEHAUS.
H.R. 3147: Mr. CONYERS.
H.R. 3148: Mr. BURGESS.
H.R. 3189: Mr. KIRK.
H.R. 3212: Mr. KING of New York and Mr. BOSWELL.
H. J. Res. 56: Mr. COHEN, Ms. DELAURO, Mr. ANDREWS, and Ms. PINGREE of Maine.
H. Con. Res. 16: Mr. KLINE of Minnesota and Mr. KIRK.
H. Con. Res. 74: Mr. HASTINGS of Florida.
H. Con. Res. 94: Mr. COHEN and Ms. MCCOLLUM.
H. Con. Res. 102: Ms. JACKSON-LEE of Texas.
H. Con. Res. 144: Ms. SPEIER, Mr. LARSEN of Washington, Mrs. CAPITO, Mr. SCHOCK, Ms. ROYBAL-ALLARD, and Mr. LYNCH.
H. Con. Res. 159: Mr. FRANKS of Arizona, Mr. MCCOTTER, Mr. KENNEDY, Mr. MURPHY of Connecticut, Ms. BERKLEY, Mr. ROSS, Mr. DOYLE, and Mr. KIRK.
H. Res. 89: Mr. TURNER, and Mr. MANZULLO.
H. Res. 93: Mr. HINOJOSA and Mr. SABLAN.
H. Res. 111: Mr. MINNICK, Mr. TONKO, Mr. BONNER, and Mr. MEEKS of New York.
H. Res. 245: Mr. CARSON of Indiana.
H. Res. 394: Mr. SULLIVAN.
H. Res. 440: Mrs. BACHMANN.
H. Res. 487: Mr. UPTON and Mr. HOEKSTRA.
H. Res. 494: Mr. COOPER, Mr. SPRATT, and Mr. BRADY of Pennsylvania.
H. Res. 512: Mr. WATT, Mr. CARNAHAN, Ms. GIFFORDS, Ms. WOOLSEY, Mr. SHERMAN, and Mr. SIRES.
H. Res. 513: Mr. ALTMIRE, Mr. BACHUS, Mr. BISHOP of Georgia, Mr. BOOZMAN, Ms. BORDALLO, Mr. BURTON of Indiana, Mr. CALVERT, Mr. COLE, Mr. COURTNEY, Mr. DUNCAN, Mr. GOHMERT, Mr. HASTINGS of Florida, Ms. KAPTUR, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LATTA, Mr. MCCAUL, Mr. MCCOTTER, Mr. OBERSTAR, Mr. PLATTS, Mr. PUTNAM, Mr. RODRIGUEZ, Mrs. MCMORRIS RODGERS, Mr. SENSENBRENNER, Mr. SPRATT, and Mr. WU.
H. Res. 517: Ms. WOOLSEY.
H. Res. 533: Mr. MASSA, Mr. HINOJOSA, and Mr. DINGELL.
H. Res. 558: Mr. ROYCE, Mr. HALL of Texas, Mr. PAULSEN, Mr. PAYNE, and Mr. HINOJOSA.
H. Res. 605: Mr. CAO, Mr. SENSENBRENNER, Mr. BISHOP of Georgia, Mr. MORAN of Kansas, Mr. CUMMINGS, Mr. KING of New York, Mr. FRELINGHUYSEN, Mr. JONES, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. MCGOVERN, and Mr. PETERSON.
H. Res. 615: Mr. SMITH of Texas, Mr. PRICE of Georgia, Mr. TIAHRT, and Mr. CONAWAY.
H. Res. 619: Mr. TIAHRT, Mr. SCHOCK, and Mrs. MILLER of Michigan.
H. Res. 623: Mr. REICHERT.
H. Res. 630: Mr. CAPUANO and Mr. HONDA.
H. Res. 631: Mr. POE of Texas and Mr. RYAN of Ohio.
H. Res. 633: Mr. COHEN.
H. Res. 634: Mrs. LOWEY, Mr. MCHUGH, and Ms. BALDWIN.
H. Res. 639: Mr. RADANOVICH and Mr. ROYCE.

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 HASTINGS of Washington, or a designee, to H.R. 3183, the Energy and Water Development and Related Agencies Appropriation Act, 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DELETIONS OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Mr. PALLONE.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, JULY 15, 2009 No. 106

Senate

The Senate met at 9:30 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.

Our Eternal God, we lift grateful hearts for the great heritage of our Nation. Thank You for those who purchased our freedom with blood, toil, and tears. Give us this day a vivid vision of what You expect our Nation to become, as we accept the torches of integrity and faithfulness from those who have gone before us.

Lord, give our lawmakers a reverence for Your Name and a determination to please You with their thoughts, words, and deeds. Enable them to bear with fortitude the fret of care, the sting of criticism, and the drudgery of unapplauded toil. Direct them to the sources of moral energy so that Your strength may be linked to their limitations.

We pray in Your great Name. 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 15, 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 W. 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.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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.

Mr. REID. Mr. President, my understanding is the clerk will report the matter before the Senate at this time.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

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.

AMENDMENT NO. 1469 WITHDRAWN

Mr. LEVIN. Mr. President, I withdraw Senate amendment No. 1469.

The ACTING PRESIDENT pro tempore. The Senator has that right.

AMENDMENT NO. 1511

(Purpose: To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes)

Mr. REID. On behalf of Senator LEAHY, myself, and others, I call up amendment No. 1511, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEAHY, 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, and Mr. REED, proposes an amendment numbered 1511.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. I now ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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AMENDMENT NO. 1539 TO AMENDMENT NO. 1511

Mr. REID. I now call up a second-degree amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KENNEDY, proposes an amendment numbered 1539 to amendment No. 1511.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials)

At the end of the amendment, insert the following:

SEC. ___. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term ''relevant offense'' means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Leahy amendment No. 1511 to S. 1390, the National Defense Authorization Act for Fiscal Year 2010.

Evan Bayh, Roland W. Burris, Benjamin L. Cardin, Patrick J. Leahy, Sheldon Whitehouse, Jeff Bingaman, Bernard Sanders, John F. Kerry, Carl Levin, Frank R. Lautenberg, Dianne Feinstein, Tom Harkin, Robert Menendez, Richard J. Durbin, Christopher J. Dodd, Charles E. Schumer, Harry Reid.

Mr. REID. Mr. President, Senator LEVIN will give an explanation as to why the amendment was withdrawn. But my friend, the Republican leader, has the first right of recognition.

HEALTH CARE WEEK VI, DAY III

Mr. MCCONNELL. Mr. President, as Republicans and Democrats debate the best way to reform health care, Americans are increasingly concerned about the price tag and about who gets stuck with the bill. The Federal deficit suddenly stands at more than $1 trillion for the first time in history, and so far this year we are spending about $500 million a day in interest alone on the national debt. It is as if every single American gets up in the morning, walks over to the window, and tosses $2 out into the wind every day for the next 10 years. It is not a bad analogy, but that is what we are doing. And now the advocates of a government takeover of health care are talking about spending trillions more.

So Americans are worried about cost—and they have good reason to be.

Not only are we in a tough situation fiscally, we have no idea how much this reform will really cost. We know from experience with government-run programs like Medicare and Medicaid that early estimates often grossly underestimate what they end up costing. We know that some of the estimates we are hearing about health care reform are misleading. And we also know that the administration is building up a substantial track record of its own of dubious predictions that it has used to sell its ideas to the public.

We saw it with the stimulus. In selling one of the most expensive pieces of legislation in history, the administration said it had to be passed right away, with almost no scrutiny. If we did not pass it right away, they said, the economy would collapse.

Here is what the President said about the importance of passing the stimulus bill as quickly as possible: ''If we don't act immediately, then millions more jobs will disappear, the national unemployment rates will approach double digits, more people will lose their homes and their health care, and our nation will sink into a crisis that at some point is going to be that much tougher to reverse.''

As it turns out, the administration overpromised.

They predicted the stimulus would keep the unemployment rate from approaching double digits. We passed the stimulus, and unemployment is now approaching double digits. It was supposed to keep millions of jobs from disappearing. We passed it, and since then we have lost more than 2 million jobs. It was supposed to save or create between 3 and 4 million jobs. We passed it, and now the administration is backpedaling on that prediction too. Now it

says it is ''very hard to say'' how many jobs have been saved or created. The stimulus was supposed to have an immediate impact. We passed it, and it has not. Despite all the predictions about its effect on the economy, the administration now says it expects unemployment to continue to rise in the months ahead.

Now, in an attempt to pass an even costlier and far-reaching government action, a government takeover of health care, the administration is making similarly aggressive claims about the dangers of not approving its plan.

The administration says that if we do not pass its health care proposal then the economy will get even worse. It says that if we do not approve its health care proposal then the quality of everyone's health care will be jeopardized. It says that if we do not pass this trillion dollar bill now, then we will miss out on a chance to save money on health care down the road.

I do not know if these claims are accurate, and I do not believe the administration is making these claims in bad faith. But I do know that Americans got burned on the stimulus, and I know that some in the administration have said that a crisis is a terrible thing to waste. So at the very least, Americans have a right to be skeptical about the administration's latest effort to rush through a major piece of legislation without allowing us to evaluate it. It is a worthwhile question: Why does the administration say we have to send them a bill that would essentially nationalize one-sixth of the U.S. economy when many parts of the legislation itself would not even go into effect for another 4 years?

Americans are right to be skeptical when administration officials say we cannot fix the economy without fixing health care, or that the Democrat plan for health care will not cause people to lose their current insurance when the CBO says it will, or that a government-run takeover of health care will not add to the ballooning national debt. After the stimulus, Americans have a right to be skeptical about all these claims, especially when they are told these reforms have to happen quickly, and especially when our experience with Medicare and Medicaid and government health care at the State level shows us that initial estimates and predictions can be way off the mark.

Senator COLLINS, for example, has discussed the problems they have had in Maine as a result of its attempt to create a government-run health plan, of what a disappointment that has been. Six years ago, Maine instituted Dirigo Health as a government option after advocates made the same promises about what it would do to bring down costs and increase access that the advocates of a nationwide government health plan are making right now in Washington.

Yet 6 years later, the Dirigo experiment has turned out to be a colossal, and extremely costly, failure. Despite initial promises, it has not covered most of the uninsured. And yet it has led to higher taxes on thousands of Maine residents who were already struggling to pay for private coverage. In short: Dirigo turned out to cause the same problems in Maine that some of us are predicting for all Americans if Congress rushes to approve a national government plan.

Americans want us to take the time necessary to make health care less expensive and more accessible, while preserving what they like about our system. Americans want health care reform, but they do not want to give a green light to a reform that only ends up costing them more for worse care than they currently have. The fact that Americans are increasingly concerned about how much health care reform is going to cost should not be a reason to rush. It should be a reason for us to take the time to get it right.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, to explain where we are, let me take a few minutes, first of all, on the procedures. Then I want to go back and make some comments about the Levin-McCain amendment, which will come back. This is temporarily withdrawn because we could not get to a vote.

The bottom line is we were here all day yesterday. We attempted repeatedly to obtain an agreement as to when we could vote on the Levin-McCain amendment.

We had a lot of time yesterday for people to make speeches. We had time the day before. We have time anytime. But we have to get to a vote on that amendment.

The reason we were not able to get to a vote is because of the next amendment, which the majority leader indicated is going to be taken up on this bill, the so-called hate crimes amendment. We have a law relative to hate crimes. This had been an important amendment to the law to add a group who had been left out, two groups previously left out of the existing hate crimes law. It would have also had an important definition of Federal interest in this hate crimes legislation.

Hate crimes legislation is not new. This body had approved hate crimes legislation a couple years ago on the Defense authorization bill. The argument was made at that time that the hate crimes bill should not be offered on a Defense authorization bill. Senator KENNEDY offered hate crimes legislation a couple years ago on the Defense authorization bill. The debate was extensive at that time as to why on this bill.

The reason it was offered on this bill is obvious. This is legislation. The Senate rules allow for amendments such as hate crimes or any other amendment to be offered on legislation that is pending before the Senate. The minority has offered many nonrelevant amendments this year on legislation. On the American Recovery and Reinvestment Act, there was an amendment relative to ACORN. On the DC voting rights bill, there were amendments relative to guns and to the fairness doctrine. On and on and on. The Senate rules permit nongermane, nonrelevant amendments to be offered to pending legislation. It is not at all new. The opportunity to do that has been taken by many of us this year, last year, the year before and, I am sure, next year. First, it is not new. It is common in the Senate to offer amendments which are not relevant to a bill that is pending. That is allowed under our rules.

The hate crimes amendment is an important amendment. I don't think anybody would deny the importance of this amendment. With hate crimes going up in the United States, it is critically important we strengthen our hate crimes law. There are Senators who oppose the amendment. That is the reason we are here, to debate, to argue for or to argue against. But I don't think one can argue it is uncommon, unusual or improper to offer nonrelevant amendments to legislation which is pending. Regardless of one's position on hate crimes, it is very difficult to argue it is not significant legislation.

Thirdly, as Senator KENNEDY so powerfully argued—and those of us who joined with him a few years ago on this amendment surely agreed—the values that are involved in this legislation, the effort to make America a better place, a place freer of hate crimes, surely is one of the values our men and women put their uniforms on and fight for. The closer we can come to a society which is freer of hate crimes, the better off we are internally, the closer we will live up to what we stand for in our basic fundamental documents and our history. It is what men and women who fight for the United States and carry out their missions are fighting for—not just physical threats to this country but for the values for which we stand, for freedom from hate, for diversity, for freedom from intimidation and violence based on one's religion, ethnicity or the other attributes listed in the hate crimes legislation.

It is important legislation. It relates to the values of this country, values which our men and women take such risks for when they go into harm's way. The rules of this body allow for it.

Somehow or other, the fact that we were going to proceed to a hate crimes amendment on this bill, even whether it was next in line or whether it was down the line in terms of amendments, the fact that it was made clear that, again, on a Defense authorization bill, as we have in the past, in the past with 60 Members of this body supporting it, the fact that that was made known in an open and honest way to Members of this body apparently precipitated a determination on the part of some that they not allow us to get to a vote on the pending Levin-McCain amendment. That prospect, that open statement

that there would be a hate crimes amendment offered on this bill became the impediment, apparently, from all we can determine, to our getting agreement for a time for a vote on Levin-McCain.

The question is, How to remove that impediment. There were two choices: Either agree not to offer the hate crimes amendment or remove the impediment. We have to now remove the impediment. There is not a willingness on the part of a significant number of Senators—and I believe a majority—not to offer a hate crimes amendment. It is pending legislation that is before us.

The amendment is an important amendment. It has been offered before. There is precedent for offering it on the Defense authorization bill. The rules allow for it, so we don't need a precedent, but there is a precedent for doing so. There are dozens of precedents for offering nonrelevant amendments to legislation which is pending before the Senate.

We will come back, obviously, to the Levin-McCain amendment. The Levin-McCain amendment is a very important amendment on this bill. We have to deal with the decision of the Armed Services Committee, on a close vote, to add F–22 planes, which uniformed and civilian leaders of the military indicate they do not want and do not need and we cannot afford. We have had some debate. We had plenty of time for others to debate it. Everyone who wanted to speak on the subject, I believe, had more than enough opportunity to do so. Last night we heard from the Senator from Georgia as to his reasons for offering the amendment in committee to add the additional F–22s. I compliment the Senator from Georgia for all the hard work he has done on our committee. It is another example of how the Armed Services Committee works together. Our Presiding Officer is a distinguished member of the committee so he knows this firsthand, how we work together, guided by one basic principle: for the good of the Nation, for the good of the men and women in the armed services. We disagree, obviously, on the Levin-McCain amendment. There is surely, however, agreement that our intentions are always to adhere to that principle—what is best for our Nation, what is best for the men and women who put on the uniform of the Nation.

So while there was committee disagreement and disagreement on this floor on the question of whether additional F–22s should be produced, the disagreement is not along party lines and rarely, if ever, is along party lines on the Armed Services Committee. I wish to, again, compliment not only the Senator from Georgia but also other members of the committee for sticking to that very important principle.

I also agree with something the Senator from Georgia said last night relative to another of our operating principles. We have the right and the duty to challenge assumptions made in the bill sent to us by any administration and to act in accordance with our best judgment about what is right and what is in the best interests of the Nation. We are not a rubberstamp to every proposal offered by the executive branch. The Congress, hopefully, never will be.

The Senator from Georgia pointed out a number of cases where we have acted as anything but a rubberstamp to a budget request. We added funds, for instance, in this bill for a larger pay raise than the executive branch requested to honor the service of the men and women in the military who have been bearing an extraordinarily heavy burden for the country fighting in Iraq and Afghanistan. We added $1.2 billion for a more mobile variant of the Mine Resistant Ambush Protected Vehicle, called the MRAP. This MRAP variant is called the MRAP all-terrain vehicle. The reason we did this is because we knew there was an emerging requirement for these new vehicles to support our forces in Afghanistan that had not been reflected in the budget request. I don't believe any member of the Armed Services Committee or any Member of this body should act as a rubberstamp for any budget request, and the evidence will show over and over again, year after year, that our committee does not act as a rubberstamp.

The question on the Levin-McCain amendment is whether we are right, that the leadership of our military, both civilian and uniformed, made a sound judgment when they, similar to their predecessors in the Bush administration, determined that we should end production of the F–22. The debate is not about whether we will have the capability of the F–22. It is a debate about how many F–22 aircraft we should have and at what cost.

We are talking about whether we will accept the recommendation of two Commanders in Chief, two Secretaries of Defense, plus the Joint Chiefs of Staff and their chairmen, that 187 F–22s is all we need, all we can afford, and all we should buy. Senator MCCAIN and I have made a number of arguments about why we believe stopping the F–22 program at 187 is the right thing to do. I will not repeat all those arguments now, particularly since we have temporarily withdrawn the amendment. But it is important that I clarify promptly a number of points made by the Senator from Georgia during the debate yesterday so they do not remain uncontested.

First, the Senator said that the Air Force had not been involved in any of the studies that led to determining that 187 F–22s was the correct number of aircraft to buy. A few days ago, the committee heard contrary testimony from the vice chairman of the Joint Chiefs of Staff that there are at least two studies that support the department's plans for tactical aviation, including stopping F–22 production, including a recently completed study.

This is what he said:

> There is a study in the Joint Staff that we just completed and partnered with the Air Force on that, number one, said that proliferating within the United States military fifth-generation fighters to all three services was going to be more significant than having them based solidly in just one service, because of the way we deploy and because of the diversity of our deployments.

So the Vice Chairman of the Joint Chiefs referred to a recent study that led to the conclusion that Senator MCCAIN and I support. That study was partnered with the Air Force, unlike what was stated last night by the Senator from Georgia that these studies did not have Air Force involvement.

There is a strong analytical underpinning for the decision of the administration, including the Air Force. A letter from the Secretary of the Air Force and the Chief of Staff of the Air Force on this matter is one underpinning, one of the strong evidences that that conclusion is correct. The letter is already part of the record so I will quote briefly from it. The Secretary of the Air Force and the Chief of Staff of the Air Force concluded in part, as follows:

> 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 recommended that F–22s be included in the FY10 defense budget. This is a difficult decision, but one with which we are comfortable.

That is from the letter of the Secretary of the Air Force and the Chief of Staff of the Air Force, so it should make very clear what the Air Force's position is on the matter.

On another matter that was raised by the Senator from Georgia last night, listening to his arguments, one might conclude that the F–22 is the only aircraft we have or are planning to have that could operate effectively in the presence of very capable enemy surface-to-air missile systems. But the Department has provided contrary evidence. In his letter to myself and Senator MCCAIN on July 13, the Secretary of Defense said the following:

> . . . the F–35 is a half generation newer aircraft than the F–22, and more capable in a number of areas such as electronic warfare and combating enemy air defenses. To sustain U.S. overall air dominance, the Department's plan is to buy roughly 500 F–35s over the next five years and more than 2,400 over the life of the program.

The key words in that sentence by the Secretary of the Defense in his letter is that there will be a ''more capable'' aircraft in the F–35 than the F–22 ''in a number of areas such as . . . combating enemy air defenses.''

I think we all agree our military needs to maintain air dominance. But as the Secretary's letter points out, the F–22 aircraft is not the only aircraft the Department is relying upon to contribute to making that air dominance a reality. In fact, in certain areas, such as electronic warfare and combating surface-to-air missiles, the Department of Defense is counting on

the F–35 fleet to meet those missions with greater effectiveness even than with the F–22.

The Senator from Georgia, last night, argued that proposing cuts in a number of areas—just like the committee 13-to-11 vote indicated and his proposal accomplished—that shifting funds to the F–22 program and shifting money from other areas was not doing any harm to other programs within the Defense Department.

I have previously talked about the specifics relative to this issue, and I wish to summarize the difference on this point very briefly, as, again, we will be coming back to this issue. It is withdrawn temporarily, but, obviously, we will return to this issue and resolve this issue prior to the determination of this bill.

First, we did not assume any first-year savings from acquisition reform or business process reengineering. Both these initiatives will yield savings. The Senator from Arizona and I, and with the support of our colleagues on the Armed Services Committee, all unanimously supported acquisition reform.

At the time we adopted that, and at the time the President signed our bill, we indicated there will be significant savings from reforming the acquisition system. But those savings do not occur in 2010. Nobody has alleged, and there is no support for any conclusion, that savings from acquisition reform are going to occur in the first year it is in effect. As a matter of fact, its main thrust is to apply to new weapons systems to make sure their technologies, for instance, are mature so we do not end up producing equipment that has technologies incorporated in it that have not been adequately tested.

So we are not going to see savings in fiscal year 2010, as the Senator from Georgia assumed in his amendment that was adopted barely by the committee to fund the F–22 add-on. The result is $500 million he assumed from savings ends up as across-the-board real program cuts.

I also would point out that the cost estimate of S. 1390 that we just received from the Congressional Budget Office did not assume any savings from those initiatives. Those, again, were savings which helped to fund the additional F–22s—alleged savings. They are phantom savings in the first year.

Secondly, on the operation and maintenance reductions that were used to fund the F–22 add, the original committee position on this matter—O&M, operation and maintenance reductions—was developed consistent with the Government Accountability Office analysis. The reductions, however, that were taken in operation and maintenance by the Senator from Georgia when he offered this amendment in committee to add the F–22s go far beyond what was indicated by the Government Accountability Office's analysis and far beyond what is prudent.

Finally, relative to the offsets that were taken, the $400 million cut applied to the military personnel funding top line will greatly complicate the Department's ability to manage the All-Volunteer Force and to provide for bonuses and incentives that will be needed to support the force. It might even be troublesome enough that the Department of Defense would be forced to ask for a supplemental appropriations—something we wanted to get away from this year and finally have.

So one other thing is, there are some who suggest: Well, the F–35 is just a paper airplane that is the future. We have the F–22 now. The F–35 is not here yet. It is here. There are—in this budget alone, in the fiscal year 2010 budget, which is the fourth year, by the way, of production of the F–35—there are 30 F–35s being produced for the military. So this is not a future deal when we talk about F–35s. This is a here-and-now deal. We are already into low-rate initial production. There are already at least five test aircraft flying, and we have 30 F–35s funded in this bill which is before this body now.

Let me summarize the situation relative to the Levin-McCain amendment that would strike the additional funding for the F–22s, the additional planes that the military does not want, does not need, and says we cannot afford.

First, the F–22 is a very capable aircraft. There should be no doubt about it. We have them. We need them. And they are valuable.

Next, the Air Force has already bought, and will pay for, 187 F–22 aircraft. So the debate is not about whether we will have that capability of the F–22 for the next 20 years. We will. We should, and we will. The debate is over how many F–22s are enough to meet the Nation's requirements. Two Presidents—President Obama and President Bush—two Secretaries of Defense, three Chairmen of the Joint Chiefs, current members of the Joint Chiefs of Staff all agree that 187 F–22s is all we need to buy and all we should buy.

The debate also concerns what damage will be done if we do not reverse the cuts that were taken to pay for the additional F–22s—to pay for the $1.75 billion in the F–22 add. Those cuts are $400 million to military personnel accounts, $850 million to operations and maintenance accounts, and $500 million across-the-board reductions to the Department of Defense budget.

We received a letter from the President this week saying he will veto the Defense authorization bill if it includes the F–22 production.

So our amendment is a critically important amendment. It involves a lot of money, and there is a lot of principle involved as to whether we should continue to be building weapons we no longer need and we have enough of. We need the F–22. There is no doubt about that. But we have enough of the F–22, according to all our military leaders—civilian and uniformed leaders alike.

But we cannot get to a vote, and that is the fact of the matter. We have waited for an agreement to get to a vote on the Levin-McCain amendment. Repeatedly, I have asked whether we can set a time for a vote, and the answer has come back: We cannot set a time for a vote. It is clear that for some reason, which, frankly, I do not fully understand—the reason we are not permitted to get to a vote on the Levin-McCain amendment is because of the prospect, the fact that either the next amendment or somehow down the line on this bill there is going to be offered a hate crimes amendment.

How that and why that should result in a denial of an opportunity to vote on the Levin-McCain amendment escapes me, I must say. Because we are going to get to the hate crimes amendment whether we are allowed a vote on the F–22 amendment. Not allowing us a vote, not agreeing to a time for a vote on the Levin-McCain amendment does not obviate the fact there is going to be a hate crimes amendment offered. As a matter of fact, it is now the actual amendment before us. And everyone knew that.

So I do not understand the logic behind the refusal to permit a vote on an amendment—the Levin-McCain amendment—because of objection to going to a vote on hate crimes, when we are going to that hate crimes amendment anyway and when we are going to have to come back to the Levin-McCain amendment. Everybody knows it. We are going to have to resolve both those amendments. So the decision some made to deny us an opportunity to vote at this time on Levin-McCain simply stymies this body from doing what it is going to do.

There are many people who disagree with the Levin amendment. Fine. There are many people who disagree on the hate crimes amendment. That is their right. But what is undeniable is, we are going to resolve both, one way or the other. We are going to resolve both of those and hopefully a lot of other material and a lot of other amendments. They are both going to be resolved, one way or the other, on this bill. Argue both sides, argue neither side, but you cannot argue, it seems to me, that we should not allow a vote on the first amendment before us—Levin-McCain—because of opposition to another amendment which is going to be offered.

I know there is strong opposition to hate crimes. I understand it. I understand why people say it should not be on this bill, despite the rules which allow it. I respect the right to disagree with it. But I do not understand the logic or the strategy which denies us the opportunity to vote on an amendment which has been thoroughly debated—the Levin-McCain amendment—because there is another amendment down the line which is going to be offered which people object to, when they know it is coming up. Despite strong feelings that it should not come up, it is coming up. It is now before us. Everyone knew it was going to come up.

So now we are stymied. We are stymied from resolving an amendment which has to be resolved, one way or the other—Levin-McCain—because of objection to another amendment being offered. I don't get the logic. I don't understand the strategy. I understand the feelings and I respect the feelings, although I disagree with people who oppose the Levin-McCain amendment and I disagree with people who oppose the hate crimes amendment. So I understand the feelings. I don't share the feelings, but I respect them, and I respect their right to fight against these amendments. But for the life of me, I do not understand why we are denied an opportunity to vote on Levin-McCain because of an objection to another amendment. All it does is slow down this body. It stymies this body from resolving issues which are going to be resolved. As certain as this body is here, this is going to be resolved. These are going to be resolved like a lot of other amendments. I don't know how they will be resolved. That is not certain; it never is. But they will be resolved because that is the nature of the Senate, to resolve these issues.

Again, I thank my good friend from Arizona. I know there are differences on the question of whether hate crimes ought to be offered on this bill. I respect him deeply, and I respect his positions and his right to hold them. While I surely disagree with the decision that has been made to not permit us to move at this time to a resolution of Levin-McCain, I nonetheless have a great understanding of the feelings here. I appreciate them and I respect them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I know there are a lot of other issues that are consuming the interests of my colleagues and the American people, such as the confirmation hearings of Judge Sotomayor; the HELP Committee, of which I am a member, is reporting out one of the most massive takeovers and expenditures of taxpayer dollars in history; and we have this bill on the floor, and there are other issues. So it has probably gone unnoticed that we have seen another really—if not unprecedented, certainly highly unusual action on the part of the majority.

Frankly, to my colleagues on this side of the aisle and the American people, elections have consequences. What we have just seen is an amendment before this body and a piece of legislation before this body that I think one could argue is probably of more importance than any other we consider because it authorizes the measures necessary to preserve the security of this Nation, care for the men and women who are serving in the military, and meet the future threats we will face in the 21st century.

So what has happened here is that the majority leader, with the agreement of my friend from Michigan, whom I highly respect and regard, has made it clear that their highest priority is not that. Their highest priority is a hate crimes bill—a hate crimes bill that has nothing to do whatsoever with defending this Nation.

My friend from Michigan just complained that we haven't had a time for the vote. Of course we haven't had a time for the vote on the Levin-McCain amendment because we have been made aware that a hate crimes bill—and by the way, not an ordinary, small, specific amendment, but 17 pages, plus 6 additional pages, encompassing a piece of legislation that is before this body that has never moved through the Judiciary Committee. It has not moved through the Judiciary Committee, the appropriate committee of oversight.

So the majority leader of the Senate comes to the floor, after prevailing upon the distinguished chairman to withdraw his amendment—an amendment of some consequence, a $1.75 billion expenditure, and, far more important than even the money, a real confrontation between special interests and the national interests—so that we can move to the hate crimes bill.

The hate crimes bill is not without controversy, I say. In fact, it is interesting that on June 16, 2009, the U.S. Commission on Civil Rights sent a letter to the Vice President and to the leaders of the Congress opposing the hate crimes bill.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMISSION ON CIVIL RIGHTS,
Washington, DC, June 16, 2009.

Re S. 909.

Hon. JOSEPH BIDEN, Jr.,
President, U.S. Senate,
Hon. ROBERT C. BYRD,
President Pro Tempore, U.S. Senate,
Hon. HARRY REID,
Majority Leader, U.S. Senate,
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Hon. RICHARD DURBIN,
Majority Whip, U.S. Senate,
Hon. JON KYL,
Minority Whip, U.S. Senate,
Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee,
Hon. JEFF SESSIONS,
Ranking Member, Senate Judiciary Committee.
Hon. RUSSELL FEINGOLD,
Chairman, Senate Judiciary Subcommittee on the Constitution,
Hon. TOM COBURN,
Ranking Member, Senate Judiciary Subcommittee on the Constitution.

DEAR MR. PRESIDENT AND DISTINGUISHED SENATORS: We write today to urge you to vote against the proposed Matthew Shepard Hate Crimes Prevention Act (S. 909) (''MSHCPA'').

We believe that MSHCPA will do little good and a great deal of harm. Its most important effect will be to allow federal authorities to re-prosecute a broad category of defendants who have already been acquitted by state juries—as in the Rodney King and Crown Heights cases more than a decade ago. Due to the exception for prosecutions by ''dual sovereigns,'' such double prosecutions are technically not violations of the Double Jeopardy Clause of the U.S. Constitution. But they are very much a violation of the spirit that drove the framers of the Bill of Rights, who never dreamed that federal criminal jurisdiction would be expanded to the point where an astonishing proportion of crimes are now both state and federal offenses. We regard the broad federalization of crime as a menace to civil liberties. There is no better place to draw the line on that process than with a bill that purports to protect civil rights.

While the title of MSHCPA suggests that it will apply only to ''hate crimes,'' the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts ''because of'' someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. Consider:

Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen ''because of'' their gender.

A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally, they are chosen ''because of'' their gender or disability.

While Senator Edward Kennedy has written that it was not his intention to cover all rape with MSHCPA, some DOJ officials have declined to disclaim such coverage. Moreover, both the objective meaning of the language and considerable legal scholarship would certainly include such coverage. If all rape and many other crimes that do not rise to the level of a ''hate crime'' in the minds of ordinary Americans are covered by MSHCPA, then prosecutors will have ''two bites at the apple'' for a very large number of crimes.

DOJ officials have argued that MSHCPA is needed because state procedures sometimes make it difficult to obtain convictions. They have cited a Texas case from over a decade ago involving an attack on a black man by three white hoodlums. Texas law required the three defendants to be tried separately. By prosecuting them under federal law, however, they could have been tried together. As a result, admissions made by one could be introduced into evidence at the trial of all three without falling foul of the hearsay rule.

Such an argument should send up red flags. It is just an end-run around state procedures designed to ensure a fair trial. The citizens of Texas evidently thought that separate trials were necessary to ensure that innocent men and women are not punished. No one was claiming that Texas applies this rule only when the victim is black or female or gay. And surely no one is arguing that Texans are soft on crime. Why interfere with their judgment?

We are unimpressed with the arguments in favor of MSHCPA and would be happy to discuss the matter further with you if you so desire. Please do not hesitate to contact any of us with your questions or comments. The Chairman's Counsel and Special Assistant, Dominique Ludvigson, is also available to further direct your inquiries.

Sincerely,

GERALD A. REYNOLDS,
Chairman.
ABIGAIL THERNSTROM,
Vice Chair.
PETER KIRSANOW,
Commissioner.
ASHLEY TAYLOR, JR.,
Commissioner.
GAIL HERIOT,
Commissioner.
TODD GAZIANO,
Commissioner.

Mr. MCCAIN. The U.S. Commission on Civil Rights sends a letter saying:

Dear Mr. President and distinguished Senators: We write today to urge you to vote against the Matthew Shepard Hate Crimes Prevention Act.

That is basically the bill the majority leader has just inserted into the process of legislation designed to defend this Nation's national security. Of course there are strong feelings on it. This is a complete abdication of the responsibilities of the Judiciary Committee but, more importantly, could hang up this bill for a long period of time. While we have young Americans fighting and dying in two wars, we are going to take up the hate crimes bill because the majority leader thinks that is more important—more important—than legislation concerning the defense of this Nation. I am sure the men and women in the military serving in his home State would be interested to know about his priorities.

So here we are. Now we will go through—I am sure the majority leader will file cloture, we will go through 30 hours of debate, and we will have another vote. All of this is unnecessary. Why couldn't we move the hate crimes bill—remember, this is not a single-shot amendment on a specific small issue; this is a huge issue, the whole issue of hate crimes. It is a huge issue. It deserves hearings and debate and amendment in the Judiciary Committee. But what are we going to do? For reasons that I guess the majority leader can make clear because I don't get it, he wants to put it on the national defense authorization bill and pass it that way. He will probably succeed, and he will call it ''bipartisan.'' The last time I checked, it has 44 Democratic cosponsors and 2 Republicans. That is the definition, by the way, around here of bipartisan bills. That is the way the stimulus package was bipartisan. That is how the omnibus spending bill was bipartisan. And I am pretty confident that if health care ''reform'' passes, it will probably be in another ''bipartisan'' fashion.

So we will have some hours of debate. We will have more exacerbated feelings between this side of the aisle and that side of the aisle. I would imagine that the hate crimes bill, given the makeup of this body, may even be put on a defense authorization bill—a huge issue. A huge issue will now be placed on a defense authorization bill and passed through the Congress and signed by the President. That is a great disservice to the American people. The American people deserve debate and discussion and hearings and witnesses on this legislation. They deserve it. They don't deserve to have a hate crimes bill put on this legislation which has no relation whatsoever to hate crimes.

I will probably have a lot more to say about this in the hours ahead. I have been around this body a fair amount of time. I have watched the Defense authorization bill wind its way through Congress, and occasionally, including at other times, I have seen amendments put on bills which are nongermane, but I haven't seen the majority leader of the Senate—the majority leader of the Senate, whose responsibility is to move legislation through the Senate—take a totally nonrelevant, all-encompassing, controversial piece of legislation and put it on a bill that is as important to the Nation's security as is this legislation. We are breaking new ground here, let's have no doubt about it. It is one thing to sometimes have one Member or two or others propose amendments that happen to be their pet project or their pet peeve. It is an entirely different thing—it is an entirely different thing, and I have never seen it before—that the majority leader of the Senate comes to the floor and introduces an irrelevant piece of legislation that is controversial, that is fraught with implications for this and future generations, to a bill that is totally nonrelevant. After 30 hours of debate, we will have a vote on closing that debate and including it in the legislation. I am deeply, deeply disappointed, and I question anyone's priorities who puts this kind of legislation ahead of the needs of the men and women who are serving our military with bravery, courage, and distinction.

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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, we are currently on the Department of Defense authorization bill and an amendment that has been offered by the Democratic majority leader relative to the creation of a new Federal crime of hate crimes.

Earlier, the Senator from Arizona, Mr. MCCAIN, came to the floor to question the wisdom of adding that kind of legislation to a bill related to the Department of Defense. Most people, when they hear that argument, would say: Why don't they do these bills separately? It turns out that under the Senate rules, oftentimes there are few opportunities to move a bill forward. It is not at all unusual for Senators to come forward and offer what appears to be, and may in fact be, an unrelated amendment to a bill that is likely to pass and be signed by the President. Too often, we pass bills that die in transit to the House or once over in the House never see the light of day. They have the same complaint about the Senate.

This is legislation, hate crimes legislation, which we believe is timely, important, and which we want to make part of this debate and ultimately would like to offer it to the President for signature. It has been debated in the House of Representatives, and it is a bill that I think we can quickly come together with the House on and agree on common terms. So it is an important opportunity.

I might say to Senator MCCAIN that I have offered what we would call unrelated amendments in the past, and he has as well. Going back many years, in 1993 Senator MCCAIN offered a line-item veto amendment to a bill involving voter registration. He also offered that same amendment to research bills and to a bill involving the travel rights of blind individuals. He had a supermajority requirement to increase taxes added to a bill—unrelated—on the subject of unemployment compensation. So it is not unusual. I have done it. Senator MCCAIN has done it.

In fact, this year we have seen it happen repeatedly. In fact, most of the amendments have come from the other side of the aisle. Senator VITTER—on a bill that tried to put the economy back on track—offered an amendment that was critical of an organization known as ACORN. It had nothing to do with the stimulus package. It was his personal feeling about that organization that led to the amendment. Senator ENSIGN of Nevada offered a controversial amendment which, in fact, stalled a bill that was relating to the voting rights of the citizens of the District of Columbia. Senator ENSIGN's amendment dealt with gun control, which didn't have a direct bearing on the question of DC voting rights. Senator DEMINT raised the question of the fairness doctrine of the Federal Communications Commission—another amendment to the DC voting bill. Senator THUNE of South Dakota offered an amendment relative to concealed firearms, again on the DC voting rights bill.

The list goes on. To suggest what was done this morning is unusual is to ignore the obvious. For the better part of this year, amendments have been coming from the Republican side of the aisle that are unrelated to the subject matter of the bill, and that has been a fact of Senate life.

This amendment being offered by Senator REID, as well as many others relative to hate crimes, is a very important one. I would like to speak to it.

I speak in strong support of the passage of this hate crimes legislation. We plan on voting on it as an amendment to the Defense authorization bill. For several years, the Senate has taken up these two measures, and for several years both the House and the Senate have passed the hate crimes bill only to see it blocked by filibuster threats or veto vows.

We are fortunate to have a new President who supports this hate crimes legislation. When the House of Representatives took up this legislation just a couple months ago, President Obama issued a statement which said:

I urge Members on both sides of the aisle to act on this important civil rights issue by

passing this legislation to protect all our citizens from violent acts of intolerance.

What a difference a year has made. When Congress took up the hate crimes bill last Congress, President Bush called it ''unnecessary and constitutionally questionable.'' He promised to veto it.

The American people said last November that they wanted a President who will take our country in a different direction. President Obama is doing that, and he is doing it on this issue as well.

The hate crimes bill has another important supporter who, sadly, cannot be with us on the floor today, and that is Senator TED KENNEDY of Massachusetts, who has been our leader on this issue for over 10 years. I wish he were here to make another impassioned speech for its passage. Nobody speaks to this issue with more authority and clarity than Senator KENNEDY. Senator KENNEDY has been called the heart and soul of the Senate. Passing this bill will honor the great work he has given in his public career to the cause of civil rights.

The Kennedy hate crimes bill now before us is one of the most important pieces of civil rights legislation of our time. I am proud to cosponsor it. I generally believe Congress should be careful in federalizing crime. In the case of hate crimes, there is a demonstrated problem and a carefully crafted solution.

Here is the problem—in fact, it is twofold. First, the existing Federal hate crimes law, passed in 1968 after the assassination of Dr. Martin Luther King, covers only six narrow categories. In order for the current law to apply, a person has to be physically assaulted on the basis of race, national origin, or religion, while engaging in one of the following specific activities: using a public accommodation, serving as a juror, attending a public school, participating in a government program, traveling in interstate commerce, or applying for a job.

The Kennedy hate crimes bill now being considered would expand coverage so that hate crimes could be prosecuted wherever they took place as long as there is an interstate commerce connection, such as the use of a weapon. Federal prosecutors would no longer be limited to the six narrow areas I mentioned earlier in the bill passed some 41 years ago.

Secondly, the bill would expand the categories of people covered under the Federal hate crimes law. The current law provides no coverage for hate crimes based on a victim's sexual orientation, gender, gender identity, or disability. Unfortunately, statistics tell us that hate crimes based on sexual orientation are the third most common after those based on race and religion. About 15 percent of all hate crimes are based on sexual orientation. Our laws cannot ignore this reality.

Let me address some of the arguments that have been made against this hate crimes bill. Some of my constituents—in fact, most of those who write in opposition to the bill—are writing either personally or on behalf of churches. There are people who believe this bill would be an infringement on religious speech. Their concern is that a minister could be prosecuted if he sermonizes against homosexuality, and after that a member of his congregation assaults someone on the basis of their sexual orientation. I understand their concern, but it is misplaced.

The chair of the Judiciary Committee, Senator PATRICK LEAHY, held a hearing last month on the hate crimes bill. Attorney General Eric Holder was the star witness. I attended the hearing and asked the Attorney General point-blank whether a religious leader could be prosecuted under the facts I just described. I talked to him about a minister in a church who might stand before his or her congregation and argue that the Bible states clearly, from their point of view, that persons engaged in homosexual conduct are sinners, and if after that sermon someone sitting in the congregation, in anger, turns and strikes someone who is gay, can the minister be held responsible for inciting this person to strike someone of a different sexual orientation. This is what the Attorney General said in response to this hypothetical question I raised:

> This bill seeks to protect people from conduct that is motivated by bias. It has nothing to do with regard to speech. The minister who says negative things about homosexuality, about gay people, this is a person I would not agree with, but is not somebody who would be under the ambit of this statute.

Based on that representation from the Nation's top law enforcement officer, I hope some from religious communities who have been writing to my office will understand that my response to them over the months and years that they have been writing is consistent with the interpretation of this hate crimes bill by the Attorney General of the United States.

It is also important to point out that the Kennedy hate crimes bill requires bodily injury. It does not apply to speech or harassment. It does not apply to those who would carry signs with messages of their religious beliefs. Attorney General Holder assured the Senate that, unless there is bodily injury involved, no hate crimes prosecution could be brought. I don't know how he could have been clearer or more definitive. I am certain that some who don't want to accept the clear meaning of his words will dispute him, but he was very clear for all of the people of good faith who would listen.

And listen to the words of Geoffrey Stone, a first amendment scholar at the University of Chicago Law School:

> It is settled First Amendment law that an individual cannot constitutionally be punished for attempting to incite others to commit crimes, unless the speaker expressly incites unlawful conduct and such conduct is likely to occur imminently. The last time the Supreme Court upheld a criminal conviction for incitement was more than a half century ago.

I also note that 24 States—nearly half of the States in America—have hate crime laws on the books that include sexual orientation, and religious leaders are not being prosecuted in those States. That is just not the purpose of the hate crimes laws. Prosecutors aren't going around looking to put ministers or people with religious beliefs contrary to certain sexual orientations in jail.

Moreover, I think it is time that many people in the religious community would come forward and support this legislation. They should take comfort in knowing that if they believe intolerance and hate are not part of their spiritual message, this law is a good law in support of their beliefs.

This law would go beyond the six narrow areas I covered earlier. It would be an important consideration since 20 percent of all hate crimes are committed on the basis of a person's religion. This hate crimes law will actually protect those discriminated against because of their religious belief. That should be another reason for those of faith to come forward and consider supporting it.

Another criticism of the Kennedy bill is one that has been around for a long time. It is an argument about States' rights. They argue there is no need to pass a Federal hate crimes law because the States can do the job on their own.

This argument is remarkably similar to one we faced almost a century ago when Congress debated an antilynching law. Between 1881 and 1964 there is evidence that almost 5,000 people—in fact, 4,749—were lynched in the United States. Predominantly the victims were African Americans. Yet Congress resisted addressing this problem for generations.

Let me read some quotes from a 1922 CONGRESSIONAL RECORD when Congress debated whether to pass a bill making lynching a Federal crime. One Member of Congress said:

> The great body of the good people of the country know that the Federal Government should let the States solve these purely local questions. They know that peace and confidence cannot come from distrust and suspicion and that this Congress cannot, by statute, change God's eternal laws.

Another House Member said:

> The question is whether or not we shall duplicate the State function by conferring the same power upon the Federal Government as to this class of crimes. Ours is a government of divided Sovereignties.

The arguments this year against the hate crimes bill sound very similar to the arguments in 1922 against the antilynching law.

We can all agree that criminal law is primarily a State and local function. It is estimated 95 percent of prosecutions for crimes occur at that level. But there are some areas of criminal law in which we have agreed the Federal Government can and should step in to help.

There are over 4,000 Federal crimes, 600 of which have been passed in the last 10 years. Hate crimes are a sad and tragic reality in America. Last month's horrific shooting, not far from here, at the Holocaust Museum in Washington, DC, was the most recent reminder that hate-motivated violence still plagues our Nation.

Earlier this year in my home State of Illinois, two White men in the town of Joliet used a garbage can to beat a 43-year-old Black man outside a gas station while yelling racial epithets and stating: ''This is for Obama.'' The victim sustained serious injuries, lacerations, and bruises to his head.

Last year, a University of Illinois student was walking near his college campus with three friends when an attacker, yelling antigay slurs, pushed him so forcefully he was knocked unconscious and suffered a head injury.

These are incidents in my home State, which I am proud to represent, but I am not proud of this conduct, and I do not think America should be proud of this kind of intolerance and assault—physical assault—that has taken place.

According to FBI data, which is based on voluntary reporting, incidentally, there are about 8,000 hate crimes in America every year. Some experts estimate the real number is closer to 50,000.

The Kennedy hate crimes bill will not eliminate hate crimes in America, but it will help ensure these crimes do not go unpunished.

When Senator KENNEDY introduced the hate crimes bill in April, here is what he said—for TED, whom I wish could be with us today, I will repeat his words so he is part of the RECORD in support of this bill. Here is what he said:

> It has been over 10 years since Matthew Shepard was left to die on a fence in Wyoming because of who he was. It has also been 10 years since this bill was initially considered by Congress. In those 10 years, we have gained the political and public support that is needed to make this bill become law. Today, we have a President who is prepared to sign hate crimes legislation into law, and a Justice Department that is willing to enforce it. We must not delay the passage of this bill. Now is the time to stand up against hate-motivated violence and recognize the shameful damages it is doing to our Nation.

In the words of Senator KENNEDY, and in my own words as well, I urge my colleagues to support this important legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is my understanding that we are now on the hate crimes amendment which takes the form of the Hate Crimes Prevention Act introduced by Senator KENNEDY. I wish to speak on that amendment.

I begin by commending and thanking Senator KENNEDY for his leadership and dedication on this issue for a long time. He has been the leader, he has been persistent, and I know he remains fully supportive.

This has been offered as an amendment to the Defense authorization bill. The reason is because it is so long overdue.

This amendment will expand the Federal definition of a hate crime so that the Federal Government can prosecute crimes committed because of a person's gender, gender identity, disability, or other sexual orientation.

It would increase the Justice Department's authority to prosecute by removing old restrictions that say a hate crime must involve a victim who is attacked because of hate and attacked while voting, attending a public school, serving on a jury or involved in another specially designated activity. So the application of the existing legislation is highly limited, and this would remove that limitation.

It would authorize $5 million in Federal grants to help States, localities, and Indian tribes investigate and prosecute hate crimes. It would also allow the Federal Government to give important technical, forensic, and prosecutorial assistance to States and localities that prosecute these kinds of crimes.

It would authorize the Department of Justice to begin programs to combat hate crimes committed by children and teenagers. This is important because this is a rising area of concern.

It would allow law enforcement to gather more data about violent hate crimes so we know how big the problem is and can work to fight against it.

Let me give a little bit of history. I have been working on hate crimes since I joined the Senate and the Judiciary Committee almost 17 years ago. I know the history of this amendment very well. In the 103rd Congress, I introduced the Hate Crimes Sentencing Enhancement Act to substantially increase criminal sentences whenever a crime was committed on Federal land that had an element of hatred to it relating to race, color, religion, national origin, ethnicity or sexual orientation. The bill was actually enacted into law in 1994, and it was an important first step.

In the 105th Congress, Senator KENNEDY introduced the Hate Crimes Prevention Act for the first time, and I was one of 33 cosponsors. That was 1997, and this is the bill we are still talking about today, 12 years later. In the 106th Congress, Senator KENNEDY reintroduced the bill. The bill was bipartisan, it had 43 cosponsors, but it did not pass.

In the 107th Congress, 2 years later, Senator KENNEDY reintroduced it again. It was bipartisan, and this time it had 50 cosponsors. In July of 2001, it was reported out of the Judiciary Committee, but a cloture vote in 2002 failed by a vote of 54 to 43. That was 7 years ago. One-half of the Senate was cosponsoring this bill, but we lost by six votes on a cloture vote.

Senator KENNEDY reintroduced the bill in the 108th, the 109th, and the 110th Congresses. Each time there was broad and bipartisan support, but the bill did not pass. In this Congress, the bill has 45 cosponsors. The Attorney General has testified in support of it, and a similar bill has already passed the House. I believe it is time to pass this legislation.

Let me be candid and say I still do not understand the opposition to the bill. It does not criminalize speech. It only applies to violent acts. These are acts where the victim is targeted because of who they are—because of their race, or national origin, or disability, or religion, or gender, or their sexual orientation. We should have passed this bill many years ago.

According to the FBI, hate crimes occur in the United States at a rate of approximately one for every single hour of the day. FBI statistics are not complete because they rely on voluntary reporting from local law enforcement agencies, but they are, nonetheless, I think, chilling and compelling. In 2007, 7,264 hate crimes incidents were reported to the FBI with a total of 9,535 victims. Approximately 50 percent of the victims were attacked because of their race, 18 percent because of their religion, 16 percent because of their sexual orientation, 13 percent because of their ethnicity or national origin, and 1 percent because of a disability.

The nonprofit Southern Poverty Law Center estimates that if we had information about all the hate crimes that occur in the United States, the total number would be close to 50,000.

These crimes come in all sizes and all shapes, but they have one common theme: They leave people terrified, hurt, even dead, and they rip communities apart.

I think we all remember the story of James Byrd, Jr., a 50-year-old Black man, who was savagely murdered in Jasper, TX, in 1998, 11 years ago, while this bill was under consideration. Mr. Byrd was walking home from his parents' home late one night. He was picked up by three White men in a pickup truck. They took him to the woods, they savagely beat him, they chained him to the back of the truck, and they dragged him 2 miles to his death. His torso was found at the edge of a paved road. His head and arm were found in a ditch a mile away. The three men were later discovered to be Ku Klux Klan supporters, bearing racist tattoos.

A crime like this is not just tragic for the victim and his family but it makes an entire group of people terrified to leave their homes at night, and

it tears communities apart in a potentially irreparable way. This is a heinous crime. Hate was the driving motivation and the law and the punishment ought to reflect that.

Mr. Byrd was killed 11 years ago, and things have not gotten better. Let me tell you about three trends I find particularly disturbing. First, hate crimes targeting Hispanic Americans rose 40 percent between 2003 and 2007. FBI statistics show these crimes are rising every single year. In 2003, 426 crimes against Latinos; in 2004, 475; 2005, 522;—see it ratcheting up—2006, 576; and 2007, 595. That is a 40-percent increase in 4 years.

The Leadership Conference on Civil Rights has reported that this increase in violence correlates with the heated debate over comprehensive immigration reform, and we have all heard the talk shows that preach hatred. This is part of the result. Regardless of the reason, though, for the trend, it is unacceptable for us to stand by and let these crimes increase.

Another example: In Shenandoah, PA, this year, a 25-year-old Mexican immigrant and father of two was beaten to death by a group of high school football players who yelled ethnic slurs as they punched and kicked him. They beat him until he was unconscious and convulsing. He died 2 days later from those injuries.

Just last week, a Latina janitor in Ladera Ranch, CA, was doing her maintenance round when two men hit her on the head and stabbed her with a switchblade while yelling racial slurs at her. Another hate crime last week.

These are brutal, and the victims are attacked because of who they are—their skin color, their religion, their heritage—and their attackers' hate and vengeance.

There is a second troubling trend. The FBI reported 1,265 hate crimes against gay men and lesbians in 2007, and these are only the crimes reported. Many more crimes against this particular community are believed to go unreported to local law enforcement. The FBI has been reporting at least 1,000 hate crimes against this community every single year since 1995.

These crimes are equally chilling. Last December, a woman in my State, in the San Francisco Bay area—in Richmond, CA—who happened to be lesbian, was attacked by four men when she got out of her car, which had a gay pride sticker on its license plate. They raped her and made comments about her sexual orientation. Then they drove her 7 blocks away and raped her over and over again before leaving her naked on the ground near a burned-out apartment complex.

This is the United States of America. In my State, too, in Oxnard, CA, a 15-year-old openly gay boy named Larry King was harassed and bullied by his classmates for many years. One day, in 2008, he was sitting in an English class in school, when a fellow classmate stood, took out a handgun and shot him in the head. Larry King died in the hospital a few days later.

It is essential we give law enforcement all the resources we need to investigate, to solve, to prosecute, and to punish these crimes.

Finally, there is a third area I am very concerned about. Most of the worst of these crimes are being committed today by young people. On election night, just last year, four young men between the ages of 18 and 21 drove to a predominantly African-American neighborhood in Staten Island, where they brutally beat a Black teenager who was walking home from watching the election results. They went on to assault another Black man, and they used their car to run over a third man they believed to be black. They injured this man so badly he was left in a coma.

In Shenandoah, the individuals who savagely beat a 25-year-old Mexican immigrant to death were all 21 or younger. And in Oxnard, the boy who shot Larry King was 14 years old. Imagine being consumed by hatred at 14 years old and what that means for the future of your life.

Why would anyone oppose giving the Department of Justice more resources to fight these crimes? These hate crimes are terrifying. These are the daily lives of Americans we are talking about—innocent people who are walking to work, driving home at night, working or, yes, sitting in our Nation's school classrooms.

This legislation is important. It will allow the Federal Government to prosecute where States or localities are not willing to. It will allow the Justice Department to assist States and localities that want to prosecute but don't have the resources or expertise they need. It does not criminalize speech. It only applies to violent acts, not expressive conduct. It is bipartisan and supported by a majority of Congress.

Twenty-six State attorneys general are advocating for it and so are more than 41 civil rights groups, 55 women's groups, 79 Latino groups, 16 gay rights groups, 63 religious organizations that represent hundreds of individual congregations, by the International Association of Chiefs of Police, the Federal Law Enforcement Officers Association, the Major Cities Chiefs of Police, the International Brotherhood of Police Officers, the United States Conference of Mayors, the American Veterans Committee, and many others.

This legislation is long overdue. There is a problem out there. It deserves to be solved. It deserves to be deterred. It deserves to be punished. This bill is long overdue.

I thank Senator KENNEDY for his long history of leadership on this issue. Indeed, if we are able to pass this bill today, or whenever we vote, it will, in fact, be a major tribute to him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I wish to repeat and emphasize the unprecedented fashion that we are now addressing legislation that concerns our Nation's security and the well-being and welfare of the men and women who are serving it.

I always thought the job of the majority leader of the Senate was to move legislation through the Senate. Obviously, the majority leader has come to the floor of the Senate and, at the request of the majority leader, the chairman of the committee has taken out an amendment that addresses a $1.75 billion F–22 amendment that the President has placed his personal stamp on passing, that the Secretary of Defense has viewed as one of his highest priorities, as did the Secretary of the Air Force and other administration officials. What did we do? We come to the floor and withdraw the amendment, withdraw it so we can take up a major piece of legislation.

I am reminded that there are amendments proposed by various Members of this body who believe their amendments need to be proposed and believe there is no other avenue but to put them on pending legislation. The majority leader of the Senate can bring up legislation wherever he wants to. That is the privilege of the majority. That is the right of the majority.

Here we are trying to address an issue of paramount importance to the well-being of the men and women of the United States of America. Here we are trying to address an issue of $1.75 billion, which has far more importance, in many respects, than the actual cost of the F–22s themselves, and without a hearing in the Judiciary Committee, without a bill reported out by the Judiciary Committee, which is the committee of oversight, the majority leader of the Senate has one very important amendment pulled and then puts in a piece of legislation which is far-reaching in the consequences and very controversial.

I introduced into the RECORD a little while ago the U.S. Commission on Civil Rights opposes this legislation. Doesn't this legislation, the hate crimes bill, deserve the amending and debate process that legislation is supposed to go through—committees and then on the floor of the Senate, open to amendments? No, it has been inserted now on the Defense authorization bill, and within a short time, I am sure the majority leader will come to the floor and file a motion for cloture to cut off debate on an issue of significant importance to all Americans and railroad it through on a ''bipartisan basis,'' with possibly two Republican votes.

That is not the way this body should work. It is an abuse of power. It does not make for comity on both sides of the aisle. In fact, those of us who are committed to seeing this authorization bill done as quickly as possible because we are worried about the security of this Nation take great offense when the majority leader of the Senate, whose job is to move legislation through the Senate, brings extraneous

and unrelated legislation to a bill as important as this to the men and women of this country and our Nation's security. To somehow equate that with other amendments that have been proposed, from time to time, by Members on both sides, I think is not an appropriate comparison. I resent it a great deal. It is not good for the health of this body, in my view.

Perhaps there is precedent for this. Perhaps there is precedent when a Defense authorization bill, an issue probably, as I say, of the highest criticality, with an amendment on it that the President of the United States has fully weighed in on and committed on, is taken off the floor, is taken away from consideration in order to put in an extraneous and very controversial full package of legislation.

The hate crimes bill before us is not an amendment. It is legislation. It is an encompassing bill, 20-some pages long. We are going to have about 30 hours of debate, a discussion on it, the majority leader will come and cut off debate and we will probably pass it, thereby exacerbating a situation where those of us who oppose this legislation—and it is important legislation—will be faced with a dilemma of choosing between a bill which will harm, in my view, the United States of America and its judicial system and defending the Nation. I do not think that is fair to any Member of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 1521

Mr. ENSIGN. Mr. President, yesterday Senator BROWN and I introduced bipartisan and commonsense legislation as both an amendment to the National Defense Authorization Act and as a stand-alone bill. This is not the first time we have worked together on legislation. I would like to recognize and thank the junior Senator from Ohio for the bipartisan manner that both he and his staff have worked on this particular issue.

In particular, I would also like to thank the Nevada Office of Veterans Services and the National Association for State Veterans Homes for bringing this matter to our attention.

As stated, our legislation is both bipartisan and common sense. Currently, an individual is allowed into a State veterans home if the individual is, No. 1, an eligible veteran as defined by the U.S. Code; No. 2, the spouse of an eligible veteran; or, No. 3, a Gold Star parent.

The problem, though, arises in the way that the Veterans Affairs Department defines a Gold Star parent. Under current regulations, an eligible parent is one who has lost all of their children while serving their country. I know it doesn't make sense, but that is the way the definition is. As a consequence, state veterans homes are forced to deny admissions to Gold Star parents if they have any surviving children. Losing a child in war is a stunning and life-altering event for anyone. Senator BROWN and I believe that for these families, having one child make the supreme sacrifice in service to our country is sacrifice enough to authorize the surviving parent's elder care in a State veterans home later in life. Our legislation would change that to permit entry into a VA nursing home to any parent who lost a son or daughter in war while fighting to protect our freedoms and our very way of life.

As most people are aware, State veterans homes were founded for servicemembers following the American Civil War. They have become institutions that our veterans and their dependents have come to rely on for nearly 150 years. Currently, there are 137 State veterans homes in all 50 States and Puerto Rico that, on a daily basis, provide hospital, rehabilitation, long-term care, Alzheimer's care, and end-of-life care to approximately 30,000 veterans and dependents.

I would also like to take this opportunity to recognize the Nevada State Veterans Home in Boulder City, NV, for the great work they do. U.S. News and World Report recently rated this veterans home as a 5-star facility and the top nursing home in my home State of Nevada. I think it is only fair that the parents who have lost a son or a daughter have access to first-class facilities such as this.

I thank, once again, the junior Senator from Ohio and ask my other colleagues to support this important legislation.

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.

Mrs. SHAHEEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mrs. SHAHEEN. Madam President, I rise in support of strengthening our Federal hate crimes clause to include crimes motivated by a victim's sexual orientation, gender, gender identity or whether the victim has a disability. By passing the Matthew Shepard Hate Crimes Prevention Act, we will take a long-overdue step toward ensuring that our law enforcement officials have the resources they need to prevent and properly prosecute some of the most toxic and destructive violent crimes we face. I also thank my colleagues who have worked tirelessly to see this important legislation enacted into law. For the better part of the last decade, Senator KENNEDY, along with Senators LEAHY, COLLINS, and SNOWE, have shown leadership on this issue, even when the odds of success were small. Their diligence is one of the reasons this legislation today enjoys the support of more than 300 law enforcement, civil rights, civic, and religious organizations. As a new Member of the Senate, I am proud to join them this year as an original cosponsor of the Matthew Shepard Hate Crimes Prevention Act. I truly hope my colleagues will join me to pass this amendment.

In 1998, Matthew Shepard, a 21-year-old college student, was beaten and murdered just because he was gay.

The brutality of this crime captured the attention of the Nation. It was an attack not just on Matthew and his family but on an entire community. I had the opportunity a couple of years ago to meet Judy Shepard, Matthew's mother.

I applaud her willingness to try and make something positive out of such a terrible tragedy. She has been a tireless advocate to try and get hate crimes legislation passed and to point out the impact of these violent acts on families across this country.

The Matthew Shepard attack sent a message of hate and intolerance to LGBT youths and their families and instilled in countless young Americans a sense of fear simply because of their sexual orientation.

Despite this, Matthew's murderers were not charged with a hate crime because no such law exists in Wyoming or on the Federal level. It is impossible to know for certain the full effect of crimes motivated by hate on the communities they target. What is certain is that hate crimes rob the members of these communities of a sense of security, and the impact is real.

Among LGBT youth in this country, the suicide rate is four times higher than their straight peers, as many struggle to find their place in their families and their communities. While reducing bigotry and increasing tolerance will require a comprehensive effort, it is an effort that will take time. But addressing our outdated hate crimes law is one very important component.

As Governor, I was proud to sign legislation that expanded New Hampshire's hate crimes to include sexual orientation. Unfortunately, many States still lack such laws, which is why this bill is so critical.

By expanding the definition of hate crimes and by easing access to resources for local and Federal law enforcement officials to prosecute these crimes, we can hopefully help prevent these crimes and send a message that hate and bigotry in any form have no place in our society.

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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, pending before the Senate is the National Defense Authorization Act which is an annual bill considered by

the Senate which basically authorizes the spending of money and certain policies for the Department of Defense. There is a lot of work that goes into this bill. It is put in primarily by the chairman of the committee, CARL LEVIN of Michigan, and by JOHN MCCAIN of Arizona. This bill looks to be over 1,000 pages long. They have put a lot of effort into this bill and are anxious to pass it.

An issue came up, an important issue about the F–22 airplane. This is a fighter plane that the current administration and others have said should be discontinued. Whenever a fighter plane is being built and is being discontinued, there are people who resist because each one of these Defense projects involves a lot of people, a lot of jobs, a lot of contracts that are important to businesses and families and communities. So there is resistance. But on the F–22 fighter plane, President Obama has gone so far as to say in writing: If you include more planes beyond the 187 allocated in previous legislation, I will veto the bill. That, of course, would call for a supermajority to override the veto, which is not likely to occur. So it is a promise or a threat from a President we have to take seriously.

The bill currently contains an amendment which expands the number of F–22 fighter planes that was adopted narrowly in the Armed Services Committee. The chairman and the ranking Republican have the same position as President Obama. They want to reduce or hold fast to the number of airplanes currently projected to be built and not to expand it, as this bill does. So they offered an amendment to stand with President Obama and delete the section of the bill which would call for more planes. That amendment, No. 1469, was offered on Monday to be considered by the Senate. A number of Members have come to support the amendment, and I am one of them. I support the President's position and the position of Senators LEVIN and MCCAIN. There are others who oppose this amendment, clearly.

At one point, Senator LEVIN said: Let's move this to a vote. Senator MCCAIN agreed, as we should. It had been pending for 2 days. Everyone knows what is at issue. It is contentious and clearly controversial, but we deal with those issues. That is part of our job.

At that point, the process broke down. The Republican side of the aisle objected to calling the amendment. That is when the bill came grinding to a halt. That is when Senator LEVIN said: We know that after this amendment on F–22s, we will go to an amendment on hate crimes legislation on the same bill. So he withdrew this amendment.

Clearly, the answer to this—one I hope we can work out at the leadership level—is for Republicans to agree that we have a vote on the F–22 airplane. We should. Senator MCCAIN is anxious for that to happen so the bill can move forward. Once that vote is out of the way, we should schedule a reasonable time for debate and a vote on the hate crimes legislation, which is not new. We have considered this before. But we are bogged down.

At this point, tempers are flaring a little bit because this important bill is being held up over those two issues: whether the F–22 amendment by Senators LEVIN and MCCAIN will come to a vote and whether the hate crimes legislation offered by Senator REID will also then be considered and voted on. I hope both those occur. There is no reason why they should not. Those who think they might lose the F–22 amendment are resistant to calling it for a vote. But there will come a day when we have to face this issue with a vote. That is ultimately what the Senate is here for.

I might say about nonrelevant amendments, a position made on the floor by my friend from Arizona and others, it is a hard argument to understand in light of what we have been through.

I ask unanimous consent to have printed in the RECORD a long list of nonrelevant amendments offered this year by the Republican side of the aisle to a series of bills considered on the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPUBLICAN NON-RELEVANT AMENDMENTS 2009

Vitter #107 (ACORN) to H.R. 1, The American Recovery and Reinvestment Act; Ensign #575 (DC Guns) to S. 160, DC Voting Rights; DeMint #573 (Fairness Doctrine) to S. 160, DC Voting Rights; Thune #579 (Concealed Firearms) to S. 160, DC Voting Rights; Cornyn #674 (Union Dues) to H.R. 1105, Emergency Supplemental Omnibus Appropriations; Vitter #621 (Congressional Pay) to H.R. 1105, Emergency Supplemental Omnibus Appropriations; Thune #662 (Fairness Doctrine) to H.R. 1105, Emergency Supplemental Omnibus Appropriations; Thune #716 (Charitable Donations Deduction) to H.R. 1388, National Service; Vitter #705 (ACORN) to H.R. 1388, National Service; Inhofe #996 (National Language) to S. 386, Fraud Enforcement; Vitter #991 (TARP) to S. 386, Fraud Enforcement and Recovery Act; Coburn #982 (TARP) to S. 386, Fraud Enforcement and Recovery Act; Thune #1002 (TARP) to S. 386, Fraud Enforcement and Recovery Act; DeMint #994 (TARP) to S. 386, Fraud Enforcement and Recovery Act; Coburn #983 (IG–Fannie Mae/Freddie Mac) to S. 386, Fraud Enforcement and Recovery Act; Vitter #1016 (TARP) to S. 896, Helping Families Save Their Homes Act; Thune #1030 (TARP) to S. 896, Helping Families Save Their Homes Act; DeMint #1026 (TARP) to S. 896, Helping Families Save Their Homes Act; Coburn #1067 (Guns in National Parks) to H.R. 627, Credit Cardholders; Coburn #1068 (Guns in National Parks) to H.R. 627, Credit Cardholders; Hutchison #1189 (Auto Dealers) to H.R. 2346, Iraq/Afghanistan Supplemental Appropriations; Vitter #1467 (Rx Drug Reimportation) to H.R. 2892, Homeland Security Appropriations.

Mr. DURBIN. They run the range of things. I talked earlier about some of these amendments: an amendment relating to the regulation of guns in the District of Columbia put on the voting rights bill; an amendment relating to the fairness doctrine and telecommunications on the same DC voting rights bill; an amendment related to congressional pay on the Omnibus appropriations bill. The list goes on and on. I won't go beyond including it in the RECORD.

What the majority leader did today with the hate crimes legislation is not unlike what has been done repeatedly by the Republican side of the aisle over the last several months. Ultimately, these came to a vote. They were considered and voted on. That is all the majority leader is asking for, to bring the hate crimes legislation to a vote on this legislation.

There is clearly a way out of this. It is for the Senate to do its job, to vote on the Levin-McCain amendment on the F–22 fighters up or down. Let's see who prevails, understanding that if this provision stays in the bill and Levin-McCain fails, the President will veto the bill. That is a pretty ominous prospect.

Also keep mind that the hate crimes legislation is timely. It has passed the House of Representatives and should be considered by us.

I would like to say a word on it and ask unanimous consent to have printed in the RECORD a publication by an organization known as Third Way which consists of statements of support from religious leaders for the Senate hate crimes bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENTS OF SUPPORT FROM RELIGIOUS LEADERS FOR THE SENATE HATE CRIMES BILL

Dr. David P. Gushee, Distinguished University, Professor of Christian Ethics, Mercer University: As a Christian, I believe in the immeasurable and sacred worth of every human being as made in the image of God and as the object of God's redeeming love in Jesus Christ. In our sinful and violent world, there are tragically very many ways in which this sacredness is violated. This bill deserves Christian support because its aim is to protect the dignity and basic human rights of all Americans, and especially those Americans whose perceived ''differentness'' makes them vulnerable to physical attacks motivated by bias, hatred and fear. The bill simply strengthens the capacity of our nation's governments to prosecute violent, bias-related crimes. I am persuaded that the bill poses no threat whatsoever to any free speech right for religious communities or their leaders. Its passage will make for a safer and more secure environment in which we and all of our fellow Americans can live our lives. For me, the case for this bill is settled with these words from Jesus: ''As you did it to one of the least of these, you did it to me'' (Mt. 25:40).

Rev. Dr. Derrick Harkins, Senior Pastor, Nineteenth Street Baptist Church, Washington, DC: A strong Biblical imperative that I believe stands at the heart of my Christian faith is the preservation and protection of the inherent dignity of all persons. The Scriptures are replete with examples of God's concern and compassion for those seen as ''other'' by many. As an American, I know the protection of personal dignity and human rights is a principle that makes us

that much stronger as a nation, and certainly does not stand at odds with freedom of expression. Passage of the Hate Crimes Bill will help to ensure the safeguards of the law for those who are victimized by acts of bias and hate. I welcome the opportunity to support this bill as an expression of my Christian witness, and my belief in our nation's highest aims for all its citizens.

Dr. Joel C. Hunter, Senior Pastor, Northland—A Church Distributed: I would think that the followers of Jesus would be first in line to protect any group from hate crimes. He was the one who intervened against religious violence aimed at the woman caught in the act of adultery. He protected her while not condoning her behavior. This bill protects both the rights of conservative religious people to voice passionately their interpretations of their scriptures and protects their fellow citizens from physical attack. I strongly endorse this bill.

Rev. Gabriel A. Salguero, Executive and Policy Advisor, The Latino Leadership Circle: At the heart of the Christian gospel is the belief in the intrinsic dignity of all humanity. When people are targeted for acts of violence the Church must speak out. I support the Hate Crimes bill because it provides room for free speech and religious conviction while protecting groups of people from acts of violence. As a Christian who values both love and truth I support a bill that protects the vulnerable while allowing ministers to speak freely about their faith and moral convictions. The Hate Crimes bill does not call for the sacrifice of either dignity nor conviction. It is my prayer that we continue to find ways forward that honors both freedom of speech and protection for all our citizens.

Mr. DURBIN. Madam President, those who spoke in favor of the bill should be noted, their identities should be noted, because there is some argument, at least in the mail I have received from some religious leaders against the bill. Dr. David Gushee, distinguished university professor of Christian ethics at Mercer University, has a well-thought-out statement in support of the bill; Rev. Derrick Harkins, senior pastor of the Nineteenth Street Baptist Church in Washington, DC, the same; Dr. Joel Hunter, senior pastor at Northland, has also come out in support; and Rev. Gabriel Salguero, executive and policy adviser of the Latino Leadership Circle.

The point I tried to make earlier and the one their support makes is that there are religious leaders who believe this bill is necessary to protect those who may be subjected to physical violence because of religious belief—we don't want that to occur—that intolerance is not consistent with American values.

Secondly, to those who argue that if we include sexual orientation in this bill, a pastor who sermonizes against homosexuality based on his interpretation of the Bible could be arrested for it, that is not true. As I quoted earlier, the Attorney General said, clearly, hate crimes legislation is focused on physical violence—not words, not harassment, but physical violence. If the religious leader is not engaged in physical violence against someone of a different sexual orientation, they will not be subject to prosecution under this bill. That has been made clear by the Attorney General, and the support of religious leaders indicates they understand that as well. We need to protect the people of our country against hate crimes and intolerance, but we also need to honor our constitutional guarantees when it comes to speech and religious belief. Those are consistent.

I look forward to the Senate coming to a conclusion, but I think those who have come to the floor and criticized the majority leader for this situation have not told the whole story. The whole story is the F–22 amendment by Senators LEVIN and MCCAIN was ready to be called, should have been called for a vote, and if it is scheduled for a vote, it can be dispensed with. I will support it. I have made that clear to the sponsors. Then we can move to the hate crimes legislation which the majority leader has brought before us, not unlike the many different instances this year when Republicans did exactly the same thing on the floor.

I urge those who might be off to lunch in a few minutes to use this opportunity. I see my friend from Arizona has taken the floor. I hope we can find an opportunity to work these two things out, perhaps bring to a vote the F–22 amendment, which I do support, the Levin-McCain amendment, to remove language in the bill on the expansion of the F–22 program. The sooner we can get approval from the leadership on the other side of the aisle, the sooner we can dispense with it one way or the other, up or down. Secondly, I hope we can then move to the hate crimes legislation which has been debated at length and is not unlike many of the other amendments which have been offered on the Republican side of the aisle on a variety of different bills during the course of the last few months. Bringing these two matters to a vote, perhaps we can then take up other pending matters on the Defense authorization bill on which I know the Senators from Arizona and Michigan have worked so hard.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. I just have a question, while my friend has the floor. I have been waiting to speak on the hate crimes bill. I am wondering if it would be possible, because I am not sure if Senator MCCAIN has a lengthy statement, for him to work with us so we could get a time certain when I may make that statement.

Mr. DURBIN. I am going to yield the floor. Is the Senator seeking recognition?

Mr. MCCAIN. I will just take a few minutes.

Mr. DURBIN. Could I yield to the Senator from Arizona with the understanding that after he has spoken, the Senator from California would be recognized?

Mr. MCCAIN. That would be fine with me.

Mr. DURBIN. Could the Senator give an indication of how much time he may require?

Mr. MCCAIN. I am not sure what the Senator's reaction will be to what I have to say. I can't give him a specific time agreement. I am sorry. This is a vital issue we are addressing.

Mr. DURBIN. I understand it is.

Mr. MCCAIN. I will make my remarks as short as possible. I believe the Senator from Illinois has the floor; is that correct?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mrs. BOXER. Will the Senator yield for another question?

Mr. DURBIN. I will.

Mrs. BOXER. I am trying to get a sense for timing's sake. We all have obligations in our various committees and with constituents. I am wondering if I should speak first. My statement is only about 6 minutes. Then I could yield to Senator MCCAIN. I think this hate crimes legislation is landmark legislation.

Mr. DURBIN. I think Senator MCCAIN has asked to be recognized first. If I have any response to him, I will try to make it very brief. I ask unanimous consent that after the Senator from Arizona has spoken, the Senator from California be immediately recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I want to point out again, the legislation which is now pending has replaced the F–22, the Levin-McCain amendment. My argument is that the majority leader has put in legislation which is not relevant to the pending legislation, which is the Department of Defense authorization bill. I am perfectly willing for the hate crimes bill to come up under the regular order. Why it should be put on the Defense authorization bill, which will then not allow adequate debate and discussion of amendments, not to mention the fact that it hasn't gone through the committee of jurisdiction—frankly, I do not think it is the appropriate way of using the Defense authorization bill. In fact, I think it is highly inappropriate. Therefore, why don't we do this, I ask the Senator from Illinois: agree that as soon as the Defense authorization bill is complete, we take up the Matthew Shepard Hate Crimes Prevention Act under the regular order and do business the way the Senate should do business?

UNANIMOUS CONSENT REQUEST—S. 909

So therefore, Mr. President, I now ask unanimous consent that the pending amendment be immediately withdrawn; that no amendments on the topic of hate crimes be in order to the pending legislation; further, I ask that when the Senate completes action on the Department of Defense authorization bill, it be in order for the Senate to proceed to S. 909, the Matthew Shepard Hate Crimes Prevention Act, under the regular order.

The PRESIDING OFFICER (Mr. MERKLEY). Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President, I would say that the Senator from Arizona knows that on 16 different occasions this year Republican Senators have offered nonrelevant amendments to pending legislation. The Senator has done that himself. I have done it myself. It is not unusual or beyond the custom and rules of the Senate. And I believe Senator REID has the right to do it on this critically important legislation which we can move to with dispatch. Based on that, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. So, Mr. President, here are the facts. The fact is, the majority leader, whose job it is to move legislation through the Senate, is now blocking progress of Defense authorization—that progress through the Senate—by proposing an unneeded, irrelevant amendment, which is a large piece of highly controversial legislation.

The Senate majority leader will come to the floor and he will file cloture. Then, after some hours—with no amendments because he will probably fill up the tree—the Senate will pass a highly controversial, highly explosive piece of legislation to be attached to the authorization for the defense and the security of this Nation. That is wrong. And why—I want to put it this way: It is unanswerable that we do not just take up the hate crimes bill in the regular order and allow Senate debate and discussion. That is how the Senate is supposed to work—not put it on a major piece of legislation.

I will also point out to my friend from Illinois something he knows. It is one thing for someone who sits back there to propose an amendment to pending legislation because they feel that is the only way they can get their argument heard. The majority leader of the Senate has the authority to move whatever legislation he wants. And the majority leader of the Senate should move the hate crimes bill if he wants it considered rather than give it priority over the legislation that accounts for the national security of this country and the men and women who serve it.

So I am sure there will be all kinds of comments about the Republicans blocking a vote, blocking this, blocking that. Why don't we take up legislation in the regular order? Hate crimes has been opposed by the U.S. Commission on Civil Rights. This is a very controversial issue. By putting it on the DOD bill, we are not going to have the adequate debate, discussion, and amendment an issue such as this deserves. There is passion on both sides of the aisle.

So it is obvious, whether it is the intention or not, what is happening here is the whole process of debate and amendment will be short-circuited, because we on this side of the aisle are more than willing to take up the legislation as a separate piece of legislation, debate, amend, and discuss it, and let the American people decide. Instead, the men and women in the military right now today are being shortchanged by putting irrelevant legislation that is highly controversial and highly complex on a bill designed for defense of this country and for the men and women who serve it.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. MCCAIN. Actually, I will be glad to yield. But if the Senator wants to have a colloquy, go ahead.

Mr. DURBIN. I want to make sure Senator BOXER has her chance.

If I could make two points in the nature of a question to the Senator from Arizona.

First, Senator REID offered this amendment on behalf of Senator LEAHY, chairman of the Judiciary Committee, who is now presiding over the Sotomayor hearings. I know he supports it, and I support it as well, the hate crimes legislation, but I want to make that a matter of record.

Mr. MCCAIN. Could I respond to that?

Mr. DURBIN. Yes.

Mr. MCCAIN. It is one thing to have the chairman of the committee support it; it is another thing to have the legislation go through the committee with the proper debate and discussion and amendment. But go ahead.

Mr. DURBIN. The second point I would like to make to the Senator from Arizona is, when we asked for unanimous consent from the Republican side to move to the hate crimes legislation, there was objection. So it is not as if we have not tried to go through regular order. This seems to be the only path we can use to bring this matter to a conclusion. And I think it can be done in a responsible way quickly. It does not have to drag out over a matter of days. The Senator knows that. If we can get agreement on both sides to have a reasonable time for debate and a vote on the bill, I think that would meet the needs the Senator has suggested to get back on the substance of the Defense authorization bill.

Mr. MCCAIN. In deference to the Senator from California, I will make my answer brief, just to say I do not think—as I have said in my previous argument, it does not belong on a defense authorization bill, particularly so moved by the majority leader of the Senate. But, Mr. President, the Senator from California is waiting, and I yield the floor.

Mr. DURBIN. Mr. President, if the Senator from California will allow me to make a unanimous consent request before she speaks.

UNANIMOUS-CONSENT REQUEST

Mr. President, I ask unanimous consent that at 12 noon, on Thursday, July 16, the Senate proceed to vote on the motion to invoke cloture on the Leahy amendment No. 1511, with the time until then equally divided and controlled between the leaders or their designees; that if cloture is invoked on amendment No. 1511, then all postcloture time be yielded back and amendment No. 1539 be agreed to; that amendment No. 1511, as amended, be agreed to and the motion to reconsider be laid upon the table; that upon disposition of the hate crimes amendment, Senator LEVIN be recognized to offer the Levin-McCain amendment, and that the time until 5 p.m., Thursday, July 16, be for debate with respect to the amendment, with all time equally divided and controlled between Senators LEVIN and CHAMBLISS or their designees; that at 5 p.m., Thursday, July 16, the Senate proceed to vote in relation to the amendment, with no intervening amendment in order during the pendency of the F–22 amendment; further, that the mandatory quorum be waived with respect to rule XXII.

The purpose of this unanimous consent request is to achieve just what the Senator from Arizona asked for: a timely consideration of both amendments. We will be back on the bill on his amendment. I ask unanimous consent that we accept this schedule and move forward.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, reserving the right to object, and I will object, I am not asking that there be a time agreement on hate crimes, I am asking that the hate crimes bill be brought up as a standing bill. The Senator has 60 votes. The Senator could bring it up whether this side of the aisle objects or not as a freestanding piece of legislation. I object to it being considered on the Department of Defense authorization bill. It has no place for it. It should not be there. The longer we wait, the longer the delay is in providing the men and women of the military the tools they need. So I do object. And we should take this up. I am sorry my unanimous consent request was not agreed to—that we would take it up as a freestanding bill after the consideration of the Department of Defense bill.

Mr. President, I yield the floor. I thank the Senator from California for her courtesy.

The PRESIDING OFFICER. Objection is heard.

The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator MCCAIN and Senator DURBIN for moving through their debate swiftly so I would have this opportunity to speak in support of a landmark piece of legislation that has been offered as an amendment, the hate crimes prevention amendment named after Matthew Shepard.

This bill is a long time coming. I know we could make a process argument. We do it well around here. But it seems to me, we can move this Defense bill through quickly. We are doing that. We will do that. It has strong support. But we can also take care of this long-neglected, important piece of legislation whose passage will protect and defend our citizens from hate crimes.

So it is funny, because technically speaking, of course, the Defense bill is

about our military, and we all support doing what we have to do to keep it strong and to be prepared. That is why I will support that. But there is no reason why we cannot take a little time to look at the fact that it is time for the Matthew Shepard Hate Crimes Prevention Act to really be passed. It will not slow us up really. We have just seen that Senator DURBIN has asked for a unanimous consent agreement to do this quickly. It is not going to delay. My Republican friends do not seem to mind it when they offer nonrelevant amendments to bills. They have done it 16 times this year. Oh, they do not have a problem. But if it is something they do not like, suddenly they make this process argument. Rather than debate process, why don't we just get on with it? We can do a couple of important things this week—one of them, the Defense bill, and the other, protecting our citizens from hate crimes.

The importance of the amendment that was offered by Senator LEAHY through our leader is that it would strengthen the ability of Federal, State, and local authorities to investigate and prosecute hate crimes.

It has been more than 10 long years since the senseless death of Matthew Shepard—a tragedy that showed us we have a long way—a long way—to go before we can truly say in this country there is equal justice for all.

Let's look back at what happened to Matthew Shepard 10 long years ago. Two men offered Matthew Shepard, a gay man, a ride in their car. Subsequently, Shepard was robbed. He was pistol whipped. He was tortured. He was tied to a fence in a remote rural area. And he was left to die. Mr. President, this was not a robbery. This was not a spur of the moment situation. We know from the pair's then-girlfriends, who testified under oath, that the two men plotted beforehand to rob a gay man in particular. That crime occurred because Matthew Shepard was a gay man. Well, they robbed him. They tortured him. And they killed him.

This crime should be a Federal crime. And yes, we have tried to pass that hate crimes legislation for years and years. There is always an excuse: We do not have the time. It is not relevant to the bill. Well, Matthew Shepard's family—what happened to them will never go away. The loss they carry in their hearts will never disappear. But the one thing we can do to ease their burden is to pass this legislation.

Look, we have offered this on Defense bills before. This is not the first time. We dealt with it and we voted and we moved on. So the only thing you can say as to why there is all this objection is because people do not want to vote on this bill, and they are making it more and more difficult for us to be able to get to it. I hope we will, in fact, stick to it and get this done. Again, it is not going to weigh down the Defense authorization. In my mind, again, it is something we need to do and we can do with no harm to the underlying bill.

We should be proud to support this legislation, not afraid to vote on it, not trying to postpone a vote on it. Hate crimes are particularly offensive because they are propelled by bias and bigotry. They not only inflict harm on the victims, but they instill fear in entire communities.

That is why I have—and I ask to put into the Record—a strong letter of support from my sheriff from Los Angeles, Lee Baca. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNTY OF LOS ANGELES,
SHERIFF'S DEPARTMENT HEADQUARTERS,
Monterey Park, CA, June 25, 2009.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The Los Angeles County Sheriff's Department is proud to support S–909. This bill would provide federal assistance to state and local jurisdictions for the prosecution of hate crimes.

This bill will adopt the definition of ''hate crime'' from the Violent Crime Control and Law Enforcement Act of 1994 which is a crime where the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person and additionally include gender identity.

This bill will also authorize the Attorney General, at the request of the state or local law enforcement agency, to provide technical, forensic, prosecutorial, or other assistance in criminal investigations or prosecutions. The Attorney General is additionally authorized to award grants to law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

In 2007, the Federal Bureau of Investigation (FBI) statistics indicate that 2,025 law enforcement agencies across the country reported 7,624 hate crimes involving 9,006 offenses. Of those, 7,621 were single bias incidents involving 9,527 victims and 6,962 offenders. Of the single bias incidents, 50.8 percent were racially motivated, 18.4 percent motivated by religion, 16.6 percent motivated by sexual orientation, 13.2 percent motivated by ethnicity or national origin, and 1 percent motivated by disability.

This bill is, indeed, a civil rights issue, as President Obama said, ''. . . to protect all of our citizens from violent acts of intolerance.'' Hate crimes are a scourge in our society and have no place in humanity.

Thank you for sponsoring this important legislation. It is the duty of government to protect all, equally and unequivocally. Should you have any questions, do not hesitate to contact me directly.

Sincerely,

LEE BACA,
Sheriff.

Mrs. BOXER. I want to note that Lee Baca happens to be a Republican. I want to note that this law enforcement individual is very strong on this. He says this hate crimes bill deals with a civil rights issue, and he quotes President Obama, ''to protect all of our citizens from violent acts of intolerance.'' Lee Baca adds in his own words:

Hate crimes are a scourge on our society and they have no place in humanity.

What we are dealing with is not a Republican issue or a Democratic issue. There are gay people who are Republicans. There are gay people who are Democrats. There are gay people in the closet. There are gay people out of the closet. But I can tell my colleagues that too many gay people live in fear. They live in fear that two people or one person could attack them simply because they are gay, and that is not right in this, the greatest country in the world, and we can fix it.

I also wish to point out this bill also protects women who are attacked simply because of their gender. So this bill is about making sure women are protected and gays are protected.

I wish there was no need for this law. I wish we lived in a world where such a law would be unnecessary. We all do. One of our Founders said, if people were perfect, we wouldn't need a government. People are not perfect. There has to be right and wrong and it has to be spelled out. People who are innocent need to be protected.

A man gets in a car with two people who claim to be his friends, and he winds up robbed, tortured, and killed, and put on a fence, I might add.

So, Attorney General Holder, when he testified before the Senate Judiciary Committee, reported that the FBI said there were 7,624 hate crime incidents in 2007. That is the most recent data: 7,624 hate crime incidents.

If we pass this bill, we send a signal that the Federal Government will not stand by and watch this sort of thing happen. We send a message that we will be a backup, that we will supply the law enforcement personnel, the forensic assistance, anything the local prosecutor needs and the local police need to help them.

Eric Holder also testified that between 1998 and 2007, more than 77,000 hate crime incidents were reported by the FBI. That is one hate crime for every hour of every day for a decade, one hate crime every hour of every day for a decade.

Senator MCCAIN—and I have full respect for him—said: Let's just do this another day.

We shouldn't wait another day. This should receive unanimous support from everyone across party aisles, and I believe it will receive tremendous support across party aisles. I do. So let's get to vote on it.

Statistics are one thing; the individual stories are horrifying. I will give my colleagues another example, the case of Lawrence ''Larry'' King, a 15-year-old boy from Oxnard, CA. Larry, an eighth-grader, was shot and killed by a fellow student in the middle of a classroom in February of 2008. According to news reports, the shooting occurred the day after the students had a verbal altercation about Larry's sexual orientation. The police and the district attorney classified the murder as a hate crime. The district attorney said there had never been a violent shooting like this before in Ventura County in

my State. A young life ended too soon by a violent act of hate.

My State is not immune from these crimes.

In Richmond, CA, four men were arrested and charged for brutally gang-raping a young lesbian. According to news reports, one of the attackers taunted her for being a lesbian during the attack.

After that heinous incident, a young Black man in Richmond was attacked. According to the young man's police report, his attackers yelled racial epithets and slurs as they broke six of his bones.

Finally, another example: In 2006, a man walked into an Amish school in Pennsylvania. Taking several female students hostage and releasing all the male students, he shot 10 of the girls, killing 5—killing 5—before shooting himself. The age of these girls was from 6 to 13 years old. These girls lost their lives because of a despicable act of hate based on their gender.

There is no reason to come to the floor and say we can't do this bill because we have other very important business on our plate. Of course we do. Of course we need to do the Defense bill. Of course we will do the Defense bill. The last I checked, the Defense authorization usually passes practically unanimously. This isn't a problem. So we can deal with this. We have done it before.

These stories demonstrate if America is to serve as a model for tolerance and justice, we must do everything in our power to fight hate-motivated violence, and this amendment is an important step in that fight.

So to summarize what this amendment does, it would add gender, sexual orientation, gender identity, or disability as protected categories under our hate crimes laws. Second, the amendment removes the requirement that a victim be engaged in a federally protected activity such as serving on a jury or attending a public school before the government can act. Third, and very important, the amendment provides additional Federal assistance to State and local authorities to investigate and prosecute hate crimes. I talked about the letter from my sheriff in Los Angeles County. Our law enforcement people need all the help they can get when they are trying to solve a hate crime and then trying to prosecute a hate crime. This bill will give them the assistance they deserve to have if they ask for such assistance. If they don't act, this is a backup law. This says it is a Federal crime. There is a nexus with interstate commerce, but as we know, that is not too hard to make.

So this basically says we are going to protect these individuals in our society who may be disabled and if they are discriminated against because they are a woman or a man—gender bias—or because of their sexual orientation.

Opponents of this amendment will say it punishes free speech and thought and that every crime will become a Federal hate crime. That is patently untrue. The hate crimes prevention amendment, as I said, is narrow, and we know these crimes do occur. This isn't about punishing speech. This isn't about punishing thoughts. If all that Matthew Shepard had to deal with were taunts about his sexuality, his sexual orientation, that would be one thing. He had to deal with murderers who tortured him. That is different. If they had said something to him and walked out, that would be one thing. They acted on their hatred, and that is un-American. It is un-American.

This amendment doesn't attempt to federalize all crimes, or even hate crimes. The certification provision prevents the Federal Government from stepping into a case unless it can certify that doing so is necessary to secure justice and is in the public interest. Thus, prosecutions that normally take place at the State and local level will continue to be handled there. The difference is we will then give them as a Federal Government all the tools they need from us.

This amendment is an important step as we continue to form a more perfect union, and we can't rest until we do this—and more. We can't rest until we pass laws to create a fair workplace for all. We can't rest until we pass a law that repeals ''don't ask, don't tell'' and allows our capable Americans and our patriotic Americans to serve our country. We are losing some of the best and brightest from our military because they don't want to live a lie. We can't rest until we pass laws to end racial profiling in our society. We can't rest until we pass comprehensive laws to protect our children from violent crimes.

Years ago I wrote the Violence Against Children Act. I am still waiting to get it passed. When someone takes up a hand against a child and injures that child and hurts that child, that is un-American too. If there is a violent crime against a child, I believe the Federal Government ought to care and ought to help the local governments who are trying to solve that crime and punish that crime if they need help.

So we have a lot of work to do to form that more perfect union. Instead of arguing process today, why don't we have our friends come to the floor and say: This is a wonderful opportunity now to take a step forward and pass this Hate Crimes Prevention amendment, which we have been trying to do for so long, and, of course, not slow down the Defense bill. There is no need to slow down the Defense bill. We can do both.

I urge my colleagues to vote for this amendment and any kind of procedural vote it takes to make it available to us on the floor of the Senate.

I thank you very much, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly on the hate crimes legislation. The details of the bill have been explained. The statistics have been enumerated by a number of my colleagues. Perhaps the most impressive statistic is the one from the Attorney General on 77,000 hate crimes.

I do believe it is time we act. This issue first came before the Senate back in 1997, some 12 years ago. Senator KENNEDY was the originator. At that time, he searched for cosponsors among Republicans, and I believe it is accurate to say that I was the only one who would support cosponsorship, and we moved the legislation forward by publishing an op-ed piece in the Washington Post.

I ask unanimous consent that op-ed piece be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, I am glad to say that since the time this issue has come before the Senate, there are now 18 Republican cosponsors. My sense is that there will be widespread, if not unanimous, support among the Democrats so that there is a very solid statement respectively in the Senate.

Ordinarily, matters of criminal prosecution are left to the States. The offense is prosecuted in the jurisdiction where it occurred. I have a strong bias for local prosecutions as a generalization and developed that concern from my own experience as a district attorney for the city and county of Philadelphia. Law enforcement ought to be local. But the brutal fact of life is that when you deal with hate crimes—and there are many examples. In 1997 when Senator KENNEDY and I first introduced the bill, there was the case of racial matters—dragging an African-American through the streets of a Texas town. There has since been many other brutal cases, one highly publicized of a gay young man, a victim of a hate crime in Wyoming.

Regrettably, discrimination for race or national origin continues until this day. There has recently been a publicized matter that occurred in Huntingdon Valley, a suburb of the city of Philadelphia, at a swim club where the swim club operators negotiated with a group representing Hispanic and African-American children, ages 5 to 11, to occupy a swimming pool, with the swimming pool's permission. When the youngsters, Hispanics and African Americans, went to swim, there was, according to the media reports—and I have spoken to people on both sides personally to find out what went on—there was animus hostility, racial comments directed at African Americans and the Hispanics, conduct which one would have thought America would have passed long ago.

But it is as current as 2 weeks ago in the suburbs of my hometown of Philadelphia, PA. The matter has moved forward. It has resulted in lawsuits being

filed. It would be my hope that a way could be found to handle the matter to the satisfaction of all parties. But I can understand if the parents of the children involved want to pursue remedies. This is a matter that could be handled by the civil rights division, which has prosecutorial authority and also has authority for mediation and reconciliation.

I cite that as an illustration of a matter that is as current as today's news on animus based on race, whether it be African Americans or Hispanics. It is my hope that this matter will receive prompt attention in the Senate and will be part of the pending legislation and it will go to conference and become the law of the land.

EXHIBIT 1

[From the Washington Post, Dec. 1, 1997]

WHEN COMBATING HATE SHOULD BE A FEDERAL FIGHT

(By Edward M. Kennedy and Arlen Specter)

The Post's Nov. 17 editorial criticizing the measure we have introduced on hate crimes reflects a misunderstanding of our proposal to close the gaps in federal law and a failure to recognize the profound impact of hate crimes.

Hate crimes are uniquely destructive and divisive because they injure not only the immediate victim, but the community and sometimes the nation. The Post's conntention that a ''victim of a bias-motivated stabbing is no more dead than someone stabbed during a mugging'' suggests a distressing misunderstanding of hate crimes. Random street crimes don't provoke riots; hate crimes can and sometimes do.

The federal government has a role in dealing with these offenses. Although states and local governments have the principal responsibility for prosecuting hate crimes, there are exceptional circumstances in which it is appropriate for the federal government to prosecute such cases.

Hate crimes often are committed by individuals with ties to groups that operate across state lines. The Confederate Hammerskins are a skinhead group that began terrorizing minorities and Jews in Tennessee, Texas and Oklahoma a decade ago.

Federal law enforcement authorities are well situated to investigate and prosecute criminal activities by such groups, and the federal government has taken the lead in successfully prosecuting these skinheads.

Hate crimes disproportionately involve multiple offenders and multiple incidents and in such cases, overriding procedural considerations—including gaps in state laws—may justify federal prosecution.

In Lubbock, Tex., three white supremacists attempted to start a local race war in 1994 by shooting three African American victims, one fatally, in three separate incidents in 20 minutes. Under Texas law, each defendant would have been entitled to a separate trial in a state court, and each defendant also might have been entitled to a separate trial for each shooting. The result could have been at least three, and perhaps as many as nine trials, in the state courts, and the defendants, if convicted, would have been eligible for parole in 20 years. They faced a mandatory life sentence in federal court.

Federal and local prosecutors, working together, decided to deal with these crimes under federal laws. The defendants were tried together in federal court, convicted and are serving mandatory life sentences. The victims and their families were not forced to relive their nightmare in multiple trials.

Federal involvement in the prosecutions of hate crimes dates back to the Reconstruction Era following the Civil War. These laws were updated a generation ago in 1968, but they are no longer adequate to meet the current challenge. As a result, the federal government is waging the battle against hate crimes with one hand tied behind its back.

Current federal law covers crimes motivated by racial, religious or ethnic prejudice. Our proposal adds violence motivated by prejudice against the sexual orientation, gender or disability of the victim. Our proposal also makes it easier for federal authorities to prosecute racial violence, in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors deal with the rash of racially motivated church arsons.

The suggestion in the editorial that our bill tramples First Amendment rights is ludicrous. Our proposal applies only to violent acts, not hostile words or threats. Nobody can seriously suggest that the neo-Nazis who murdered Fred Mangione in a Houston nightclub last year because they ''wanted to get a fag'' were engaged in a constitutionally protected freedom of speech.

In addition, hate-crimes prosecution under our bill must be approved by the attorney general or another high-ranking Justice Department official, not just by local federal prosecutors. This ensures federal restraint and that states will continue to take the lead in prosecuting hate crimes.

From 1990 through 1996, there were 37 federal hate crimes prosecutions nationwide under the law we are amending—fewer than six a year out of more than 10,000 hate crimes nationwide. Our bill should result in a modest increase in the number of federal prosecutions of hate crimes.

When Congress passed the Hate Crimes Statistics Act in 1990, we recognized the need to document the scope of hate crimes. We now know enough about the problem, and it is time to take the next step.

As the Lubbock prosecution shows, combating hate crimes is not exclusively a state or local challenge or a federal challenge. It is a challenge best addressed by federal, state and local authorities working together. Our proposal gives all prosecutors another tool in their anti-crime arsenal. The issue is tolerance, and the only losers under our proposal will be the bigots who seek to divide the country through violence.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I rise in support of the vital legislation that is long overdue. More than a decade has passed since Matthew Shepard was brutally murdered. Yet the bill that bears his name is still not law.

The Matthew Shepard Hate Crimes Prevention Act has broad bipartisan support here in the Senate, passed handily in the House, and has the unequivocal support of the President and the Attorney General. Indeed, Attorney General Holder recently told the Senate Judiciary Committee that passage of this legislation is one of ''his highest personal priorities.''

It is essential that we act now to pass this amendment and make the Matthew Shepard Act the law of the land.

According to FBI statistics, more than 9,000 violent hate crimes were perpetrated in 2007. However, experts tell us that since hate crimes often go unreported, the actual number is an order of magnitude higher.

Whatever the number—all hate crimes are unacceptable. They are crimes inflicted not merely on individuals, but on entire communities. As Mr. Holder put it, ''perpetrators of hate crimes seek to deny the humanity that we all share, regardless of the color of our skin, the God to whom we pray, or whom we choose to love.''

Let me be clear: this legislation does not criminalize speech or hateful thoughts. It seeks only to punish action—violent action that undermines the core values of our Nation.

This legislation strengthens the ability of State and local governments to prosecute hate crimes by '''providing grants to help them meet the often onerous expenses involved in investigating these crimes. It also enables the Justice Department to assist State and local governments in prosecuting hate crimes, or to step in when these governments fail to act.

Even though the aggregate number of hate crimes has slightly decreased nationally over the past decade, the number of crimes against certain groups has risen. Hispanic Americans have increasingly become the target of bigots' rage. And, according to a recent AP story, the number of fatal hate crimes against LGBT people increased by a shocking 30 percent last year.

Indeed, late last year, there was a particularly chilling hate crime perpetrated in New York against an Ecuadorian man named Jose Osvaldo. Jose, a father of two, was walking home with his arm around his brother and was viciously attacked with an aluminum baseball bat while his perpetrators yelled anti-gay and anti-immigrant slurs.

This legislation sends a clear message to those perpetrators and to all others: in America, we do not tolerate acts of violence motivated by hatred of vulnerable communities. In America, you are free to be yourself, and you should never be attacked for doing so.

What message will it send to Americans if we fail to pass this amendment? I wonder and I worry.

I urge my colleagues to support this much-needed legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Madam President, I take this time to speak in favor of the pending amendment, the Matthew Shepard Hate Crimes Prevention Act. This is similar to an amendment we considered last year to try to advance the modifications of the Federal hate crimes statute.

Some have questioned whether we need this act. They claim that the instances of hate crimes in America have diminished. I wish that were the case. I wish we did not need to have a separate law to deal with hate-motivated violent acts in America.

All we need to look at is what happened at the Holocaust Museum on June 15 of this year, when Stephen Johns, a security guard, was murdered. He was murdered by someone who had extreme views. Look at Lawrence King, a 15-year-old who died on February 12, 2008, because he was gay; or look at what happened after the last elections, when two men went on a killing spree to find African Americans; or look at what happened in July 2008, when four teenagers were brutally beaten up because they were immigrants.

All we need to look at are the FBI statistics that indicate in 2007 there were 7,600 hate crimes in America. That is the reported hate crimes. We know many of these acts go unreported and the numbers are much larger. Ethnic communities are reporting an increase in violent acts motivated by hate.

Unfortunately, this law is needed, and we need to strengthen the law so it can effectively accomplish its purpose. What do I mean by that? This amendment, this law, builds on federalism. It builds on what our States are already doing to combat these crimes. Forty-five States have separate laws that deal with hate crimes—31 deal with violence against someone because of their sexual orientation, 27 include gender violence. What we need to do is strengthen our Federal law so federalism, in fact, can work.

The Federal Government has resources which the States don't always have to be able to pursue these types of violent acts. This amendment would strengthen the Federal statute so it would apply to acts of violence based upon someone's gender, sexual orientation, or disability. And it would go beyond the current Federal law, which only allows Federal involvement if the crime occurs during some protected activity.

It also provides the resources to help our States, in that the bill provides grants to State, local, and tribal law enforcement entities for prosecution, programming, and education related to hate crimes prosecution and prevention.

The bill contains a requirement that the Department of Justice certify that Federal prosecution is necessary because the States cannot or will not effectively prosecute the crime. This is to supplement the actions of the State, to work with our States, to respect what federalism should be about. Most of these matters will be handled by the State, but the Federal Government may be able to help the State, and this bill will allow us to do exactly that.

The bill also contains provisions broadening the categories of hate crimes tracked by the FBI. So these are improvements in the law that will maintain our ability to deal with this type of outrageous activity.

Some have questioned: Well, isn't every violent crime a hate crime? The answer is no. A hate crime occurs because the perpetrator intentionally selects the victim because of who the victim is. Similar to actions of terrorism, hate crimes have a greater impact because they cannot only affect the victim, they affect our entire community. We are all diminished when someone in our community is violated because of his or her ethnic background or because of race or sexual orientation.

We need to speak to our national priorities. This amendment speaks to what America should stand for—that we will not permit or tolerate someone to be victimized because of that person's gender or race or because of that person's sexual orientation or disability.

This is a bill that has enjoyed broad bipartisan support in this body. Many of us have worked for many years in order to improve the Federal Government's ability to respond in these areas. This is the next chapter that needs to be done. I hope my colleagues will do what we did in the prior Congress and pass this amendment to the Defense authorization bill so we can move forward to strengthen our resolve against this type of hate activity in America.

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. UDALL of New Mexico. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. UDALL of New Mexico. Madam President, watching the Senate floor during the debate over health care reform, I cannot help but feel that some of my colleagues are a little confused. It is almost as if they have forgotten that this discussion is going on in America, not Canada. They don't want to talk about the 22,000 Americans who died in 2006 because they do not have insurance. They don't want to talk about the more than half a million Americans who file for bankruptcy after incurring unpayable medical bills. They don't want to talk about the millions of other Americans who worry that they are one layoff away from losing coverage and one heart attack away from losing everything.

No, they want to talk about Canada. I am not saying we should not sympathize with our neighbors to the north, but I wish to talk about how we can fix the health care system for the American people, for the people of New Mexico, since none of the plans we are considering would set up a Canadian system.

Let's look at how we can pass an American solution to the problems faced by Americans. If you like the coverage you have, you should be able to keep it, and none of the plans we are considering would take away the options Americans already have. But the status quo is not enough. We need to give consumers another option. We need to give them the freedom to choose a quality, affordable, public health option. After all, what is more American than competition and choice? Even if our private market functioned perfectly, it would make sense to give consumers another choice. But our health care system doesn't function perfectly. Our system provides too little choice and too little quality at too high a price. Too many of America's health care markets are effectively monopolies, or at best duopolies. According to a recent study by the American Medical Association, most American metropolitan areas are dominated by one private insurer, and others are largely dominated by just two. In New Mexico, the top two companies have 65 percent of the market. To put that in perspective, Dell, Compaq, Gateway, HP, and IBM combine for less than 54 percent of the U.S. personal computer market. I have to believe we can offer our consumers more than two choices of health plans.

My State is a rural State, and in rural areas such as ours consumers often have less choice. They get to pay whatever the local health care plan wants or go without insurance. Insurance companies have used this monopoly power to offer less and to charge more. As consolidation has increased since 2000, insurers have raised deductibles and copayments without increasing coverage, and they have continued to make healthy profits while their customers struggle to keep up with rising costs. Premiums for employer-sponsored health care have almost doubled since 1999, but rising costs have not hurt health care company CEOs. The top 10 CEOs managed to pull down $85.4 million in 2008.

Even worse, what competition we have doesn't keep companies honest. Instead, they compete to avoid the poor and the sick. In New Mexico, an insurance company can charge a customer more because of a health problem from 5 years ago or because he happens to be 45 years old and not 44. They can even charge a woman more because she might get pregnant. They have every incentive to do so.

When a private insurance company turns down somebody who needs help, its profits go up. When it denies needed care, it has more money for its shareholders. That is a broken system.

In New Mexico, we have seen the impact of unaffordable health care. Almost one in four New Mexicans is uninsured and nearly half our citizens have inadequate coverage. The vast majority of these people are employed, but they and their employers simply cannot afford coverage.

A constituent of mine from Cedar Crest, NM, wrote me the other day to

explain she and her husband cannot afford to offer their employees health care at a small manufacturing company they own. The rates for small businesses such as theirs are unaffordable.

Our high numbers of uninsured citizens cost the rest of us money. The average New Mexico family with insurance pays an additional $2,300 just to cover the price of the uninsured—$2,300. You see, if a New Mexican with diabetes has insurance, his insurance company can pay a small amount to have him receive routine tests and treatments from a podiatrist. But if a New Mexican is uninsured, he is less likely to receive checkups. As a result, he is more likely to miss the telltale signs of a circulatory problem and twice as likely to need an amputation.

Diabetes amputations cost almost $39,000, and New Mexico did 366 of these procedures in 2003 for a total of $4.2 million. When a diabetic has a limb amputated, the operation is only the beginning of the medical services he will need. For the uninsured, those costs fall on every family with insurance.

Some of my colleagues admit that the status quo does not work, but they claim a government regulator can keep the private HMOs in line; we will not need more regulation if open competition can be more effective. Others just claim that a public health care option will not work, but the evidence suggests otherwise. Experts have developed a number of viable plans to give Americans the choice of a quality, affordable public option. More than 30 State governments offer their employees a choice between private insurance and a State-backed public option, including my State of New Mexico. These States have not found this strategy unworkable. They have not seen either public or private coverage dominate the market. Their employees just have another choice. What would be wrong with that?

The truth is, this Congress has a very simple decision to make. We can stick with our current system or we can give Americans another option that guarantees quality, affordable care. Opponents of reform do not want to talk about that decision so they talk about Canada. But the decision before us has nothing to do with Canada. It is about the American people. They have been stuck in a broken system too long, and it is time to give them another choice.

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. McCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUNG SAN SUU KYI

Mr. McCAIN. Mr. President, I wish to take a few moments to address the situation in Burma.

Though it has faded from the headlines, the outrageous detention and trial of Aung San Suu Kyi, that astonishingly courageous Burmese leader, continues. Ms. Suu Kyi, who has spent the majority of the past two decades under house arrest, is being held at the notorious Insein Prison compound. She was charged with crimes following the arrival at her house of an uninvited American man who swam across a nearby lake. He then reportedly stayed on her compound for 2 days, despite requests to leave. Based on this occurrence, the regime charged Ms. Suu Kyi with crimes and ordered her to stand trial in late May. Since then, she has been jailed and awaits possible conviction and up to 5 years in prison.

Let us recall that this long-suffering woman is, in fact, the legitimately elected leader of that country. To this day, the generals refuse to recognize the 1990 elections, in which the Ms. Suu Kyi's National League for Democracy was victorious. Instead, they plan to proceed with ''elections,'' to be held next year, that they evidently believe will legitimize their illegitimate rule. The ruling regime seeks ways to ensure that Ms. Suu Kyi and other NLD members are not free to participate in these elections, since it is the NLD—and not the military junta—that has the support of the Burmese people. As an estimated 2,100 political prisoners, including Aung San Suu Kyi, fill Burmese jails, the international community should see this process for the sham that it represents.

I once had the great honor of meeting Aung San Suu Kyi. She is a woman of astonishing courage and incredible resolve. Her determination in the face of tyranny inspires me, and every individual who holds democracy dear. Her resilience in the face of untold sufferings, her courage at the hands of a cruel regime, and her composure despite years of oppression inspire the world. Burma's rulers fear Aung San Suu Kyi because of what she represents—peace, freedom and justice for all Burmese people. The thugs who run Burma have tried to stifle her voice, but they will never extinguish her moral courage.

Earlier this month, the United Nations Secretary-General traveled to Burma in an attempt to press the regime on its human rights abuses. The ruling generals reacted in their typical fashion. They stage managed Ban Ki-moon's visit, even refusing his request to speak before a gathering of diplomats and humanitarian groups.

Instead, before leaving, he was forced to speak at the regime's drug elimination museum. He was also refused a meeting with Aung San Suu Kyi. Burmese officials stated that their judicial regulations would not permit a meeting with an individual currently on trial. Incredible. Following his visit to Burma, the Secretary-General pointed out that allowing a meeting with Ms. Suu Kyi would have been an important symbol of the government's willingness to embark on the kind of meaningful engagement essential to credible elections in 2010. He is right, and the regime's refusal is simply the latest sign that meaningful engagement is not on its list of priorities.

It is incumbent on all those in the international community who care about human rights to respond to the junta's outrages. The work of Aung San Suu Kyi and the members of the National League for Democracy must be the world's work. We must continue to press the junta until it is willing to negotiate an irreversible transition to democratic rule.

The Burmese people deserve no less. This means renewing the sanctions that will expire this year, and it means vigorous enforcement by our Treasury Department of the targeted financial sanctions in place against regime leaders. And it means being perfectly clear that we stand on the side of freedom for the Burmese people and against those who seek to abridge it.

The message of solidarity with the Burmese people should come from all quarters, and that includes their closest neighbors—the ASEAN countries. The United States, European countries, and others have condemned Ms. Suu Kyi's arrest and called for her immediate release. The countries of Southeast Asia should be at the forefront of this call.

ASEAN now has a human rights charter in which member countries have committed to protect and promote human rights. Now is the time to live up to that commitment, and ASEAN could start by dispatching envoys to Rangoon in order to demand the immediate, unconditional release of Aung San Suu Kyi.

Following the visit of the U.N. Secretary-General, the Burmese representative to the U.N. stated that the government is planning to grant amnesty to a number of prisoners so they may participate in the 2010 general elections. ASEAN states should demand the implementation of this pledge to include all political prisoners currently in jail, including Ms. Suu Kyi.

Secretary of State Clinton will travel to Thailand later this month to participate in the ASEAN Regional Forum. I urge her to take up this issue with her Southeast Asian colleagues.

Too many years have passed without the smallest improvement in Burma. And although the situation there is replete with frustration and worse, it is not hopeless.

We know from history that tyranny will not forever endure, and Burma will be no exception. Aung San Suu Kyi, and all those Burmese who have followed her lead in pressing for their own inalienable rights, should know: All free peoples stand with you and support you. The world is watching not

only your brave actions but also those of the military government, where cruelty and incompetence know no bounds.

Burma's future will be one of peace and freedom, not violence and repression. We, as Americans, stand on the side of freedom, not fear; of peace, not violence; and of the millions of people in Burma who aspire to a better life, not those who would keep them isolated and oppressed.

The United States has a critical role to play, in Burma and throughout the world, as the chief voice for the rights and integrity of all persons. Nothing can relieve us of the responsibility to stand for those whose human rights are in peril, nor of the knowledge that we stand for something in this world greater than self-interest.

Should we need inspiration to guide us, we need look no further than to that astonishingly courageous leader, Aung San Suu Kyi. The junta's latest actions are, once again, a desperate attempt by a decaying regime to stall freedom's inevitable process in Burma and across Asia. They will fail as surely as Aung San Suu Kyi's campaign for a free Burma will one day succeed.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from BBC News entitled ''Inside Burma's Insein Prison'' and an AP article entitled ''Myanmar junta stage-manages visit by UN chief.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From BBC NEWS, May 14, 2009]

INSIDE BURMA'S INSEIN PRISON

Burmese pro-democracy leader Aung San Suu Kyi is being held in the notorious Insein jail in Rangoon, after being charged with violating the terms of her house arrest.

Human rights campaigners say incarceration at the top security prison, which is known as the ''darkest hell-hole in Burma'', could be tantamount to a death sentence—especially as the 63-year-old's health is known to be fragile.

Bo Kyi, now joint secretary of Assistance Association for Political Prisoners (Burma), has firsthand experience of life in Insein jail.

He was jailed for more than seven years for political dissent, and was kept in solitary confinement for more than a year, in a concrete cell that was about 8ft by 12ft (2.5m by 3.5m).

There was no toilet in the cell—just a bucket filled with urine and feces. He slept on a mat on the floor.

Mr Kyi says he was tortured and beaten by the prison guards. He was shackled in heavy chains, with a metal bar between his legs, which made it difficult to walk.

Every morning for about two weeks, he says he was made to ''exercise''—forced to adopt awkward positions and if he failed he was brutally beaten.

During this time he was not allowed to shower and was forced to sleep on bare concrete.

DISEASE RIFE

He was later moved from isolation and shared an overcrowded cell with four other political prisoners.

He says the prison has the capacity to house 5,000–6,000 prisoners. He estimates there are currently some 10,000 in detention.

Once a week they were able to wash their clothes. But during the stifling summers he said there was no water to bathe.

With only three prison doctors to treat 10,000 inmates, he says diseases such as tuberculosis, scabies and dysentery were rife. Mental illness was also widespread.

Bo Kyi says Aung San Suu Kyi is most likely being held in a special compound built for her detention in 2003, which has a wooden bed and a toilet.

Although the conditions there are probably not as bad as in the rest of the prison, he says he is still extremely concerned for her well-being.

'TOTALLY UNACCEPTABLE'

Ms Suu Kyi has spent more than 11 of the past 19 years in some form of detention under Burma's military government.

She was jailed at Insein prison in May 2003, after clashes between opposition activists and supporters of the regime.

Her latest period of house arrest was extended last year—a move which analysts say is illegal even under the junta's own rules. It is due to expire on 27 May.

Human rights activist Debbie Stothard, from the pressure group Altsean-Burma, has urged the international community to intervene in trying to secure Ms Suu Kyi's release.

''Many people have died when they have been detained in Insein, that's a proven fact.

''The fact that Aung San Suu Kyi . . . now might be subject to a life-threatening detention condition—it's totally unacceptable,'' she said.

''It's totally unjust and it's time that Asean, China and the rest of the international community finally put their foot down.''

Many analysts believe that pro-democracy leader's arrest is a pretext by the military regime to keep her detained until elections expected in 2010.

[From AP, July 6, 2009]

MYANMAR JUNTA STAGE-MANAGES VISIT BY UN CHIEF

(By John Heilprin)

YANGON, MYANMAR.—Myanmar's ruling junta wanted Ban Ki-moon to go into a grandiose drug museum through the back door to prevent the U.N. secretary-general from making a rock-star entrance.

Ban eventually did walk through the front door—a small victory after he had lost far bigger battles, notably a hoped-for meeting with jailed democracy leader Aung San Suu Kyi (pronounced ong sahn SUE CHEE).

After a two-day visit in which the generals tried to stage-manage the world's top diplomat at every step, Ban left the country with few prospects of even slightly loosening the iron grip on power held by military regime and its junta chief, Senior Gen. Than Shwe.

If people saw Ban acting independently in Myanmar ''that would cause Than Shwe to lose face,'' said Donald Seekins, a Myanmar expert at Japan's Meio University. ''So they want to manipulate him.''

By snubbing Ban, the country's military rulers lost an opportunity to improve its standing among many of the world's nations that view the struggling country with rich reserves of gas and minerals as a pariah.

Inside Myanmar, Suu Kyi's opposition party said Than Shwe (pronounced TAHN SHWAY) showed he is unwilling to permit real change ahead of the 2010 elections, which would be the first in two decades.

Ban had asked to make his closing speech to diplomats and humanitarian groups Saturday at a hotel, but the junta refused and forced him to instead speak at the government's Drug Elimination Museum.

Ban's staff didn't want his presence there—where a wax figure depicts a military intelligence chief chopping opium poppies, which Myanmar views as a scourge introduced by colonialists—to appear like another prop furthering the government's agenda.

''They fought us over every last detail,'' said a U.N. official who took part in organizing the trip, speaking anonymously and out of protocol because of the sensitivity of the matter.

Ban—whose mild-mannered facade belies a toughness and occasional temper—would have preferred a tete-a-tete with Than Shwe to having note-taking aides around, an example of his belief in his ability to sway recalcitrant world leaders if only he can get them alone in a room.

But Than Shwe's idea of a tete-a-tete was to pit himself and the other four generals who together make up the ruling State Peace and Development Council against Ban and some high-ranking U.N. deputies in the rarely visited capital of Naypyitaw, according to U.N. officials.

The 76-year-old Than Shwe suggested that Ban might not be invited back until after the elections.

Ban said Than Shwe promised to hand over power to civilians after the elections. But the generals refused to follow U.N. recommendations intended to prevent sham elections, including publishing an election law and freeing Suu Kyi and 2,200 other political prisoners to ensure general participation.

''Only then will the elections be seen as credible and legitimate,'' Ban told reporters Monday in Geneva, Switzerland.

The government refused to honor the results of the 1990 elections after Suu Kyi's party won in a landslide. The junta tolerates no dissent and crushed pro-democracy protests led by Buddhist monks in September 2007.

At the end of the trip, Ban tried to defuse the notion he was returning empty-handed.

He said the visit was an opportunity to plant seeds that could blossom later and that he was dutifully relaying the international community's message the elections must be seen as credible.

In the meantime, Ban said he will keep talks alive with Than Shwe through the so-called Group of Friends on Myanmar.

That approach hasn't nudged Myanmar on key issues. Nor have eight previous visits by Ibrahim Gambari, Ban's top envoy to Myanmar, produced many results.

''Than Shwe is using the United Nations as a way of buying time or distracting people from the main issues, so it isn't very constructive,'' Seekins said. ''I don't think Than Shwe is willing to make political concessions, especially concerning Aung San Suu Kyi. I think he would really like to put her away in jail and not have to worry about her.''

In the absence of Suu Kyi, it was left to Ban to deliver unusually stinging remarks about the government, its pummeling of human rights and the urgent need to set a new course.

When he took the stage at the museum, it was a rarity in the military's half-century of dominance—an outside political figure allowed to say what he wants.

And after much haggling, Ban's black Mercedes was allowed to pull up to the front door of the museum. There, his motorcade disgorged a small entourage of aides and a half-dozen international journalists. Local press awaited him inside.

That also ensured an audience for him in Myanmar and beyond—another small victory.

Mr. MCCAIN. Mr. President, from the story of the Burmese prison, let me quote:

Human rights campaigners say incarceration at the top security prison, which is known as the ''darkest hell-hole in Burma'', could be tantamount to a death sentence—especially as the 63-year-old's health—

Referring to Aung San Suu Kyi's health——

is known to be fragile.

Bo Kyi, now joint secretary of Assistance Association for Political Prisoners (Burma), has firsthand experience of life in Insein jail.

He was jailed for more than seven years for political dissent, and was kept in solitary confinement for more than a year, in a concrete cell that was about 8ft by 12ft. . . .

There was no toilet in the cell—just a bucket filled with urine and faeces. He slept on a mat on the floor.

Mr. Kyi says he was tortured and beaten by the prison guards. He was shackled in heavy chains, with a metal bar between his legs, which made it difficult to walk.

Every morning for about two weeks, he says he was made to ''exercise''—forced to adopt awkward positions and if he failed he was brutally beaten.

During this time he was not allowed to shower and was forced to sleep on bare concrete.

It goes on.

So she is there in that prison. I hope and pray the treatment she is receiving is not anywhere along the lines of what this prison is well known for.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, first, I commend my colleague from Arizona, Senator MCCAIN, for his great leadership and for his important words about Burma. No one would know better than Senator MCCAIN about the human rights violations of someone held in a prison such as that.

As he is aware, on a bipartisan basis, the women Senators have come together to support Aung San Suu Kyi and her fight in Burma.

I would also add, I recently met with a Burmese community in my State. They are concerned about their relatives there and everything that is happening in that country. We have someone in our office whose relatives are in Burma.

So I thank the Senator for his words and also for his leadership on the amendment, the Levin-McCain amendment to strike the $1.75 billion added to the bill that is on the floor to purchase additional F–22 aircraft that have not been requested by the Pentagon.

This is a very difficult issue for many people in this Chamber, including the Senator from Arizona. But we all know in the end what counts is to do the right thing for our troops and for our national security.

This amendment truly gives us an important choice: Will we continue to pour billions into unproven weapons systems, despite repeated cost overruns and program delays or are we going to make the hard choices necessary to ensure that our troops in the field have what they need to fight present and future conflicts?

These F–22s, we know, possess unique flying capabilities, but not one has ever flown over Iraq or Afghanistan. We have much more pressing needs. Both the past President and the current President support this amendment. I hope my colleagues will support it as well.

I am actually here to speak in support of the Matthew Shepard Hate Crimes Prevention Act. I am a cosponsor of this legislation which will help us fight hate crimes and make our communities safer.

Among other things, the bill would impose criminal penalties for targeting a victim on the basis of race, religion, sexual orientation or disability.

I wish to thank Senator LEAHY for his work on this bill and, of course, Senator KENNEDY for his work and leadership on the issue over the years.

I have been involved with this piece of legislation for many years. If you go way back to 2000, when I was the county prosecutor for Minnesota's largest county, I was actually called to Washington for the first time to take part in a ceremony in which the bill was introduced.

I remember this moment well because there I was with the President at the time, President Clinton, and Attorney General Reno. We were ready to walk in for this ceremony to introduce the hate crimes bill. I was standing outside, and the military band struck up ''Hail to the Chief'' because the President was entering the room. I started to walk, and all of a sudden I felt this big hand on my shoulder, and this voice said: I know you are going to do great out there, but when they play that song I usually go first.

It is something I will never forget.

So here I am now, 9 years later, with this same bill. We are working very hard to get this bill passed. I am hopeful we will be able to do that.

What I remember most about that day back in 2000, however, was the meeting I had with the investigators in the Matthew Shepard case. They were two burly cops from Wyoming, and they talked about the fact that until they had investigated that horrible crime, they had not considered what the victim's, Matthew Shepard's, life was like.

When they got to know the family in the case, when they got to know the mom, and they got to know the people surrounding Matthew Shepard, their own lives changed forever.

I hope by passing this bill we can prevent other Matthew Shepards from being targeted and deter hate crimes.

Attorney General Eric Holder recently appeared before the Senate Judiciary Committee to talk about his support for this bill, and he gave us some somber statistics. He reported that ''there have been over 77,000 hate crime incidents reported to the FBI'' from 1998 to 2007 or ''nearly one hate crime every hour of every day'' for the past decade.

In my State of Minnesota, there were 157 reported offenses in 2007. But when I think about this issue, it is not just about the statistics. It is about the victims of these crimes.

When I was county prosecutor, we had a number of cases that were clearly motivated by hate. That was one of the reasons, actually, I was chosen to go out to Washington. And part of it was we had worked well with the Federal prosecutors on some of the cases.

We had the case of a 14-year-old African-American boy who was minding his own business, and a guy who did have some mental health issues told his friends: I am going to go out and—he used a different word—but shoot a Black kid on Martin Luther King Day. And he did. And he almost killed this little 14-year-old boy. But he survived, and we prosecuted the case.

I also think about a young Hispanic man. He was working in a factory, and his boss got mad at him because he did not speak English and he was speaking Spanish at work. His boss took a 2 by 4 and hit him over the head, resulting in bleeding in his brain and brain damage—all for speaking Spanish.

I also think about the case we had with a Hindu temple that was severely vandalized by young kids. And I think about the case of a Korean church that had all kinds of hateful graffiti written on it. Some of these cases, as I said, were major attempted murder cases. Some of them were simply graffiti cases. But to the people in that church, to the people in that temple, it meant something much more.

That is why I was glad, at least in a few of these cases, we were able to use our State hate crimes legislation. Those were cases in Minnesota—a place where you might not think you would see these kinds of cases. But we did.

This bill in front of us, the Matthew Shepard hate crimes bill, will strengthen the ability of Federal, State, local, and tribal governments to investigate and prosecute hate crimes. It increases the number of personnel at the Treasury Department and the Department of Justice working on hate crimes. It gives grants to State and local law enforcement officials investigating and prosecuting hate crimes. It authorizes the Attorney General to provide resources and support to State, local, and tribal law enforcement officials for hate crime investigations and prosecutions.

In addition, this bill authorizes the Federal Government to step in when needed and prosecute hate crimes, when needed, after the Justice Department certifies that a Federal prosecution is necessary. While most of these cases will continue to be handled by State and local jurisdictions, the bill provides a Federal backstop for State and local law enforcement to deal with hate crimes that otherwise might not be effectively investigated and prosecuted or for when States request assistance. It is a backdrop. Think about how many other areas of the law where we have these kinds of backdrops. In the gun area, as the Presiding Officer is aware from his work in the State of

New Mexico, sometimes we have overlapping jurisdictions. The gun crime is a perfect example. State laws can apply, but sometimes the Feds will come in or you will want them to come in and handle the case. The same with drug crimes. It helps to have that Federal backdrop for the investigating power, for the sentencing power, and for many other things. So this bill won't usurp the role of local law enforcement but, rather, supplement it when needed.

Finally, I wish to note that this legislation has the support of numerous law enforcement organizations, including the International Association of Chiefs of Police, the Major Cities Chiefs, and the National District Attorneys Association.

For years we have recognized the need for this legislation. I think back to 2000 when I was standing outside of the East Room with President Clinton when it was first introduced. For years we have known we need this legislation, but year after year the forces of reaction have stalled and blocked and tried to do everything they can to make it go away. This must end.

A little over 40 years ago, Robert Kennedy broke the news to a crowd in Indianapolis that Martin Luther King, Jr., had just been assassinated. During his speech, Kennedy called on the crowd and the country to make an effort, to understand and to comprehend, and to replace that violence, that stain of bloodshed with an effort to understand with compassion and love. We should answer his call today.

I look forward to the day—and I hope it will be very soon—when the Hate Crimes Prevention Act becomes law. It is long overdue. I urge my colleagues to support it.

Thank you very much, Mr. President.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are on the Defense authorization bill, apparently stranded, unable to vote on an amendment that had been offered dealing with the issue of the F–22. The F–22 airplane is a remarkable airplane. I have talked to pilots who have flown it. I have seen it at Edwards Air Force Base. It is an extraordinary airplane.

It costs a lot of money. We have built as many as the Defense Secretary wants built at this point. The Chairman of the Joint Chiefs, the Defense Secretary, the head of the Air Force, has indicated they want to cap the F–22 at that number—I believe it is 187—and do not wish to build more. They say that is all we need. That is all we want.

There is a $1.75 billion fund that was put in this bill, now, as an amendment in the Armed Services Committee, to build more F–22s. So the amendment by the chairman of the committee and by Senator MCCAIN, the ranking member, was to take the $1.75 billion out of the bill. I support the amendment—not because I don't like the airplane, I do; but if those who are in charge of the Pentagon, Secretary Gates; Admiral Mullen; the head of the Air Force, Secretary Donnelly; General Schwartz and others say we do not want anymore F–22s, don't need anymore F–22s to do the mission that we believe is necessary for that airplane, and instead we want to move toward the Joint Strike Fighter—if that is their judgment, in my judgment we ought not put another billion back into this bill. Yet that is what happened in the subcommittee.

I wish to call attention to the fiscal policy and where we are in this country. President Obama has been in office a relatively short period of time. He inherited an unbelievable mess. There is no question about that. We are in the deepest recession since the Great Depression. There is a substantial decrease in revenues and increased spending this year as a result of this very steep recession. Social service costs are going up, and there's more unemployment, more food stamps and so on. I believe there is close to a 20-percent reduction in revenue for the government and close to a 20-percent increase in spending. On top of that, Congress passed a stimulus or economic recovery program. All of this has driven the deficit up in this fiscal year, a very sizable deficit. That deficit will be very sizable next year and the year after.

It begins to go down and then goes back up in the outyears. This is a fiscal policy that is not sustainable for our country. It just is not. It is not a Democratic or Republican policy that is not sustainable, it is a fiscal policy of trillions and trillions of dollars of red ink that we must change.

If we cannot even deal with the issue of adding $1.75 billion to build more planes that the Defense Department says they do not want, we will hardly be able to deal with the more difficult fiscal problems in the future. So I support the amendment offered by the chairman and the ranking member. I hope we get a chance to vote on that amendment.

The issue of spending money we do not have, often on things we do not need, is not new in any committee in this Congress. There are plenty of areas where we can take a pretty big slice out of spending. You can do it, not with just big programs, you can do it with smaller programs. I brought to the floor a couple charts that show an issue that, in my judgment, is flatout total, complete, thorough government waste. I have tried, now, about 5 years in a row to get rid of it and have been unsuccessful. I finally got an amendment this past week added to an appropriations bill that shuts down the funding. But now we will see, there will be a big fight on the floor to restore the funding. Let me tell you what this is.

Again, we are not talking about a lot of money. In my hometown, this would be a lot of money, but my hometown is 300 people, so $20, $30 million is a lot of money.

This is a picture of Fat Albert, which is an aerostat blimp or aerostat balloon. This is Fat Albert, purchased by the government. In fact, we purchased a couple of them so we can put it way up in the air on a tether, and it would broadcast television signals into the country of Cuba because the Castro brothers run an operation down there that doesn't provide any freedom to the Cuban people, so we are sending them television signals to tell them how wonderful things are in the United States and how awful things are in Cuba.

Actually, the Cuban people do not need those television signals to know that because they can simply listen to Miami radio, or they can listen to what is called Radio Marti, which actually gets into the market in Cuba. We broadcast Radio Marti. I don't object to that. It costs a fair amount of money. I don't object to that. We get radio signals into Cuba to tell the Cuban people what is going on in our country and the problems they face in their country.

I have been to Cuba. I think the Cuban people know pretty much the problems they face with the Castro regime, a regime that squeezes the freedom out of the Cuban people.

But here is the deal. We have aerostat balloons, first of all, to put television signals into Cuba. The problem is we have spent a quarter of a billion dollars doing it and the Cubans can't get the TV signal. Why? Because the Castro government jams it easily. They jam it just like that. We used to broadcast from 3 in the morning to 7 in the morning a signal no one can see, so we use these balloons on a big tether and broadcast a television signal to people who can't see it. We kept spending money thinking it was a great thing to do, broadcasting a television signal nobody can see. In fact, one of these balloons got loose, got off its mooring, and wound up somewhere in the Everglades. They had a devil of a time trying to catch this balloon; and another balloon disappeared in a hurricane, and they have never seen it since.

They decided, you know what, we can actually clip the American taxpayer for more than a balloon. What we will do is buy an airplane and broadcast the television signal the Cuban people can't see from an airplane, so the American taxpayers bought an airplane. It flies, I think, 5 or 6 days a week, broadcasting television signals into Cuba that the Cubans block, that no one can see.

You talk about ignorant? At a time when we are deep in debt, spending money we don't have to broadcast television signals to people who can't get it? That is unbelievable to me.

Here is what the Cuban people see. All of us have seen bad television with snow covering the entire screen. Here is what is broadcast—it is programs with caricatures of the Castro brothers. The Cubans don't need to be reminded the Castro brothers are a scourge in that government.

Let me describe what John Nichols, who is a professor of communications and international affairs at Penn State University, has said:

> TV Marti's response to this succession of failures over a two-decade period has been to resort to ever more expensive technological gimmicks, all richly funded by Congress. And none of these gimmicks, such as the airplane, have worked . . . It's just the laws of physics. In short, TV Marti is a highly wasteful and ineffective operation. . . .

Even as I speak, I assume our airplane is broadcasting a television signal to the Cuban people who cannot receive it.

> TV Marti's quest to overcome the laws of physics has been a flop.

John Nichols says, the same witness.

> Aero Marti, the airborne platform for TV Marti, has no audience currently in Cuba, and it is a complete and total waste of $6 million a year in taxpayer dollars. The audience of TV Marti, particularly the Aero platform is probably zero. . . .

Talking now about the airplane platform.

We are talk about the GAO report.

> The best available research indicates that TV Marti's audience size is small . . . telephone surveys have reported less than 1 percent had watched TV Marti over the last week.

I don't know what 1 percent is. I don't know what less than 1 percent is. That is minuscule, right? But I have offered an amendment that takes out about $15 million to support TV Marti, which is a program that has now wasted about a quarter of a billion dollars sending television signals to Cuba that no one in Cuba can see. You know what, it is very hard to get this kind of thing stopped.

The reason I wish to mention it today is we are on the floor talking about $1.75 billion for the F–22. We are, I assume—almost everyone here is supporting the next generation fighter we are building, the Joint Strike Fighter. But the Pentagon says they want to stop and not order anymore of the F–22s. It is a reasonable thing, to me, that being deep in debt, choking on red ink, at least we might want to accept the recommendation of not building that which they do not want. At least with respect to Aerostat balloons and airplanes and television signals to Cuba that no one can see, the very least the taxpayers should expect of us is that perhaps we would stop spending money sending television signals to no one. Maybe that is not too much to ask.

Let me ask consent to speak in morning business for 5 minutes on a different subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL CRISIS INQUIRY COMMISSION

Mr. DORGAN. Mr. President, today House and Senate leaders appointed members for a Financial Crisis Inquiry Commission. That is the title, the Financial Crisis Inquiry Commission. I have been calling for both a commission and also a select committee of the Congress because I think that we have a requirement and responsibility to establish what is the narrative that has caused this economic and financial crisis in this country. We are in a deep financial crisis and have been for some long while.

This didn't happen as a result of some giant hurricane or some tornado or some flood, or some other natural disaster visiting our country. No, this was not a natural disaster. This happened as a result of decisions being made by human beings here among us. The question is who? And what decisions? How did this happen? What is the narrative that has caused the most significant crisis since the Great Depression?

Very smart economists have said, you know what, over a long period of time from the Great Depression forward, we created stabilizers in this country so we would not see steep recessions or certainly not a depression in our future. We are evening things out, they would say, and that was probably true for a while, but this recession is deep, this hole is steep. The question is, What caused it? What happened.

I support the creation of a commission today. I offered legislation in January of this year, called the Taxpayer Protection Act, which called for the creation of a commission to investigate this financial crisis. My colleagues, Senator CONRAD and Senator ISAKSON, similarly offered a commission proposal, a piece of legislation during debate earlier this year. I support the notion of going forward. The appointments today to this Commission are welcome. I hope the Commission does all that is necessary to uncover what has happened here.

I still believe we need a Select Committee in the Senate. The New York Times said it in an editorial, nothing can substitute for the work the Senate must do itself. I say that because we now have, in recent days, additional news items in the paper you read. Let me pick one. I don't mean to pick this company out just to be punitive, but it is a good example in recent days: Wells Fargo.

Wells Fargo is a FDIC-insured bank. It is one of the biggest banks in America:

> Wells Fargo to expand securities business. It plans to grow and invest in securities activities that it largely inherited from Wachovia. The business is to be called Wells Fargo Securities.

What is Wachovia? Wachovia is a bank that was failing because Wachovia had all kinds of problems. Wachovia was a bank that had purchased Golden West Financial, which had about $120 billion, we are told, in toxic option adjustable rate mortgages.

By the way, related to this, I saw in the newspapers the other day that pick-your-payment mortgage plans have actually now had a higher default rate than other subprime mortgage loans. Think of that. You look at that and think, What was the pick-your-payment plan? That was the plans put out by these mortgage companies—sophisticated, exotic plans—saying to people, you know what, pick your own payment. You tell us what you will pay and we will write a mortgage around it.

So we had all of these strange plans out there, exotic plans, some of which were creating an unbelievable bubble of speculation. We had bank holding companies buying them and we had FDIC-insured banks actually trading them. Pretty soon you got toxic assets lying in the belly or the gut of these financial institutions, and they are going to go belly-up unless somebody else buys them.

So Wells Fargo buys Wachovia, and then Wells Fargo announces that, well, our investment banking and our capital markets businesses are now going to operate under a new name, ''Wells Fargo Securities.''

The question is this: With the biggest banks in the country operating, in many cases with holding companies engaged in real estate and securities issues, having demonstrated now that these holding companies do not have firewalls that are much thicker or much more beneficial than tissue paper, are we still going to continue to see all of this?

Are we still going to see FDIC-insured institutions, for which the taxpayers are ultimately responsible for failure, talking about: We are going to get involved in more risk trading, more securities?

Wachovia. Well, Wachovia Bank, I have spoken of them before. Wachovia Bank was one of those banks buying sewer systems in Germany. Why? Because an American bank wanted to own a sewer in a German city? No. They wanted to avoid paying U.S. taxes, so they did sale-lease back transactions with German sewer systems.

That is part of a culture issue with companies, it seems to me, when you do that sort of thing. But now we have Wells Fargo that bought Wachovia, announcing the best part of what they bought was Wachovia's securities business. The fact is, Wachovia was not going to make it. That is why Wells Fargo purchased them.

We ought to be asking a couple of questions these days about the Administration's announced plans for new financial reform, which I welcome by the way. This President inherited this mess, so he is talking about financial reform, and I welcome that discussion.

One, I think we ought to have a healthy and robust discussion about whether the Federal entity that shall become the systemic risk regulator in this country should be the Federal Reserve Board.

Not me. Not me. The Federal Reserve Board is what has helped cause this

problem. I mean, the Federal Reserve Board acted blindly for over a decade. In addition, the Federal Reserve Board by itself is almost totally unaccountable to anyone and operates in very substantial secrecy.

Why would we decide to have an agency that has failed over the last decade or so in managing and supervising the financial industry in this country, that watched the creation of these big holding companies, watched what happened with the mortgage companies with unbelievably speculative instruments, watched the advertisements on television saying: If you have been bankrupt, slow pay, no pay, got bad credit, come to us. We will give you a loan—the Federal Reserve watched all of that and did nothing. Now we are going to be told they are the ones to save us with respect to systemic risk in our economy? I do not think so. That is No. 1; the Federal Reserve Board is going to be the entity to deal with systemic risk? Boy, there is no evidence, at least in recent years, to suggest that makes much sense.

No. 2, no discussion yet, and there might be, on this issue of too big to fail. Does it matter that we have allowed the creation of entities in the financial sector that are too big to fail? In my judgment it matters because if they are too big to fail, then the American taxpayer bails them out. That is what happened last fall.

The Treasury Secretary leaned over the lectern to us one Friday and said: Look, if you do not pass a bailout bill in 3 days, a three-page bill giving me $700 billion, this economy is going to fall off a cliff.

Well, I did not believe it. I did not vote for the bailout. But the fact is, all of this was because some of the largest financial institutions in the country, he said, were in deep trouble.

Why were they in trouble? Because they loaded up with substantial risk. Congress, in the last decade, has passed laws that allowed them to do that. They said this is modernization. But when we create institutions that are too big to fail and then they load up with substantial risk, especially those that are FDIC-insured with holding companies now, engage in securities, and that is exactly what Wells Fargo is announcing: We bought Wachovia. Now we will take the securities on with Wachovia and decide to juice it up.

Should we continue with the doctrine of too big to fail? I do not believe so. Yet in the intervening months, the last 8 months or so, the very institutions that were judged too big to fail and were required to get bailouts from the American taxpayer are still engaged in merging with other institutions, making them bigger and even less able to fail.

So is there someone willing to intervene to say too big to fail has to change? Must we perhaps at least have a discussion about breaking up some institutions that are too big to fail? What about very large strong regional interests that are not too big to fail? I am just asking the question because nobody, in talking about financial reform that I am aware of these days, is willing to address the question of too big to fail. And you cannot address this question of financial reform without including it.

All of us want the same thing for this country. We want this country to recover. We want our economy to expand and grow and create jobs and be healthy again. The fact is—I have talked about this many times. I taught economics briefly in college. The fact is, all of the charts and graphs and indices are irrelevant as compared to the confidence of the American people.

When the American people are confident about the future of this country and about their future, about their job, about their family, then they do things that manifest that confidence. They buy some clothes, buy a car, take a trip, buy a house. They do the things that expand the economy because they are confident about the future.

When they are not, they do exactly the opposite and that contracts the economy. The question is, how do we give the American people confidence going forward that things are going to be better? Month after month, because unemployment has a long tail even past recovery, we see hundreds of thousands of people having lost their jobs. Obviously, those folks do not have a lot of confidence. They feel helpless and hopeless.

How do we give people confidence we are going to fix things that are wrong so this will not happen again? That is where this issue of financial reform comes in. Part of that confidence, it seems to me, can come from this institution, from the Congress and the President. Part of it can come from the people watching this institution.

Take a look at this amendment, an amendment that says: Let's not spend $1.75 billion we do not have on something the Pentagon says they do not want.

Confidence can come from affirmative action on that. Part of that confidence could come from 100 or 1,000 of these examples, a little program called TV Marti, broadcasting television signals to people who cannot see it, and doing it for 5, 10, 15 years and spending a quarter of a billion dollars. Part of that confidence could come from the American people taking a look at our deciding to shut these kinds of things down and trimming back government that has become bloated. So we can do some of this to create confidence.

But another part of it, it seems to me, has to come from the administration's judgment about what is real reform in financial reform. That must include, in my judgment, the issue of too big to fail. It must include effective regulatory oversight so we do not have the kind of activities going on that we saw for the last 10 years: financial institutions engaged in unbelievable practices with no one minding the store and no one watching who were the referees of the system, wearing striped shirts and whistles and blowing the whistle when they saw a foul in the market system. We cannot continue that. We need effective regulation. We need effective reform. When we get that, the American people will feel: You know what. They fixed that which caused this serious problem, and we feel better about the future of this country.

We have a lot to do in a short time. Some big issues of health care, energy, and climate change, and others. I am going to visit about the issue of climate change tomorrow. But we have very big issues that have great consequences for this country. But at the moment, we stand in a very deep recession.

The American people are concerned about the future and want some assurance that all of us are doing the things necessary to put the country back on track.

One step today is the amendment that was offered by the chairman and the ranking member of this committee. It is $1.75 billion. That is a lot of money. But step after step after step in the right direction can give people confidence about the future of this country.

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. ISAKSON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL MARKETS COMMISSION

Mr. ISAKSON. Mr. President, almost 7 months ago, Senator CONRAD from North Dakota and myself began an adventure attempting to convince this body and the one across the hall to create a Financial Markets Commission to study and do a forensic audit of what happened to our financial markets in 2007, 2008, and 2009. All of us recognize we have been through a catastrophic financial collapse with many potential components contributing to the gravity. It is not over yet.

I commend Leader REID and Leader MCCONNELL, Leader BOEHNER in the House, and Speaker PELOSI and others who had the authority under the legislation for announcing their appointments today to the Commission. I particularly commend the majority on the appointment of Ms. Born to the Commission. It was her outspoken words prior to the collapse that should have warned us better, or we should have paid more attention to, about the overleveraging of the economy and the underwriting of risk. Nonetheless, the

collapse has happened. The recession is here. Unemployment in Georgia today topped 10 percent. We are seeing predictions that it will top 10 percent for the entire country within the days ahead. It is critically important that we find out what went wrong, what the contributing factors were, and recommend back to the Congress those actions we need to take to ensure this never happens again.

For my children and grandchildren, if I have one last legacy, it is to say, when it was on my watch, we found out what the problem was, we corrected past errors, and we gave a little more security to their investments and future in the days to come.

I have my opinions as to what went wrong, but I know I am not smart enough to have all the answers. There are others who think they know what has gone wrong. We already have from the White House as well as from the Senate some who are making recommendations over creating czars or authorities or things to address the financial collapse. It would be a mistake beyond words for us to do that now in the absence of all the facts. This Commission has the authority, the money, and the power to get to the bottom of the problem. We gave them a $5 million budget, an 18-month timetable, and subpoena powers. As evidenced by those who have been named today, we have some of the best financial minds in the country—not elected officials, not members of government, some former servants, but some of the best minds in the business to begin the process of studying the collapse that began in 2007, continued through 2008, and in a protracted way continues today.

It is important that we get all the facts. There is plenty of blame to go around. Members of the House, in 1999, such as myself, who voted overwhelmingly for the repeal of Glass-Steagall—that very well could be one of the things the Commission finds was where we had too much deregulation in financial services. We ought to know that and what contribution it may have had. I have grave suspicions over the role Moody's and Standard & Poor's, the ratings agencies, played. I wonder, why should the agency that rates the security be paid by the creator of the security? They ought to be paid by the person buying the security if they are looking for a surety. And why were credit default swaps unregulated? Why did they fall outside the purview of government? What is it about FASB rule 114 that is hurting so bad in the community banking system today because of the devastation of mark-to-market on real estate? And congratulations on the change by FASB of rule 157, which has lessened some of the pressure on mortgage-backed securities and the valuation of those, which has helped some bigger institutions. But there are lots of things that could have gone wrong and some that did. We need to have all of them on the table, the best minds in the business looking at it, and we need to have a bipartisan, unfettered, comprehensive recommendation on what we need to do to ensure that it never, ever happens again.

I urge the President and our leadership to be cautious in moving ahead regulatorily without first getting the facts together. We are in an environment now where everybody does know what the rules are as they exist. In the few months ahead, long before this Commission reports, a lot of decisions will be made that will be dependent and predicated upon the environment the investment community thinks they are operating in or at least knows they are operating in today.

We have some bumps ahead. Commercial mortgage-backed securities are the next shoe to drop in this economic compromise we have been through, although those mortgage-backed securities are not in trouble as much because of their underwriting as they are from the effects of the poor underwriting of the residential mortgage-backed securities that caused a collapse of those markets and those securities. That comes ahead of us.

We have another wave of adjustments in terms of residential mortgages. That is not over. We have the pending problem of the number of mortgages in foreclosure, more performing, good loans at one time than subprime-originated loans at their beginning, meaning the unemployment rate and the protracted decline of the economy is contributing to people who were paying and are falling behind on payments on their houses. Now, because values have declined, they recognize they are better off to leave than to try to sell the house because they can't get anything out of it. We must put an end to this decline. We can best do it by having all the facts necessary at our disposal to know what went wrong when, who did wrong where, and what we need to do as quickly as possible to prohibit this from ever happening again.

I spent 33 years of my life in the private sector in the real estate business. I know lots of people in that business, and I know how much the families they represent, the customers they have had, and the families themselves have suffered in the months past and the pending suffering yet to come.

This is the most important thing this Senate and Congress can do, to do a forensic audit and diagnosis. Let the chips fall where they may and then make the corrections necessary so it never happens again.

I am happy to commend our leadership for their expeditious appointment of highly qualified and talented people. I hope all in this body will pay close attention to what they say and do and not rush to judgment thinking we know the answer, when all of us really know this Commission is essential to finding out what really did happen and what we really do need to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of Colorado. 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.

Mr. UDALL of Colorado. Thank you, Mr. President.

Mr. President, I rise today as a member of the Armed Services Committee in the Senate to support this bipartisan bill in front of us that is critically important to our national security.

I applaud Chairman LEVIN and Ranking Member MCCAIN for their leadership in guiding this bill to the floor today. They have done a tremendous job. I also want to acknowledge the expert staff they have been ably supported by who serve on the committee the Acting President pro tempore and I are both so honored to be a part of.

I am particularly grateful to them for including provisions important for Colorado, including $560 million in authorized military construction.

I would like to highlight in particular the military construction dollars for Fort Carson, which is in the wonderful city of Colorado Springs and the County of El Paso. Millions of dollars have been allocated to Fort Carson for military construction projects to prepare to expand the post so it could house a 47th Brigade Combat Team, and millions more are in the pipeline for fiscal year 2010.

But the future of that funding was put in doubt when Defense Secretary Gates announced earlier this year that the Army would not create a new brigade combat team at Fort Carson.

I remain disappointed that brigade will not be coming to Fort Carson, at least in the near future. But I understand Secretary Gates's concern that we need to fill out the brigades we have, expand the amount of dwell time service members have between deployments, and meet readiness requirements before we create new brigades.

Still, I wanted to ensure that Fort Carson and the Colorado Springs community are not punished because of the Army's decision. Many of the soldiers at Fort Carson live and work in substandard buildings. They still need new barracks, mess halls, vehicle maintenance shops, and other infrastructure—even if that new brigade combat team will not be located there.

A number of faculties were scheduled to be replaced in future years anyway, so with the dollars we have kept in the bill, the 43rd Brigade Combat Team will get its updated facilities a few years early. I am pleased the committee worked with me to preserve the most important construction dollars at Fort Carson. This ensures the soldiers at Fort Carson will have the quality of life they deserve.

The bill also includes language I offered in the committee with Senator

LIEBERMAN that studies the benefits and risks of reducing the planned number of BCTs from 48 to 45. The relationship between the number of brigades and dwell time and demands on specific military occupational specialties, so-called MOSs, is complicated. I want to make sure the reduction of BCTs results in the upsides we expect and does not present unforeseen problems or downsides.

Staying on the topic of what is important in the bill to Colorado, there is $246 million in funding to keep the cleanup of the Pueblo Chemical Depot on track. This will allow the destruction of weapons there and the cleanup at the depot to be completed by the congressionally mandated date of 2017. Significantly, the bill funds the disposal, onsite, of these hazardous wastes left after the chemical treatment of the mustard agent. I worked with the people of Pueblo to fight a proposal to ship this waste offsite, so I am glad the bill underscores the DOD's commitment to onsite disposal. It is the safest thing to do and makes the most sense.

Finally, in regards to Colorado, the committee approved an amendment I offered regarding reimbursement for health care providers, such as Pikes Peak Behavioral Health Group in Colorado Springs. This center, and many centers like it, want to help our soldiers and their families, but TRICARE—which is the civilian health care system for military personnel and their dependents—cannot keep up with the high costs of medical care, and sometimes providers are not reimbursed at all for their necessary services.

In particular, TRICARE providers are not reimbursed for providing case management services for soldiers with PTSD and traumatic brain injury, known as TBI. If we help these soldiers stay in treatment, if we make sure they get their medical appointments, and if we generally coordinate their care, we end up reducing costs, and we help those soldiers and their families who are facing these challenges with mental health function in their communities.

So this amendment directs the Defense Secretary to assess the efficacy and cost of case management services for those with serious mental health problems. My hope is the study will show the benefits of case management and then help further the DOD consider covering this important service under TRICARE.

If I might, let me turn to the broader legislation because it includes many provisions that do not directly relate to Colorado.

The bill supports our service members, and it keeps Americans safe. It authorizes $679 billion for defense programs, with $129 billion going to our ongoing operations in Afghanistan and Pakistan.

First and foremost, the bill focuses on our military's readiness needs. We need to do all we can to help make sure our men and women in uniform—who voluntarily put their lives on the line for us, and who have been stretched to the limit by repeated deployments—have the training, the equipment, and the facilities necessary.

To help our men and women in uniform support themselves and their families, the bill provides a 3.4-percent, across-the-board pay raise, as well as an extension of stop-loss pay for 2 more years. That is an important number.

Importantly, this bill gives Afghanistan the attention it deserves. I had the great privilege of traveling to that part of the world recently, and I think there is a window of opportunity to try to arrest deteriorating security conditions in both countries and to work with the civilian governments in Afghanistan and Pakistan to achieve stability and security in this all-important region.

This is not about ''staying the course.'' This is about finally committing resources and attention to an area that is a critical front in the war against Islamic extremism and correcting the mistakes and missteps of recent years.

That is what the bill would do. It would refocus our attention on this important region. It would protect our troops in harm's way by providing funds for MRAP all-terrain vehicles to be deployed in Afghanistan and additional Blackhawk helicopters to give mobility to our troops.

Our bill also supports the training and equipping of the Afghan Security Forces, as well as efforts to help the Pakistani Government understand and implement a counterinsurgency strategy on the part of their military forces.

Moreover, our bill cares for our wounded warriors. It expands TRICARE benefits for certain military retirees. It requires mental health assessments of service members prior to deployment, and it calls for an increase in the number of military and civilian behavioral health personnel.

We also include a comprehensive review of the activities of the Department of Defense for the prevention, diagnosis, and treatment of substance abuse disorders among service members. This is particularly important in light, today, of a report that has been released—the EPICON study—that directly focuses on Fort Carson.

This is a study that was initiated last year to examine the records of Fort Carson soldiers who have been involved in violent crimes since returning from Iraq and Afghanistan. The Army Surgeon General, Lieutenant General Schoomaker, put together a team of experts to identify any commonalities among the violent crimes.

I had a chance to sit down with General Schoomaker yesterday. He and his team have concluded that although risk factors alone do not explain a ''clustering'' of crime in the 4th Brigade Combat Team of the 4th Infantry Division—the 4 of the 4—a combination of factors converged to increase the risk that these soldiers would be engaged in violent crime.

One concern General Schoomaker expressed was that the stigma and lack of referral to the Army Substance Referral Program for required substance abuse screening may have increased the overall risk of violent behavior. The general talked about the need to reduce barriers to treatment for alcohol and drug abuse, which is an Army-wide concern. He mentioned pilot projects ongoing at a number of posts where soldiers who ''self-identify'' a substance abuse problem can get treatment without the knowledge of their commanders, helping them seek treatment without fear of appearing weak in the eyes of their superiors. I will be urging the Army to establish a similar pilot program at Fort Carson.

Mr. President, let me turn to the bill and what is notable for what it does not include. There are policies that are difficult to change because they are antiquated and no longer reflect the reality of our society. The failed policy, ''don't ask, don't tell,'' is a good example. But the fact that it will be difficult to repeal does not mean we should not try.

Since the implementation of this program in 1993, the Armed Forces have discharged over 12,000 brave and qualified combat troops—code-breakers, medical and intelligence specialists, and skilled translators—simply for being gay. This includes over 300 service personnel who have been discharged since President Obama took office.

Mr. President, this is 2009. I believe this discriminatory policy undermines the strength of our military and the fairness of our great Nation. We are engaged in two wars. It is counterproductive to discharge service members who have critical skills to winning these wars, even as the military has to spend scarce dollars to replace them. In my opinion, we need to bring the injustice of this policy to the forefront now, and I plan to work with my colleagues and with the administration to see that we accomplish, in a timely manner, the full repeal of ''Don't Ask, Don't Tell.''

There are things this bill doesn't include that it shouldn't include, such as spending on underperforming, unnecessary, and outdated weapons systems. It took courage for Secretary Gates to make the recommendations he did, since it is never easy to stop spending programs in our Defense budget. But we need to stop funding programs that significantly exceed their budget and we need to stop spending limited dollars to buy more capability than the Nation needs.

There are also provisions in this bill that shouldn't be included, such as additional spending on the F–22. I voted in committee against an amendment to add $1.75 billion to the bill to purchase F–22 aircraft that the military does not

want, does not need, and says we cannot afford. The F–22 is a valuable, capable aircraft, but the question is whether we need more than 187 F–22s to meet the Nation's requirements, and there is bipartisan agreement that we do not. Presidents Obama and Bush, two Secretaries of Defense, three Chairmen of the Joint Chiefs, and current members of the Joint Chiefs agreed that 187 aircraft are sufficient.

So let me conclude by saying that this is a good bill. It is a bill that balances the need to sustain our current war-fighting abilities with the need to prepare for the next threat to our national security. It is critical that we are able to meet the operational needs of our military today, even as we continue to prepare our men and women in uniform to be the best trained and equipped force in the world.

This is a good bill for our Nation and for my home State of Colorado; it is a carefully drafted and considered bipartisan bill, and I urge its passage.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Senator from Colorado, not just for his statement and for his support for this bill but for his work on this committee. He has made a major contribution already. We look forward to his continuing work with us. As he knows and has so well expressed, this is a bipartisan effort on the part of the committee. It is important that we continue that way, and his instincts have shown already very dramatically that those are his views as well.

So I thank him very much, not just, again, for the support of an amendment that we plan on getting back to as soon as we dispose of the hate crimes bill but also, and even more importantly, for his great work on our committee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

TRIBUTE TO NORM COLEMAN

Mr. INHOFE. Mr. President, I wish to pause for a moment. I know we are on the bill, and I am most anxious to proceed with the Defense authorization bill, having served on the committee since 1994 and before then in the House. It is imperative now that we get as robust a bill as possible.

Before doing that, let me mention one thing because I haven't yet spoken about this. I have been watching several of our colleagues who have come to the floor to speak about a great Senator, Norm Coleman, who is no longer seated in the Senate but who is a remarkable character.

A good friend of mine, Paul Weyrich, who recently died, wrote an op-ed piece, and it is called ''The Workhorses and the Show Horses.'' He talked about so many of the Members of the House and the Senate who are out there just to make themselves look good. They are the ones who are show horses. Then there are the workhorses. We talk about someone such as Norm Coleman, who was always there and getting deeply involved in issues, many of which are not popular issues if you are using them to run for reelection. I am thinking of a close friend, a mutual friend of ours named Ward Brehm. Ward Brehm and I have been working together for a long time on some things in Africa, as the Chair is aware, and he was talking about being from Minnesota and how much involved Norm Coleman got in various international affairs issues that don't have any votes behind them, but he was willing to do it. Every time you turned around, he was willing to do things that other people weren't willing to do.

I remember several years ago when he and I met with a delegation from Burundi and Rwanda and the DRC. This was a group that was over here in conjunction with the National Prayer Breakfast. He and I always worked together during the time that we had the National Prayer Breakfast. We would get these people to come all the way over here from different countries, but we kind of concentrated on Africa. I remember him standing there talking about, for a long period of time—keep in mind he is a Jew. I was never real clear where in New York he was from—I think the Bronx or someplace. But anyway, he was very strong in the Jewish community, and I am not. I am on the Christian side. But we would always get together and talk to them about Jesus and talk to them about loving God. And then when he would pray—at the end of these things, we would offer a prayer, and he would end up giving a prayer in Hebrew—an amazing guy.

At the National Prayer Breakfast African dinner 2 years ago—I had sponsored the dinner that was for all the Africans who had come over for the Prayer Breakfast and stayed for the African dinner—he was a major player in that. So these are things people didn't know about Norm Coleman.

The idea is scripturally based; it is Acts 2:42. It is kind of a genesis of these weekly Prayer Breakfasts in the Senate. On Wednesday mornings, we had a Prayer Breakfast and about 20, 25 Senators showed up every Wednesday and Norm Coleman was the chairman of that and was always in these groups. But he was also one who was helping us in forming these same groups with members of Parliament from all over Africa. He was a tireless worker in that effort, which was not something out there to get any votes.

I talked to him the other day, having gone through this election and then the 8 months or so, whatever it was, in recounting and all of that. I told him that many years ago I was mayor of Tulsa, and I did a pretty good job, I thought. I was supposed to win hands down. Someone came out of obscurity and because of a set of circumstances that should have gotten votes, not lost votes, I had lost unexpectedly on that Tuesday.

Well, we had scheduled our Tulsa Mayor's Prayer Breakfast the next morning. Bill Bright, who died not too long ago, came by as the speaker. Keep in mind, here he was the speaker at the Mayor's Prayer Breakfast the morning after I lost the election. He gave the most brilliant speech. I remember how he said it and the words he used. He said: A lot of times we think in terms of what is happening to us today, looking at our own careers, but, he said, God is still up there and there is a plan for all of us. He said in a very clear way that I thoroughly understood, the day after I lost the election I wasn't supposed to lose, that God opens a window and he closes a door and that window is going to be bigger. I can tell you right now I wouldn't be doing what I am doing today if it had not been for that.

So I would just say about my friend, Norm Coleman, God has a plan in mind for you, Norm, and it is one we will look back someday and say perhaps this is the best thing that could have happened to you. In the meantime, we love you, Norm, and God bless you.

AMENDMENT NO. 1511

I wish to also speak in terms of a program that I think a lot of people don't understand, and on which I know there is honest disagreement.

The F–22, people have said, is something like a Cold War aircraft. It is not. To quote Secretary Donnelly and General Schwartz both, because they both said the same thing, they said the F–22 is unquestionably the most capable fighter in our military inventory, not just air to air, as some on this floor have insinuated, but also precision attack air to ground, as well as intelligence collection. In contrast, almost every other piece of military equipment in our inventory today—air, land, and sea—is Cold War equipment that needs to be replaced.

I think about the Bradley vehicle. It has been around since the 1960s. I think about the Abrams tank. It has been around since the 1970s. I think about the Paladin, even though we have had about five major upgrades on the Paladin, that is our artillery beast, and that was actually World War II technology where you had to get out of the thing after every shot and swab the breach. You hear that and people can't believe it. Well, fortunately, we are going to go through an improvement on that. But the point I am trying to make is most of the stuff we have is Cold War stuff and to find that F–22 isn't needed because it wasn't flown in Iraq and Afghanistan, I think, is pretty narrow-minded. We have a lot of people we have to defend America against for contingencies that we don't know are out there and we don't know what our needs are going to be. The need certainly wasn't there in terms of Afghanistan and Iraq, but we don't know where the next enemy is going to be coming from or what the next contingency is. I wish we did. I can remember being on the House Armed Services

Committee my last year there in 1984. We had people testify. They said—these are smart people. They said: You know, in 10 years, we will no longer need ground capability. And look what has happened since that time.

So no matter how smart our people are, there is no way we are going to be able to determine where the next guy is going to come from and what our capability is going to have to be. Is it going to be in the air, sea, strike vehicles, lift capacity, cannons? So we need to keep that in mind because the only thing we have in the form of a fifth-generation fighter is the F–22, and it is uniquely designed and equipped to penetrate a hostile environment and be a savage air dominance for our ground forces. The F–22, I look at it as an investment in the future, not just 10 years down the road but 20 years and beyond. What we build today is going to have to be able to determine and deter and defeat adversaries for decades. Just look at the age of our entire military today. We talked about all these vehicles, but we have such things as the national security in long term, 40 years. We can't even see what we are going to need 10 years from now.

Now we talk about the F–35. Well, the F–35 is great. I am a strong supporter of the F–35 and working on it and getting it up as fast as possible. Its mission requirements are not the same as the F–22. The F–22 is out flying today, and we have that capability today. Only five F–35s are flying, and it is still in the testing period. It is impossible to assess the full capabilities of the F–35 until operational tests are completed in, I think, 2014. Well, that is 2014. This is 2009. There is a lot of time between now and 2014.

While we discuss cutting the only fifth-generation fighter in production today, China and Russia are continuing to move forward with the development of their fifth-generation fighters. I think they call the Chinese one the J–12 and the Russian is the T–50. They are out there right now talking about building these things. Today our Legacy, our F–15s, F–16s, F–18s are less capable than other fourth-generation fighters, such as the SU–27 and the SU–30 series aircraft.

I might remind the President that we have—we already know other countries are buying these capable fourth-plus generation aircraft that are better than what we have now, except for the F–22. We know of one sale, and I remember this—it has been quite awhile ago now—for F–27s from China, 240 of these. Now they are talking about cutting our number of F–22s—and I will talk about the numbers in a minute—down to the 187 and stopping the amendment that would increase that by seven vehicles. I don't want to see our Legacy fighters outmatched by fifth-generation fighters developed by China and Russia. I have always said our pilots are better, our training is better, but they have to have at least comparable equipment to survive.

So our air-to-air threat is only one aspect of the threat our Air Force faces today. Our surface-to-air threat remains to be a real serious problem. You just think about what the Russians are making now, the S–300s and the Chinese 4000s. They are capable of tracking up to 100 targets and getting as high as 90,000 feet in the air.

Now, that is priceless. These systems that make penetrating hostile airspace difficult and deadly for a legacy aircraft, including unmanned vehicles, such as our Predator, which has performed brilliantly, are uncontested facts. Only the F–22, with its advance stealth technology and weaponry and supersonic speeds, can successfully penetrate what we call denied airspace, hunt and destroy strategic ground targets during the day or night, and collect and provide battle intelligence and awareness, and maintain our superiority in the air.

The Air Force officials have repeatedly stated no less than 243 F–22s would be sufficient to maintain a moderate level of risk. We are talking about the deaths of Americans. If that is the goal, that is what we should have. In the beginning, it was 750 F–22s. We have slowly gone down. That is what this amendment is about today.

GEN John Corley, Commander of the Air Force Combat Command, said:

> At Air Combat Command, we have held the need for 381 F–22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F–22s puts the execution of our current national military strategy at high risk in the near to mid term. To my knowledge, there are no studies that demonstrate that 187 F–22s are adequate to support our national military strategy. Air Combat Commandment analysis, done in concert with the Headquarters Air Forces, shows a moderate risk force can be obtained with an F–22 fleet of approximately 250 aircraft.

So we are talking about a bare minimum number, and whether it is 243 or 250, that should be a bare minimum number.

While the F–22 hasn't deployed to Iraq or Afghanistan, a theater security package of six F–22s are on a continuous rotation to Guam in the Pacific Theater of Operations and have been forward deployed in Japan.

Why? Because it is the only fighter capable of stealthy penetration of North Korea's air defenses.

Finally, there continues to be allegations about the costs and operations of the F–22—to include an article last week in the Washington Post. The bottom line is, these allegations are false or intentionally misleading. The F–22 cost per flying hour is $19,750, not more than $44,000, as they were trying to say. The F–22 maintenance trends have improved from 62 percent to 68 percent. The F–22 skin is not vulnerable to rain. Finally, the fly-away cost for F–22s multiyear this Congress approved is $142.6 million, not $350 million.

One final point on all of these supposed studies about the F–22: We have been through this before with the approval of the multiyear and are going through it again. I have been briefed on both classified and unclassified studies, and while the range of numbers varied, each study concluded that 183 F–22s is not enough. So we need to continue to build the F–22s and look at exporting this aircraft to our allies. Fortunately, some of that is taking place today. Japan, Australia, and Israel have expressed considerable interest in the purchase of F–22s.

Nations around the world realize the F–22A Raptor is the only operational fighter-bomber available that can successfully defeat and destroy air and ground threats of today and tomorrow.

So what we are talking about is—in the markup, we increased the number by seven aircraft. The chief mover of this, I have to say, was Senator SAXBY CHAMBLISS. As I told him, this is not enough. He agreed, but it was the most we thought we could do.

I believe when the time comes for an amendment to cut that number down, we need to give serious consideration to that amendment and not allow it to pass.

There is an expectation of the American people—and I have gone through this before with other airframes and other ground platforms—the American people think we give our kids who go into battle the very best of everything. I can tell you that is not true. I gave an example. There are five countries, including South Africa, that make a better non-line-of-sight cannon than we have today.

To me, that is unacceptable. It is unacceptable to the American people when we explain that is the situation. The F–15, F–16, and the F–14 have done a great job, but they need to move on to the fourth and fifth generation, and the only way to do that is with the F–22, which has been a success story.

GUANTANAMO BAY

I have another interest I want to share today, and that has to do with Gitmo. People are probably tired of hearing me talk about Gitmo, but I think we are about to make a mistake. The administration is making the demand that we close Gitmo. I have stood on the floor of the Senate many times and talked about my experiences there—the fact that anybody who wants to close Gitmo, if you ask why, they will say that for some reason people associate that with the types of torture that allegedly went on at Abu Ghraib and all of that.

This has nothing to do with that. There has not been a documented case of waterboarding at Gitmo. It is a state-of-the-art prison.

When President Obama talked about the 17 locations in America where we can take terrorists and relocate them from Gitmo to America, one happened to be Fort Sill in my State of Oklahoma. I went down to Fort Sill, and there was a lady in charge. She is a young major in charge of the prison where they would put these terrorists.

She said, ''I don't understand what people are thinking.'' This young lady, named SMA Carter, said she had two tours at Gitmo, and it is designed for terrorists. They have a court system where they can do tribunals.

We have six classifications of security in Gitmo. It is one of the few good deals the government has. We have had it since 1903. I have told the Presiding Officer this before. We only pay $4,000 a year for it. Do you have a better deal than that in government? There isn't one.

I have to say the terrorists are still at war with the United States, and we are legally entitled to capture and hold enemies and fighters in the hostilities. We detain terrorists and supporters to prevent them from returning to the battlefield, saving the lives of our service men and women and the lives of civilians who are innocent victims. I have spent a lot of time there. I am familiar with some of the terrorists there who are really bad people. They want to kill everybody who is listening right now. That is their mission in life.

We have had about 800 suspected al-Qaida and Taliban terrorists who have been sent to Gitmo since 9/11—people who are really bad. I looked through there, and we saw Khalid Sheikh Mohammed. He was the architect of 9/11. There was also the guy who was the explosives trainer for 9/11, who provided information on the September 2001 assassination of the Northern Alliance leader, Masood, and on the al-Qaida organization's use of mines. There was also the terrorist financier who provided detailed information on Osama bin Laden's front companies. There was the Taliban fighter linked to al-Qaida operatives connected to the 1998 East Africa Embassy bombings. Remember that, in Tanzania and Kenya? Down there we also had an al-Qaida explosives trainer who designed a prototype shoe bomb for destroying airplanes, as well as a magnet mine for attacking ships.

These people are unlike the types of prisoners we have had in other wars. If we look back during any of our wars, we had soldiers fighting for their countries. These people are not soldiers fighting for a country. They are fighting for a cause, and that cause is to destroy us.

To date over 540 prisoners have been transferred or released, leaving approximately 230 at Gitmo. They include members of al-Qaida and related terrorist organizations, planners of major terrorist attacks worldwide, including 9/11. These are the types of people there.

The intelligence gained from detainees at Gitmo helped the United States and its allies identify, exploit, and disrupt terrorist operations worldwide, saving untold lives. There have been a number of terrorist attacks. For a long time, they were classified, but most are no longer classified.

In 2007, the Senate voted 94 to 3 on a nonbinding resolution to block detainees from being transferred to the United States, declaring:

> Detainees housed at Guantanamo should not be released into American society, nor should they be transferred State-side into facilities in American communities and neighborhoods.

On May 20, 2009, the Senate voted 90 to 6 on a bipartisan amendment by myself and Senator INOUYE to prohibit funding for the transfer of Gitmo detainees to the United States. Unfortunately, the supplemental appropriations conference report deleted that provision, allowing detainees to be transferred to the United States for trial.

If we put them into our Federal system—I can speak this way because I am not an attorney, so I can stand back and cite the obvious. If we do that, then the rules of evidence are different.

There are a lot of these guys who are picked up, and even now they talk about Miranda rights. That blows my mind when I think about it—when this goes on now and we have the opportunity to get these people and extract information from them. Thinking about the idea of trying them in the Federal court system where, if they cannot get a conviction—and many times they could not for one reason, which is that the rules of evidence are different.

When they were captured, they went by the rules of evidence for military tribunals. So we could have some who would be turned free, and many of them in the United States.

Recent polls show that a majority of Americans oppose closing Gitmo and moving detainees to the United States. By a margin of 2 to 1—which is huge in polls—those surveyed said Guantanamo should not be closed, and by more than 3 to 1 they oppose moving some of the accused terrorists housed there to prisons in the United States.

Again, one of the prisons the Obama administration talked about of the 17 prisons happened to be in Oklahoma. It should be obvious to everybody if we have 17 locations where we are housing terrorists, that becomes a magnet for terrorism—17 magnets in the United States.

A recent Fox News poll said President Obama made a mistake when he signed the order to close Gitmo. Seventy-seven percent of all Americans say that was a mistake, that Gitmo should not be closed, 60 percent of all Americans, up from 53 percent in April and 45 percent in January. You can see the trendlines. The vast majority—nearly two-thirds—is saying he should not close Gitmo and Gitmo prisoners should not be transferred into prisons in the United States. Sixty percent of all Americans say that is true. Sixty percent in polling is a huge number, a vast majority.

I encourage Senators who will be voting on this significant amendment to keep that in mind. Since President Obama announced he intended to close Gitmo, it has become widely circulated that these detainees could be transferred to American prisons for prosecution in U.S. criminal courts and potentially released in the United States. Moving detainees to prisons here would require significant investment in restructuring existing facilities and would cost taxpayers millions of dollars.

Currently, the United States only has one Supermax facility located in Florence, CO. According to the Bureau of Prisons, as of May 21, ''only 1 bed was not filled at Supermax.'' So if we want to give maximum security to these people, such as Khalid Sheikh Mohammed, we better decide who is going to be in that one bed because we don't have the capacity. The capacity of all the high security Bureau of Prison facilities at the beginning of this month was 13,448 inmates, while the total prison population was approximately 20,000.

So what we are talking about is they are overcrowded, and that is flat not going to happen. Despite claims by Senator DURBIN that the Supermax prisons in the United States are ready to receive Gitmo detainees, the Supermax prisons in the United States are at or above their maximum capacity.

FBI Director Robert Mueller said there is the very real possibility that the Gitmo detainees will recruit more terrorists from among the Federal inmate population and continue al-Qaida operations inside the walls of prison. That cannot happen in Gitmo because they are all terrorists there. That is how the New York synagogue bombers were recruited, in our own prison system.

In 2002, an entire wing of a jail in Alexandria, VA, was cleared out for the 9/11 ''20th hijacker,'' Zacarias Moussaoui, to be housed for his trial—just for one detainee. Bringing Gitmo detainees to the United States could also place America and its citizens at risk by inevitably creating a new set of targets for the jihadist terrorists. Gitmo, on the other hand, is a state-of-the-art prison. I cannot find anyone who has gone over there, including unfriendly media, media that was bent on closing Gitmo—once they go over there and see it, almost all of them change their mind. It is a state-of-the-art facility that provides humane treatment for all detainees. It is fully compliant with the Geneva Conventions and provides treatment and oversight that exceed any maximum security prison in the world, as attested to by human rights organizations, the Red Cross, Attorney General Holder, and an independent commission led by Admiral Walsh. This is state of the art, and this is not a place where torture takes place. It is the only facility of its kind in the world that was specifically designed to house and try these types of dangerous detainees.

If President Obama ever decides to visit Gitmo, I am sure he would equally

be impressed as everyone else, including, I might say, Attorney General Holder. He came back and gave a glowing report and said how great this was and, at the same time, said the President still wants to close it.

When you look at the Gitmo situation, there are, on average, two lawyers for every detainee. There are 127 doctors and nurses. The ratio is 1 to 2 in terms of health care specialists to take care of these prisoners. Here we are talking about health care in this country. Maybe they want to go to Gitmo. They would be a lot better off. Current treatment and oversight exceeds that of any maximum security prison in the world.

There is also a $12 million expeditionary legal complex. This is very significant because if we are going to do tribunals, we cannot do tribunals in our court system in the United States because it is not set up for that. Obviously, there are some things in testimony that takes place that have to be private. You cannot have these things go out because that would endanger American lives. We spent $12 million on this complex. It is a courtroom at Gitmo to try detainees, and specifically that is what it is there for. It is the only one of its kind in the world, and it provides a secure location to try detainees charged by the Federal Government. They have full access to sensitive and classified information, full access to defense lawyers, and protection by the full media, access by the press. But it is set up to take care of that specific type of an incarcerated individual.

Senator HARRY REID declared, in a press conference after my bipartisan amendment was adopted, that ''We will never allow terrorists to be released into the United States.'' I applaud Senator REID for that statement and hope he will stay with that because that is something the American people are not willing to tolerate.

He went on to say he opposes imprisoning detainees on U.S. soil, saying:

> We don't want them around the United States . . . I can't make it any more clear than the statement I have given to you. We will never allow terrorists to be released in the United States.

Senator DURBIN said:

> The feeling was at this point we were defending the unknown. We were being asked to defend a plan that hasn't been announced.

I think Senator DURBIN was correct then and is correct now.

There are lots of questions, very few answers. What is the impact? Let's say we close Gitmo. What is the impact of placing detainees in the U.S. prison system—pretrial and posttrial? Has an assessment been done to determine the risk of escape, as well as potentially creating targets in the United States for terrorist attacks? Will Gitmo detainees be segregated from the regular prison population? Keep in mind, these guys are trained to recruit. That would be a garden spot for them to get into the American prison system to recruit people to become terrorists. What facilities exist in the United States today that can hold these detainees? We talked about that. They tried to locate 17 facilities, and it will not work.

By the way, the State legislatures in each one of those States that have one of these facilities have passed resolutions or some type of a document saying: We don't want them in our States. That is what they are saying from the States, and we need to listen to them. One might ask, where will the military commissions be held—at Guantanamo or the United States? Obviously, if you close Guantanamo, you lose that facility. Assuming military commissions are held in Guantanamo, where will detainees who are convicted serve out their sentence, if not there, because there is no other place that has the capability of doing that. There are all these questions.

What additional constitutional rights will a detainee gain if they are tried in the United State versus Guantanamo?

Are there differences in the rights awarded to detainees tried in a Military Commission versus civilian court? Could location or geography affect the right afforded to detainees—somewhere in the U.S. versus Gitmo?

How do we handle protection of classified information during trials?

What are the long-term implications on future conflicts of trying these detainees in a civil court versus military commissions?

Why is the administration reading Miranda rights to some detainees captured or held in Iraq and Afghanistan? How many are being read Miranda rights? How many have invoked their rights?

What is the impact of requiring the reading of Miranda rights to terrorists captured on the battlefield and advising them they have the ''right to remain silent''?

What if a detainee is found not guilty—where will he be released?

What does the administration plan to do when a Federal judge orders the release of a detainee but the administration knows is too dangerous to release of transfer?

What do you do with a detainee you cannot try or release due to national security concerns?

Despite not having a plan, the administration continues in its quest to empty Gitmo regardless of the cost or the risk.

The Obama administration initially talked with the small South Pacific island of Palau, population 20,000, to accept transfer of a group of 17 Chinese Muslims currently at Gitmo, called Uighurs, at the cost of some $200 million. That is $11.7 million per individual. This is not a cheap thing he is talking about doing. The total cost to build Gitmo was only $275 million. As I said, it has been on lease since 1903 for $4,000 a year. The Wall Street Journal just yesterday had a government official who said that well over 50 detainees have been approved for transfer to other countries and that negotiations are continuing with Saudi Arabia to take a large group of Yemeni detainees. Attorney General Eric Holder has estimated that more than 50 detainees may end up on trial by U.S. authorities. This news comes as more and more Americans are growing opposed to the closure of Gitmo, placing them unnecessarily at risk in order to satisfy political goals.

I think we need to stop, sit back, take a deep breath, and look at some of the things that are going on today. The idea that we would have Miranda rights for terrorists, people who have killed Americans, is pretty outrageous.

Finally, on June 9, the Obama administration again went against the will of the Congress and the American people by transferring the first Gitmo detainee to the United States for his trial in New York City.

Ahmed Khalfan Ghailani has been indicted for the 1998 al-Qaida U.S. Embassy bombings in Kenya and Tanzania that killed more than 224 people, including 12 Americans. Ghailani was later captured in Pakistan in 2004 while working for al-Qaida, preparing false documents. Intelligence shows he met both bin Laden and Khalid Shaikh Mohammed in Afghanistan and remained a close associate with al-Qaida until his capture in 2004.

This bonafide terrorist will have the privilege of a U.S. civilian court trial in the United States—I think it is New York. To me, it is inconceivable that could happen. The press reported that Ghailani was smiling when the charges were read to him in New York.

Despite the Obama administration's intentions, they will find themselves in a position where they cannot even try or safely transfer or release Gitmo detainees. As of May 2009, 74 transferred/released detainees have returned to the fight—74. These are the ones we captured again. We know they returned to the fight. How many more are there out there? If you release these people, they go right back to their practice of killing Americans. Former Guantanamo Bay inmate Mullah Zakir, also known as Abdullah Ghulam Rasoul, is leading the fight against the U.S. Marines in the Helmand Province in Afghanistan. He surrendered in north Afghanistan in 2001, was transferred to Gitmo in 2006, and then released. He is out there killing marines today. That is what is happening currently. There is no alternative to Gitmo.

I go through all this not to be disagreeable with anyone except to say there is an answer, and there is only one answer.

Today, we are considering the Defense authorization bill. I have an amendment to that bill. I now have, in a matter of 3 hours, 22 cosponsors. This is amendment No. 1559 to the Defense authorization bill, S. 1390. This does something very simple. I like simple bills because they cannot be misunderstood. They are not like the health insurance bill with over 1,000 pages no

one has read. They are not like the cap-and-trade bill that passed the House with no one reading it, over 1,000 pages. This is just two pages. That is all. It is easy to read. Let me tell you what it says. I am wrong, it is one page. It says an amendment offered by Senator INHOFE:

Sec. 1059. Prohibition on transfer of Guantanamo Detainees.

No department or agency of the United States may

(1) transfer any detainee of the United States housed at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or its territories.

That is No. 1.

No. 2 is, we cannot ''construct, improve, modify, or otherwise enhance any facility in the United States or its territories for the purpose of housing any detainee described in paragraph (1) . . .''

No. 3: We cannot ''permanently or temporarily house or otherwise incarcerate any detainee described in paragraph (1) in the United States or its territories.''

That is a very simple solution. It is all in three sentences on one page.

I have a feeling there are going to be many people who know that we are on the right side of this issue, know that the American people are overwhelmingly, by more than two to one, in support of an amendment such as this, and are going to offer some amendment full of loopholes that will still allow them to close it. It will sound good. But this is the only one out there.

Mr. President, I say to my colleagues, if their interest is to really do something about keeping Gitmo open, there is only one vehicle out there. We are on it right now—the Defense authorization bill. That is amendment No. 1559. All it does is prohibit us from transferring any detainee from Gitmo to any facility in the United States of America or its territories; it prohibits us from constructing, improving, modifying, or otherwise enhancing any facility in the United States or its territories for the purpose of housing any detainee described in paragraph 1 above—that is the terrorist; and No. 3, it prohibits us from temporarily or otherwise incarcerating any detainee described in paragraph 1 in the United States or its territories. Period. That is all it does.

I say to those two-thirds people of America, there is a vehicle now we can use to make sure that facility, one of the really true state-of-the-art resources we have in this country, stays open and keeping those detainees, those terrorists out of America. If you want to keep them out of America, this is the way to do it.

Mr. President, 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.

Mr. INHOFE. 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.

GLOBAL WARMING

Mr. INHOFE. Mr. President, I notice no one else is on the floor right now. I was only going to address those three subjects, but I do want to make a couple of additional comments. If anyone comes in and seeks the floor, I will come to a close.

There is one other major issue that we are dealing with right now—we have had a number of hearings—and I would like to kind of put it in perspective so people will understand.

There are a lot of complaints around the country about the cap and trade bill that was passed by the House of Representatives—interestingly by one vote over the majority—which is 219. Most of the bill actually was written at about 3 o'clock in the morning and passed the same day—a thousand pages. I applaud JOHN BOEHNER over there for saying that we want to establish some kind of a program whereby anything we are going to consider on the floor should be on a Web site so all of America can read it at least 72 hours before it is voted on. I applaud that, and I hope we will be able to do that.

I certainly hope we will be able to do that with a bill that I am sure will be passed from the Environment and Public Works Committee of the Senate—the cap and trade bill that has yet to be drafted. The chairman of that committee, Senator BOXER, has stated it is going to basically be the framework of the Waxman bill from the House that was passed by a margin of 219 votes to 212, I think it was.

Anyway, that at least gives us something to talk about. I would like to go back historically to my first exposure to this whole issue. Back about 10 years ago, when we had the Kyoto Treaty, the Kyoto Treaty was a treaty the Clinton-Gore administration was trying to get us to ratify in the Senate. It was a treaty that would establish a cap-and-trade type of arrangement to limit the number of CO_2—and the proper term is anthropogenic gases—anthropogenic, man-made gases, methane, CO_2.

The theory behind that, and I believed it at that time because everyone said it was true, was that these man-made gases were causing global warming. I assumed the science was there and was settled. As I say, everybody thought it was. It was at that time that the Wharton School of Economics came out with the Wharton econometrics survey. That survey quantified how much it would cost America in taxes if we in the United States ratified the treaty and lived by its requirements. The result was in the range between $300 billion and $330 billion a year.

Now, I have often said one of the most egregious votes ever taken in the Senate was the vote that took place in October of 2008 when we gave an unelected bureaucrat the $700 billion to do with as he wished. It was just unconscionable. I voted against it. I was opposed to it, but we lost. We did it, and now, most of the people who voted for it, are sorry. I tried to equate at that time what $700 billion was, and I said if you take all of the families who file tax returns and pay taxes and do your math, it is $5,000 a family—$5,000 for every American family, not just the ones in Oklahoma but everywhere. So I thought, as bad as that was, that was a one-shot deal. If we pass cap and trade, we are talking about a $300-plus billion tax increase every year, not just once.

So at the time we looked at this, and the Wharton School came out with these figures, I thought, let me be sure in my own mind, as a member of the Environment and Public Works Committee, that the science is there. So I looked into it, only to find out this whole thing came from the United Nations' IPCC—the Intergovernmental Panel on Climate Change. All we have seen are just the reports not from scientists but from politicians on the summaries they give policy donors. So we started talking to real scientists only to find out that really well-established scientists—and this is 10 years ago—who looked at this said: Well, yes, there could be a connection between man-made gases, CO_2, and global warming. However, it is not a major significant contribution.

Now, to fortify this, then-Vice President Gore was trying to build his case on why we should ratify this convention and he did his own study. He hired a guy—one of the top scientists in America—named Tom Wigley to do an analysis. Now, here was his challenge. If all of the developed nations in the world—America, France, Western Europe and the rest of the developed nations—would ratify this treaty and would live by its emission requirements, how much would that lower the temperature in 50 years? So if all the countries in the developed nations did this, how much would it lower it in 50 years? The result of the study was seven one-hundredths of a degree Celsius. Well, I said that is not even measurable. And I said, if his own scientist says that, we have to have a wake-up call here in America. And that is when I made this statement that people have been throwing at me for 10 years—the idea of the notion that man-made gases significantly contribute to global warming is probably the greatest hoax ever perpetrated on the American people.

Well, when we stop and look back now at what has happened in the scientific community, many members of the community were the recipients of grants and had those grants held up unless they would come in and say, yes, we are going to have to do something about CO_2 in order to stop global warming.

By the way, I have to just say that at this time we are in our ninth year of a global cooling. People seem to forget we have been going through these ups

and downs all throughout recorded history. God is still up there, and we are going to have warming and cooling periods.

The same individuals who are so hysterically behind this idea of passing a cap and trade—putting a huge tax on America at this time—are the same ones in 1975 that were saying we are going to have to do something because another ice age is coming. Well, anyway, this has been going on for a long period of time.

So as we have progressed through the years, more and more scientists have come over who were on the other side. And I call to mind now, just from memory, Claude Allegra, from France. Claude Allegra is a socialist over there—very prominent scientist. He was marching through the aisles with Al Gore 15 years ago, and he has now reversed his position and said, wait a minute, everything we thought from the modeling didn't happen. This thing is not real. He is solidly on the skeptic side now, saying I was wrong back then. This Claude Allegra is the guy Sarkozy now is talking about putting in as the environmental minister of the country of France. Now that is the caliber of people we are talking about.

David Bellamy was the top scientist in the U.K. and David Bellamy was solidly on the other side 10, 12 years ago. He is now saying, we have looked at the modeling and we have changed and this is just flat not true.

A guy named Nir Shaviv from Israel, another top scientist, he was on the other side of this issue and he has now come over.

And for my colleagues who want to really see the fortification, see the numbers we are talking about in terms of scientists who have reversed their position, go to my Web site, Inhofe.Senate.Gov, and look it up. There are a lot of speeches I have made from the floor of the Senate, but one was about the 700 scientists, most of whom were on the other side of the issue and are now saying the same thing as Claude Allegra, David Bellamy, Nir Shaviv, and others have said because they have changed their minds on this thing.

So clearly the science has turned around, and that gives a sense of urgency for some people who want to respond to some of the extremists—mostly in California, and mostly in Hollywood—to go ahead and pass something. Get something passed and get it passed quickly. It is kind of like health care. They want to get it passed before people have a chance to read it.

So now we have a bill that is going to be put together and drafted in the Environment and Public Works Committee, which was going to be coming to the floor of the Senate prior to the August recess—just a few weeks from now—but Chairman BOXER has now decided to put it off until after the recess. I applaud her for that, because time is not the friend of the people who are trying to make believe we are going to have to pass an expensive tax to address what they consider to be a more serious problem than I consider it to be. And during the August recess, during those 30 days, you are going to have a lot of Members of this Senate be approached by people—such as people in the agricultural community.

I had the opportunity of going and talking to the National Farm Coop the other day and discussing with them what would happen if we were to pass a cap-and-trade system and what that would do to the farmers of my State of Oklahoma and all throughout America. Stop and think about it. Seventy-one percent of the cost of a bushel of wheat is in fertilizer and in energy costs. That is what would go up. So you would be talking about doubling the price of wheat, or I could use soybeans or any other commodity. It would be disastrous for our farmers in America.

So the years have gone by, and slowly people have caught onto this thing, and that is why there is such a sense of urgency by people who want to pass this before the public realizes what it is. Fortunately, the public already understands, and the vast amount of recent polling shows that, just like the issue of closing Gitmo, which I talked about a few minutes ago, they are solidly on the side of not passing a cap-and-trade tax which would constitute the largest tax increase in the history of America to address a problem that people aren't really sure exists to start with.

So I think we will defeat that in the Senate. It will, of course, pass out of the committee. It is a very liberal committee. I love everyone on that committee, but they will pass anything that has to do with a cap-and-trade package, so it will be on the floor of the Senate. But it will not pass the Senate. And the reason I say that is we have had several votes in the Senate—the House had never had any votes. We have considered this five times, and actually voted three times—2003, 2005, and 2008.

In 2003, it was called the McCain-Lieberman bill. At that time, I was the only one on the floor. For 5 days, 10 hours a day, I talked about this and was trying to defeat that thing. For 50 hours, only two or three Senators came down for a short period of time to help me. Now, fast forward from 2003 to 2005 to 2008. The bill was called the Warner-Lieberman bill. We had 23 Senators who came down, and it didn't take 5 days to defeat it; it was just 2 days.

So I think in terms of passing the tax increase called cap and trade, they have about maybe 34, 35 of votes, and it takes 60 votes in the Senate to pass it. Really, I am happy our forefathers were divined and inspired when they thought of the two Houses so we could have checks and balances.

So I think that is what will happen. I know there are other names I could mention but cannot because some of the things I know are at a level of confidence. But some of the new Senators who have been elected, they don't really want to go back and say—whether Democrats or Republicans, but, in fact, it is the Democrats I have in mind—saying to the people who have just elected them: Aren't I doing a good job for you, coming back from my first session and passing the largest annual tax increase in the history of America? That isn't going to happen, Mr. President. People are so sensitive right now with the level of spending that is going on in this country.

I can remember in 1993, it was the first year of the Clinton administration, and I was complaining at that time on the floor—I was serving in the House of Representatives—of the huge tax increase he was pushing, and all of the things that were going on—with gun control, the Hillary health care, which we all remember. At that time, I remember complaining on the floor: He even has a budget of $1.5 trillion. Well, guess what. This one is $3.5 trillion. We can't sustain that. We can't do that in America.

So I think one at a time we are going to have to stop these expensive programs, one being the health care program—I know we can't afford that—another being cap and trade. I think we will defeat that, and I believe America is now going to look a lot more carefully, and they are going to applaud the efforts being made to make sure any bill that comes up for consideration of this magnitude should be on a Web site, as Mr. BOEHNER suggested, and several other Senators have suggested, including myself, for at least 72 hours so we and the American people can read and see what it is going to be. I can assure you, if that had happened when the cap-and-trade bill passed the House, it would not have passed the House.

With that, I see there is someone else on the floor wanting to have the floor, so I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, what is the status of the Senate right now?

The ACTING PRESIDENT pro tempore. The Senate is in consideration of S. 1390.

Mr. MENENDEZ. Mr. President, I rise to talk about the pending amendment. Let's all imagine a situation. You are a 25-year-old, a father of two, it is night and you are walking home across a park. A group of teenagers come near and they throw a slur at you. When you respond and their verbal attacks escalate, they are nasty. They seek to dehumanize you because of where you were born, how you look or how you speak. There is a fight, four on one, in which you are pummeled to the ground and kicked in the skull repeatedly.

As you lie on the pavement in convulsions, foam oozing from your mouth, life slipping away, there is one more insult. They yell a warning to anyone who looks like you or talks

like you that they will do the same thing.

Imagine you are this man's two little children. Your father spends 2 days in intensive care, his face bruised and swollen, his head bandaged, tubes everywhere, and then he passes on from this world. You will never remember your father holding you or feeding you or kissing you; you are too young. What you will remember is growing up without a father. He was the victim of a needless death from a senseless beating, a beating fueled by red-hot hatred for the type of person he was.

The one hope for some small measure of fairness so that these two young children will one day know that justice was served after their daddy was killed would be an appropriate conviction for this unthinkable crime. But in the courthouse the verdict is read. The most serious charges, the most appropriate charges, are discarded. At most, two of the four young men who committed this murder in a bigoted rage will spend less than 2 years—less than 2 years—behind bars. But they could be there for as little as 6 months—6 months in jail. But this man, this father, he is gone forever.

It is as sad and heart wrenching a situation as you can imagine. How we wish it was only that, a horror story we simply imagined. But it is not a figment of our imagination, it is a dose of reality. This nightmare scene actually happened, and it did not happen in a society less open than ours, nor did it happen 100 or 200 years ago. It happened exactly 1 year ago in Shenandoah, PA, less than 150 miles from where this Chamber is; less than 50 miles from my home State of New Jersey.

Luis Ramirez was the target of the vitriol and the beating; struck in the chest so hard he bore a bruise in the shape of Jesus Christ from the medallion he wore on a chain around his neck. As he lay, seizing from the deadly blows, if he had still been conscious what he would have heard were words that, uncensored, do not befit the Senate.

> Tell your [expletive] friends to get the [expletive] out of Shenandoah or you will be [expletive] laying next to him.
>
> Tell your [expletive] friends to get the [expletive] out of Shenandoah or you will be [expletive] laying next to him.

This in the 21st century, in the United States of America, the land of the free—all men created equal—life, liberty, and the pursuit of happiness. Not for Luis Ramirez. He may have been born originally in a different country, but he was just as human as you or I. It did not matter. He was cursed and battered and put down like an abused animal would be, in the United States of America.

The people who did this, the people who beat their fellow man to death, treating him as subhuman—this gang gets a veritable slap on the wrist.

We can change that—no more circumstances such as that, not with this legislation. There is no better prosecutor of hate crimes in our country than Federal law enforcement. They are tough on these hate criminals and they are determined to serve justice in each and every one of these cases. If we are to make sure hate crimes are treated with the seriousness they deserve, if we are to make sure would-be perpetrators think twice, Federal law enforcement must have a greater involvement.

I can hear opponents of this legislation, this particular amendment: This is 2009. The President is African American. It is a reaction to an insignificant problem.

Ask Luis Ramirez, if you could. I would ask them to consider this, from the Leadership Conference on Civil Rights: Between 2003 and 2007, hate crimes reported against Hispanics increased not just a little bit but by 40 percent. In 2007, Hispanics were the target of 60 percent of hate crimes committed based on ethnicity, signifying an increasingly sharp rise.

But this is not just a problem confined to the Hispanic community. The man who packed up his rifle, got in his car, drove to Washington, entered a building, opened fire, and claimed the life of a noble security guard—he didn't just do that at any building. He did it at the Holocaust Museum, because this murderer hates Jewish people, hates them enough to kill.

Let's never forget the namesake of this legislation, Matthew Shepard, a University of Wyoming student who had his whole life ahead of him before it was snatched away on an October night in the countryside near Laramie. Two men, uneasy with Matthew's sexual orientation, drove off from a bar with him, only to beat him mercilessly with a pistol and rope him to a fence, as if a warning to the gay community. They hated Matthew because he was gay. He lost his life because he was gay.

I ask those who would argue against this legislation, how many more tragic stories do we have to hear before we make our laws tougher? How many more? Do we have to hear another story, such as the one of Jose Osvaldo Sucuzhanay, a father of two and native of Ecuador who ran a real estate agency, who was headed home with his brother from a bar after a church party. These brothers walked around the Brooklyn street with arms around each other, like men in Latino cultures often do.

Up drove three men, yelling slurs that were both homophobic and racist, they belted Jose on the head with a glass bottle. They smashed his head in with a metal bat. They continued to beat him and kick him and beat him and kick him. He clung to life for 2 days in a hospital and then he died.

How many more stories? Do we have to hear another story such as that of Marcelo Lucero? He, too, was born in Ecuador and he, too, was a real estate professional and he, too, was killed simply for the way he looked and the way he spoke, the innocent victim of a senseless gang of teenagers on Long Island, driving around in search of ''some Mexicans to [expletive] up.''

Here is how the prosecutor described this assault:

> Like a lynch mob, the defendant and his friends got out of a car and surrounded Mr. Lucero.

Like a lynch mob—in the 21st century in the United States—they beat Marcelo and stabbed him to death.

How many more of these stories? How many more? Do we have to hear another story such as that of Walter Sanchez? His horrific story happened earlier this year and it happened in my home State of New Jersey.

Walking to a restaurant with his cousin, a car with five men pulled up. Calling Walter a Hispanic son of a [expletive], they beat him senseless. He was one of the lucky ones, escaping with his life, but he still underwent hours of reconstructive surgery to put many of the bones in his face back together.

Again, how many stories do we have to tell? It is time to stop asking and it is time to start acting. We can pass this legislation and know, while there is still a ways to go until we have wiped our society clean of bigotry and hatred, we will have made it harder for the perpetrators of these evil acts to escape justice. As the law is written now, there are too many ways in which those who commit hate crimes can escape the kind of justice Federal law enforcement is prepared to bring.

Sometimes these loopholes are bewildering, even perverse. Remember the story of Luis Ramirez, whose murderers will serve as little as 6 months in jail? The cruel irony is that the deadly beating he suffered occurred in the street, not in the park 100 feet away, the park where Luis had walked minutes, if not seconds, before he was battered. If this murder of a hate crime had taken place in that park, it would have been Federal law enforcement's business. The delivery of justice may have been different. As it turned out, local law enforcement, some of whom were related to the assailants, took 2 weeks to arrest the four men, and we know how the rest of the process turned out.

We can all agree, a hate crime is a hate crime—whether it is in the park or in the street, on the grass or on the pavement, 100 feet this way or 100 feet that way. A hate crime is a hate crime.

I sponsored, when I was back in the New Jersey legislature, the law that became one of the first landmark pieces of legislation on hate crimes in our country. I said then that we cannot eliminate hate with the passage of a law, but we can send a clear societal message that we do not tolerate such crimes against individuals because of their race, because of their religion, because of their ethnicity or, for that matter, their sexual orientation.

Hate crimes are hate crimes. They are all an affront to the set of values

upon which this great Nation stands, and they all deserve the full scrutiny of our Federal law enforcement.

It is time to pass this legislation. I urge my colleagues to vote in favor of the amendment and make sure each hate crime is met appropriately with justice.

I ask you to remember, as I started this speech, that father kicked to death, with the two children who will never ever know their father as so many of us are fortunate to know ours. Remember when you cast your vote. Think that, but for the grace of God, it could be you. That is how momentous this decision is. That is how important this legislation is. That is why justice is served with the passage of this amendment.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, the facilities and services located at Ohana Nui and Camp Catlin, and designated as excess, were established at the behest of the U.S. Navy in the 1950s for the benefit of our military and their families. Not-for-profit organizations responded to the needs identified by the Navy to assist our military. The relationships formed between the military and surrounding community have grown over the past 50 years at Ohana Nui and Camp Catlin including schools for children in prekindergarten through high school. It is my hope the Department of the Navy will consider the Federal Real Property Management Regulations regarding adjusted fair market value when making their determination for the Ohana Nui and Camp Catlin property.

Mr. BEGICH. Mr. president, today I submitted amendment No. 1572 to S. 1390 that would provide for earned retirement payments to be restored to a group of selfless heroes in Alaksa.

In 1942, after the Alaska National Guard was called overseas, a group of brave Alaska Native men formed a group called the Alaska Territorial Guard, ATG. These men helped protect the territory of Alaska during and after World War II by conducting scouting patrols and constructing military airstrips. The brave men received no pay or benefits for their sacrifices during their time of service in the ATG. After disbanding in 1947, many of these former ATG members continued their service in the army and Alaska National Guard and other services.

Recognizing the heroic and patriotic actions of the ATG members, in 2000 Congress passed a law that made former members of the ATG eligible for veterans' benefits. In 2008, approximately 25 of these guardsmen, mostly Native Alaskans in their mid-to-late eighties, were issued military retirement credit for their period of service in the ATG and began receiving a modest $500 a month in retirement pay.

However, in January of this year, the Defense Finance and Accounting Service abruptly ended these payments based on a finding that a misinterpretation of the law had resulted in erroneously awarding these payments. These men, who live in remote areas and rely on this payment for day-to-day needs, were devastated by the unexpected decrease in their monthly income.

Understanding the significant financial impact experienced by these heroes and their contributions during World War II, the Secretary of the Army provided them 2 months of pay from the emergency and extraordinary expense fund. The Alaska Legislature, further cushioning the economic loss experienced by this courageous group, enacted a bill that temporarily restores the entitlement to the ATG members until the earlier of the date that the Federal Government restores the entitlement or February 1, 2010.

My amendment permanently restores the earned Federal entitlement benefit to members of the ATG for their service. As Members of the Senate, it is our responsibility to take care of those who have served and sacrificed. Earlier this year, this body supported restoring this entitlement to the ATG in the Senate-passed budget resolution, S. Con. Res. 13. I ask my colleagues to support this amendment to honor those who have served.

Mr. President, amendment No. 1573 to S. 1390 would authorize the Department of Defense to reimburse military families for costs incurred for transport of a second personally owned vehicle on a change of permanent duty station to or from Alaska, Hawaii, or Guam.

Current law only authorizes servicemembers to be reimbursed for the cost to transport one personally owned vehicle. As with their counterparts in civilian life, many military families today own and rely on a second vehicle. For example, a significant number of military members live off base and commute to work, while their spouses work as well, making ownership of just a single vehicle impractical for most families.

Some military families ship their second vehicle back to the lower 48 States or Alaska, Hawaii, or Guam at their personal expense. Shipment of a second personally owned vehicle to Alaska, Hawaii, or Guam, or to the lower 48 States from these locations can cost our servicemembers as much as $2,000 out of pocket.

Other times, they opt to sell their second vehicle prior to the move and repurchase a second personally owned vehicle upon arrival of duty station. This is a costly option resulting in severe financial loss.

The current policy of reimbursing military families for only transport of one personally owned vehicle is an outdated policy that unfairly impacts the finances of these families who rely on a second vehicle to sustain their needs.

Authorizing reimbursement for a second privately owned vehicle will greatly enhance the quality of life for our servicemembers and their families stationed in Alaska, Hawaii, and Guam, and those returning to the lower 48 States and the District of Columbia from those locations, and will alleviate the unnecessary financial burdens on these families. I ask my colleagues to support this amendment.

Mr. CHAMBLISS. Mr. President, I have listened to the debate all day with regard to the national defense authorization bill, and, frankly, it is one of the frustrating aspects of serving in this great body, to sit here and debate an issue like we have debated over the last couple of days and to think that you are going to come to the floor of the Senate and to cast a vote on a very important measure that has been characterized by Senator MCCAIN earlier as one of the most important pieces of legislation or amendments that we will have—and I agree with him that is the case—and all of a sudden we are thrown into an entirely different atmosphere with regard to what has taken place on the floor.

All of a sudden we are not talking about defense, we are not talking about our troops, we are not talking about the national security of the United States, we are talking about hate crimes.

We are in some very difficult times with respect to the national security of our country. While Senator MCCAIN and I disagree on the issue of the F–22 and this amendment, he and I agree strongly—and it is why he is my dear friend and why we agree on most things—about the fact that we ought to be here debating defense issues and voting on defense issues.

It truly is frustrating. I know our soldiers in the field can't understand what in the world is going on in the Senate now, when they thought we were going to be debating and voting on amendments that pertained to them—issues such as their pay raise, their quality of life, weapon systems—and all of a sudden we are thrown into doing something else. So I just want to associate myself with the remarks of my friend, Senator MCCAIN, with respect to why we are here.

With regard to what Senator LEVIN said, frankly, Senator DODD, on the other side of the aisle, who has been working very closely with me on the F–22 amendment, he and I had a meeting with Senator LEVIN and Senator MCCAIN on Monday, and informally—or actually formally agreed between the four of us—which is an informal agreement—that we would have a vote on the Levin-McCain amendment on Wednesday morning. We thought that was kind of a done deal.

Now, all of a sudden we have debated and we have talked about this, we have debated it again, we have talked about the amendment, and now we are thrown into an entirely different scenario on the Senate floor when we have been prepared to vote. I would hope we still have the opportunity to vote in the short term on the issue of the F–22.

On that point, just very briefly, Mr. President, I want to state a couple of things with regard to that issue. I made a very long statement yesterday, and I am not going to go back into all the detail with the reference to the why-fors of the F–22 and its value to the national security of the United States, but there have been some comments made on the Senate floor that I think are important to address.

One of those comments made by Senator LEVIN was that I had made a statement that there had never been a study by the Air Force which validated the requirement that 187 aircraft be the top line number for the F–22.

What I said was there have been dozens of studies out there over the years on the F–22, and there has only been one study—and it was an internal study at the Department of Defense, without the input of the Air Force—that said 187 is the number. I want to make sure everybody in this body understands every single other study done internally, as well as outside the Pentagon, outside the Air Force, outside the Office of the Secretary of Defense, or inside, has concluded that the requirement for the number of F–22s we need far exceeds the number of 187. The minimum number that has ever been referred to is 243, which is some 56 airplanes more than the 187 we are talking about now.

Last week, in a hearing before the Senate Armed Services Committee, we had GEN James Cartwright, who is a Joint Chiefs of Staff Vice Chairman, and I asked General Cartwright if there was any study or any analysis done at the Pentagon that validated the number 187. General Cartwright told me:

> There is a study in the Joint Staff that we just completed and partnered with the Air Force which validates the number of 187.

Well, on Monday afternoon, a reporter asked a Pentagon official, and the top spokesman from the Pentagon, Geoff Morrell, made the statement in response to that reporter's inquiry about that study as follows:

> Well, it is not so much a study as work products. What I think General Cartwright was referring to is two different work products, one by the Program Analysis and Evaluation shop and one by the Air Force. Not so much a study.

So what has happened is there have been discussions within the Pentagon to attempt to validate the number of 187. It is pretty obvious what I said on the floor of the Senate remains true, and that is that of all the dozens of studies that have been done on the F–22 requirement, the minimum number that has ever been validated is 243. The number goes up from there all the way to 781, which I think was our original number. The number of 381 is the number that has been used in most of the recent studies as the number we need.

Also, with respect to other statements regarding the Secretary of Defense, the Chairman of the Joint Chiefs, and others who are saying that 187 is the number, that is leadership at the Pentagon. The leadership at the Pentagon has the responsibility for sending a budget to the Senate and to the House, but it is our obligation as Members of the Senate and the House to review that budget—sometimes to agree with it; sometimes to disagree with it. We often disagree with it.

In this case, a number of us disagree with the number of 187 as being the top line for the F–22. That is not unusual. But with respect to what the leadership at the Pentagon has said, let me go back to a letter I talked about yesterday, and it is a letter that has been received from Rebecca Grant, the Director of the Mitchell Institute for Airpower Studies. What she says in her letter to me is: In the letter of July 13 from Admiral Mullen and Secretary Gates, the characterization of F–35 as a ''half-generation newer aircraft than the 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.''

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 contest our electronic countermeasures or reach parity with us.

She also States in that letter:

> If electronic jamming fails, the speed, altitude and maneuverability advantages of F–22 remain. The F–35 was designed to operate after F–22s secure the airspace and does not have the inherent altitude and speed advantages to survive every time against peers with counter electronic measures. Only five F–35s are flying today. The F–35 has completed less than half its testing. Developmental tests will not be completed until 2013. It is impossible to assess the full capabilities of the F–35 until operational test is complete in 2014.

The Secretary of Defense and others in the administration are putting all of their tactical air eggs in one basket, Mr. President. That is a very dangerous road down which we should not travel with respect to the national security of the United States and the safety and security of our men and women.

APPOINTMENT TO THE HELP COMMITTEE

Mr. REID. Mr. President, under an order of May 5 and under the auspices of S. Res. 18, I made a temporary appointment of SHELDON WHITEHOUSE to serve on the HELP Committee, while retaining my authority to make a permanent appointment to the HELP Committee. I now announce that as of today, Senator AL FRANKEN is appointed to serve on a permanent basis to the slot that was occupied by Senator SHELDON WHITEHOUSE.

SENATOR WHITEHOUSE

Mr. President, Sheldon Whitehouse, since coming to the Senate, has truly been a workhorse. There isn't anything I have asked this fine man to do that he has not come forward with enthusiasm to do it. We have seen the brilliant work he has done on so many different occasions as a member of the Judiciary Committee.

His other assignments in the Senate have been just as auspicious as his work on the Judiciary Committee. His background is significant. He has a real interest in health care. His work on the bill that was reported out of the HELP Committee today was essential. All members of the committee, Democrats and Republicans, are astounded at how good he was.

I repeat, he enthusiastically accepted this temporary assignment while we waited for the long, never-ending situation in Minnesota to come to a close. Senator WHITEHOUSE was far from just a seat-warmer. He dove into the issues and, to no one's surprise, was a substantive contributor to one of the most important bills the committee has ever marked up in the history of this country.

Without belaboring the point, on behalf of the entire Senate, I greatly appreciate his service on the committee, and I personally thank him, as does the entire Democratic caucus. I bet if a poll were taken of those who serve as Republicans on the HELP Committee, they would acknowledge his brilliance and hard work. I know Senator KENNEDY, whom we have missed on that committee and the vital work he has done for decades in the Senate, is someone who has watched from afar and applauded Senator WHITEHOUSE.

Mr. President, I came to the House of Representatives in 1982. In that class of 1982 was a young man from Arizona, someone who came with a certain degree of fame. His name is JOHN MCCAIN. He had served our country valiantly during the Vietnam conflict and spent 5 years in a prisoner-of-war camp in Vietnam. I have great admiration and respect for him. I want the record to reflect that my respect for JOHN MCCAIN is very deep. Not only did we come to the House together, but we also came to the Senate together. We were elected together in 1986. Our seniority is as close as it can get. We both have the same amount of service in the House of Representatives, so seniority is determined by how many people are in the State of Nevada and the State of Arizona. There are more people in the State of Arizona than in the State of Nevada, so he is one up on me in overall seniority in the Senate.

Having said that, recognizing who this man is, he was proudly the nominee for Republicans in the last election. I watched his campaign and admired his courage, the stands he took. While I may not have agreed with him,

I recognize he has strong feelings. But so do I.

The senior Senator from Arizona today said he was ''deeply, deeply disappointed'' that what he considers an unrelated amendment; that is, the Matthew Shepard Hate Crimes bill, has been added to this bill, the Defense authorization bill. I wonder on which recent morning did the Senator from Arizona wake up and suddenly feel so strongly. Where has he been in the past? Let me make a couple of comments about the remarks of my friend from Arizona.

First, his is a new outrage over a very old issue. The hate crimes bill was first added to the Defense authorization bill in a previous Congress. I didn't do it. The amendment today was an amendment I offered on behalf of the chairman of the Judiciary Committee and other sponsors of this legislation. Senator LEAHY would have been here, but he is a little busy with the Supreme Court nomination. The hate crimes bill was first added to the Defense authorization bill when George Bush was President, a Republican. Where was the Senator's disappointment then? I heard no big statements at that time, and no one else did.

Second, the Senator from Arizona has evidently not always held the belief he discussed today. This is a new conversion. He has evidently not always believed that bills must only contain amendments that relate directly to the underlying legislation.

It was just a while ago a bill came before the Senate known as the motor-voter bill, a bill to make it easier for people to register to vote. When they got their registration changed on their car, they would at the same time have the opportunity to register to vote. It was a unique and good idea, and it has allowed millions of people to register to vote who ordinarily would not register.

On that legislation, motor-voter, Senator MCCAIN offered a line-item veto amendment. It had nothing to do with registration to vote. So it is hard to understand how his was the kind of related amendment he demands today. In fact, that issue went to the Supreme Court, where the Supreme Court declared it illegal, unconstitutional.

It was a year before that that Senator MCCAIN offered the same amendment to a research bill. Again, it is hard to understand how his was the kind of related amendment he demands today.

Additionally, Senator MCCAIN offered an amendment that would change Senate rules about tax increases to a bill about unemployment compensation. It is hard to understand how his was the kind of related amendment that he suddenly today demands.

He also offered his line-item veto amendment to a bill that would give more rights to blind Americans. It is hard to understand how the line-item veto had anything to do with the visually impaired. But it appears this was the kind of amendment he demands today.

Again, Senator MCCAIN offered an amendment about Medicare to a bill funding energy and water development, having no relation, obviously. It is hard to understand how his was a kind of related amendment that he demands today.

The third point I want to make is that the Senator from Arizona is not alone in offering such unrelated amendments. His Republican colleagues do it all the time. In fact, they are quite fond of doing it.

Where has his outrage been when that has happened, Mr. President? Where has the outrage been from the Senator from Arizona when, for example, one of his Republican Senator friends twice offered an amendment about the ACORN group? This is an organization around the country that is involved in a lot of different things. But he wanted to do an amendment on the economic recovery package related to the ACORN organization. That was a bill, of course, that had nothing to do with voting registration.

Another Republican Senator offered an amendment about prescription drugs to a bill that funds homeland security—no relation whatsoever. Where was the outrage of my friend from Arizona about that?

Another Republican Senator offered an amendment about the fairness doctrine—a fake issue meant exclusively to excite a very small segment of our population—to a bill that would give DC residents, finally, the right to vote. Where was the outrage of my friend from Arizona about that?

Another Republican Senator offered the same amendment; that is, the fairness doctrine; another Senator, same amendment, on the same conjured issue to the Omnibus appropriations bill. That is the bill we passed to keep our government running and complete unfinished business from the Bush administration. Where was my friend's outrage about that?

Another Republican Senator offered an amendment about union dues to that same Omnibus appropriations bill, having nothing to do with what we were trying to accomplish here.

Another Republican Senator offered an amendment about congressional pay to another appropriations bill, having no relationship whatsoever.

Another Republican Senator offered an amendment about rules surrounding charitable donations to the national service bill—no relationship whatsoever. I did not hear my friend say one word about that. The Senator from Arizona did not complain 1 minute about that.

Another Republican Senator offered an amendment about national language to a bill that helps us crack down on mortgage fraud. Now try that one. That is something that might stir up a little outrage but not from my friend from Arizona.

Another Republican Senator offered an amendment on auto dealers to a bill that funds our troops in Iraq and Afghanistan. Where was the outrage on that—an amendment on auto dealers on a bill that funds our troops in Iraq and Afghanistan, the supplemental appropriations bill?

Mr. President, there are lots of other examples. Those are just a few. It is hard to understand how any of these amendments were the kind of related amendment Senator MCCAIN demands today. But it is even harder to understand why the Senator from Arizona did not feel the need to express, as I have said, the outrage he did this morning.

Finally, I want to say that I would gladly, as a matter of principle, keep each of these bills separate; that is, hate crimes, Defense authorization. But the reality is, the Republicans' relentless and reckless strategy of slowing, stopping, and stalling has made it impossible for us to do so. My friend, the senior Senator from Arizona, knows the most recent example of this all too well. His Republican colleagues refuse to let us vote on his amendment, which I support. I support the F–22 amendment. I support that. Why can't we vote on that? This could have been done yesterday, the day before, today, but for the stubbornness of the Senate Republicans.

We have lots of work to do, a lot of priorities to fulfill, and a lot of mistakes in the last 8 years to correct. And we are trying to do that. The bottom line is, we would not have to take the time for such steps if the Republican minority would not waste the American people's time and money by making us jump through procedural hoop after procedural hoop just to do our jobs. Last Congress, 100 filibusters; this Congress, I think we are at 21 already this year—21.

To my knowledge, Senator MCCAIN has never supported hate crimes legislation. If I am mistaken, it certainly would not be the first time, but that is the information I have. It is my understanding he does not think there probably is ever a good time to pass this important and overdue bill.

This is an issue here, a very important issue. And that is the real reason the Republicans, I assume, do not like to talk about the Matthew Shepard hate crimes bill. But I am not afraid to talk about the issue.

A man by the name of Luis Ramirez was picking strawberries and cherries to support his three children and a woman he wanted to marry. When he was not working the fields, he worked a second job in a local factory in Shenandoah, PA. It is a coal town of only 5,000 people.

As he was walking home one Saturday night, six high schoolers jumped him in a park. They taunted and screamed racial slurs at Luis, who came to this small town in the middle of Pennsylvania from a small town in the middle of Mexico. But the boys did not stop with the taunting and screaming racial slurs. That was not enough.

They punched, beat, and kicked him. When Luis's friend pleaded with the teenagers to stop, one yelled back: Tell your Mexican friends to get out of town, or you'll be lying next to him.

These boys stomped on Luis so hard that an imprint of the necklace he was wearing was embedded into his chest. They beat him so badly and so brutally that Luis never regained consciousness. He is dead. On July 14, 2008—2 days after the beating and exactly 1 year ago yesterday—Luis Ramirez died. He was 25 years old.

Hate crimes embody a unique brand of evil, and that is why the legislation is so important. It is terrorism; it is just a different kind than we normally see or think of. A violent act may physically hurt just a single victim and cause grief for loved ones. But hate crimes do more. They distress entire communities, entire groups of people, and our country.

Our friend, Senator TED KENNEDY, has for many years courageously fought for the legislation Senator LEAHY and I offered as an amendment today to the Defense authorization bill. Senator KENNEDY has correctly called hate crimes a form, I repeat, of domestic terrorism. It is our obligation to protect Americans from this domestic terror.

The hate crimes bill will help bring justice to those who intentionally choose their victims based on race, color, religion, nationality, ethnicity, gender, sexual orientation, sexual identity, or disability. Disability—there are examples all the time of someone who may not be what ''normal'' may be; maybe they are mentally challenged. There are all kinds of examples of people for that reason taking advantage and hurting them. That is a hate crime.

Hate crimes are rampant and the numbers are rising. The Department of Justice estimates that hundreds happen every day. Now State and local governments are on their own when it comes to prosecuting even the most violent crimes and conducting the most extensive and expensive investigations. State and local governments will always come first, as they should, but if those governments are unwilling or unable to prosecute hate crimes—and if the Justice Department believes that may mean justice will not be served—this law will let the Federal authorities lend a hand to State and local authorities.

I spent some time yesterday with Judy Shepard. I have five children. I have four boys. I had never met Judy Shepard until yesterday. My wife, within the past few months, had lunch with her and a number of other people and sat next to her. She told me what a wonderful person she is. When I met with her yesterday, the thing she said that was so traumatic to me was: I only have one boy left. Two children; Matthew is dead.

The bill we have is named after Matthew Shepard, Judy's son. He was a 21-year-old college student when he was tortured and killed for being gay—and did they torture, did they torture. And that was not good enough for them. In the cold Wyoming night, they took him, before he was dead, and hung him on a barbed-wire fence.

When Wyoming police pursued justice in Matthew's murder, they needed resources they did not have. Laramie, WY, is where it is. Police could not call in Federal law enforcement for help—the law would not allow it—and their expensive investigation devastated that small police department. It was a police department of 40 people—not all police officers. As all police officers, some of them took care of the little jail, did jail duty, and they were responding to phone calls. Out of this 40-person police department, they had to lay off 5 people so they could prosecute this crime, this vicious crime, this hate crime. But it cost that little town a lot. When this bill becomes law, that will never happen again in Laramie, WY, or anyplace else in the country.

We must not be afraid to call these crimes what they are. The American people know this is the right thing to do. Hundreds of legal, law enforcement, civil rights, and human rights groups know this is the right thing to do. The U.S. Senate knows this is the right thing to do.

This bill simply recognizes that there is a difference between assaulting someone to steal his money or doing so because he is gay or disabled or Latino or Jewish; that there is a difference between setting fire to an office building and setting fire to a church, a synagogue, or a mosque; that there is a difference, as we learned so tragically last month, between shooting a security guard and shooting him because he works at the Holocaust Museum.

It is a shame that we often do not discuss our responsibility to do something about horrific hate crimes until after another one has been committed. It means we always tend to act too late. But does this mean we should not act now? Of course not. It means, in fact, the opposite: it means we must act before another one of our sons or daughters or friends or partners is attacked or killed merely because of who they are.

We must act in the name of people such as Thomas Lahey, who, in 2007, was beaten unconscious in Las Vegas. Why? Because he was gay.

Not far from my hometown of Searchlight, NV, is a place called Laughlin, NV—25 miles away. It is on the river, a little resort community. We must act in the name of Jammie Ingle, who, in 2002, was beaten and bludgeoned to death in Laughlin, NV. Why? They thought he was gay.

We must act in the name of Tony Montgomery, who was shot and killed in Reno. Why? Because he was an African American.

We must act in the name of those who worship at Temple Emanu-El in Reno, a synagogue that has been firebombed time and time again by skinheads. We must act in the name of Luis Ramirez, whom I already talked about who died 1 year ago this week. We must act in the name of Judy Shepard, of her son, Matthew Shepard, whose family has fought tirelessly since his brutal death, his brutal murder, so others may know justice. If their country doesn't stand for them, if we don't stand for them, who will?

The F–22 is an airplane I have seen. A number of them are stationed at Nellis Air Force Base. Nellis Air Force Base has almost 15,000 people who are involved in that air base, civilian and military personnel. We are so proud of that. Nellis Air Force Base is named after Bill Nellis from Searchlight, NV. Bill Nellis was a war hero in World War II. He joined then the Army Air Corps, already having two children, was way beyond the age when he would be drafted, but he volunteered. He served 69 missions before a dive bomber went down in Belgium where he is now buried. We are proud of Nellis. We are proud the F–22s are there. But we have had enough F–22s at Nellis Air Force Base. We have enough F–22s anyplace else.

The F–22 is a Cold War weapon that has not flown a single mission over Iraq or Afghanistan—not one; not a training mission, not any kind of a mission. It is a powerful plane built to fight superpowers. But as we all know, the wars we fight today are not against superpowers. This generation of our military bravely fights a new generation of warfare against terrorists and insurgents. For today's national security needs, the F–22 is an overpriced and underperforming tool. And the nearly 200 we already have in our fleet is sufficient. It is a sufficient deterrent to the potential of conventional war. But some want us to spend at least $2 billion to keep making more of them. That is only the first step. Actually, it is $1.75 billion. I rounded it off to $2 billion. It is a very expensive plane to build and a very expensive plane to fly. It costs taxpayers $42,000 an hour to operate.

This technology is not suited for today's warfare. The radar in the F–22 means that when it flies over heavily populated cities such as the ones in Iraq and Afghanistan, its position is easily given away. We have at Nellis Air Force Base in the ranges there what we call red flag activities.

A couple times a year, we bring our fighting forces there, our air fighting forces, and they do mock exercises. It is a wonderful place, one of the few places in the world this can take place. They do all kinds of good things. Aircraft from all over the world come there to participate in these war games. If the F–22's radar is turned off to avoid being so easily detected, its agility is significantly compromised. We know that. This was proven recently in a recent exercise at Nellis Air Force Base, when an F–16 brought down in a war game an F–22 that simply had turned its radar off in a test fight.

There is broad bipartisan consensus that ending the F–22's production is in our national security interests. Here is a list of some who agree: Chairman LEVIN; Ranking Member MCCAIN; Commander in Chief Barack Obama; the previous Commander in Chief, President Bush; the Secretary of Defense; the previous Secretary of Defense; the chairman of the Senate Armed Services Committee, I repeat; the ranking member, I repeat, of the Senate Armed Services Committee; the Chairman of the Joint Chiefs of Staff; the Vice Chairman of the Joint Chiefs of Staff; the Secretary of the Air Force; the Chief of Staff of the Air Force. Can you believe that? And we are going to try to move forward in doing this, and no one wants it in the military. All of those have prudently pointed out that buying more F–22s that we don't need means doing less of something we do need.

Some have encouraged us to continue making this Cold War-era plane because it creates jobs for those who build them. Being a little bit personal here, the stealth airplane was developed in the deserts of Tonopah, NV. It was a wonderful thing our country did. Each of these airplanes had its own hangar up in the desert because the Soviet satellites came over, and they couldn't come out in the daytime. These pilots were trained so efficiently; everything they did was in pitch darkness, but that is where these airplanes were developed and flown.

There came a time after it became public that we had these stealth aircraft that they had to put them someplace. They put most of them at Nellis Air Force Base. The Pentagon, after they had been stationed there for a matter of months, made a decision: That is not good. We need to move them to New Mexico to an airbase. Pete Domenici, my friend, was concerned about whether they should go to New Mexico or Nevada. I said: Pete, I got a deal for you. I, personally, don't believe that what we do for the military is a jobs program. I think it is to make our Nation more secure. Let's have the General Accounting Office do a study, and if they come back and say it will save the country money and it will make our country more secure if they move them to New Mexico, I am not going to say a word about it. It took the General Accounting Office a matter of a few months to do this. They came back and said these stealth aircraft would be better off in New Mexico, and it will make our country more secure; they can train better there because of how much activity there is at Nellis, and it will save the country money.

That is how I feel about the military. I think we have to have the most sophisticated, secure weapons systems that exist, but it has to be something that is good for our country. It is obvious—with all these people from President Obama to President Bush to the Secretaries of Defense in the past to now—these airplanes are not necessary. They prudently point out that buying more F–22s that we don't need means doing less of something else that we do need.

I repeat: Some have encouraged us to continue making this airplane because it creates jobs for those who build it. I don't believe that is the purpose of why we are here. I understand the importance of jobs, but a more advanced jet, the F–35, which can be used by all branches of the military service, would create similar jobs—jobs that actually will enhance our national security. That is what this is all about. That is what this bill is about, the Defense authorization bill.

Finally, President Obama has pledged to veto this Defense authorization bill if it includes continuing to build this obsolete airplane. And he will veto it. That is a risk, and why would anyone want to take it? I spoke to the President's Chief of Staff yesterday. The President is going to veto this bill. This is kind of an: Oh, he will never do that. He will.

Cutting funding for wasteful programs is good for our economy, good for our workers, and good for the continued military dominance of our country. I oppose continuing to build a weapon that will compromise our national security. I oppose continuing to fund a program that will jeopardize our economy. I oppose wasting billions of dollars of taxpayer money on a plane that doesn't defend us in our wars that we fight today and will not defend us in tomorrow's wars. I support moving our military into today's century the 21st century, not go back to the last century.

Now, finally, let me say this: I have called my friend, the Republican leader, and he will call in just a minute when he has some time because I didn't call him while he was in a meeting. I wanted to speak to him before I came to the floor, but I have something else I have to do tonight. We are going to vote on invoking cloture. We will see if we can get 60 votes on this hate crimes amendment that is on this bill. I would like to work it out so we can do it conveniently for everyone, sometime tomorrow. What I would like to do is set aside some more time if we want to debate more the hate crimes, set aside more time to do that, and if people want to do the F–22, let's do that. Let's get these two out of the way. I can't force an amendment vote on the F–22, but I can force a vote on cloture, and we are going to do that. We will do that tomorrow. Tomorrow may spill over until a little after midnight Friday morning, but we are going to do this. So everyone should understand the hate crimes bill is going to be voted on either tomorrow or very early Friday morning. I have said Friday there will be no votes, and that is by day. This will be in the middle of the night. I hope we don't have to do that, but that is when time runs out on this.

I think these two amendments are important. I understand the anxiety of those who would rather not have hate crimes legislation on this bill. I accept that. But I spent a lot of my time here on the floor, as I have outlined, wondering why in the world other people don't complain when they offer these ridiculous amendments on legislation that is so important. I have indicated that we are going to go back to the way we used to do business in the Senate. I have done that during the time I have had this job. We have this—this year we have had an open amendment process except on rare occasions. I have stood here when we have done abortion amendments, gun amendments, you name it. I have told Senator MCCONNELL I wish this were not the case, but that is why we are here, to make tough votes and easy votes both.

So I hope we can work something out, where we can resolve this matter tomorrow during the daylight hours; otherwise, we will do it tomorrow night.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the majority leader for his words concerning the parliamentary situation we are in. Of course, I am very appreciative of his words about the long service we have shared together, both in the other body and in the Senate. Since I have returned from the campaign trail, I have appreciated his kind words about my service to the country. I must say, while the majority leader is still on the floor, I might point out that they are dramatically different from the comments he made about me during the campaign—not just our political differences but my qualifications to serve and other statements about my character. All those things are said in political campaigns, but I am certainly glad to see sort of a significant change in his comments concerning me, and I am always very grateful.

Can I also say that the distinguished leader said he couldn't understand that I couldn't understand. Well, the thing I can't understand is the fact that the majority leader can, by virtue of being majority leader, put legislation at any time before this body. I have never been majority leader, and in all candor I never want to be majority leader. I think the majority leader in the Senate has a very tough job. I appreciate the hard work he does in trying to move legislation through the Senate. My former colleague and one-time majority leader, Senator Lott, once said that being majority leader of the Senate was like herding cats, and I certainly agree with that assessment.

So let me say I appreciate the work the majority leader does, but if I had been majority leader, I would never have had to do any of those amendments. The majority leader sets the agenda for the Senate. All he has to do if he wants the hate crimes bill up is to schedule it to be taken up and debated and discussed and amended—but in the

regular order of the Senate. Instead, he chooses to put it on the Defense authorization bill, a bill that is vital to the future of the security of this Nation.

I understand his passion concerning hate crimes. I have heard speakers come to the Senate floor all day, and they, in very graphic and moving terms, described events, as I am sure the next speaker will—about the terrible crimes committed in this country by some of the worst of the worst people who have ever inhabited this country.

But the question remains: Why should a bill of this importance—the hate crimes legislation—not have been, at the majority leader's direction, moved through the Judiciary Committee, reported out, and reported to the floor of the Senate? We have been in session since January. I am sure the Judiciary Committee has a lot to do. This has been described by proponents, as they come to the floor, as one of the most important issues of our time. If it is, why not move it through the Judiciary Committee, move it to the floor, and allow us to amend, debate, and discuss the issue? Instead, it is put, as an amendment, on the Defense authorization bill.

That is not right, Mr. President. The fact is, the amendment the majority leader just, very rightfully, extolled, the Levin-McCain amendment—and I appreciate his strong remarks about the importance of it—is the one he wanted withdrawn. The reason we are not debating it now is because the majority leader told the chairman of the committee to withdraw the amendment.

I appreciate his passionate advocacy of this issue. I also want to reemphasize this isn't just about $1.75 billion. This amendment is about whether we are going to change, fundamentally, the way we do business.

If the opponents of the amendment succeed, and we fund additional F–22 aircraft, which as the majority leader pointed out has never flown in Iraq or Afghanistan, that signal to the military industrial complex, which President Eisenhower warned us about is business as usual in our Nation's Capitol.

So this is an amendment that has transcendent importance. The President has guaranteed a veto. The Secretary of Defense came out and staked his reputation on succeeding here and eliminating, bringing to an end the F–22 production line and moving forward with the F–35 production line.

A lot of my friends ought to understand this is not just about cutting or eliminating or ending production of the F–22. It is also about the F–35 aircraft. If I had been majority leader, I would have—when he described those amendments I put on bills that were before the Senate, it was because I could not get them up in any other way.

Let me say this: Hate crimes legislation deserves the attention of the Senate in the normal legislative process with amendments, debate, and discussion. If it is so important, and speaker after speaker, including the majority leader, came to the Senate floor talking about how important and vital it is and all of the terrible things that have happened as a result of, in their view, not having this bill—although that is not in agreement with the U.S. Commission on Civil Rights. But the fact is, then you would think we would want to take it up in the regular fashion and debate it, and that we would want to improve it and make it more effective through the amending process. But, no, we are not going to do that. We are going to take down the pending amendment that is probably one of the most significant amendments we have had in recent history of the Senate—at least as far as defense is concerned—and replace it with a piece of legislation that is complex, certainly controversial, and certainly deserves the full attention of the Senate.

I proposed earlier a unanimous-consent request, which was rejected by the majority, that we move back to the F–22 amendment, that we dispose of this legislation, and then that we move to the hate crimes bill, the Matthew Shepard Hate Crimes Prevention Act, even bypassing the Judiciary Committee, which is not a normal thing to do given the complexity of the issue.

I am deeply moved by the stories the majority leader told, and both Senators from California came to the floor, and many others have given very graphic and dramatic and compelling stories recounting terrible things that have happened to our citizens—horrible, awful, horrifying things. I understand that and my sympathies and thoughts and prayers go out to their families. We must do everything in our power to make sure these kinds of horrendous acts are never repeated.

Let me point out another thing, if I could. There are also men and women in the military who are in harm's way now and who have been gravely wounded. The sooner we enact this legislation, we will make preparation and be able to better care for them.

Mr. President, I don't usually tell these anecdotes. I heard a lot today, and I sympathize with them. Before the majority leader took the floor, I was outside the Senate Chamber. There was a young man there who said he wanted to meet me—a young marine in a wheelchair, badly wounded. He was there with his family. He was escorted by Congressman KENNEDY. I was gratified and moved that he wanted to meet me.

Do you know what. That made me want to come back here and pass this legislation as quickly as possible because this legislation, No. 1, provides fair compensation and first-rate health care and addresses the needs of the injured and improves the quality of life of the men and women of the All-Volunteer Force—Active Duty, National Guard, Reserve, and their families. That is the No. 1 priority of this legislation.

Instead of moving this legislation as quickly as possible through the Senate, we have now withdrawn the amendment and moved on to a piece of legislation that has nothing to do with the purpose and our obligation to the men and women serving this country.

I understand what numbers are, and I understand what the outcome of elections is. I understand there is a majority on the other side of the aisle. But what is being done by withdrawing an amendment that has transcendent importance and putting another totally unrelated piece of legislation in—it may set a dangerous precedent for this body.

This is not a one-shot deal; this the hate crimes bill. This is not an amendment to say you can carry a gun in a national park. This is not a single specific issue bill—hate crimes. We are talking about a very large, encompassing piece of legislation that, by any rational observation, demands to be considered through the proper committee and on the floor through the proper process.

We are now holding up the progress of legislation that is important to the future security of this country and the men and women who serve it, to give them the resources, training, technology, equipment, force protections, and authorities they need to succeed in combat and stability operations.

I understand and appreciate the passion of the advocates of hate crime legislation. They have made it very clear and told compelling stories on the Senate floor. I believe we must take it up and enact it as immediately as possible. What we should be doing is taking up the hate crimes bill in the Senate for full debate and discussion as soon as we finish the Defense authorization bill. There is no connection between the Defense authorization bill and hate crimes. It is a complex and detailed—26 pages, as I recall—piece of legislation.

Again, I appreciate the kind comments of the majority leader, who came to the floor and said he couldn't understand certain things I have done. I hope the majority leader understands better now. If he doesn't, I will be glad to come to the floor again and point out that what we are doing is wrong. It is wrong for us to get off the legislation that provides for the defense and security of this Nation. It is wrong to take up a piece of legislation that should go through the appropriate committee.

This is what we teach kids in school in Civics 101—that a bill is proposed and goes through the proper committee, is reported out, and then it comes to the floor of the Senate for debate and amendment. Instead, we are violating the fundamental rules of procedure of the Senate.

As we continue and vote at 2 a.m.—or whatever it is that we are going to do—

all we will have done is delay the responsibility we have, which is to provide for the security of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that after my remarks, which will be no more than 5 minutes, Senator BROWN be recognized for up to 10 minutes, and then Senator CHAMBLISS be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, first, my dear friend from Arizona has spoken very eloquently about the transcendent importance of the Levin-McCain amendment. I could not agree with him more. We tried for 2 days to get an agreement to vote on that amendment. It is a critically important amendment for the reasons he has given and for the reasons I hopefully have given persuasively around here, and others have as well.

We have this President, the previous President, this Secretary of Defense, the previous Secretary of Defense, this Chairman of the Joint Chiefs, the previous Chairman of the Joint Chiefs, the Vice Chairman of the Joint Chiefs, the Chief of Staff of the Air Force, and the Secretary of the Air Force saying we have enough F–22s. We have to move on to the F–35, which is under production, by the way. We have 30 F–35s funded in this bill.

We have tried to get the Levin-McCain amendment to a vote. We tried to reach an agreement and a time. We could not get an agreement on the time. That is what has then precipitated the decision of the majority leader to move on to the hate crimes amendment. We have simply tried, day after day, to get a vote, without success.

I could not agree more that this is a critically important amendment, and we have to end production of a weapon system that we no longer need, according to top civilian and military experts, and focus more on the F–35, which is going to be used by all three of the services, not just one. It will have greater capabilities in very critical areas than the F–22, and it will cost significantly less than the F–22. But we could not achieve that.

I don't understand the logic or the strategies involved that say we cannot have a vote on the amendment that is pending—Levin-McCain amendment—and then when faced with the majority leader's amendment on hate crimes, forces that to a cloture vote, which is going to be held—in other words, everybody understands both of these amendments are going to be addressed on this bill one way or the other. Nobody can guarantee the outcome on these amendments. But what can be guaranteed is that these amendments are going to be debated on this bill because the majority leader has made that clear for a long time. The procedures of this body allow for it.

The precedents of this body are full of amendments such as this. As a matter of fact, the hate crimes amendment was adopted on the Senate Defense authorization bill 2 years ago, after the same kind of debate. Debate is fair. Debate is important. Every one of us should protect the right of everyone else to debate. Whether it should go on this bill or another, we can debate that. But it is offered on this bill, as was noticed by the majority leader days ago. It is what we have done years ago. It is totally consistent with the rules of the Senate. As a matter of fact, it has been done repeatedly in the Senate.

Maybe we should adopt a new rule that says you have to be relevant or germane to offer an amendment to a pending bill. We don't have that rule, never had that rule, and probably never will have that rule.

But that is the way the Senate operates. These are important amendments. Again—and I am going to close with this—I don't get the logic of not allowing us to proceed to the Levin-McCain amendment because another amendment that some people don't like and don't think should be offered is going to be offered on this bill, when what is certain is that both amendments are going to be offered on this bill. Nothing is accomplished by refusing that vote on the Levin-McCain amendment except delay. That is the only thing accomplished by the refusal of whoever it was who refused to agree to a time to vote on Levin-McCain, nothing was accomplished except delay. And that, I don't think, is in anybody's interest, for the reasons Senator MCCAIN gave.

We want to get this bill passed. We want to get it conferenced. We want to get it to the President, hopefully, by the time this fiscal year is over because the troops deserve us to act.

I am going to vote for the hate crimes amendment. I believe it is very appropriate that it be on this bill. I spoke 2 years ago to this effect, and I will speak again at the right time, perhaps tomorrow if there is time, as to why the hate crimes amendment belongs on this bill. It is an important amendment. It involves acts, as the leader and others have said, of domestic terrorism. The values reflected in the hate crimes legislation are values which our men and women who put on the uniform of this country fight for and put their lives on the line for, a country which believes in diversity, a country that believes you ought to be able to have whatever religion you want, be whatever ethnic group, whatever religious group, whatever racial group you are part of, whatever your sexual orientation, whether you are disabled, regardless of your gender, that you should be free from terror and physical abuse.

That is what the hate crimes law does now, except it does not include some groups who should be included, including the disabled and including people who are gay. That is what is involved here.

It is not a new debate. We debated it 2 years ago. It is not new on this bill. It was added in the Senate 2 years ago.

I hope we can reach an agreement to get to a vote on both these amendments. They are both going to be resolved on this bill. That is a certainty. Again, how they are going to be resolved no one knows. We can guess as to what the outcome will be. They will both be close votes, I believe. Let's get on it and get through those votes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

AFFORDABLE HEALTH CHOICES ACT

Mr. BROWN. Mr. President, I grew up in Mansfield, OH, a middle-class town of about 50,000 people, halfway between Cleveland and Columbus, in north central Ohio. It is a town similar to thousands of other cities in Ohio such as Marion, Zanesville, Xenia, Springfield, Portsmouth, Chilcote, and Ravenna. It is a town not much different from dozens of cities around our Nation.

My dad was a family doctor. He practiced into his late seventies. He lived to be 89 and died about 9 years ago. My dad for years made house calls, caring for his friends and neighbors, regardless of their ability to pay. One patient, I remember, gave my dad a little arrowhead collection after my dad had done very important work for his health.

Today the Health, Education, Labor, and Pensions Committee passed historic health reform legislation that restores my dad's sense of quality and compassion in our health care system.

This legislation was not written for the insurance industry. It was not drafted by the drug industry or any other segment of the health care industry. We remember not that long ago in this Chamber—I remember it more intensely at the other end of the Hall in the House of Representatives where I sat on the Health Committee—we remember in those days the drug companies wrote the Medicare laws, and the health insurance industry wrote health care legislation. Those days are gone. This bill is not for them; it is for the American people.

The health care industry does not like this bill that much. That is because they did not get their way on issue after issue. They did sometimes. They did dramatically on occasion in our committee. But, by and large, this bill is not for them. This bill is for the American people. It is for American families who are afraid that unaffordable health care costs will deny their children a chance for a healthy life.

Everybody in this Chamber has met dozens of children such as that who

needed the Children's Health Insurance Program to keep their families from going bankrupt and to keep their health care going. Children who need this health care legislation, families who need this bill too often choose between medicine and food, between heating their homes in the winter and cooling their homes in the summer on the one hand and going to the doctor on the other.

This bill is for American families that do not have health insurance at all. Maybe they work for an employer who cannot afford to provide health insurance. Maybe they lost their job. Maybe they cannot afford their share of the premium for employer-sponsored coverage. Maybe they have a preexisting condition that makes them undesirable to the insurance industry. Maybe they cannot pay their mortgage, feed their children, and pay for nongroup health coverage. Unfortunately, for many Americans, something had to give. But not anymore. This bill is for them.

Two weeks ago in Columbus, I was having breakfast with my daughter and a friend—a young woman who teaches voice lessons. She just graduated from college. She is working at this restaurant part time while she finds more and more students to teach voice lessons as she begins her business. She does not have health insurance. She came up and said: Are you going to give me health insurance this year?

I said: Yes. It is a commitment of the President of the United States. We are going to finish this bill this year.

I am going to send her a note tonight telling her what we did today.

Not too long ago, I was at a grocery store in Avon, OH, near my home. My wife asked me to find water crackers. I didn't know what water crackers were. I was standing in the aisle, and I asked a guy: Do you know what water crackers are?

He said: They are right there. This is a gentleman who is self-employed and sells food products, mostly crackers and cookies, for a national company. He sells them to local grocery stores in Lorain County. He said to me: I am self-employed. Are you going to pass the public option I need to make sure you can keep the health insurance industry honest and I can get decent health coverage?

I said: Yes, we are—because we are.

This bill is for them. It is for the young woman in Columbus, it is for the younger man in Avon, the man approaching middle age, it is for him.

This bill was developed with a few core principles in mind. First, Americans who like their current health coverage should be able to keep it. If you have good insurance, if you like your employer-based insurance, by all means keep that insurance. Keep what you have. This bill is designed to protect existing coverage while putting downward pressure on health insurance premiums. What is going to happen to those people who now have insurance? Right now if you have decent insurance, you are also paying the cost; when you go to the emergency room with your insurance, you are also paying the cost of somebody who goes to the emergency room without insurance. You are paying the cost that doctors and hospitals and, frankly, taxpayers provide for those people without insurance. You are absorbing those costs.

So when this bill passes, when the President signs this bill in October or November, there is a reasonably good chance that the cost of your insurance, whether you are the employer, whether you are the employee, will stabilize. The costs will stabilize and maybe go down.

I mentioned this bill was developed with a few core principles in mind. No. 1, people who like their current insurance can keep it. No. 2, people underinsured or uninsured should be able to find good coverage and pay a reasonable premium for it. They will have full choice of private insurance or, the third point is, Americans should have choices they want. This bill includes a strong public health insurance option designed to increase price competition in the health insurance industry and to help keep private insurers honest.

And speaking of honest, another principle behind this bill is that health insurers should do what they are paid to do. This bill includes new rules to prevent insurers from denying you coverage for preexisting conditions, terminating your coverage just to save money or excluding you from coverage because of your age or health history.

There are two things going on here: One, we are putting rules on the insurance industry so they cannot keep gaming the community rating system, can't keep imposing preexisting conditions on potential people they insure, can't lock people out who are too sick and they don't want to cover.

First is the rules. Second is creation of a public option, which will mean competition. We make sure insurance companies are doing the right thing by the rules, but we also inject competition, so public option will compete with private insurance companies.

This bill was written for American families, for American patients, for American businesses, and for American taxpayers. This bill is a victory for the thousands of Ohioans who shared with me their struggle for our health care system. It is about retiree Christopher from Cincinnati. He is worried his shattered retirement savings and small pension won't keep up with rising insurance premiums.

This bill is about breast cancer survivor Michelle from Willoughby, OH, Lake County, east of Cleveland, who should no longer live, in her words, ''for the sum of my work is to pay for insurance.''

It is about the children that Darlene, a school nurse from Cleveland, treats each day who struggle in school because they are worried about a sick parent or grandparent who cannot get the health care they need.

It is about small business owner Kathleen from Rocky River, who is trying to do right for her employees but whose small business is being crushed by exorbitant health insurance costs.

It is about Karen from Toledo, whose adult son has advanced MS, and for 5 years she has seen her savings drained, forcing her to drop out of college.

It is about these Ohioans. It is about Ohioans in Lima, Springfield, Volare, St. Clairsville, Pickaway, and Troy. It is about people around this country, the millions who work hard, play by the rules, who still struggle each day with disease and despair. It is about their stories, those who have inspired us to stand with them and not be intimidated by the special interests that are spending $1 million every single day lobbying to try to write this bill—the insurance companies, the drug companies that have had such a huge influence in the Halls of Congress over the last several years but this time did not have the kind of influence they wanted.

Because of this bill, more Americans will be able to afford health care. Crucial national priorities will not be crowded out by health care spending. No longer will exploding health care costs cut into family budgets, wear down businesses, drain tax dollars from local governments, from State governments or from Federal budgets.

This bill uses market competition and common sense to squeeze out an efficiency, to maximize quality to ensure every American has access to quality, affordable coverage.

More work is yet to be done. We have taken a long step toward the day that generations before us have prepared us for, that pushed this government to do more and do better.

This started in the 1930s when Harry Truman wanted to include Medicare or some version of national health care with Social Security but thought he could not get it passed and settled for Social Security. Harry Truman tried in the late 1940s. Lyndon Johnson successfully pushed through Congress, with strong Democratic majorities in each House, to create Medicare. We have tried ever since. This is the time.

I thank Senator DODD for his leadership of the HELP Committee over the last few weeks. It was an impressive and productive process from beginning to end. We worked in a deliberate, bipartisan manner.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROWN. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. We worked in a deliberate, bipartisan manner, spanning 13 days, 287 amendments were debated, and 161 Republican amendments were included in this bill. We worked hard to make sure this bill reflects broad

ranges of views and best serves the American people.

A special thank you to my friend and colleague, Chairman KENNEDY, whose Senate career has been dedicated to providing health care to those in need. Senator KENNEDY's activism and determination made this day possible. My Senate colleagues and I and millions of Americans who may finally see the day when there is quality affordable health care owe him our gratitude and thanks.

In closing, of all injustices, Martin Luther King once observed: ''Injustice in health care is the most shocking and inhumane.''

This day is a victory for Ohio families, it is a victory for seniors and middle-class families around the Nation who deserve the humane justice of an affordable health care system that works for all of them.

We have a historic opportunity to make fundamental improvements to our Nation's health care system. We must not squander it—not in this Nation, not at this time.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONOR FLIGHT VETERANS TRIBUTE

Mr. MCCONNELL. Mr. President, I would like to take a moment to recognize an inspiring group of World War II veterans from the Commonwealth who visited our Nation's Capitol on the 65th anniversary of the D-day invasion. The noble work of the Honor Flight Program and the leaders at its Bluegrass Chapter made it possible for these World War II veterans to visit their memorial on the National Mall free of charge. I have been privileged to participate in previous Honor Flights from Kentucky, and I very much regret that my schedule prevented me from attending the one that took place on June 6, 2009. I hope to have the opportunity to join participants from my home State on Honor Flight trips in the near future.

I wish to express my tremendous gratitude to the 66 Kentucky veterans who were here that day for having served to protect our great Nation's principles from the enemies of freedom. As Americans, we are forever indebted to the heroic men and women of the U.S. military who defend this great Nation and all it represents. In fighting for prosperity and freedom around the world, the veterans of World War II risked everything, earning the title of the ''greatest generation.''

As General Eisenhower said in his message to the troops just before the invasion at Normandy: ''The eyes of the world are upon you. The hopes and prayers of liberty loving people everywhere march with you.'' These words ring true, even after 65 years, as our military continues to challenge threats to freedom, democracy and the American way of life.

Our country continues to do its best to honor the incredible bravery and sacrifice of our men and women in uniform. The Honor Flight Program is a reflection of the admiration and appreciation that all Americans have for the military. I take great pride in representing many brave veterans from Kentucky and in doing what I can to show our Nation's reverence for them.

The names of the 66 World War II veterans from the Commonwealth are as follows:

Richard Straub; George Hoffman; Robert Willman; Charles Junkins; Norman Reiss; William Taylor; Mary Phillips; Walter Brumfield, Sr.; Raymond Bumann; Lawrence Mayfield; Thomas Crump; Albert Tomassetti; Eugene Heimerdinger; Fletcher Williams; Paul Lawson; Millard Allen; Paul Jordan; Joseph McConnell; Harry Greavesl; Robert Bohan.

John McCord, Jr.; Louis Stafford; Walter Martin; Stanley Adkins; James Thomas; William Wilson; Harold Hoover; Kenneth Elliott; Johnie Hayes; Peter Johnson, Sr.; Robert O'Bryan; Frank Rose; Norbert Gnadinger; Martin Lambright; Robert Zangmeister, Sr.; Walter Jewell, Jr.; James Keene; George Pope; Richard Thompson; Orland Warth.

Raymond Ludwick; Arthur Lowe; Ralph Hammerle; Roy Six; Arthur Wissing; Louis Guettzow; Howard Mather; Allen Kessler; Harold Finnell; William Boyd; Wilbert Block; Claude Decker; George Garth; Joseph Wilson; Lloyd Hoagland; William Zeitz; Vincent Heuser; Oscar Disney, Jr.; Nat Bailen; George Keltner; Richard Zogg; Taylor Davidson; Pauline Thompson; Henry Hardy, Jr.; Abner McMaster; Stanley Fischer.

HIV TRAVEL AND IMMIGRATION BAN

Mr. DURBIN. Mr. President, the Department of Health and Human Services has taken an important and overdue step toward ending our Nation's discriminatory ban on HIV-positive visitors and immigrants.

On July 2, 2009, the Department of Health and Human Services published proposed regulations that would lift the HIV travel and immigration ban. This policy change would remove HIV from the list of ''communicable diseases of public health significance.''

While we all know that HIV infection is a serious health condition, it does not represent a communicable disease that is a significant threat for transmission and spread to the U.S. population through casual contact. Officially ending this long-standing ban will help remove the stigma and discrimination often associated with HIV.

The United States is one of 12 countries in the world that ban HIV-positive visitors, nonimmigrants and immigrants. It seems illogical that the United States, a country that is a leader in the fight against the global HIV/AIDS epidemic, should legally ban all non-Americans who are HIV-positive.

The current travel and immigration ban prohibits HIV-positive foreign nationals from entering the United States unless they obtain a special waiver. This waiver is difficult to obtain and only allows for short-term travel. Immigrants who want to become legal permanent residents by applying for a green card are subject to a medical exam. Many individuals who have been denied a green card because of their HIV status confront a dilemma—either they go home where they might not have access to effective treatment or violate American law by remaining in the United States.

The ban undermines public health efforts by keeping researchers, advocates and experts from even entering the country. The current regulation stigmatizes and discriminates against people living with HIV and AIDS without justification and has serious consequences on individuals, families and our Nation. It separates loved ones, denies American businesses access to talented workers, and bars students and tourists from accessing opportunities and supporting our economy. Due to the ban, there have not been any international conferences on HIV/AIDS in the United States since 1990.

The ban originated in 1987, and was explicitly codified by Congress in 1993, despite efforts in the public health community to remove the ban when Congress reformed U.S. immigration law in the early 1990s. While immigration law excludes foreigners with any ''communicable disease of public health significance'' from entering the U.S., only HIV was ever explicitly singled out in the Immigration and Nationality Act. For all other communicable diseases, the Secretary of Health and Human Services determines whether a particular disease is of public health significance and should therefore constitute a ground for excluding noncitizens from entering or immigrating to the United States.

Last year, I strongly supported the Tom Lantos and Henry Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, which Congress passed and the President signed into law. Included was a provision that removed the language from the Immigration and Nationality Act mandating that HIV be on the list of diseases that bar entry to the United States. This provision returned regulatory authority to the Secretary of Health and Human Services to determine whether HIV should remain on a list of communicable diseases that bar foreign nationals from entering the United States.

By proposing this regulation the administration is making a clear statement that the United States does not discriminate against people with HIV and does not endorse misconceptions of the past. I look forward to seeing the proposed regulation finalized in the coming months.

COMBATING CORRUPTION IN AFRICA

Mr. LEAHY. Mr. President, as the world goes through this difficult economic period it is important that we continue efforts that began when times were better.

A June 10, 2009 article in the New York Times entitled ''Battle to Halt Graft Scourge in Africa Ebbs'' notes that because of a series of assassinations, dismissals, and changes in power across the African Continent, some of Africa's previous efforts to fight corruption are weakening. It is estimated that a trillion dollars obtained through corrupt practices changes hands every year around the world, and a large part of it in Africa. This staggering amount is often the revenues from the extraction of natural resources like oil or diamonds, but instead of going to help the impoverished people of the country where the resources are located, it too often goes to line the pockets of corrupt officials. If it were possible to reduce by just one-quarter the amount of money stolen, the amount saved would be five times as much as we spend annually on foreign aid.

On his recent visit to Accra, Ghana, President Obama made it clear that the responsibility for good government and with it, development, in Africa ultimately rests on the shoulders of Africans. He said ''repression can take many forms, and too many nations, even those that have elections, are plagued by problems that condemn their people to poverty. No country is going to create wealth if its leaders exploit the economy to enrich themselves . . . or if police can be bought off by drug traffickers. No business wants to invest in a place where the government skims twenty percent off the top . . . or the head of the port authority is corrupt. No person wants to live in a society where the rule of law gives way to the rule of brutality and bribery. That is not democracy, that is tyranny, even if occasionally you sprinkle an election in there. And now is the time for that style of governance to end.''

I wholeheartedly agree with the President, and I also know that bribery depends on at least two parties—those who get paid and those who pay. Halliburton/KBR, a name we have all become familiar with for brazenly overcharging American taxpayers in Iraq, is reportedly under investigation for allegedly paying over $100 million in bribes in Nigeria in order to secure oilfield contracts. Although we do our best to investigate terrorist financing, U.S. banks are not required to fully investigate the sources of their funds, and the proceeds of corruption can sometimes get through. Offshore shell companies and bank accounts, and lax rules for identification of account holders, make it relatively easy to launder illicit money. The lack of information across borders hampers investigations and prosecution efforts and slows the return of stolen money.

The New York Times article tells the story of Nuhu Ribadu, the former director of the Economic and Financial Crimes Commission in Nigeria, who led a courageous effort to begin to rid Nigeria of its endemic corruption problem but barely avoided an assassination attempt and was dismissed last year after reportedly refusing a $15 million bribe from a state official he was investigating. In testimony before the House Financial Services Committee earlier this year, Mr. Ribadu pleaded that this country do all that it can to fight this global problem saying, ''What can you do as a country, as a good people of the world, as leaders, to help be on the side of the 140 million desperately poor Nigerians?''

While there is no question that this is a problem that requires the hard work and sacrifice of citizens of the countries where these crimes are taking place, we also need to do what we can in the United States to stand with those people who are taking risks to rid their countries of the corruption that destroys governments and whole societies.

There are a few things we can start doing now. We can do more to hold our domestic banks accountable for the money they have. We can put regulations in place that will make the holding of illegal international money no longer a profitable enterprise. We can open up international channels of communication to make sure that, while maintaining appropriate levels of privacy, we provide investigators overseas access to the records they need to track down and prosecute cases of graft in their countries. We should do all we can to prosecute those who receive bribes by cutting off funds and, as much is possible, expanding our courts' jurisdictions to prosecute those who extort money. And finally, we can come down hard on companies in the United States that are using bribery to increase their profitability in third world markets.

This is a problem that many brave Africans have tried to tackle head on, and it has cost some of them their lives. Let us make sure that we are doing all we can to help.

COMMENDING TOM AND MAGGIE RYAN

Mr. LEAHY. Mr. President, I would like to salute Tom Ryan and his daughter, Maggie, of Shelburne, VT, for their goodwill gesture at a recent Boston Red Sox game.

Last week, Tom and Maggie were at Fenway Park cheering on the Red Sox, and they ended up with the baseball David Ortiz—better known in Red Sox Nation as Big Papi—hit over the Green Monster for the 300th home run of his career.

I had the good fortune to meet Big Papi last year at the White House celebration honoring the 2007 Red Sox World Series championship, and I was delighted to learn Tom and Maggie had the opportunity to meet Big Papi too and present him with the historic ball.

In honor of the Ryans, and this important moment in Red Sox history, I ask unanimous consent that a copy of the Burlington Free Press's story, Vermont Man, Daughter Make Big Papi's Day, by Sam Hemingway be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Burlington Free Press, July 12, 2009]

VERMONT MAN, DAUGHTER MAKE BIG PAPI'S DAY

(By Sam Hemingway)

SHELBURNE.—Going to Fenway Park is akin to going to church for die-hard Boston Red Sox fan Tom Ryan.

So imagine what it was like for the 46 year-old Shelburne resident to meet David ''Big Papi'' Ortiz, Boston's beloved slugger—inside the team clubhouse and within sight of the locker room.

Ryan and his daughter, Maggie, had that Red Sox dream-come-true moment Thursday night when Ryan ended up in possession of the baseball that Ortiz ripped for his 300th homer in the first inning of what ended in an 8–6 loss to the Kansas City Royals.

''It didn't get out by much,'' Ryan said, recalling the moment the ball zoomed off Ortiz's bat and hit the top ledge of the Green Monster wall in left field.

The ball ricocheted off the wall and fell to the ground below Section 33, Box 165, Row LL, a spot that overlooks left field half way between third base and the Green Monster.

That's where Ryan and Maggie were, in Seats 5 and 6, when Royals' leftfielder Jose Guillen picked up the ball and, acknowledging the appeals in the seats above, tossed the ball into the stands—and into Ryan's hands.

''We were just excited because it was a Big Papi home run,'' Ryan said. ''People around us were all charged up, too.''

Moments later, a security guard approached Ryan and asked him to come with him. Ryan thought perhaps he had done something wrong and that maybe he and Maggie were going to get kicked out of Fenway Park.

Instead, the guard told him the homer was Ortiz's 300th and that Big Papi had asked for someone to find out if he could get the ball back. Ryan said he was glad to comply with Ortiz's request.

''To me, it was the right thing to do,'' he said.

So he, Maggie and the security guard walked over to the team's clubhouse.

Along the way, a representative of Major League Baseball approached them and questioned Ryan about how he got the ball, just to make sure it really was the one that Ortiz had just hit. Only 19 active baseball players have hit 300 or more homers.

When the group entered the clubhouse to make the ball exchange, a door across the room opened and in walked Ortiz, grinning from ear to ear.

He's a mountain of a man,'' Ryan said. ''Big smile, big hands, big heart. He was genuinely very grateful, kind of giddy, kind of excited.''

Ryan said he asked Ortiz what he was going to do with the ball and said Ortiz told him and Maggie that he had talked to his dad that morning and was going to give the ball to his father while visiting him during the upcoming All Star break.

In return for the ball, Ortiz gave Ryan and Maggie one of his bats and signed it. Maggie,

17 and an incoming Champlain Valley Union High School senior, was with her dad in Boston to check out colleges, and happened to be wearing an Ortiz Red Sox T-shirt.

So Ortiz signed that, too.

''It was just luck,'' Maggie said of the shirt she chose to wear that day. ''I also have a (Jason) Varitek and a (Jacoby) Ellsbury shirt.'' Varitek is the Red Sox catcher, Ellsbury the team's center fielder.

Dad and daughter eventually returned to their seats and passed the Ortiz bat around among their seatmates.

Later in the game, the Major League Baseball person again asked to speak to them, questioning them some more in order to make sure the ball Ryan gave Ortiz wasn't one slugged into the stands during batting practice.

The Ortiz bat now sits on a shelf in the Ryan living room. Maggie has her signed Ortiz T-shirt, but it's unlikely she'll be wearing—or washing—it much more in the future.

Ryan said he asked the Red Sox for one last favor on Thursday night.

Would it be possible, he queried, for him to bring his wife Lucia, and the family's other two children all of them passionate Sox fans—back to Fenway Park sometime this summer and visit with Ortiz again?

''They told me they did not think it would be a problem.''

BUILD AMERICA BONDS

Mr. WYDEN. Mr. President, these days the country's attention has rightly been focused on turning its financial fortunes around and getting people back to work. The President, his advisers, folks in the agencies, and in Congress have been working night and day to find the solutions that will help the nation climb out of the financial hole it is in.

I would like to point out that there is one portion of the American Recovery and Reinvestment Act that is doing just that, but it is not getting a lot of attention. It is a creative solution. It is putting jobs back in our economy. And, most importantly, it is working.

The Build America Bonds portion of the Recovery Act has been a great success, allowing State and local governments to issue more than $9.5 billion worth of these innovative bonds. They have already begun shoring up our infrastructure and putting jobs back in communities where times are tough. That $9.5 billion of investment supports more than 3,000 jobs.

Build America Bonds have been such a quiet success, so some of you might not be familiar with what they do. The provision that ended up in the Recovery Act is based on a bill that, first Senator TALENT, and now Senator THUNE and I have been working on for a number of years.

As included in the economic recovery package, the Build America Bonds provision allows any State or local government that can issue tax exempt bonds to issue what are called Build America Bonds. These bonds can offer either a tax credit for investors or a Federal subsidy to issuers, of 35 percent of the interest earned over the life of the bond.

The bonds can only be issued through the end of 2010, but during that time there is no limit on the number or amount of Build America Bonds that can be issued. One of the reasons I am talking to my colleagues today about them is that the clock is ticking on that deadline, and I want to make sure every Senator here knows how much Build America Bonds can benefit the folks back home. The end of 2010 will be here before you know it.

As communities deal with the recession, they need new tools to finance essential construction projects. Build America Bonds has put a new tool in their toolbox.

Before these bonds started being issued, the market for normal municipal bonds was frozen. It was very hard to sell municipal bonds, but that didn't mean the need for financing infrastructure wasn't still there.

Tax credit bonds, in the form of Build America Bonds, were designed to help thaw the bond markets.

And it has worked. They are selling like hotcakes.

Tax-exempt or tax-deferred investors, such as pension funds and IRAs, aren't usually interested in municipal bonds. But by providing the option of a direct payment instead of tax-exempt interest, Build America Bonds have opened up new markets for State and local governments.

I am not surprised that Build America Bonds are proving to be very attractive to investors. They are a good deal for both the investors and our communities. They have freed up financing for badly needed infrastructure construction and created jobs and a foundation for long-term economic growth.

So far, more than $9.5 billion worth of Build America Bonds have been issued, making it easier and cheaper for cash-strapped State and local governments to access capital and grow jobs. The State of California, the New Jersey Turnpike Authority, the University of Virginia, and the Milan Area School District in Michigan are just some of the issuers of Build America Bonds since the passage of ARRA.

Build America Bonds have earned support from organizations across the country that understand how the urgent need is to shore up our infrastructure and create jobs: the American Association of State Highway and Transportation Officials, the Chamber of Commerce, and the National Association of Manufacturers. I appreciate that support.

We recently had another positive milestone in the story of Build America Bonds. The Treasury Department gave cities and counties around the country the authority to issue $10 billion worth of Recovery Zone Build America Bonds.

Recovery Zone Bonds are like Build America Bonds. They provide a Federal tax credit to the buyer or a subsidy to the issuer, but with an even more generous subsidy of 45 percent of the interest.

Only areas hurt by the weakened economy can issue these bonds. They are very targeted to the places they can do the most good. Treasury allocated them based on employment declines in 2008. So the harder an area has been hit, the more Recovery Zone Build America Bonds it can issue, creating jobs where they are needed most.

In some cases, these bonds will make the difference between whether these projects come to fruition or not. In other cases, they will lower the cost of projects and allow the community to reinvest those savings in other projects.

As with the regular Build America Bonds, Recovery Zone bonds are only authorized under current law through the end of 2010.

That is why I am encouraging State and local governments that are going to issue bonds to sit down and do the math so they can see if Build America Bonds will work for them. And if they do, I encourage those governments to take advantage of them while they are available. There is no time like the present to strengthen the Nation's infrastructure and our communities with the jobs folks back home need.

I also encourage my colleagues in Congress to begin working now to continue the success of Build America Bonds. As Congress struggles to find funding for a new transportation bill, innovative approaches like Build America Bonds should be part of the solution. Recently, the Obama administration has proposed delaying the Transportation reauthorization bill for 18 months. If that were to happen, and I hope it doesn't, Build America Bonds could provide additional funding to bridge the gap between our Nation's transportation needs and current funding levels.

Mr. President, I hope my colleagues in Congress will also look into the benefits of Build America Bonds and ensure these unsung financial tools will continue to work helping their constituents and their communities from coast to coast. They are effective. They give benefits to both those who issue them and those who buy them. And most of all, they solve the kinds of problems that affect the daily lives of every American.

Build America Bonds are an example of the creative solutions people are looking for Congress to implement during these uncertain economic times. I urge my colleagues and your constituents to use them.

REMEMBERING HARRIET TUBMAN

Mr. SCHUMER. Mr. President, I rise today in support of S. 227, the Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park Act. This legislation, which will create the Harriet Tubman National Historical Park as a part of the National Park System, will preserve one of Upstate New York's most important historic sites.

Harriet Tubman entered American life as a runaway slave from Maryland

who made history by leading hundreds of slaves to freedom through the Underground Railroad. Although her courageous actions before and during the Civil War are well known to many Americans, Tubman's dedication to bettering the lives of former slaves after the war has been largely unrecognized in American History. In 1857, Tubman moved from Canada to Auburn, NY, where her close friend and U.S. Senator, William Seward, bravely broke the law by selling her a modest, two-story brick house. After the Civil War ended in 1865, Harriet Tubman returned to Auburn where she continued her humanitarian efforts by aiding aged African Americans and eventually opening a group home in 1908. Before her death 5 years later, the house provided refuge for 12 to 15 people. Harriet Tubman was also an active suffragist during the later years of her life. Her close proximity to Seneca Falls kept the city of Auburn a focal point in the women's rights movement. Harriet Tubman died in 1913 and is buried in the Fort Hill Cemetery overlooking the city of Auburn.

Whether it is the American Revolution, the War of 1812, or the women's rights movement, Upstate New York has been home to many of our Nation's most historic figures. Harriet Tubman's legacy is an important part of Upstate New York's history. The Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park Act will establish the Harriet Tubman National Historical Park to preserve many significant sites relating to her life in Auburn, such as the Tubman Home, the Tubman Home for the Aged, the Thompson Memorial AME Zion Church, and her gravesite in the Fort Hill Cemetery.

I am committed to preserving Upstate New York's historic treasures so that future generations can learn the lessons of the past by visiting the homes of the people who changed American history. Preserving Tubman's home, gravesite, and other buildings where she lived her life are essential to protecting her legacy. Harriet Tubman's impressive life story is an example of how one should fight against injustice and work to alleviate the suffering of those around them. Her courageous spirit and compassion towards others still makes her a role model nearly 100 years after her death. I am proud that Harriet Tubman made Upstate New York her home, and I will continue to support the preservation of New York's numerous historic sites.

REMEMBERING LORRAINE PERONA ROONEY

Mr. LIEBERMAN. Mr. President, it is with the heaviest of hearts that I rise to remember a dear friend and committed public servant, Lorraine Perona Rooney, who passed away early this morning. I am deeply saddened by Lorraine's death and will keep her friends and family in my thoughts and prayers during this difficult time.

Lorraine, who served the U.S. Senate for over 27 years, was one of a small group of staff members I assembled to assist me when I first took office as a U.S. Senator from the State of Connecticut on January 3, 1989. I was tremendously fortunate to have a person of Lorraine's extensive knowledge and years of Senate staff experience to set up my office. She did a wonderful job and kept my office running smoothly for more than 15 years—as office manager and financial director—and did so with style and grace. Many staff members and interns passed through my office during her tenure, and all benefitted from Lorraine's caring guidance, common sense, and expertise. Those who worked with her recall her willingness to go the extra mile to help her coworkers. One member of my staff remembers that Lorraine worked to secure her a parking space closer to the office so that she wouldn't have very far to walk to get to her car after dark.

After graduating from American University with a degree in international relations, Lorraine subsequently worked at Dartmouth College in charge of foreign study programs. Through a contact there, she learned of an opening in the office of Senator John Durkin, Democrat from New Hampshire, and thus began her Senate career in March 1977. Following her work in Senator Durkin's office, Lorraine built her career in the Senate setting up offices for newly elected Members, including Senator CARL LEVIN, Democrat from Michigan, in 1979, Senator FRANK LAUTENBERG, Democrat from New Jersey, in 1982, and, of course, myself in 1989. Throughout her time with the Senate, Lorraine demonstrated an expertise in creating attractive, functional and comfortable work spaces, not an easy task given our limited space and resources then.

During Lorraine's last few years at my office, she was faced with many serious health problems. Despite her suffering and hardship, she continued to do her utmost in service to me and the citizens of Connecticut. The courage she demonstrated as she faced these personal challenges served as an inspiration for me and my staff.

Those of us who were lucky enough to know Lorraine could not help but be touched by her kindness and warmth. She formed many lasting friendships in the Senate community; she often spoke of the Senate as ''home.'' She was widely respected and beloved among her Senate colleagues for her character, judgment, and professionalism. It is no wonder that after her retirement she continued to stay in touch with so many with whom she had worked.

Lorraine was a dedicated public servant who enriched this institution. I extend my deepest condolences to Lorraine's husband Bernie Rooney and daughter Shannon for their irreplaceable loss.

Mr. President, we honor Lorraine Perona's memory and we cherish her decency and her friendship.

ADDITIONAL STATEMENTS

CONTRA COSTA COUNTY VOLUNTEER SERVICES UNIT

• Mrs. BOXER. Mr. President, one of America's greatest strengths is its spirit of volunteerism, particularly within the law enforcement community. I take this opportunity to honor and recognize members of the Contra Costa County Office of the Sheriff's Volunteer Services Unit. These brave men and women have repeatedly demonstrated their dedication to their community during a time when budget cuts are paralyzing our State and local law enforcement forces.

Since its founding in 1850, the Contra Costa County Volunteer Services Unit has grown to coordinate the activities of several Sheriff's Volunteer Groups, including an Air Squadron, Amateur Radio Communications, Cadet Explore Post 2406, Chaplains Program, Deputy Sheriff Reservers, Dive Team, Radio Amateur Civil Emergency Service, RACES, Sheriff's All Volunteer Extended Services, SAVES, Program, and Search and Rescue Unit.

The Contra Costa Sheriff's Volunteer Services Unit has the largest volunteer search and rescue team of any county north of San Bernardino. With over 700 volunteers, the unit contributes the same amount of service hours as approximately 50 full-time, paid positions. This unit has also assisted in several missing persons cases both within Contra Costa County and beyond, including the heartbreaking search earlier this year for 8-year-old Sandra Cantu of Tracy.

The hard work and dedication of those involved with the Sheriff's Volunteer Services Unit not only helps save lives throughout Contra Costa County, but also saves the county the equivalent of $5 million in salaries and benefits at a time when funding for such programs has been reduced.

The dedicated men and women of the Contra Costa County Office of the Sheriff's Volunteer Services Unit are the embodiment of community service and involvement. For over 150 years, these volunteers have, often without question for their own safety or comfort, taken heroic actions throughout the County and beyond while assisting with a variety of programs.

I commend the men and women of the Contra Costa County Office of the Sheriff's Volunteer Services Unit for their inspiring dedication to their community.•

COMMENDING LUCERNE INN

• Ms. SNOWE. Mr. President, summer is finally upon us, and as people travel to Maine to discover and explore the pristine beauty of our State's outdoors,

I rise to recognize a historic Maine lodging establishment that has hosted these travelers and adventurers for nearly two centuries. Located conveniently between Bangor and Bar Harbor in the small town of Dedham, the Lucerne Inn boasts fine dining and accommodations and a picturesque golf course complemented by a stunning view of beautiful Phillips Lake.

Listed on the National Register of Historic Places since June of 1982, the inn is a legendary business with an impressive history. Indeed, Dedham's first family, the Phillips, built a family home called the Lake House in the early 1800s. John Phillips had been granted the land for his service in the American Revolution. Soon thereafter, in 1814, the building became a halfway house, operating as a stagecoach stop between Bangor and Ellsworth, with guests partaking in food, spirits, and lodging. Indeed, today's Lucerne Inn is still housed in the original building built by the Phillips family. Later, during the 1920s, the inn and the 5,000 acres around it were designed to be one of America's first planned communities. As such, the Maine Legislature created the village of Lucerne in 1927 to bring people to this beautiful region, but the economic troubles of the 1930s forced the idea to be scrapped.

Given its prime location—less than an hour from the beautiful waters of Bar Harbor and the hiking trails of Acadia National Park—the Lucerne Inn offers visitors a true Maine getaway. A recipient of the 2009 Bride's Choice Award, the inn offers professional service for a variety of occasions from weddings to business meetings and banquets, and provides a variety of travel packages to accommodate all budgets.

Owners Steve and Rhonda Jones purchased the inn in August 2005. Steve had operated a convenience store and catering business in the Farmington area for 23 years, while Rhonda worked at the University of Maine at Farmington. Depending on the season, the inn employs between 40 and 65 people. The inn has 26 rooms, plus an additional 5 guest rooms in a newer building. The banquet and conference center, built in 1999, has become tremendously popular, hosting approximately 100 weddings each year.

The Lucerne Inn also makes dining out an event with a four-course meal in an elegant room with a scenic view from every window. Chef Douglas Winslow serves quality cuisine that encompasses brunch, a full dinner menu, and a seafood buffet, as well as a traditional broiled Maine lobster dinner, adding to the authentic Maine experience. The inn also hosts special wine dinners each month to showcase a diverse array of the world's greatest wines. In fact, just last Thursday evening, the inn hosted an Argentine-themed wine dinner, with a full five-course meal complemented by special wine from Argentina.

The inn maintains a historical ambiance by furnishing every room with antiques. Most accommodations at the inn boast a view of the lake and a gas burning fireplace. That said, fine dining and accommodations are only a fraction of the Lucerne Inn experience. The inn also boasts a 9-hole golf course conceived by famed course designer Donald Ross, as well as a large outdoor swimming pool and picturesque outdoor patios.

At the Lucerne Inn, visitors and Mainers alike are afforded the chance to escape their daily routines and relax by enjoying the serenity of Maine's natural beauty. Whether for pleasure or business, the Lucerne Inn offers an authentic taste of Maine, something that is truly irreplaceable. I congratulate Steve and Rhonda Jones and all of the employees at the Lucerne Inn for exquisitely maintaining this gem of our State, and I offer my best wishes for their continued success.●

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.)

MESSAGE FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 402. An act to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the ''William C. Tallent Department of Veterans Affairs Outpatient Clinic''.

H.R. 1037. An act 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.

The message also announced that, pursuant to section 4 of the Ronald Reagan Centennial Commission Act, Public Law 111–25, and the order of the House of January 6, 2009, the Minority Leader appoints the following Member of the House of Representatives to the Ronald Reagan Centennial Commission: Mr. ELTON GALLEGLY of California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 402. An act to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the ''William C. Tallent Department of Veterans Affairs Outpatient Clini''; to the Committee on Veterans' Affairs.

H.R. 1037. An act 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; to the Committee on Veterans' Affairs.

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–2333. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Ronald F. Sams, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2334. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Acquisition Regulation Supplement; Contract Reporting'' ((RIN0750–AF77) (DFARS Case 2007–D006)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC–2335. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Acquisition Regulation Supplement; Protection of Human Subjects in Research Projects'' ((RIN0750–AF96) (DFARS Case 2007–D008)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC–2336. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Acquisition Regulation Supplement; Government Property'' ((RIN0750–AF92) (DFARS Case 2007–D020)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC–2337. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Acquisition Regulation Supplement; Clarification of Central Contractor Registration and Procurement Instrument Identification Data Requirements'' ((RIN0750–AG05) (DFARS Case 2008–D010)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC–2338. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Acquisition Regulation Supplement; Peer Reviews of Contracts'' ((RIN0750–AG28) (DFARS Case 2008–D035)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC–2339. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act Implementation'' (RIN2590–AA07) received in the Office of the President of the Senate on July

13, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2340. A communication from the Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Broadband Technology Opportunities Program'' (RIN0660–ZA28) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2341. 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 for the export of defense articles or services, including technical data, and defense services for the manufacture of the 737 Airborne Early Warning and Control (AWE&C) System, Project Wedgetail for end-use by the Australian Ministry of Defense in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2342. 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 defense services related to the supply and support of the torpedo propulsion system for the Spearfish Heavyweight Torpedo for use by the United Kingdom in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2343. 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 amendment to a manufacturing license agreement for the export of defense articles or services, including technical data, and defense services to support the manufacture of X1100-Series transmissions in the Republic of Korea in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2344. 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 transfer of technical data, defense services, and defense articles involving the sale of six JAS–39 Gripen Fighter Aircraft and one Airborne Early Warning System for Sweden in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–2345. 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, and hardware to support manufacture, assembly, and verification of Small Unmanned Aerial Vehicles and associate Components for the Commonwealth of Australia; to the Committee on Foreign Relations.

EC–2346. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification regarding the proposed transfer of major defense equipment involving the permanent transfer of the ex-HMAS Adelaide, a Frigate of the Oliver Hazard Perry Class, to the Australian state government of New Wales; to the Committee on Foreign Relations.

EC–2347. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC–2348. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the Office's Federal Activities Inventory Reform Act Inventory Summary as of June 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2349. A communication from the Acting Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–35; Introduction'' (Docket No. FAR2005–35) received in the Office of the President of the Senate on July 13, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2350. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to applications for delayed-notice search warrants and extensions during fiscal year 2008; to the Committee on the Judiciary.

EC–2351. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on the Department's activities during calendar year 2007 relative to prison rape abatement; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 475. A bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes (Rept. No. 111–46).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1005. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States (Rept. No. 111–47).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Robert Perciasepe, of New York, to be Deputy Administrator of the Environmental Protection Agency.

*Craig E. Hooks, of Kansas, to be an Assistant Administrator of the Environmental Protection Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 1457. A bill to amend title 31, United States Code, to authorize reviews by the Comptroller General of the United States of any credit facility established by the Board of Governors of the Federal Reserve System or any Federal reserve bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, and Mr. JOHNSON):

S. Res. 211. A resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) 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. 211

At the request of Mr. UDALL of New Mexico, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 229

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 251

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 311

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry

''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 475

At the request of Mr. BURR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 497

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 497, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 547

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 572

At the request of Mr. WEBB, the name of the Senator from Kansas (Mr. BROWNBACK) 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 withdrawn 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. 604

At the request of Mr. SANDERS, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arizona (Mr. MCCAIN), the Senator from Utah (Mr. BENNETT) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 628

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 628, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 648

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 648, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare program.

S. 660

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 660, a bill to amend the Public Health Service Act with respect to pain care.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. CRAPO) 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. 711

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) 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. 883

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mrs. LINCOLN) 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. 931

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 931, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 934

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 951

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Idaho (Mr. RISCH), the Senator from Alaska (Mr. BEGICH), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) 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. 968

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1065

At the request of Mr. BROWNBACK, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Idaho (Mr. RISCH) and the Senator from Louisiana (Mr. VITTER) 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. 1067

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1090

At the request of Mr. WYDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1090, a bill to amend the Internal Revenue Code of 1986 to provide tax credit parity for electricity produced from renewable resources.

S. 1091

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1091, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1097

At the request of Mr. WYDEN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1097, a bill to require the Secretary of Energy, in coordination with the Secretary of Labor, to establish a program to provide for workforce training and education, at community colleges, in sustainable energy.

S. 1106

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1106, a bill to amend title 10, United States Code, to require the provision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1197

At the request of Mr. VOINOVICH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1197, a bill to establish a grant program for automated external defibrillators in elementary and secondary schools.

S. 1201

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1201, a bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program.

S. 1265

At the request of Mr. CORNYN, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1284

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1284, a bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes.

S. 1297

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1297, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1362

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1399

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1399, a bill to amend the Commodity Exchange Act to establish a market for the trading of greenhouse gases, and for other purposes.

S. 1400

At the request of Ms. STABENOW, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1400, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. UDALL), the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY), the Senator from Virginia (Mr. WARNER), the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Texas (Mr. CORNYN) 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. 1445

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of 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.

S. RES. 155

At the request of Mr. BROWN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. Res. 155, a resolution expressing the sense of the Senate that the Government of the People's Republic of China should immediately cease engaging in acts of cultural, linguistic, and religious suppression directed against the Uyghur people.

S. RES. 200

At the request of Mr. UDALL of Colorado, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 200, a resolution designating September 12, 2009, as ''National Childhood Cancer Awareness Day''.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

AMENDMENT NO. 1478

At the request of Mr. REID, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Arkansas (Mrs. LINCOLN) 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. 1484

At the request of Mr. GREGG, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of amendment No. 1484 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1487

At the request of Mrs. LINCOLN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Pennsylvania (Mr. CASEY) 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 Texas (Mrs. HUTCHISON) 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.

AMENDMENT NO. 1513

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1513 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1515

At the request of Mr. NELSON of Florida, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Maryland (Mr. CARDIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Maine (Ms. SNOWE), the Senator from North Dakota (Mr. DORGAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 1515 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1516

At the request of Mr. CASEY, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 1516 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1534

At the request of Mr. VOINOVICH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1534 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1538

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1538 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.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 211—SUPPORTING THE GOALS AND IDEALS OF ''NATIONAL LIFE INSURANCE AWARENESS MONTH''

Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 211

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in the family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2009 as ''National Life Insurance Awareness Month'' as a means to encourage consumers to become more aware of their life insurance needs, seek professional advice regarding life insurance, and take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1539. Mr. REID (for Mr. KENNEDY) proposed an amendment to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms . MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUYE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes..

SA 1540. 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 1541. 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 1542. Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1543. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1544. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1545. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1546. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1547. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1548. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1549. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1550. Mrs. BOXER (for herself, Mr. BOND, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. GILLIBRAND, Mr. WYDEN, and Mr. BURRIS) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1551. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1552. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1553. Mr. GREGG (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1554. Mr. BURR (for himself, Mr. BAYH, Ms. SNOWE, Mr. UDALL, of Colorado, Mr. WICKER, Mr. THUNE, Mr. ENZI, Mr. JOHANNS, Ms. MURKOWSKI, Mr. HATCH, Mrs. LINCOLN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1555. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1556. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1557. Mrs. LINCOLN (for herself, Mr. TESTER, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1558. Mr. NELSON, of Florida (for himself, Mr. BYRD, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1559. Mr. INHOFE (for himself, Mr. ROBERTS, Mr. WICKER, Mr. BUNNING, Mr. CRAPO, Mr. CORNYN, Mr. DEMINT, Mr. COBURN, Mr. MCCONNELL, Mr. RISCH, Mr. GREGG, Mr. BARRASSO, Mr. BOND, Mrs. HUTCHISON, Mr. VITTER, Mr. BENNETT, Mr. CHAMBLISS, Mr. HATCH, Mr. BROWNBACK, Mr. THUNE, Mr. KYL, Mr. ENZI, Mr. SESSIONS, Mr. BURR, 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 1560. Mr. BINGAMAN (for himself and 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.

SA 1561. Mr. BINGAMAN (for himself, Mr. ALEXANDER, Mr. BROWN, Mr. KENNEDY, Mr. UDALL, of Colorado, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. UDALL, of New Mexico, Ms. CANTWELL, Mr. REID, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1562. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1563. Mr. UDALL, of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1564. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1565. Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. THUNE, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1566. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1567. 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 1568. Mr. BINGAMAN (for himself and 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.

SA 1569. 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 1570. Mr. FRANKEN submitted an amendment intended to be proposed by him

to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1571. Mr. JOHANNS (for himself, Mr. BUNNING, Mr. CRAPO, Mr. INHOFE, Mr. MARTINEZ, Mr. BOND, Mr. COBURN, Mr. BENNETT, Mr. KYL, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1572. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1573. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1574. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1539. Mr. REID (for Mr. KENNEDY) proposed an amendment to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUYE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. ____. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term ''relevant offense'' means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

SA 1540. 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:

At the end of title X, add the following:

SECTION 1083. GOVERNMENT OWNERSHIP EXIT PLAN.

(a) DEFINITION.—In this section—

(1) the term ''ownership interest'' means an interest in a troubled asset described in section 3(9)(B) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202(a)(1)), as in effect on the day before the date of enactment of this Act, that was purchased by the Secretary under section 101(a)(1) of such Act (12 U.S.C. 5211(a)(1)); and

(2) the term ''Secretary'' means the Secretary of the Treasury.

(b) RE-PRIVATIZATION OF PRIVATE ENTITIES.—

(1) PROHIBITION ON FEDERAL GOVERNMENT HOLDING OWNERSHIP INTERESTS.—

(A) IN GENERAL.—Beginning on the date of enactment of this Act, the Federal Government may not acquire, directly or indirectly, any ownership interest.

(B) DIVESTITURE.—Except as provided in paragraph (2), the Secretary shall divest the Federal Government of any ownership interest not later than 1 year after the date of enactment of this Act.

(2) LIMITED AUTHORITY.—

(A) IN GENERAL.—Beginning 1 year after the date of enactment of this Act, the Secretary may hold an ownership interest with respect to a particular entity for a period of not more than 6 months if, not later than 1 year after the date of enactment of this Act, the Secretary submits a report to Congress with respect to that entity stating that—

(i) compliance with paragraph (1)(B) with respect to such entity would have a significant adverse impact on the taxpayers of the United States; and

(ii) there is a reasonable expectation that a waiver of paragraph (1)(B) would allow the Secretary to recover the cost to the Federal Government of acquiring such ownership interest.

(B) SINGLE RENEWAL.—The Secretary may renew an extension under subparagraph (A) for a single period of not more than 6 months, if the Secretary submits to Congress a report stating that the conditions described in clauses (i) and (ii) of subparagraph (A) still exist with respect to the subject ownership interest.

(3) CONFORMING AMENDMENT.—Section 3(9) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202(9)) is amended—

(A) in subparagraph (A), by striking ''; and'' at the end and inserting a period;

(B) by striking ''means—'' and all that follows through ''residential'' in subparagraph (A) and inserting ''means residential''; and

(C) by striking subparagraph (B).

(4) DEPOSIT OF FUNDS.—

(A) IN GENERAL.—Section 115(a)(3) of the Emergency Economic Stabilization Act of

2008 (12 U.S.C. 5225(a)(3)) is amended by striking ''outstanding at any one time''.

(B) DEPOSIT OF FUNDS INTO TREASURY.—

(i) IN GENERAL.—On and after the date of enactment of this Act, all repayments of obligations arising under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), and all proceeds from the sale of assets acquired by the Federal Government under that Act, shall be paid into the general fund of the Treasury for reduction of the public debt, in accordance with section 106(d) of that Act (12 U.S.C. 5216(d)), as amended by this subsection.

(ii) CONFORMING AMENDMENT.—Section 106(d) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(d)) is amended by inserting '', and repayments of obligations arising under this Act,'' after ''section 113''.

(5) INFLUENCE OF MANAGEMENT DECISIONS.—Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following:

''SEC. 137. INFLUENCE OF MANAGEMENT DECISIONS.

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

''(1) the term 'covered person' means any person who is an officer or employee (including a special Government employee (as defined in section 202(a) of title 18, United States Code)) of the executive branch of the United States (including any independent agency of the United States); and

''(2) the term 'significant management decision' includes the appointment of senior executives or board members, business strategies relating to production and manufacturing, plant closings, the relocation of the headquarters of an entity, the modification of labor contracts, and other financial decisions.

''(b) INFLUENCE PROHIBITED.—

''(1) IN GENERAL.—It shall be unlawful for any covered person to knowingly make, with the intent to influence, a communication regarding a significant management decision of a recipient of assistance under this title to any officer or employee of the recipient.

''(2) CRIMINAL PENALTY.—Any covered person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.

''(c) CIVIL ACTIONS.—

''(1) IN GENERAL.—The Attorney General of the United States may bring a civil action in an appropriate United States district court against any covered person to enforce subsection (b).

''(2) CIVIL PENALTY.—Any covered person who, upon proof by a preponderance of the evidence, violates subsection (b) shall be subject to a civil penalty of not more than $50,000 for each violation. The imposition of a civil penalty under this paragraph shall not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

''(3) ORDERS.—If the Attorney General of the United States has reason to believe that a covered person is engaging in conduct that violates subsection (b), the Attorney General may petition an appropriate United States district court for an order prohibiting the covered person from engaging in the conduct. The court may issue an order prohibiting the covered person from engaging in the conduct if the court finds that the conduct constitutes a violation of subsection (b). The filing of a petition under this paragraph shall not preclude any other remedy which is available by law to the United States or any other person.''.

(6) FEDERAL DEPOSIT INSURANCE CORPORATION.—Nothing in this section may be construed to impede the ability of the Federal Deposit Insurance Corporation to maintain the stability of the banking system.

(c) OVERSIGHT BY FINANCIAL STABILITY OVERSIGHT BOARD.—Section 104(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5214(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the semicolon at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) reviewing the implementation of section 1083 of the National Defense Authorization Act for Fiscal Year 2010.''.

(d) REPORTS REQUIRED.—

(1) REPORT ON FEDERAL GOVERNMENT OWNERSHIP.—

(A) REPORTS REQUIRED.—The Secretary shall make (and shall publicly disclose) periodic reports detailing any ownership interest held by the Federal Government, including any loan or loan guarantee made by the Board of Governors of the Federal Reserve System.

(B) TIMING OF REPORTS.—The Secretary shall submit the reports under subparagraph (A)—

(i) not later than 3 months after the date of enactment of this Act; and

(ii) each quarter of the fiscal year thereafter.

(2) REPORTS ON WINDING DOWN OR DIVESTMENT.—

(A) REPORTS REQUIRED.—The Secretary shall submit to Congress periodic reports on the plans of the Secretary for compliance with this section, including any plans to wind down or divest an ownership interest.

(B) TIMING OF REPORTS.—The Secretary shall submit the reports under subparagraph (A)—

(i) not later than 6 months after the date of enactment of this Act; and

(ii) each month thereafter until all ownership interests are divested under subsection (b)(1)(B).

(e) PLAN FOR GOVERNMENT SPONSORED ENTERPRISES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing a plan of the Secretary—

(1) to end the conservatorship by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; and

(2) to eliminate any form of direct ownership by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

SA 1541. 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:

On page 239, after line 19, add the following:

SEC. 733. IMPROVEMENT OF INFORMATION FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES ON UPGRADES OF DISCHARGE.

(a) CLARIFICATION AND IMPROVEMENT OF INFORMATION.—

(1) NOTICE THAT UPGRADE IS NOT AUTOMATIC.—Each member of the Armed Forces who is being considered for or processed for an administrative or any other type of discharge shall receive written notice that an upgrade in the characterization of discharge will not automatically result from review of the discharge by a board of review under section 1533 of title 10, United States Code. The notice shall be dated and shall be provided to the member at least 15 days prior to any deadline to elect a particular characterization or type of discharge or manner of processing.

(2) NOTICE OF RIGHT TO OBTAIN LEGAL COUNSEL.—The written notice required under paragraph (1) shall also advise the member that the member has the right to meet with and discuss his or her discharge options with legal counsel prior to electing a characterization and provide the name, location, phone number, and email address of the nearest military defense counsel who supports the member's unit. The 15-day election deadline may be extended until the member is able to meet with a military defense counsel should the member so desire.

(3) RELATED CLARIFICATION.—The notice of discharge issued to a member of the Armed Forces upon discharge may not contain or include any information, references, or other material that is inconsistent with the notice required under paragraph (1).

(b) RECORD KEEPING.—

(1) REQUIREMENT TO MAINTAIN COPY OF REQUIRED NOTICES.—A copy of each written notice required under subsection (a)(1) shall be maintained in the permanent personnel file of the member, in addition to any copies directly provided to the member.

SA 1542. Mr. BROWN (for himself and Mr. ENSIGN) 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 V, add the following:

SEC. 524. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, may implement a plan to establish and support up to 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) COOPERATION WITH LOCAL EDUCATIONAL AGENCIES.—The Secretary of Defense, in implementing a plan under subsection (a), shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(c) REPORT ON PLAN.—The Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) A description of how the Secretaries of the military departments can increase the number of units of the Junior Reserve Officers' Training Corps to the number specified in subsection (a), including how many new units may foreseeably be established per year by each service.

(2) The annual funding necessary to support any increase in units, including the personnel costs associated.

SA 1543. Mr. RISCH (for himself and Mr. CRAPO) 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 100, between lines 2 and 3, insert the following:

SEC. 417. AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR SELECTED RESERVE END STRENGTHS.

Section 115(g) of title 10, United States Code, is amended to read as follows:

''(g) AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

''(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

''(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength.

''(2) Any increase under paragraph (1) of the end strength for an armed force or the Selected Reserve of a reserve component of an armed force shall be counted as part of the increase for that armed force or Selected Reserve for that fiscal year authorized under subsection (f)(1) or subsection (f)(3), respectively.''.

SA 1544. Mr. RISCH (for himself and Mr. CRAPO) 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 E of title III, add the following:

SEC. 342. REPORT ON STATUS OF AIR NATIONAL GUARD FLEET.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Air Force, the Chief of the National Guard Bureau, the Director of the Air National Guard, and such other officials as the Secretary of Defense considers appropriate, shall submit to Congress a report on—

(1) the status of the fleet of the Air National Guard; and

(2) the plans of the Department of Defense to ensure that the forces of the Air National Guard remain ready, reliable, and relevant to the missions of the Department in Iraq and Afghanistan and future missions of the Department.

SA 1545. Ms. LANDRIEU 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 D of title VII, add the following:

SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees of Congress a report on the feasibility and advisability of using alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Energy and Commerce of the House of Representatives.

SA 1546. Mr. BINGAMAN 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 I, add the following:

SEC. 125. AC–130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than December 31, 2009, the Secretary of the Air Force, in consultation with the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC–130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC–130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC–130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC–130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(6) An estimate of the costs of replacing all AC–130 gunships with a similar platform that meets the requirements of the Air Force for a next-generation gunship, including—

(A) a description of the time required for the replacement of every AC–130 gunship with a similar next-generation gunship; and

(B) a comparative analysis of the costs of operation of AC–130 gunships by series, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of various platforms that might be suitable for a next-generation gunship.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 1547. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall jointly develop a plan for providing access to the national airspace for unmanned aircraft of the Department of Defense. The plan shall include—

(1) milestones for providing access to the national airspace for unmanned aircraft before the transition of Grand Forks Air Force Base, North Dakota, into a main operating base for unmanned aircraft in fiscal year 2010; and

(2) a description of the policies with respect to use of the national airspace, flight standards, and operating procedures that will be implemented by the Department of Defense and the Federal Aviation Administration to accommodate the operational needs of the Global Hawk unmanned aircraft and training requirements with respect to the Predator-class unmanned aircraft assigned to Grand Forks Air Force Base.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a).

SA 1548. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) 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 553, between lines 15 and 16, insert the following:

SEC. 2707. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.

(a) ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.—Subsection (b)(4) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking ''job generation'' and inserting ''economic redevelopment'';

(2) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) Real or personal property at a military installation shall be conveyed, without consideration, under subparagraph (A) to the redevelopment authority with respect to the installation if the authority—

''(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of the property under subparagraph (A) or the completion of the initial redevelopment of the property, whichever is earlier, shall be used to support the economic redevelopment of, or related to, the installation; and

''(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the requirements associated with subsection (c) are satisfied.''; and

(3) in subparagraph (C), by adding at the end the following new clause:

''(xiii) Environmental restoration, waste management, and environmental compliance activities provided pursuant to subsection (e).''.

(b) RECOUPMENT AUTHORITY.—Subsection (b)(4)(D) of such section is amended—

(1) by striking ''The Secretary'' and inserting ''At the conclusion of the period specified in subparagraph (B) applicable to an installation, the Secretary''; and

(2) by striking ''for the period specified in subparagraph (B)'' and inserting ''before the conclusion of such period''.

(c) REGULATIONS AND REPORT CONCERNING PROPERTY CONVEYANCES.—

(1) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the amendments made by this section to support the conveyance of surplus real and personal property at closed or realigned military installations to local redevelopment authorities for economic development purposes.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and progress made as a result of the implementation of the amendments made by this section.

SA 1549. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) 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. COMPTROLLER GENERAL REPORT ON NAVY SECURITY MEASURES FOR LAURELWOOD HOUSING COMPLEX, NAVAL WEAPONS STATION, EARLE, NEW JERSEY.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a cost analysis and audit of the sufficiency of the Navy's security measures in advance of the proposed occupancy by the general public of units of the Laurelwood Housing complex on Naval Weapons Station, Earle. The report shall include an estimate of costs to be incurred by Federal, State, and local government agencies in the following areas:

(1) Security and safety procedures.

(2) Land/utilities management and services.

(3) Educational assistance.

(4) Emergency services.

(5) Community services.

(6) Environmental services.

SA 1550. Mrs. BOXER (for herself, Mr. BOND, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. GILLIBRAND, Mr. WYDEN, and Mr. BURRIS) 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 B of title VII, insert the following:

SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) REDUCTION.—Section 1074i(a) of title 10, United States Code, is amended by striking ''100 miles'' and inserting ''50 miles''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

SA 1551. Mrs. BOXER 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 D of title VI, add the following:

SEC. 652. FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, shall establish procedures to implement flexible spending arrangements with respect to basic pay under section 204 of title 37, United States Code, and compensation payable under section 206 of title 37, United States Code, for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(2) CONSIDERATIONS.—In establishing the procedures required by paragraph (1), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce shall consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

(b) DEDUCTIONS NOT PROHIBITED FOR ENLISTED MEMBERS.—Section 701(c) of title 37, United States Code, relating to assignment of the pay of an enlisted member, may not be construed to prohibit or invalidate the arrangements authorized by this section with respect to the pay or compensation of an enlisted member.

(c) REVIEW OF APPLICABILITY TO SELECTED RESERVE.—Not later than November 1, 2009, the Secretary of Defense shall submit to the congressional defense committees recommendations on the advisability of authorizing flexible spending arrangements for members of the Selected Reserve.

(d) UNIFORMED SERVICES DEFINED.—In this section, the term ''uniformed services'' has the meaning given the term in section 101(a) of title 10, United States Code.

SA 1552. Mrs. BOXER submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. SUPPORT OF DUAL-MILITARY COUPLES WITH DEPENDENTS.

(a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1789a. Prohibition on concurrent deployment of dual-military married couples with minor dependents

''(a) PROHIBITION ON CONCURRENT DEPLOYMENT.—The Secretary may not deploy overseas in connection with a contingency operation an individual who—

''(1) has a minor dependent;

''(2) is married to a member of the armed forces who is deployed overseas in connection with a contingency operation; and

''(3) is designated by such member in the family care plan of such member as the primary care provider of such minor dependent.

''(b) REINTEGRATION PERIOD.—In the case of an individual with a minor dependent whose

spouse is a member of the armed forces returning from an overseas deployment in connection with a contingency operation, the Secretary may not deploy such individual during the 90-day period beginning on the date on which such member returns from such deployment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1789 the following new item:

''1789a. Prohibition on concurrent deployment of dual-military married couples with minor dependents.''.

SA 1553. Mr. GREGG (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 553, between lines 15 and 16, insert the following:

SEC. 2707. AUTHORITY TO CONSTRUCT PREVIOUSLY AUTHORIZED ARMED FORCES RESERVE CENTER IN VICINITY OF SPECIFIED LOCATION AT PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4715) for the purpose of constructing an Armed Forces Reserve Center at Pease Air National Guard Base, New Hampshire, to construct instead an Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SA 1554. Mr. BURR (for himself, Mr. BAYH, Ms. SNOWE, Mr. UDALL of Colorado, Mr. WICKER, Mr. THUNE, Mr. ENZI, Mr. JOHANNS, Ms. MURKOWSKI, Mr. HATCH, Mrs. LINCOLN, and Ms. LANDRIEU) 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. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking ''For'' and inserting the following:

''(a) IN GENERAL.—For'';

(2) by adding at the end the following new subsection:

''(b) SPOUSES.—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.''; and

(3) in the section heading, by inserting ''**AND SPOUSES OF MILITARY PERSONNEL**'' before the period at the end.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

''Sec. 705. Guarantee of residency for military personnel and spouses of military personnel.''.

(c) APPLICATION.—Subsection (b) of section 705 of such Act (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

SEC. 574. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) is amended—

(1) in subsection (a)—

(A) by striking ''A servicemember'' and inserting the following:

''(1) IN GENERAL.—A servicemember''; and

(B) by adding at the end the following:

''(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.'';

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection:

''(c) INCOME OF A MILITARY SPOUSE.—Income for services performed by the spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the spouse is not a resident or domiciliary of the jurisdiction in which the income is earned because the spouse is in the jurisdiction solely to be with the servicemember serving in compliance with military orders.''; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting ''or the spouse of a servicemember'' after ''The personal property of a servicemember''; and

(B) in paragraph (2), by inserting ''or the spouse's'' after ''servicemember's''.

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section 511 by subsection (a)(4) of this section, shall apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

SEC. 575. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) is amended in subsection (b) by inserting ''or the spouse of such servicemember'' after ''a servicemember in military service''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to servicemembers in military service (as defined in section 101 of such Act (50 U.S.C. App. 511)) on or after the date of the enactment of this Act.

SA 1555. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 537. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) TUITION-FREE ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.—(1) The Secretary may authorize the enrollment in an education program provided by the Secretary pursuant to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.

''(2) An individual referred to in paragraph (1) is any of the following:

''(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

''(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.''.

SA 1556. Mr. FEINGOLD 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 IX, add the following:

SEC. 933. INCLUSION IN BUDGET MATERIALS OF AMOUNTS FOR FORCES ASSIGNED THE MISSION OF MANAGING THE CONSEQUENCES OF INCIDENTS IN THE UNITED STATES INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress, in the budget justification materials submitted to Congress in support of the Department of Defense budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a consolidated budget justification display, in classified and unclassified form, that covers all programs and activities related to operations of the forces assigned the mission of managing the consequences of an incident in the United States involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The consolidated budget justification display required by subsection (a) for a fiscal year shall include the following:

(1) A statement of what percentage of the requirements originally requested for programs and activities related to operations of the forces referred to in subsection (a) in the budget review process that the budget requests funds for.

(2) A summary of actual or estimated expenditures for such programs and activities for the fiscal year during which the budget is submitted and for the fiscal year preceding that year.

(3) The amount in the budget for such programs and activities.

(4) A detailed explanation of the shortfalls, if any, in the funding of any requirement referred to in paragraph (1), when compared to the amount referred to in paragraph (3).

(5) The budget estimate for such programs and activities for the five fiscal years after the fiscal year for which the budget is submitted.

SA 1557. Mrs. LINCOLN (for herself, Mr. TESTER, and Mr. WYDEN) 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 VI, add the following:

SEC. 635. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS FOR LONG DISTANCE AND CERTAIN OTHER TRAVEL TO INACTIVE DUTY TRAINING.

(a) ALLOWANCES REQUIRED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, as amended by section 633, is further amended by inserting after section 411k the following new section:

"§ 411*l*. Travel and transportation allowances: long distance and certain other travel to inactive duty training performed by members of the reserve components of the armed forces

''(a) ALLOWANCE REQUIRED.—The Secretary concerned shall reimburse a member of a reserve component of the armed forces for expenses, including mileage traveled and lodging and subsistence, incurred in connection with the following:

''(1) Round-trip travel in excess of 100 miles to an inactive duty training location, regardless of the method of transportation.

''(2) Round-trip travel of any distance to an inactive duty training location, if such travel requires a commercial method of transportation other than ground transportation.

''(b) RATES OF REIMBURSEMENT.—

''(1) MILEAGE.—In determining the amount of allowances or reimbursement to be paid for mileage traveled under subsection (a)(1), the Secretary concerned shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.

''(2) COMMERCIAL FARE FOR TRAVEL BY COMMON CARRIER.—The amount of reimbursement to be paid under subsection (a)(2) for travel covered by that subsection shall be the reasonable commercial fare expense for such travel by common carrier.

''(3) LODGING AND SUBSISTENCE.—In determining the amount of allowances or reimbursement to be paid for lodging and subsistence under this section, the Secretary concerned shall use the per diem rate as prescribed by the Administrator of General Services under section 5707 of title 5.

''(4) AUTHORITY TO REIMBURSE AT HIGHER RATES.—Subject to the availability of appropriations and the approval of the Secretary of Defense, the Secretary concerned may modify the amount of allowances or reimbursement to be paid under this section using reimbursement rates in excess of those prescribed under paragraphs (1), (2), and (3).

''(c) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title, as amended by section 633, is further amended by inserting after the item relating to section 411k the following new item:

''411*l*. Travel and transportation allowances: long distance and certain other travel to inactive duty training performed by members of the reserve components of the armed forces.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

SA 1558. Mr. NELSON of Florida (for himself, Mr. BYRD, and Ms. SNOWE) 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. GRANT OF FEDERAL CHARTER TO MILITARY OFFICERS ASSOCIATION OF AMERICA.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1403 the following new chapter:

"CHAPTER 1404—MILITARY OFFICERS ASSOCIATION OF AMERICA

''Sec.
''140401. Organization.
''140402. Purposes.
''140403. Membership.
''140404. Governing body.
''140405. Powers.
''140406. Restrictions.
''140407. Tax-exempt status required as condition of charter.
''140408. Records and inspection.
''140409. Service of process.
''140410. Liability for acts of officers and agents.
''140411. Annual report.
''140412. Definition.

"§ 140401. Organization

''(a) FEDERAL CHARTER.—Military Officers Association of America (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and is organized under the laws of the Commonwealth of Virginia, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

"§ 140402. Purposes

''(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

''(1) to inculcate and stimulate love of the United States and the flag;

''(2) to defend the honor, integrity, and supremacy of the Constitution of the United States and the United States Government;

''(3) to advocate military forces adequate to the defense of the United States;

''(4) to foster the integrity and prestige of the Armed Forces;

''(5) to foster fraternal relations between all branches of the various Armed Forces from which members are drawn;

''(6) to further the education of children of members of the Armed Forces;

''(7) to aid members of the Armed forces and their family members and survivors in every proper and legitimate manner;

''(8) to present and support legislative proposals that provide for the fair and equitable treatment of members of the Armed Forces, including the National Guard and Reserves, military retirees, family members, survivors, and veterans; and

''(9) to encourage recruitment and appointment in the Armed Forces.

"§ 140403. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 140404. Governing body

''(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

''(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

"§ 140405. Powers

''The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 140406. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not

prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

''(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

''(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

''§ 140407. Tax-exempt status required as condition of charter

''If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

''§ 140408. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

''(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose at any reasonable time.

''§ 140409. Service of process

''The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

''§ 140410. Liability for acts of officers and agents

''The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

''§ 140411. Annual report

''The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

''§ 140412. Definition

''In this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1403 the following new item:

''1404. Military Officers Association of America .....140401''.

SA 1559. Mr. INHOFE (for himself, Mr. ROBERTS, Mr. WICKER, Mr. BUNNING, Mr. CRAPO, Mr. CORNYN, Mr. DEMINT, Mr. COBURN, Mr. MCCONNELL, Mr. RISCH, Mr. GREGG, Mr. BARRASSO, Mr. BOND, Mrs. HUTCHISON, Mr. VITTER, Mr. BENNETT, Mr. CHAMBLISS, Mr. HATCH, Mr. BROWNBACK, Mr. THUNE, Mr. KYL, Mr. ENZI, Mr. SESSIONS, Mr. BURR, 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:

At the end of subtitle F of title X of division A, insert the following:

SEC. 1059. PROHIBITION ON TRANSFER OF GUANTANAMO DETAINEES.

No department or agency of the United States may—

(1) transfer any detainee of the United States housed at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or its territories;

(2) construct, improve, modify, or otherwise enhance any facility in the United States or its territories for the purpose of housing any detainee described in paragraph (1); or

(3) permanently or temporarily house or otherwise incarcerate any detainee described in paragraph (1) in the United States or its territories.

SA 1560. Mr. BINGAMAN (for himself and 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 508, between lines 15 and 16, insert the following:

SEC. 2005. TECHNICAL CORRECTIONS REGARDING CERTAIN MILITARY CONSTRUCTION PROJECTS, NEW MEXICO.

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations shall be as follows:

Air Force: Inside the United States

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Holloman Air Force Base	Fire-Crash Rescue Station	$0

Special Operations Command

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Cannon Air Force Base	SOF AC 130 Loadout Apron Phase 1	$6,000,000

On page 523, in the table preceding line 1, in the item relating to Holloman Air Force Base, New Mexico, strike ''$15,900,000'' in the amount column and insert ''$5,500,000''.

On page 525, line 2, strike ''$1,746,821,000'' and insert ''$1,736,421,000''.

On page 525, line 5, strike ''$822,515,000'' and insert ''$812,115,000''.

On page 529, in the table preceding line 1 entitled ''Special Operations Command'', in the item relating to Cannon Air Force Base, New Mexico, strike ''$52,864,000'' in the amount column and insert ''$58,864,000''.

On page 531, line 16, strike ''$3,284,025,000'' and insert ''$3,290,025,000''.

On page 531, line 19, strike ''$963,373,000'' and insert ''$969,373,000''.

SA 1561. Mr. BINGAMAN (for himself and Mr. ALEXANDER, Mr. BROWN, Mr. KENNEDY, Mr. UDALL of Colorado, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. UDALL of New Mexico, Ms. CANTWELL, Mr. REID, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction; and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, insert the following:

SEC. 3136. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended—

(1) in subsection (c), by inserting ''and subtitle B'' after ''this subtitle'' each place it appears;

(2) in subsection (d), by inserting ''and subtitle B'' after ''this subtitle'';

(3) in subsection (e), by inserting ''and subtitle B'' after ''this subtitle'' each place it appears;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

''(g) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.—In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B.''.

(b) CONSTRUCTION.—Except as specifically provided in subsection (g) of section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384*l* et seq.).

SA 1562. Mr. MENENDEZ (for himself and Mr. CORKER) 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 475, between lines 2 and 3, insert the following:

SEC. 1211. RESTRICTIONS ON COALITION SUPPORT FUND REIMBURSEMENTS.

(a) LIMITATION ON USES OF COALITION SUPPORT FUND REIMBURSEMENTS.—Coalition Support Fund reimbursements provided to the Government of Pakistan may only be provided for the following purposes:

(1) Military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the Federally Administered Tribal Areas, the North West Frontier Province, and other regions of Pakistan.

(2) Military operations of the Government of Pakistan to protect United States and allied logistic operations in support of Operation Enduring Freedom or Operation Iraqi Freedom.

(b) CONSULTATION WITH THE SECRETARY OF STATE.—The Secretary of Defense shall consult with the Secretary of State before providing any Coalition Support Fund reimbursements to the Government of Pakistan.

(c) CERTIFICATION REQUIREMENT.—Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634), is amended—

(1) in paragraph (1)(A), by striking ''the Secretary of Defense shall submit'' and inserting ''the Secretary of Defense, after consultation with the Secretary of State, shall submit''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting each clause, as so redesignated, 6 ems from the left margin;

(B) by striking ''shall include an itemized description'' and inserting the following: ''shall include the following:

''(A) An itemized description''; and

(C) by adding at the end the following new subparagraph:

''(B) A certification that the reimbursement—

''(i) is consistent with the national security interests of the United States; and

''(ii) will not adversely impact the balance of power in the region.''.

SA 1563. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) 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. INCLUSION OF EMAIL ADDRESS ON CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1168 note) is amended—

(1) by inserting ''(a) ELECTION TO FORWARD CERTIFICATE TO VA OFFICES.—'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new subsection:

''(b) INCLUSION OF EMAIL ADDRESS.—The Secretary of Defense shall further modify the DD Form 214 in order to permit a member of the Armed Forces to include an email address on the form.''.

SA 1564. Mr. TESTER 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 VI, add the following:

SEC. 635. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) ALLOWANCES AUTHORIZED.—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.''.

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended—

(1) by striking ''subsection (a)(1)'' the first place it appears and inserting ''paragraphs (1) and (2) of subsection (a)''; and

(2) by striking ''subsection (a)(1)'' the second place it appears and inserting ''paragraph (1) or (2) of subsection (a)''.

SA 1565. Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. THUNE, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —MARITIME ADMINISTRATION

SEC. —01. SHORT TITLE.

This title may be cited as the ''Maritime Administration Authorization Act of 2010''.

SEC. —02. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.

Section 109 of title 49, United States Code, is amended—

(1) by striking the heading for subsection (h) and inserting the following:

''(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—'';

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

''(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—'';

(3) by striking ''make contracts'' in subsection (h)(1) and inserting ''make contracts and cooperative agreements'';

(4) by striking ''section and'' in subsection (h)(1)(A) and inserting ''section,'';

(5) by striking ''title 46;'' in subsection (h)(1)(A) and insert ''title 46, and all other Maritime Administration programs;''; and

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

''(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.''.

SEC. —03. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

''(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.''.

SEC. —04. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE MERCHANT MARINE ACADEMY.

The Maritime Administration may use appropriated funds to make a lump-sum payment at a rate of pay that existed on the date of termination or day before conversion to the Civil Service for any unused annual leave accrued by a non-appropriated fund instrumentality employee who was terminated if determined ineligible for conversion, or converted to the Civil Service as a United States Merchant Marine Academy employee during fiscal year 2009.

SEC. —05. PERMANENT AUTHORITY TO HIRE ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 51317. Adjunct professors

''(a) IN GENERAL.—The Maritime Administrator may, subject to the availability of appropriations, contract with individuals as personal services contractors to provide services as adjunct professors at the United States Merchant Marine Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

''(b) CONTRACT REQUIREMENTS.—Each contract under this section—

''(1) shall be approved by the Maritime Administrator; and

''(2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administration finds that exceptional circumstances justify an extension, which may not exceed one additional year.

''(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contracts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

''(d) EXISTING CONTRACTS.—Any contract entered into before the date of enactment of the Maritime Administration Authorization Act of 2010 for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

''51317. Adjunct professors.''.

(2) Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed.

SEC. —06. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended—

(1) by striking ''1994.'' in subsection (b) and inserting ''1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and U.S. Coast Guard license fees.''; and

(2) by adding at the end thereof the following:

''(c) USE AND ACCOUNTING.—

''(1) USE.—Midshipman fees collected by the Academy shall be credited to the Maritime Administration's Operations and Training appropriations, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be returned to the midshipmen through a mechanism approved by the Maritime Administrator.

''(2) ACCOUNTING.—The Maritime Administration shall maintain a separate and detailed accounting of fee revenue and all associated expenses.''.

SEC. —07. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.

Section 50101(a)(4) of title 46, United States Code, is amended by inserting ''constructed in the United States'' after ''vessels''.

SEC. —08. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

''(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation, through the Maritime Administration, shall establish a port infrastructure development program for the improvement of port facilities.

''(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any program established under paragraph (1), the Maritime Administrator may—

''(A) receive funds provided for the program from non-Federal and private entities that have a specific agreement or contract with the Maritime Administration to further the purposes of this subsection;

''(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to relieve port congestion, to increase port security, or to provide greater access to port facilities;

''(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies;

''(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction; and

''(E) encourage such public-private partnerships as may be necessary for the development of financial support of the project as the Administrator deems necessary.

''(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.—

''(A) ESTABLISHMENT.—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out the port infrastructure development program. The Fund shall be available to the Administrator—

''(i) to administer and carry out the program;

''(ii) to receive non-Federal and private funds from entities which have specific agreements or contracts with the Administrator; and

''(iii) to make refunds for projects that will not be completed.

''(B) CREDITS.—There shall be deposited into the Fund—

''(i) funds from non-Federal and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended;

''(ii) income from investments made pursuant to subparagraph (D); and

''(iii) such amounts as may be appropriated or transferred to the Fund under this subsection.

''(C) TRANSFERS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the program shall be transferred to the Fund and administered by the Administrator.

''(D) INVESTMENTS.—Amounts in the Fund which are not currently needed for the program shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

''(E) ADMINISTRATIVE EXPENSES.—Administrative and related expenses for the program for any fiscal year may not exceed 3 percent of the amount available to the program for that fiscal year.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under subparagraph (A)(ii).''.

SEC. —09. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

(a) IN GENERAL.—Section 3 of Public Law 92–402 (16 U.S.C. 1220) is amended by adding at the end thereof the following:

''(d) Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection Agency under section 3504(b) of Public Law 107–314 (16 U.S.C. 1220 note).''.

(b) LIMITATION.—Section 7 of Public Law 92–402 (16 U.S.C. 1220c–1) is amended by adding at the end thereof the following:

''(d) LIMITATION.—The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this Act.''.

SEC. —10. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended by striking ''paid before the start of each academic year,'' and inserting ''paid,''.

SEC. —11. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NON-APPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after ''body.'' the following: ''Non-appropriated funds received for this purpose shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of non-appropriated fund receipts and all associated expenses.''.

SEC. —12. AMERICA'S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

(a) IN GENERAL.—Chapter 556 of title 46, United States Code, is amended by redesignating sections 55602 through 55605 as sections 55603 through 55606 and by inserting after section 55601 the following:

"§ 55602. Short sea transportation grant program

''(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a short sea transportation grant program.

''(b) PURPOSE.—The purposes of the program are to make grants to States and other public entities and sponsors of short sea transportation projects designated by the Secretary—

''(1) to facilitate and support marine transportation initiatives at the State and local levels to facilitate commerce, mitigate landside congestion, reduce the transportation energy consumption, reduce harmful emissions, improve safety, assist in environmental mitigation efforts, and improve transportation system resiliency; and

''(2) to provide capital funding to address short sea transportation infrastructure and freight transportation needs for ports, vessels, and intermodal cargo facilities.

''(c) ELIGIBLE PROJECTS.—To be eligible for a grant under the program, a project—

''(1) shall be designed to help relieve congestion, improve transportation safety, facilitate domestic and international trade, or encourage public-private partnerships; and

''(2) may include development, modification, and construction of marine and intermodal cargo facilities, vessels, port infrastructure and cargo handling equipment, and transfer facilities at ports.

''(d) SELECTION PROCESS.—

''(1) APPLICATIONS.—A State or other public entity, or the sponsor of any short sea transportation project designated by the Secretary under the America's Marine Highway Program (MARAD Docket No. 2008–0096; 73 FR 59530), may submit an application to Secretary for a grant under the short sea transportation grant program. The application shall contain such information and assurances as the Secretary may require.

''(2) PRIORITY.—In selecting projects for grants, the Secretary shall give priority to

projects that are consistent with the objectives of the short sea transportation initiative and America's Marine Highway Program that will—

''(A) mitigate landside congestion;

''(B) provide the greatest public benefit in energy savings, reduced emissions, improved system resiliency, and improved safety;

''(C) include and demonstrate the greatest environmental responsibility; and

''(D) provide savings as an alternative to or means to avoid highway or rail transportation infrastructure construction and maintenance.

''(e) USE OF GRANT FUNDS.—Funds made available to a recipient of a grant under this section shall be used by the recipient for the project described in the application of the recipient approved by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 556 of title 46, United States Code, is amended—

(1) by redesignating the items relating to sections 55602 through 55605 as relating to section 55603 through 55606; and

(2) by inserting after the item relating to section 55601 the following:

''55602. Short sea transportation grant program.''.

SEC. —13. EXPANSION OF THE MARINE VIEW SYSTEM.

(a) DEFINITIONS.—In this section:

(1) MARINE TRANSPORTATION SYSTEM.—The term ''marine transportation system'' means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) MARINE VIEW SYSTEM.—The term ''Marine View system'' means the information system of the Maritime Administration known as Marine View.

(b) FINDINGS.—Congress finds the following:

(1) Information regarding the marine transportation system is comprised of information from the Government of the United States and from commercial sources.

(2) Marine transportation system information includes information regarding waterways, bridges, locks, dams, and all intermodal components that are dependent on maritime transportation and accurate information regarding marine transportation is critical to the health of the United States economy.

(3) Numerous challenges face the marine transportation system, including projected growth in cargo volumes, international competition, complexity, cooperation, and the need for improved efficiency.

(4) There are deficiencies in the current information environment of the marine transportation system, including the inability to model the entire marine transportation system to address capacity planning, disaster planning, and disaster recovery.

(5) The current information environment of the marine transportation system contains multiple unique systems that are duplicative, not integrated, not able to be shared, not secure, or that have little structured privacy protections, not protected from loss or destruction, and will not be available when needed.

(6) There is a lack of system-wide information views in the marine transportation system.

(7) The Administrator of the Maritime Administration is uniquely positioned to develop and execute the role of marine transportation system information advocate, to serve as the focal point for marine transportation system information management, and to provide a robust information infrastructure to identify, collect, secure, protect, store, and deliver critical information regarding the marine transportation system.

(c) PURPOSES.—The purposes of this section are—

(1) to expand the Marine View system; and

(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(d) EXPANSION OF MARINE VIEW SYSTEM.—To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

(e) AGREEMENTS AND CONTRACTS.—The Administrator of the Maritime Administration may enter into cooperative agreements, partnerships, contracts, or other agreements with industry or other Federal agencies to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2010 through 2013 to carry out this section.

SEC. —14. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2010 the following amounts:

(1) For expenses necessary for operations and training activities, $152,900,000, of which—

(A) $74,448,000 shall remain available until expended for expenses at the United States Merchant Marine Academy, of which $15,391,000 shall be available for the capital improvement program; and

(B) $11,240,000 which shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), $19,500,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $15,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $30,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $6,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.

SA 1566. Mr. INOUYE 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 CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

(a) REQUIREMENT.—In the event the Secretary of the Navy (''the Secretary'') determines that certain parcels of real property under the jurisdiction of the Secretary and located at the Camp Catlin and Ohana Nui areas, Hawaii (''the property''), are excess to the needs of the Department of the Navy, the Secretary may offer to any person or entity leasing or licensing such property or any portion thereof as of the date of the enactment of this Act (''the lessee'') the right to purchase all right, title, and interest of the United States in and to the portion of the property respectively leased or licensed by such person or entity in exchange for payment of not less than the fair market value of such property or any portion thereof, before the property or portion thereof is made available for transfer pursuant to the Hawaiian Home Lands Recovery Act (title II of Public Law 104–42; 109 Stat. 357), for use by any other Federal agency, or for disposal under applicable laws.

(b) EXERCISE OF RIGHT TO PURCHASE PROPERTY.—

(1) ACCEPTANCE OF OFFER.—For a period of 180 days beginning on the date the Secretary makes a written offer to sell the property or any portion thereof under subsection (a), the lessee shall have the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary's offer is not so accepted within the 180-day period, the offer shall expire and the property may be disposed of in accordance with laws, regulations, and procedures otherwise applicable to administration and disposal of excess military property.

(2) CONVEYANCE DEADLINE.—If a lessee accepts the offer to purchase the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place not later than 2 years after the date of the lessee's written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement of the parties, evidenced by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee's lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall be required to pay for such extended term at the rate in effect at the time it was declared excess property.

(c) CONSIDERATION AND OTHER TERMS.—A conveyance to a lessee under this section shall be at fair market value of the property

or portion thereof to be conveyed, as determined by the Secretary, and shall be subject to such other terms, conditions, and limitations as the Secretary may deem appropriate to protect the interests of the United States. The proceeds of any such conveyance shall be deposited in the special account referred to in section 572(b)(5) of title 40, United States Code, and shall be available for the uses and under the conditions provided for funds deposited into that account.

(d) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT AND DISPOSAL LAWS.—Fee conveyances to lessees under this section shall not be subject to the following provisions of law:

(1) Section 2696 of title 10, United States Code.

(2) Section 501 of the McKinney–Vento Homeless Assistance Act (42 U.S.C. 11411).

(3) Section 572 of title 40, United States Code.

SA 1567. 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 B of title V, add the following:

SEC. 512. MODIFICATION OF CERTAIN RETIREMENT PAY AND GRADE AUTHORITIES FOR SERVICES PERFORMED AFTER ELIGIBILITY FOR RETIREMENT.

(a) ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.—

(1) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) A person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if—

''(A) the person satisfies the requirements specified in paragraphs (1) and (2) of section 12731(a) of this title for entitlement to retired pay under this chapter;

''(B) the person served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters);

''(C) the person completed not less than two years of service in such active status (excluding any period of active service); and

''(D) the service of the person in such active status is determined by the Secretary concerned to have been satisfactory.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1)(C) in the case of a person who—

''(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

''(B) failed to complete the minimum two years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.''.

(2) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and''.

(3) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(A) in paragraph (1), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under section 12731(f) of this title''; and

(B) in paragraph (2)(A), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under such section''.

(4) REPEAL OF RESTRICTION ON ELECTION TO RECEIVE RESERVE RETIRED PAY.—Section 12731(a) of such title is amended—

(A) by inserting ''and'' at the end of paragraph (2);

(B) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4).

(5) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

''§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

''12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.''.

(6) RETROACTIVE APPLICABILITY.—The amendments made by this subsection shall take effect as of January 1, 2008.

(b) RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.—

(1) RECOMPUTATION.—Section 10145 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) If a member of the Retired Reserve is recalled to an active status under subsection (d) in the Selected Reserve of the Ready Reserve and completes not less than two years of service in such active status, the member is entitled to—

''(A) the recomputation of the retired pay of the member determined under section 12739 of this title; and

''(B) in the case of a commissioned officer, an adjustment in the retired grade of the member in the manner provided in section 1370 of this title.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(2) RETROACTIVE APPLICABILITY.—The amendment made by this subsection shall take effect as of January 1, 2008.

SA 1568. Mr. BINGAMAN (for himself and 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 508, between lines 15 and 16, insert the following:

SEC. 2005. TECHNICAL CORRECTIONS REGARDING MILITARY CONSTRUCTION PROJECT, CANNON AIR FORCE BASE, NEW MEXICO.

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations or locations shall be as follows:

Special Operations Command

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Cannon Air Force Base	SOF AC 130 Loadout Apron Phase 1	$6,000,000

Energy Conservation Projects, Defense-wide

Location	Project Title	Senate Authorized Amount
Unspecified Worldwide	Energy Conservation Improvement Program	$117,013,000

On page 529, in the table preceding line 1 entitled ''Special Operations Command'', in the item relating to Cannon Air Force Base, New Mexico, strike ''$52,864,000'' in the amount column and insert ''$58,864,000''.

On page 531, line 8, strike ''$123,013,000'' and insert ''$117,013,000''.

On page 531, line 19, strike ''$963,373,000'' and insert ''$969,373,000''.

On page 532, line 11, strike ''$123,013,000'' and insert ''$117,013,000''.

SA 1569. 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:

On page 92, between lines 18 and 19, insert the following:

SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.

Section 366(a)(5) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 113 note) is amended—

(1) by striking ''(5) At the same time'' and inserting ''(5)(A) At the same time''; and

(2) by adding at the end the following new subparagraph:

''(B) Beginning with the report submitted to Congress at the same time as the President submits the budget for fiscal year 2011, the report required under this subsection shall include the following:

''(i) An assessment of the extent to which vegetation and overgrowth limits the use of military lands available for training of the Armed Forces in the United States and overseas.

''(ii) Identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

''(iii)(I) As part of the first such report submitted, a plan to address training constraints caused by vegetation and overgrowth.

''(II) As part of each subsequent report, any necessary updates to such plan.''.

SA 1570. Mr. FRANKEN 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. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a current electronic mail address (if any) and a current telephone number as information requested of a member of the Armed Forces by the form. Such information shall be provided only with the consent of the member of the Armed Forces.

SA 1571. Mr. JOHANNS (for himself, Mr. BUNNING, Mr. CRAPO, Mr. INHOFE, Mr. MARTINEZ, Mr. BOND, Mr. COBURN, Mr. BENNETT, Mr. KYL, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE ON THE IMPLEMENTATION OF THE UNITED STATES–COLOMBIA TRADE PROMOTION AGREEMENT.

It is the sense of the Senate that—

(1) the successes achieved by the President of Colombia, Alvaro Uribe, in rebuilding the Government of Colombia, strengthening the institutions of Colombia, and solidifying the rule of law in Colombia are historic;

(2) President Uribe, the Government of Colombia, and the security forces of Colombia should be congratulated for significant successes in fighting the Revolutionary Armed Forces of Colombia (FARC);

(3) the close ties between the United States and Colombia in the fight against illicit narcotics, terrorism, and transnational crime should be recognized;

(4) the United States–Colombia Trade Promotion Agreement is enormously advantageous for workers, businesses, and farmers in the United States, who would be able to export goods to Colombia duty-free;

(5) it is in the security, economic, and diplomatic interests of the United States to deepen the relationship between the United States and Colombia; and

(6) the United States should implement the United States–Colombia Trade Promotion Agreement immediately.

SA 1572. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS MEMBER OF ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

SA 1573. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the ''Association'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same

purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 1574. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, between lines 6 and 7, insert the following:

SEC. 635. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4);

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting ''(1)'' after ''(a)''; and

(4) by adding at the end the following new paragraph:

''(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

''(A) the member is ordered to make a change of permanent station to or from a nonforeign area outside the continental United States and the member has at least one dependent of driving age who will use the motor vehicle; or

''(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the member and is in the interest of the United States and the Secretary approves the transportation in advance.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking ''his dependents'' and inserting ''a dependent of the member'';

(2) by striking ''him'' and inserting ''the member'';

(3) by striking ''his)'' and inserting ''the member)'';

(4) by striking ''his new'' and inserting ''the member's new''; and

(5) in paragraph (1)(C), as redesignated by subsection (a)—

(A) by striking ''clauses (1) and (2)'' and inserting ''subparagraphs (A) and (B)''; and

(B) by inserting ''or'' after the semicolon.

(c) EFFECTIVE DATE.—Paragraph (2)(A) of subsection (a) of section 2634 of title 10, United States Code, as added by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

(d) OFFSETS.—

(1) DEFENSE TRANSFORMATION AGENCY R&D ACTIVITIES.—The amount authorized to be appropriated by section 201(a)(4) for research, development, test, and evaluation for Defense-wide activities is hereby decreased by $15,000,000, with the amount of the decrease to be derived from amounts available for Business Transformation Agency R&D Activities (PE# 0605020BTA) and allocated to the Defense Travel System.

(2) ENERGY CONSERVATION IMPROVEMENT PROGRAM.—

(A) TOTAL AMOUNT FOR MILITARY CONSTRUCTION, DEFENSE-WIDE.—The total amount authorized to be appropriated by section 2404(a) for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) is hereby decreased by $23,000,000.

(B) ENERGY CONSERVATION PROJECTS.—

(i) REDUCED AUTHORITY.—The amount authorized for energy conservation projects under section 2403 is hereby decreased by $23,000,000.

(ii) REDUCED AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2404(a)(6) for energy conservation projects is hereby decreased by $23,000,000, with the amount of such decrease to be derived from amounts available for the Energy Conservation Improvement Program.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing for Tuesday, July 21, entitled, ''Excessive Speculation in the Wheat Market.'' This hearing is a followup to the June 24 Subcommittee release of a 247–page staff report entitled, Excessive Speculation in the Wheat Market, examining how commodity index traders, in the aggregate, have made such large purchases on the Chicago wheat futures market that they have pushed up futures prices, disrupted the normal relationship between futures prices and cash prices for wheat, and caused farmers, grain elevators, grain processors, and others to experience significant unwarranted costs and price risks. The Subcommittee hearing will examine the nature of the problems caused by index trading in the wheat market and possible solutions, including applying standard position limits to index traders instead of exempting them. Witnesses for the upcoming hearing will include representatives of CFTC, and the Chicago Mercantile Exchange, as well as representatives of wheat producers, users, consumers, and index traders.

The Subcommittee hearing has been scheduled for Tuesday, July 21, 2009, at 2:30 p.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations a 202–224–9505.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on July 23, 2009, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 637, Dry-Redwater Regional Water Authority System Act of 2009; S. 789, Tule River Tribe Water Development Act; S. 1080. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; and S. 1453. 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.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Gina Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. SHAHEEN. 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 15, 2009, at 2:30 p.m., to conduct a hearing on ''Regulating Hedge Funds and Other Private Investment Pools.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. SHAHEEN. 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 Wednesday, July 15, 2009, at 10:30 a.m., in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. SHAHEEN. 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 Wednesday, July 15, 2009, at 9:30 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 10 a.m. to conduct a hearing entitled ''Identification Security: Reevaluating the REAL ID Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 15, 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 RULES AND ADMINISTRATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 15, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. I ask unanimous consent that floor privileges be given to Linda Hoffa, a detailee in my office.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that Bill Curlin, an Air Force fellow in my office, be granted the privilege of the floor during the debate on the Defense authorization bill of 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, on behalf of Senator BINGAMAN, I make a unanimous consent request that Jonathan Epstein, a professional staff member with the Energy and Natural Resources Committee, be granted the privilege of the floor for the remainder of the debate on S. 1390, the National Defense Authorization Act for Fiscal Year 2010.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 509, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 509) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 509

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

SECTION 1. MAJOR MEDICAL FACILITY PROJECT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, WALLA WALLA, WASHINGTON.

(a) AUTHORIZATION FOR MAJOR MEDICAL FACILITY PROJECT.—The Secretary of Veterans Affairs may carry out a major medical facility project for the construction of a new multiple specialty outpatient facility, campus renovation and upgrades, and additional parking at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, with the project to be carried out in an amount not to exceed $71,400,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects account, $71,400,000 for the project authorized in subsection (a).

NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 211, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 211) supporting the goals and ideals of ''National Life Insurance Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 211) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 211

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in the family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2009 as ''National Life Insurance Awareness Month'' as a means to encourage consumers to become more aware of their life insurance needs, seek professional advice regarding life insurance, and take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader of the Senate and the Speaker of the House of Representatives, pursuant to Public Law 111–21, announces the joint appointment of Phil Angelides of California to serve as chairman of the Financial Crisis Inquiry Commission.

The Chair, on behalf of the majority leader, pursuant to Public Law 111–21, appoints the following to serve as members of the Financial Crisis Inquiry Commission: the Honorable Bob Graham of Florida, Heather Murren of Nevada, and Byron Georgiou of Nevada.

The Chair, on behalf of the minority leader, pursuant to Public Law 111–21, appoints the following individuals to serve as members of the Financial Crisis Inquiry Commission: Keith Hennessey of Virginia, and Douglas Holtz-Eakin of Virginia.

ORDERS FOR THURSDAY, JULY 16, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, July 16; that following the prayer and 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 there be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half, and with Senators permitted to speak for up to 10 minutes each; further, I ask that following morning business, the Senate resume consideration of Calendar No. 89, S. 1390, the Department of Defense authorization bill; and, finally, I ask that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, earlier today, the majority leader filed cloture on the pending hate crimes amendment. We will continue to work on an agreement to vote in relation to the hate crimes amendment tomorrow. If we are unable to reach an agreement, the cloture vote would occur at 1 a.m. Friday morning.

ORDER FOR ADJOURNMENT

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that following the remarks of Senators CHAMBLISS, GRASSLEY, and WHITEHOUSE the Senate adjourn under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

SUNSTEIN NOMINATION

Mr. CHAMBLISS. Mr. President, I want to speak on the nomination of Cass R. Sunstein to be the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget.

I placed a hold on the consideration of Professor Sunstein's confirmation after his hearing in the Senate Committee on Homeland Security and Governmental Affairs. I chose to do this because Professor Sunstein has written, lectured, and made recommendations on animal rights issues that are very troubling to me and to folks who make their living in agriculture and those who enjoy our Nation's great hunting and fishing heritage.

Let me just say, Mr. President, it is extremely unusual for this Member of the Senate to place a hold on anybody. It is not something I normally do.

Professor Sunstein has theorized that animals—he has theorized in writing as well as in speeches—that animals should be permitted to bring suit against their owners and others with human beings being their representatives. Let me say that again. Professor Sunstein has theorized in writing and in speeches that animals should be permitted to bring lawsuits against their owners and others with human beings as their representatives.

That is a very radical and strange position, and it not only got my attention but it got the attention of any number of other folks around the country, both within and without the agricultural sector of our country. The devastating effect this would have on animal agriculture is incalculable. Mistreated livestock do not perform well. American farmers and ranchers work every day to make sure their stock is cared for in a humane manner, and yet they would still face a tremendous threat from frivolous lawsuits under this misguided theory. Even though claims would be baseless, they would still bear the financial costs of reckless litigation. That is a cost that would put most family farming and ranching operations out of business.

Professor Sunstein also made offhand remarks during lectures that ''perhaps hunting ought to be banned.'' While he offered assurances during his nomination hearing that his personal view supported hunting, I am not a member of that committee and thus was not able to question Professor Sunstein personally during his confirmation hearing.

I greatly enjoy the time I spend hunting with my friends and family, and I was also very disturbed by this statement.

The Administrator of OMB's Office of Information and Regulatory Affairs must have a firm foundation in common sense, and we owe it to the American public to ensure that regulators are properly vetted by the Senate. That is why I held up Professor Sunstein's nomination in order to provide him an opportunity to explain his views on animal rights as well as the second amendment.

Since his original hearing, Professor Sunstein has met with people involved in agriculture, including the American Farm Bureau Federation, the Farm Animal Welfare Coalition, the National Pork Producers Council, and the United Egg Producers. He has heard their point of view and exactly how devastating some of his theories would be to the reality of earning a living in rural America. He has satisfied some of them, and some are still decidedly wary of his ideas.

I have also had the opportunity to meet personally with Professor Sunstein to let him explain, and me explain to him how detrimental his theories would be to the folks working so hard to feed this country and to hopefully obtain from Professor Sunstein assurances that he does not oppose hunting or the right to bear arms. I tried to figure out what he meant by saying that animals ought to have the right to sue individuals.

Let me say, Professor Sunstein comes highly recommended by a number of folks from the conservative side of the philosophical divide in this country. His ability to look at regulatory measures and to provide cost-benefit analysis is very intriguing. He is obviously a very competent person when it comes to that side of the business community. I have a great appreciation for that.

I had a very good meeting with Professor Sunstein yesterday, and after our meeting I received a letter from Professor Sunstein wherein he explained some of his statements and inflammatory ideas. In that letter, he stated that he ''would not take any steps to promote litigation on behalf of animals'' and that Federal ''law does not create an individual right to bring lawsuits on behalf of animals against agriculture.'' He also stated that he believes ''the second amendment creates

an individual right to possess guns for purposes of both hunting and self-defense.''

At this time, I ask unanimous consent to have the letter to me from Professor Sunstein dated July 14, 2009, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
July 14, 2009.

Senator SAXBY CHAMBLISS,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAMBLISS: Thanks so much for the meeting today, which I greatly enjoyed.

You requested my views on three subjects. Before commenting on the details, let me emphasize that if confirmed as Administrator of the Office of Information and Regulatory Affairs, my primary concern would be to ensure that regulations are consistent with the Constitution, the law as enacted by Congress, and the principles reflected in governing Executive Orders.

Your first question involved the Second Amendment. I strongly believe that the Second Amendment creates an individual right to possess and use guns for purposes of both hunting and self-defense. I agree with the Supreme Court's decision in the Heller case, clearly recognizing the individual right to have guns for hunting and self-defense. If confirmed, I would respect the Second Amendment and the individual right that it recognizes.

You also asked about litigation, by individuals, on behalf of animals. Let me be very clear: If confirmed, I would not take any steps to promote litigation on behalf of animals. In particular, federal law does not create an individual right to bring lawsuits, on behalf of animals, against agriculture. I do not favor and would not promote such a right.

Finally, you inquired about private enforcement of the law. Such private enforcement can in some cases be a useful way of ensuring compliance with legislative requirements, but it can also create serious harm, by imposing significant costs and burdens on those who are already obeying the law. Sometimes Congress concludes that the balance favors private actions; sometimes it decides against such actions. If confirmed, I would consult, and follow, congressional instructions on the question of whether private rights of action are available.

I hope that these answers are helpful, and I would be happy to address these or other issues at any time. All best wishes.

Sincerely,

CASS R. SUNSTEIN.

Mr. CHAMBLISS. Administration nominees deserve a fair hearing by the Senate, and Professor Sunstein is no different. While I cannot agree with his ideas, his legal theories, or his views, now that he has been educated about the toll they would take on hard-working farmers and ranchers in America, I am not going to keep him from any further consideration. I intend to lift my hold on Professor Sunstein.

I understand from Professor Sunstein now that he has a much better understanding of animal agriculture and our country's sporting tradition. I am optimistic that this open dialog with animal agriculture will continue. I obviously look forward to working with him to ensure he continues to carry out exactly what he stated to me in his letter of July 14.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

TAXES AND HEALTH REFORM

Mr. GRASSLEY. Mr. President, I rise to discuss the high rate of taxation that is about to take place if the House of Representatives passes its health reform bill. I would also raise the issue about the effect the same level of taxation—not quite as high—would have under the budget adopted by this body back in March. I wish to address the tax hikes, particularly as they apply to small business, that President Obama and my colleagues on the other side of the aisle have proposed.

The latest tax hike proposal is the House Democrats' graduated surtax of up to 5.4 percent on those making more than $280,000. For those Americans who are married but file separate returns, this surtax increases taxes for those making over $175,000.

I refer to this surtax as a small business surtax because it hits small business particularly hard. Here is how the House's small business surtax works. In 2011 and 2012, singles making between $280,000 and $400,000 will pay an extra 1 percent, those singles making between $400,000 and $800,000 will pay an extra 1.5 percent, and those singles making more than $800,000 will pay an extra 5.4 percent. Then in 2013 and after, these rates go to 2 percent, 3 percent, and 5.4 percent, respectively. The only way the rates do not go up to these levels is if one of the President's advisers, the Director of OMB, says in 2012 that there will be more than $675 billion in health care savings by the year 2019 in the bill the House has recently written. That is right, in addition to the tax questions, we have the House leaving up to a partisan Presidential adviser—not the President himself or a nonpartisan organization such as CBO—that taxes stay up or can go down.

Another troubling aspect of this charade is that this does not deal only with actual savings achieved but instead calls for a partisan's 2012 estimate of savings to be achieved through the year 2019. The Joint Committee on Taxation, a nonpartisan professional group here on the Hill that advises Congress, correctly ignores this charade in its estimate of the House small business surtax and correctly assumes that the rates are actually going to go up after 2013.

In 2011 and 2012, then, for married couples, the small business surtax kicks in at 1 percent for those making $350,000 to $500,000, it rises to 1.5 percent for married couples making between $500,000 and $1 million, and it goes up to 5.4 percent for those making over $1 million. Then in 2013 and later, the rates go up to 2 percent, 3 percent, 5.4 percent, respectively. As discussed above, the only way these rates do not go up in 2013 is if the OMB Director decides they should not go up.

Let's look at this tax increase from the venue of small business. I know people listening, as well as my colleagues, think: You talk about people making $1 million or half a million dollars, why can't they pay another 2, 3, or even 5 percent? It is a situation where small business in America creates 70 percent of the jobs. It is a case of where most small business operates on cash flow, not investment from the outside as normal corporations would. So we are talking about the health of our economy, and we are talking about getting the economy out of this recession we are in.

By the way, the President and I agree that 70 percent of the new private sector jobs are, in fact, created by the small businesses I have just described. However, where the President and I differ is that I believe small businesses' taxes should be lowered, not raised during this time of getting the economy back on track—particularly when you look at the stimulus bill that was passed back in February. It doesn't appear to anybody as if it is doing any good yet, like creating the jobs it was supposed to do, like keeping unemployment under 8 percent, which is now 9.5 percent, and only one-half of 1 percent of that $787 billion stimulus package was to help small business. We ought to be doing something, if we want to revitalize the economy, that helps small business, and increasing taxes on small business will not do that.

In 2001 and 2003, Congress enacted bipartisan tax relief designed to trigger economic growth and to create jobs by reducing the tax burden on individuals as well as small businesses. This included the across-the-board income tax reduction which reduced marginal tax rates for income earners at all levels. I know people do not believe this, but if you look at the allocation of the tax by the highest 1 percent of the people, even after the 2001 tax cut, you saw that highest 1 percent still paying a larger proportion into the Federal Treasury, of income tax, than they were doing prior to that. So even with tax reduction, you end up with a more progressive Tax Code—which nobody is willing to admit, but we can back that up by figures. It also, in 2001, included a reduction of the top dividends and capital gains tax rate to 15 percent and a gradual phaseout of the estate tax.

Unfortunately, the way you have to write tax bills under the reconciliation process around here, those tax bills enacted in 2001 and 2003 will expire December 31, 2010, and automatically we are going to get the biggest tax increase in the history of the country without even a vote of Congress because of sunset.

Some have referred to this bipartisan tax relief as ''the Bush tax cuts for the wealthy.'' However, it seems to be easily forgotten around here, but this tax relief was bipartisan tax relief and provided tax relief for all taxpayers. They

have also suggested that the tax relief provided for higher income earners, including many small businesses, should be allowed to expire. The President has proposed increasing the top marginal tax rates from 33 to 36 percent and the other one from 35 to 39.6 percent.

We have a chart here you can refer to, so all these numbers I am giving, you have a reference point for them.

The President has also proposed increasing the tax rates on capital gains and dividends to 20 percent and providing for an estate tax rate as high as 45 percent and an exemption of only $3.5 million.

Also, the President and allies on the Hill have called for fully reinstating the personal exemption phaseouts—we call them PEP, for short—personal exemption phaseouts for those making over $200,000. Then there is another phaseout called the Pease phaseout, named after a former Congressman from Ohio, for those making more than $200,000. So, under the 2001 tax law, when these phaseouts come back in after 2010, you actually end up with higher marginal tax rates of almost 2 percent. It is not 39.6 as the high marginal tax rate; it is something much higher—41 or 42 percent.

You know what you do, you get the smokescreen of saying you don't quite have a 40-percent marginal tax rate, but in fact you do have higher than 40 percent. There seems to be something magical about not exceeding that 40 percent for the benefit of public relations, but it will be exceeded greatly with this 5.4 percent the House is putting in, in their health care bill.

However, like other provisions in the law, PEP and Pease are scheduled to come back in full force, as I just said, in 2011—again, without a vote of Congress. With PEP and Pease fully reinstated, individuals in the top two rates could see their marginal effective tax rates increase by 24 percent or more.

Once again, I refer my colleagues to the chart. For example, a family of four who is in the 33-percent tax bracket in 2010 could pay a marginal effective tax rate of 41 percent after 2010 because of PEP and Pease. This rate would go higher if that family had more children, and this is before the small business surtax is even factored in.

Some of my colleagues, particularly on the other side of the aisle, have defended this proposal by claiming that they will only raise taxes on wealthy taxpayers who make more than $200,000 a year. For the vast majority of people who earn less than $200,000, raising taxes on higher earners might not sound so bad. However, there are consequences for what we do around here. That means many small businesses will be hit with a higher tax bill. These small businesses create 70 percent of all new private sector jobs. These small businesses that are sole proprietors, S corporations, partnerships, and limited law corporations would get hit with the President's proposal to raise the top two marginal tax rates, if their owners make more than $200,000.

In addition, there is just under 2 million small C corporations that are subject to double taxation. To the extent that these C corporation owners make over $200,000 and pay themselves a salary, they would get hit with a tax increase on the top two marginal tax rates proposed by the President. Also, owners of small C corporations who receive dividends or realize capital gains and make over $200,000 would pay a 20-percent rate on these dividends and capital gains after 2010, under these tax-hike proposals. Currently, these pay a rate of 15 percent.

All of this wasn't bad enough for small business. Why emphasize small business? It is the job creation machine of the economy. Why emphasize small business? They operate cash flow, generally. They don't have outside investors. And why emphasize small business? Because it takes entrepreneurs to create jobs. I had the opportunity for 10 years, from 1961 to 1971, to be a union assembly line worker at a little company called Waterloo Register in Cedar Falls, IA. We made furnace registers. I use that company—locally owned, people who got together to create jobs—as an example. They gave me an opportunity to earn a small livelihood for 10 years of my life. It takes people who have means to create jobs. I have never worked for anybody who was low income or in poverty. You have to have the incentive of people in this country to put resources together to create income for themselves and, in the process of expanding, increase jobs for everybody else. So you understand where I am coming from, from the standpoint of small business.

The House of Representatives has proposed a graduated surtax of up to 5.4 percent on those making over $280,000. To people listening, $280,000 is a lot of money, probably the top 3 or 4 percent of the people. But if they are a small business and they are operating with cash flow, cutting into that cash flow is a job killer. With this small business surtax, a family of four in the top two brackets will pay a marginal tax rate in the range of 43 and 46.4 percent in 2013. I am not prepared to say this right now, but maybe when I end I will say something about the State income tax on top of that, to show how high are the taxes these ideas are taking us to.

When you go to 43 and 46.4 by 2013, this would result in an increase of the marginal tax rates by a minimum of 23 percent and a maximum of 33 percent.

Candidate Obama pledged that ''Everyone in America—everyone—will pay lower taxes than they would under the rates Bill Clinton had in the 1990s.'' I am going to show you, if this goes into effect, it is probably the highest rates, going back to the time Carter was President. The small business surtax proposed by House Democrats would violate President Obama's pledge. Therefore, I stand with President Obama in opposing the small business surtax proposed by House Democrats.

According to National Federation of Independent Businesses survey data, 50 percent of the owners of small businesses that employ 20 workers to 249 workers would fall into the top two brackets, backing up what I have continuously said during my dialog with the people. According to the Small Business Administration, about two-thirds of the Nation's small business workers are employed by small businesses with 20 to 500 employees. Do we want to raise taxes on these small businesses that create new jobs and employ two-thirds of all small business workers?

The National Federation of Independent Businesses recently came out with its June report that showed that small businesses continue to have net job losses as well as reduced compensation for those who are still on the payroll; in other words, not part of the 9.5 percent unemployment we have since the stimulus bill passed. With these small businesses already suffering from the credit crunch, do we think it is wise to hit them with the double whammy of up to a 33-percent increase in marginal tax rates.

Newly developed data from the Joint Committee on Taxation demonstrates that 55 percent of the tax from the higher rates will be borne by small business owners with incomes over $250,000. This is a conservative number because it doesn't include flow through business owners making between $200,000 and $250,000 that will also be hit by the Democratic budget's proposed tax hikes. If the proponents of the marginal rate increase on small business owners agree that a 23-percent to 33-percent tax increase for half the small businesses that employ two-thirds of all small business workers is not wise, then they should either oppose these tax increases or present data that show a different result. I wish to fight for lower State tax rates and higher estate tax exemption amounts to protect successful small businesses so people who work a lifetime can pass on without liquidation at the time of death.

In a time when many businesses are struggling to stay afloat, it does not make sense to impose additional burdens on them by raising taxes. Odds are they do nothing then but cut spending. And when their cash flow goes down, probably layoffs happen. They will cancel orders for new equipment as well, cut insurance for their employees, and stop hiring. Instead of seeking to raise taxes on those who create jobs in our economy, our policies need to focus on reducing excessive tax and regulatory barriers that stand in the way of small businesses and the private sector making investments, expanding production, and creating sustainable jobs. We should continue to fight to prevent a dramatic tax increase on our Nation's job machine, the small businesses of

America. This includes working to protect small businesses from higher marginal tax rates, an increase in capital gains and dividend tax rates and an increase in the unfair estate tax rate that will penalize the success of small businesses.

In fact, I have recently introduced S. 1381, the Small Business Tax Relief Act of 2009, to lower taxes on these job-creating small businesses. My bill contains a number of provisions that will leave more money in the hands of these small businesses so these businesses can hire more workers, continue to pay the salary of their current employees, and make additional investments in these businesses. The National Federation of Business has written a letter supporting my bill.

Quoting from the letter:

To get the small business economy moving again, small business needs the tools and incentives to expand and grow their business. S. 1381 provides the kind of tools and incentives that small businesses need.

We all want to see the job numbers from the Department of Labor moving in positive directions. We all want to see the unemployment rate plummet. I firmly believe the best way for us to do that is to prime the job-creating engine of our economy by focusing on small businesses. My small business bill, if enacted, will lead to new jobs. This is in the right direction. The House health care reform bill, with the 5.4-percent tax increase, is taking us in the wrong direction. These will be real, countable, verifiable jobs that will be created.

In contrast, President Obama has proposed tax increases that will cause small business jobs to be lost. The newest tax hike proposed is the small business surtax. As with other tax hikes on small business, I oppose the small business surtax. I urge my colleagues on both aisles to do the same.

I ask unanimous consent to print in the RECORD the NFIB letter from which I quoted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, July 10, 2009.

Senator CHARLES GRASSLEY,
Ranking Member, Senate Committee on Finance, Washington, DC.

DEAR RANKING MEMBER GRASSLEY: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing to thank you for introducing S. 1381, the Small Business Tax Relief Act of 2009.

Small business is the source of economic growth and job creation, but the NFIB Small Business Economic Trends (SBET) survey has been near historic lows since September, with plans to hire and make capital expenditures showing little sign of improvement. To get the small business economy moving again, small businesses need the tools and incentives to expand and grow their businesses.

S. 1381 provides the kinds of tools and incentives that small businesses need. Specifically, increasing and making permanent section 179 expensing will provide small businesses with the incentives and certainty to make new investments in their business. Providing a 20 percent deduction for smaller flow-through businesses and reducing the tax rate on smaller C corps will allow all small businesses to keep more of their income to invest back into the business. Finally, providing full deductibility of health insurance for the self employed provides tax equity, lowers the cost of health insurance, and improves an important deduction for these business owners.

These and other provisions in the bill will reduce the tax burden on small businesses. This is especially important in the current economic environment with many small businesses struggling to find access to credit. Allowing business owners to keep more of the money they earn provides an immediate source of capital that will be invested back into the business.

Thank you again for your continued efforts to support small business owners and to reduce their tax burden. I look forward to working with you to see that this bill becomes law.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

EXECUTIVE SESSION

EXECUTIVE NOMINATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Commerce Committee be discharged en bloc from further consideration of PN638 and PN639 and that the Senate proceed en bloc to their consideration; that the nominations be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Charles F. Bolden, Jr., of Texas, to be Administrator of the National Aeronautics and Space Administration.

Lori Garver, of Virginia, to be Deputy Administrator of the National Aeronautics and Space Administration.

Mr. NELSON of Florida. Mr. President, by this action, it concludes a very happy chapter for what I think will be the future of the National Aeronautics and Space Administration. PN638 is Presidential No. 638, and that is the nomination of GEN Charles F. Bolden to be the NASA Administrator, whom we have just confirmed, and PN639 is Presidential No. 639, which is the nomination of Lori Garver to be Deputy Administrator for NASA which we have just confirmed. My congratulations to the two of them.

I will make one personal comment. General Bolden is someone who has known adversity but has always been an overcomer.

This was certainly true in South Carolina, in 1964, when, as an African American, he could not get an appointment from his congressional delegation to Annapolis. The Defense Department found Charlie and arranged for a Chicago Congressman to nominate him. When Charlie arrived as a freshman at Annapolis, he was promptly elected president of the freshman class. So you can see the progression of being an overcomer.

Upon graduation from Annapolis, choosing the Marines, choosing to fly, becoming a marine test pilot, applying to the astronaut office, becoming an astronaut, flying twice as shuttle pilot and twice as commander—four times—returning to active duty in the Marine Corps, and rising to the level of major general, after having commanded several Marine wings; and now the dream is fulfilled that Charlie has now been confirmed as head of the National Aeronautics and Space Administration.

I think it is interesting that at 6:03 this evening the space shuttle lifted off into a successful mission. This space shuttle holds the second record for the most delays—six. It is exceeded by the first space flight that General Bolden took, of which I had the privilege of being a member of that crew in January of 1986. We were delayed seven times—scrubbed four times on the pad before launching on the fifth try into an almost flawless 6-day mission.

General Bolden takes over NASA at a critical time. NASA is in drift. It needs a leader. But also for General Bolden to be successful as the leader of NASA, he has to have the backing of the President of the United States, who is the one who can give the ultimate leadership to our Nation's space program.

So it was such a privilege for me, Mr. President, to come and propound this unanimous consent request and to see the Senate confirm, by your order, unanimously, the nominations of the Administrator and the Deputy Administrator of NASA. Needless to say, there are a lot of smiles that are going to be across America as a result of this action.

Thank you, Mr. President. I yield the floor.

Ms. MIKULSKI. Mr. President, I am in support of President Obama's nomination of Charles Bolden as the next Administrator of the National Aeronautics and Space Administration, NASA, and Lori Garver as the Deputy Administrator of NASA.

We are at a critical point in NASA's history, and our space agency needs a leadership team devoted to the core mission of the agency.

Mr. Bolden has a compelling story. He transcended barriers and established himself at the forefront of our Nation's scientific policy. A career marine and true leader, Mr. Bolden is deeply committed to fostering a balanced space program focused on safe,

reliable human space exploration, and robust scientific research and innovation. A seasoned astronaut, Mr. Bolden has experienced first hand the significance of space exploration, traveling into orbit four times between 1986 and 1994, including a mission to deploy the Hubble space telescope.

From commanding missions in space to serving our Nation in the U.S. Marine Corps, Mr. Bolden has displayed the experience, leadership skills, and know-how to successfully guide NASA into the future.

In addition, Lori Garver is a leader in the aerospace industry and has displayed tremendous management ability and intellect. Her knowledge of our space program will be key to NASA's leadership team.

Again, I fully support the nomination of Charles Bolden and Lori Garver as the next Administrator and Deputy Administrator of NASA.

The PRESIDING OFFICER. The Senator from Rhode Island.

AFFORDABLE HEALTH CHOICES ACT

Mr. WHITEHOUSE. Mr. President, today, I proudly cast my vote to pass out of the Senate Health, Education, Labor, and Pensions Committee landmark legislation that will fundamentally change the direction of our dysfunctional health care system.

The committee approval of the Affordable Health Choices Act is truly a tremendous victory for millions of Americans who struggle with a system that has continually failed to provide quality, affordable health care options for them, their families, their loved ones, and their businesses.

It has been a special privilege to temporarily serve on the HELP Committee, in particular, with my distinguished senior Senator, JACK REED. I do not think there is a formal rule against it, but it is a rarity in the Senate for two Members from the same State of the same party to serve on the same committee. My brief tenure on the HELP Committee gave me the chance to witness firsthand the resolve and caring leadership that is JACK REED's hallmark and that was shown throughout this historic debate.

I also applaud the unwavering commitment and leadership of President Obama, and the tireless efforts of my Senate colleagues, in the pursuit of meaningful, comprehensive reform.

I feel really very privileged to have served with Chairman DODD and Ranking Member ENZI. Chairman DODD had this responsibility fall upon him when illness overtook probably his best friend in the Senate, Chairman KENNEDY. And he gave me, at least, as a junior Senator, an education in Senate chairmanship.

Ranking Member ENZI presented an unforgettable model of graciousness and civility. And all of the members of the committee worked hard and sincerely.

I particularly thank our esteemed chairman, Senator KENNEDY, for his longstanding leadership and dedication. He truly is the champion of health care reform. For decades, Chairman KENNEDY has worked passionately on this important cause. And while he could not attend the markup, we felt his presence daily in the hearing room. And it is to his very great credit that we had this success today.

I am pleased that the final legislation reflects the principles outlined by President Obama, who called for a new system to control skyrocketing health costs, expand coverage to the tens of millions left uninsured in our country, and ensure high quality, affordable health care for every American family.

The bill also focuses on the priorities of Americans, from all corners of our country, whose powerful and often heart-wrenching stories underscore the urgent need for reform.

Behind all the statistics and all the numbers and all the projections and all the demographics, as we all know in this Chamber, are a legion of personal and family tragedies and sorrows and frustrations that we have to address.

The Affordable Health Choices Act invests heavily in the delivery system reforms that will drive down costs and bring our current outmoded, broken system into the 21st century. These changes are long past due and are essential if we are to protect our ship of state from the tidal wave of health care costs now bearing down on us.

This legislation also upholds President Obama's promise: If you like the health care you have, you can keep it. But for the many Americans who want different choices or who do not have health insurance at all, we also offer a new public health insurance option that can and must compete in an open market with private insurance.

As I have traveled throughout Rhode Island, at community dinners and senior centers, at coffees and on our main streets, I have heard stories of frustration and heartache at our broken health care system. Earlier this year, I launched a health care storyboard on my Web site where Rhode Islanders can share their experiences and ideas for health reform. In just a few short months, hundreds of Rhode Islanders have written to share their ideas and experiences. These are just a few of them.

Paul and Marcela from Newport told me about the health complications that Paul and his son have endured from type 1 diabetes. The related medical conditions Paul has suffered from the diabetes have left him unable to work.

To compensate for the family's loss of income, Marcela works tirelessly, taking on a full-time and part-time job to pay the bills. Like so many hard-working Americans, they fall just short of income eligibility cutoffs for State assistance programs, forcing them to bear the brunt of expensive medical cos, premiums, and prescription costs. On a stretched budget, balancing their medical expenses is a constant challenge, and Paul and Marcela keep hoping they will catch a break soon.

I heard from Ben, a medical student in Providence, who, even at such an early stage in his medical career, has witnessed the devastating effect of being uninsured on the health and well-being of his patients.

Ben shared the story of one of his patients who delayed treatment because he was unable to afford the medical bills. Only a few days later, this patient was rushed to the emergency room with a life-threatening infection.

The treatment to save this man's life resulted in much higher costs for the patient and the hospital—costs that Ben knows may have easily been prevented if the patient was treated when the condition was in its early stages. Ben writes:

> It's these day-to-day decisions to postpone treatment that really hurt the uninsured.

Mike from Riverside shared his experience of surviving cancer that was misdiagnosed and left untreated for several years. When he sought a second opinion, the final diagnosis was delayed for weeks as his paper medical records were shuttled from hospital to hospital.

On top of this frustration, Mike received the devastating news that his leg had to be removed to prevent the cancer from spreading further. After his amputation surgery, Mike is thankful to be cancer free, but now his financial struggles have begun. With medical bills and health care premiums that exceed his monthly mortgage payments, Mike is wondering how he will make ends meet.

I had coffee with Shirley, a Middletown resident who described her relief at turning 65. For the past 20 years, she and her husband did not have insurance. As self-employed business owners in their fifties, finding affordable insurance options was impossible, so they went without. They took their chances.

Now 65 and eligible for Medicare, they finally have peace of mind. Shirley admits she and her husband were lucky to make it through those 20 years without serious health problems. During our meeting, she urged us to pass health care reform for the millions of hard-working Americans—hard-working, middle-class Americans—who are not as fortunate as she and her husband.

For these Rhode Islanders—and for millions more Americans all over the country—there has to be a better way. We have to do better than 47 million uninsured and millions more teetering on the brink. We have to do better than 100,000 people dying each year from avoidable medical errors. We have to do better than health care outcomes for Americans who are at the bottom of all our industrialized competitors. America can do better than this. With this legislation, we believe the process

has begun for America to do better than this.

The work accomplished today by the HELP Committee is, of course, a first step in a long journey toward restructuring our health care system. The path to meaningful reform will not be easy. We have many rivers to cross, and our efforts to implement change will still face challenges. Certain stakeholders, invested in the status quo, will fight back against change; they will drag their feet; they will misinform; and they will mobilize—all with the singular purpose of defeating our progress toward comprehensive health care reform.

I know the fight to secure final passage of our reform will be contentious, but I welcome a vigorous debate on the Senate floor because I also know our current system has reached a state of disrepair that is putting us at risk—as patients, as families, as competitive businesses, and as a nation. And failing to change the status quo is both unsustainable and irresponsible.

I thank the Presiding Officer, and I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until Thursday, July 16, 2009, at 9:30 a.m.

Thereupon, the Senate, at 8 p.m., adjourned until Thursday, July 16, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL EMERGENCY MANAGEMENT AGENCY

RICHARD SERINO, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR AND CHIEF OPERATING OFFICER, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE HARVEY E. JOHNSON, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

DAVID A. MACGREGOR

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

NATHANIEL JOHNSON, JR.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JASON E. JOHNSON
DOUGLAS C. ROSE, JR.
CARY A. SHILLCUTT

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD P. ADAMS
RANDALL B. BRADFORD
KENNETH G. CAMPBELL
STEVEN W. MILLER
GEORGE M. SCHWARTZ
MICHAEL J. STEWART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

KIRSTEN M. ANKE
VELVET D. BAKER
ELLEN S. BARKSDALE
TAKAKO L. BARRELL
ANDREW C. BAXTER
LINDA L. BLACKMAN
MICHAEL T. BOZZO
DAVID M. CASSELLA
DEBRA A. CHAPPEL
PATRICIA A. COBURN
JAMIE F. CORNALI
PATRICIA A. CRANE
FREDERICK L. DAVIDSON
LAURA D. DESNOO
CHERYL R. EVANS
VERNELL R. FLOODDEYOUNG
LISA R. FORD
MELISA A. GANTT
EUGENIO GARCIA, JR.
JUANITA GAUSS
MICHAEL A. GLADU
JANET D. GOODART
MICHELLE D. HAIRSTON
REBECCA L. HILFIKER
TERRI J. HOLLOWAYPETTY
SHANNON M. JONES
DARLENE M. JULKOWSKI
LISA LEAZENBY
TODD R. LITTLE
DENNIS G. LOGAN
JUDITH M. LOGAN
MICHAEL J. LOUGHREN
MICHAEL E. LUDWIG
DARIN S. MARCHOK
HENGMO Y. MCCALL
ELIZABETH M. MILLER
REBECCA N. MIONE
LINDA K. MOORE
DANA A. MUNARI
ROBIN R. NEUMEIER
PATRICIA A. ONEALMELLEN
SUSAN ORCUTTCLOFT
DAVID J. PARIS
NANCY E. PARSON
ANTHONY D. PEVERINI
JAMES R. POST
ANDREW A. POWELL
JAMES R. REED
RICHARD T. REID
SANDRA M. ROLPH
MILAGROS ROSA
MICHAEL L. SCHLICHER
SHARON U. SCOTT
DOROTHY L. SHACKLEFORD
LORI A. SKINNER
PAMELA M. SOLETLINDSAY
YOUNGHEE SONG
BRITTANY R. SPEERS
NANCY M. STEELE
BENJAMIN STINSON
CYNTHIA L. SVEINE
MARIA M. VANTERPOOL
ERIC H. WATSON
STACY U. WEINA
JEFFREY L. WELLS
KIMBERLY E. WILLIAMS
SARAH A. WILLIAMSBROWN
JASON S. WINDSOR
JOSEPH N. WINTER
REBECCA A. YUREK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

MARY C. ADAMSCHALLENGER
TERESA L. BRININGER
SUSAN DAVIS
DAVID H. DUPLESSIS
SANDRA E. KEELIN
SHAWN T. LOCKETT
JEFFREY P. NELSON
MATTHEW G. ST LAURENT
DEYDRE S. TEYHEN
RICHARD A. VILLARREAL
DAVID A. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CHARLES C. DODD
HOWARD D. GOBBLE
STEVEN T. GREINER
SHELLEY P. HONNOLD
JERROD W. KILLIAN
BRIAN U. KIM
BRIDGET S. LEWIS
NANCY MERRILL
MARK L. RICHEY
PATRICIA Y. RILEY
HEATHER A. SERWON
MARK A. SMITH
JULIE M. STEPHENSDEVALLE
SHANNON A. STUTLER
DANIEL C. WAKEFIELD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

SHEILA R. ADAMS
WILSON A. ARIZA
JOHN R. BAILEY
BRIAN E. BARTHELME
CARMEN A. BELL
TIMOTHY N. BERGERON
GRAEME C. BICKNELL
DANIEL G. BONNICHSEN
KATHERINE A. BRUCH
TRAVIS J. BURCHETT
KYLE J. BURROW
JAMES G. CAHILL
JOHN R. CALL
MARK C. CARDER
ERIC P. CARNAHAN
KRISTEN L. CASTO
RODRIGO CHAVEZ, JR.
LYNNE A. CHINTALA
ANTHONY S. COOPER
LEONARD A. CROMER, JR.
JENNIFER L. CUMMINGS
GERALD L. DALLMANN
THOMAS N. DAMIANI
CHRISTOPHER J. DAVID
WILLIAM E. DAVIS IV
KARL M. DEVLIN
MONICA S. DOUGLAS
DWAYNE A. ELDER
JAMES B. ELLEDGE
MICHAEL A. ELLIOTT
SANDRA ESCOLAS
ARTHUR B. FISCH
CRAIG R. FISHER
STEPHEN L. FRANCO
BERNADETTE FULLER
DOUGLAS H. GALUSZKA
CHRISTOPHER A. GELLASCH
SHEPARD H. GIBSON II
GUY J. GIERHART
ROGER S. GIRAUD
STEVEN D. HANKINS
RONALD E. HARPER
JONATHAN A. HEAVNER
TIMOTHY J. HOIDEN
PHILIP A. HOLCOMBE
MATTHEW J. HORSLEY
NATHAN O. HUCK
THOMAS L. HUNDLEY
DANIEL E. JETTON
DAVID A. JOHNSON, JR.
GREGORY A. JOHNSON
NATHAN A. KELLER
TIMOTHY D. KUNDINGER
RAYMOND D. LAUREL
JACK R. LEECH III
JOSEPH F. LINEBERRY, JR.
BARBARA LOCKBAUM
MICHAEL G. MACLAREN II
JOHNNIE R. MANNING, JR.
JEFFREY S. MARKS
LYNN E. MARM
BRIAN D. MARTIN
JOHN J. MARTIN
RICKY J. MARTINEZ
HUGH A. MCLEAN, JR.
JOHN H. MCMAHAN
KENNETH R. MCPHERSON
SCOTT R. MELLING
TERRY R. MOREN
JEFFERY L. MOSSO
ROBERT L. NACE
RICARDO J. NANNINI
CHAD E. NELSON
ENRIQUE ORTIZ, JR.
PETER L. PLATTEBORZE
MICHAEL R. POUNCEY
BRANDON J. PRETLOW
MARK C. PROBUS
HABY RAMIREZ
WILLIAM R. REDISKE
JASON H. RICHARDSON
MICHAEL C. SAUER
ERIC R. SCHMACKER
JEFFREY D. SHIELDS
MAELIEN SHIPMAN
DAVID L. SILVER
ALICK E. SMITH
MIKAL L. STONER
WILLIAM M. STRIDER
YOLONDA R. SUMMONS
PATRICK A. TAVELLA
BARBARA A. TAYLOR
LISA A. TEEGARDEN
STEENVORT J. VAN
JAMES L. WADDICK, JR.
BLAIN S. WALKER
BRIAN K. WALKER
DENNIS W. WALKER
TIMOTHY D. WALSH
OLIVER T. WALTON
NORMAN C. WATERS
MICHAEL C. WILLIAMS
CHRISTOPHER A. WODARZ
AMMON WYNN III
D070719
D060502

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JEFFREY M. ADCOCK

RAMINE K. BARFUSS
MARC A. BARRETT
DAVID A. BELTRAN
BRIAN BICKEL
ADAM R. BUSHELL
BRIAN B. CHANG
JOSEPH E. CREASY, JR.
THUONG T. DANG
ERIC DANKO
JOHN F. DECKER
WALTER G. DIMALANTA
JAMES C. EWING
CRAIG R. FRECCERO
JASON P. GANONG
WILLIAM A. GILBERT
KEVIN R. GILLESPIE
JOSEPH W. IVORY
HARRY J. JACKSON
HWAHOON JEONG
MIGUEL A. MARTINEZDIAZ
BRADLEY C. MORRISON
AMANDA R. NELSON
JOEL M. NICHOLS
NATHAN C. PARRISH
MATTHEW D. PHILLIPS
NATHAN PHILLIPS
CHRISTOPHER L. ROWE
CURTIS D. SCHMIDT
ROBERT S. SCHMIDT
BRIAN W. STANCOVEN
MICHAEL J. STEWART
FRANK B. STRICKLAND
RONALD B. TERRY
GEORGIOS VESSIROPOULOS
PAUL WANG
RUSSELL M. WEAVER
DENTONIO WORRELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JOEL T. ABBOTT
TIMOTHY C. ACEL
DAVID J. ADAM
BRIAN L. ADAMS
ERIC P. AHNFELDT
DAVID W. ALEXANDER
AMBER B. ARAGON
CHARLES B. ARBOGAST
MICHAEL V. ARNETT
NAVIN S. ARORA
MELISSA A. ATIYEH
DAVID AYER
CARRIE D. AYERS
FARHAN S. AYUBI
SONAL BAKAYA
AMY E. BATT
BRIAN C. BELDOWICZ
DREW G. BELNAP
BROCK A. BENEDICT
JOHN D. BETTERIDGE
ALISON BLACK
JOHN H. BODEN
STEVEN A. BONDI
ANTHONY C. BONFIGLIO
HERMAN G. BOTERO
BRYAN M. BOUCHER
ALEXANDER W. BROWN
CATHLEEN M. BROWN
SARAH L. BROWN
CHARLES C. BROY
SAMUEL E. BURKETT
REBECKAH J. BURNS
TRAVIS C. BURNS
CRAIG M. BUSH
AARON K. BUZZARD
ROBERT W. BYRNE
MICHAEL S. CAHILL
KENYA K. CAIN
AARON W. CAMPBELL
JASON A. CANNELL
ERNESTO CARDENAS
BARBARA A. CARR
BRIAN J. CARR
XIAOLU W. CARTER
LAUDINO M. CASTILLOROJAS
MATTHEW S. CHAMBERS
MOSES H. CHENG
JASON N. CHIU
DONALD O. CHRISTENSEN
JASON C. CLARK
KYRA R. CLARK
CHRISTOPHER D. COLLINS
MARCUS H. COLYER
ROBERT J. CORNFELD
JONATHAN R. COYLE
MARK S. CRAIG
STEVEN H. CRAIG
CHRISTOPHER B. CROWELL
JEANNE Y. CUBANSKI
PETER L. CUFF
KEVIN L. CUMMINGS
PETER A. CUNIOWSKI
MICHAEL D. DANN
ANDREW S. DAVIS
JASON A. DAVIS
RACHEL S. DAWSON
RYAN H. DEBOARD
MARY G. DEIGHTON
DAVID A. DJURIC
DAVID M. DOMAN
MATTHEW L. DRAKE
ERIN B. DRIFMEYER
WILLIAM J. DUNLAP
ELIZABETH A. DURBIN
MATTHEW J. ECKERT
CHAD P. EDWARDS
BRIAN P. EGLOFF
RAYMOND F. ELSAYED
WILLIAM L. ENSLOW
KRISTIN E. ERICKSON
ALEXANDER J. ERNEST
NAJAM G. FASIHI
MICHAEL D. FAVERO
MASSIMO D. FEDERICO
RICHARD A. FERGUSON
KATHLEEN E. FINDLAY
CHRISTOPHER J. FOSTER
DORI M. FRANCO
MICHAEL G. GARVEY
SUSAN A. GEORGE
MATTHEW D. GIVENS
AMY GOOLD
CHRISTINE M. GOULD
EMIL T. GRAF
DAVIS Y. GRAY
ARTHUR F. GUERRERO
KAREN T. GUERRERO
KARA M. HACK
JORDAN M. HALL
BRANDON G. HAMILTON
JANICE N. HAMMOND
TRISTAN M. HARRISON
ROBERT S. HART
NATHAN E. HARTVIGSEN
JASON S. HAWKSWORTH
JONATHAN D. HEAVEY
JODY N. HEFNER
MELVIN D. HELGESON
JEREMY S. HELPHENSTINE
ERIK L. HERMSTAD
CHRISTOPHER C. HIGGINS
HEATHER L. HIGGINS
CHRISTOPHER C. HILLS
HIEU HOANG
MONICA A. HOFFMAN
THOMAS N. HOFFMANN
LUKE J. HOFMANN
SUZANNA N. HOLBROOK
KATHLEEN C. HOLST
JOHN D. HORTON
SARAH M. HOWELL
STEVEN J. HUDAK
LIEN T. HUYNH
WILLIAM HWANG
SEYED A. JALALI
BRUCE L. JAMES
GREGORY K. JENSEN
SANTIAGO JIMENEZ
BRYAN M. JOHNSON
ERIK R. JOHNSON
KENNETH JOHNSON
OWEN N. JOHNSON
RYAN JOHNSON
NATHAN D. JONES
TRACI L. JONES
ANDREW KAGEL
WHITNEY L. KALIN
SHAWN M. KAPOOR
WHERLEY J. KECK
JOREN B. KEYLOCK
MICHAEL J. KILBOURNE
ESTHER KIM
JOHN H. KIM
RIRA J. KIM
YOUNG W. KIM
MEGAN K. KLOETZEL
JAMES C. KNEFF, JR.
RAJA KOLLI
BENJAMIN L. KREPPS
JENNIFER B. LABAHN
NICHOLAS J. LANGE
RYAN J. LARSON
BROOKS T. LASELLE
TAMARA D. LAWSON
STEVEN C. LEWIS
TRAVIS R. LIDDELL
DAVID S. LIDWELL
TERRENCE LILLIS
JEFFREY R. LIMJUCO
JEFFREY R. LIVEZEY
JEREMIAH LONG
ROMARIUS L. LONGMIRE
ADAM M. LUKASIK
APRIL E. LYNCH
FRANZ J. MACEDO
ANDREW W. MACK
JUSTIN J. MADILL
EDWARD W. MALIN IV
ANANTHA K. MALLIA
ERIK S. MANNINEN
ROGER K. MANSON
BRIAN P. MARKELZ
PETER G. MATOS
JOSEPH W. MAY
TARA L. MAZZA
CHRISTOPHER S. MCGUIRE
ALEX J. MCKINLAY
DANIEL F. MCLAUGHLIN
BRIAN C. MCLEAN
MEGAN M. MCPHEE
GEORGE J. MEYERS IV
TODD R. MILLER
ELISABETH H. MITCHELL
CLIFTON C. MO
MARIA M. MOLINA
DAVID MOSER
MICHAEL J. MULCAHY
PATRICK D. MUNSON
AARON D. NELSON
DAYNE M. NELSON
PHU T. NGUYEN
KENNETH NICKLE
SARAH E. NILES
KIMBERLEY NJOROGE
ANTHONY A. NOYA
LARA B. NUNEZ
ANTHONY J. OLIVA, JR.
SUSAN P. OPAR
CANDELARIA B. OSORIO
VICTORIA OTA
ANDREA S. OTTO
JOSHUA C. PACKARD
INGRID PACOWSKI
BENJAMIN N. PALMER
PATRICIA J. PAPADOPOULOS
JISOO PARK
CALVIN W. PARKER
STEPHEN PATTEN
CARL R. PAVEL
JONATHAN PEDERSON
JENNIFER H. PERKINS
MICHAEL P. PERKINS
MICHAEL D. PERREAULT
JASON T. PERRY
JAMES PHILLIPS
BRIAN L. PIENKOS
ANTHONY R. PLUNKETT
JAMES M. POSS
SAMUEL L. PRESTON III
LISA K. PRINCE
NADER Z. RABIE
JEREMY T. REED
MALDONADO A. REED
SEAN C. REILLY
WALDEMAR L. RIEFKOHL
KIMBERLY I. RIENIETS
AMBER E. RITENOUR
JOSHUA S. RITENOUR
PAUL C. ROBINSON
NORBERTO RODRIGUEZ, JR.
JARRET E. SANDS
RHIANA D. SAUNDERS
SEBASTIAN R. SCHNELLBACHER
HAROLD L. SCHWAB
KEVIN J. SCHWECHTEN
DAVID C. SEMERAD II
ALCARIO SERROS III
DANIEL C. SESSIONS
CHRISTINE D. SHARKEY
JEFFREY E. SHERWOOD
JARETT T. SKINNER
BENJAMIN H. SMITH
CHRISTIAN L. SMITH
GEORGE J. SMOLINSKI III
CYLBURN E. SODEN
VANCE Y. SOHN
MATTHEW SPRINGER
BRONWYN R. STALL
RODERICK V. STARKIE
BRAD Q. STARLEY
MICHAEL P. STAUFF
CHRISTINA M. STAVITSKI
SHANNAH L. STEEL
THEODORE R. STEFANI
JOHN STEPHENSON
IFEYINWA A. STITT
NAOMI E. SURMAN
STEPHANIE T. SUSSKIND
ESTHER TAN
DANIEL J. TOLSON
MARK R. TOMASULO
PATRICK H. TRACY
SCOTT T. TREXLER
JUSTINE E. TRIPP
CHRISTOPHER J. TUCKER
MICHELLE S. VAL
SCOTT D. VANDERLEEST
LESLIE A. VANSCHAACK
EVELYN R. VENTO
AMY E. VERTREES
PETER VICKERMAN
WILLIAM WASHINGTON
JOSHUA T. WATSON
MAURA WATSON
BRUCE M. WEAVER
THOMAS A. WEBSTER
ERIC J. WHITMAN
SCOTT A. WHITWORTH
SCOTT G. WILLIAMS
SCOTT L. WILLIS
AARON L. WILSON
AIMEE WILSON
JUSTIN N. WILSON
NOUANSY K. WILTON
AGNIESZKA O. WOJCIEHOWSKI
DAVID A. WONDERLICH
KIMBERLY J. WONDERLICH
JOSEPH V. WOODRING
YANG XIA
THOMAS L. ZICKGRAF

DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

CHARLES F. BOLDEN, JR., OF TEXAS, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

LORI GARVER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, July 15, 2009:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CHARLES F. BOLDEN, JR., OF TEXAS, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

LORI GARVER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Legal Name of Requesting Entity: The University of Alabama

Address of Requesting Entity: Office of Research Box 870117, Tuscaloosa, AL 35476

Description of Request: Provide $1,000,000 for the Institute for Sustainable Energy at the University of Alabama. The institute will focus the efforts of a team of researchers to develop the science and technology to utilize the complex mix of alternate fuels in an energy and environmentally sound manner. It will lead to energy independence; enhance national security, a stronger economy, and a cleaner environment. The total budget for the project is $2,000,000. Specifically within the budget, $1,500,000 will go toward scientific equipment, $200,000 toward facility design/development, and $300,000 toward salary and training. This request is consistent with the intended and authorized purpose of the Department of Energy, EERE Account. The University of Alabama will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: Mobile District 109 St. Joseph Street, Mobile, AL 36628

Description of Request: Provide $24,180,000 in funding for Operations and Maintenance for the Mobile District of the COE for the Black Warrior and Tombigbee Rivers. Currently there are 20–25 million tons transported on this river each year, mostly coal and petroleum products, and serious repairs are needed. The Tennessee-Tombigbee Waterway and Coosa-Alabama River systems depend on the efficiency of the Black Warrior-Tombigbee. This project will provide necessary infrastructure maintenance and repairs to the 50+ year old lock and dam system. The entire budget for the project will go towards maintenance and repairs. This request is consistent with the intended and authorized purpose of the Corps of Engineers, O&M Account.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3183—Energy and Water Appropriations Act of 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: Inspection of Completed Works, AR

Legal Name of Requesting Entity: City of Fort Smith

Address of Requesting Entity: 623 Garrison Avenue, Suite 315, Fort Smith, Arkansas, 72902

Description of Request: The City of Fort Smith would use the funding of $425,000 to coordinate with the Little Rock District of the U.S. Army Corps of Engineers to perform an Engineering assessment on the Arkansas River levee system, to ensure that adequate design and maintenance of the levee system is in place to provide reasonable assurance that protection from the base flood (100 year flood event) exists and/or that design criteria is being met. This is necessary to ensure FEMA accredits the levees for purposes of flood risk studies and flood map modernization. The project is vital to ensure the safety of lives and property protected by the levee system.

HONORING WAYMAN LAWRENCE TISDALE

SPEECH OF

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BOREN. Mr. Speaker, I rise today to honor the life of a fellow Oklahoman, Wayman Tisdale, who tragically passed away on May 15th.

Many people in Oklahoma and across the nation knew Wayman as a college or professional basketball player, or even as an accomplished musician. But he represented much, much more.

Tisdale was a three-time All-American for the University of Oklahoma's basketball program in the 1980s before playing a dozen years in the NBA.

Wayman still holds Oklahoma's career record for both points and rebounds. Tisdale was the first OU athlete in any sport to have his jersey retired. After three years at Oklahoma, Tisdale played in the NBA with the Indiana Pacers, Sacramento Kings and Phoenix Suns.

As a chart-topping musician, Tisdale recorded eight albums. Tisdale's jazz album "Power Forward" reached No. 4 on Billboard's Contemporary Jazz chart, and his album "Way Up" reached No. 1 on Billboard's Top 10.

Aside from his long list of achievements, Tisdale's leadership, character, and grace set a strong example for his family, friends, teammates, fans, and above all else, his fellow Americans.

Mr. Tisdale was an All-American not just in basketball, but in life. With memories of his big smile and his big heart, we send our deepest condolences to Wayman's wife, Regina, and his four children. Wayman will be missed, but never forgotten.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

SPEECH OF

HON. VIRGINIA FOXX

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:

Ms. FOXX. Mr. Chair, the vote that I took this afternoon on H.R. 3081 was one of the toughest votes that I have had to take in this House since I have been here in my 4½ years. The problem with the bill and with the decision that had to be made is because the bill contained funding for aid to Israel, our best friend in the world.

I have always been and will continue to be an extremely strong supporter of Israel. Israel has always been a good friend to the United States, the people of this country and the people of Israel share the same values. However, the bill had so many flaws that it made it very difficult for a pro-life, fiscal conservative such as I to vote for the bill despite my very strong support for Israel.

Israel is a vital American ally in the Middle East and deserves our full support as it serves as the preeminent democracy in the region. Throughout the history of our relations with Israel, the U.S. has stood by this nation and supported her even when she seemed hemmed in by insurmountable forces.

Today the very existence of Israel is a testament to the power of freedom and democracy, particularly in a region known more for despotic regimes than for its beacons of liberty. That is why I am proud to stand with our ally Israel and support policies that help maintain our strong ties with this critical nation in the Middle East.

My strong support for Israel is what makes me so disappointed about this appropriations bill. This bill, when emergency supplemental funds were not taken into account, was still 32 percent more than the regular fiscal year 2009

appropriations. I am taking the liberty of using some of the figures from my colleague, the gentleman from Georgia (Mr. PRICE), which were also presented today on the floor in terms of explaining the bill that we voted on this afternoon.

We are facing a fiscal crisis in this country. This administration and this Congress, led by Speaker PELOSI, are spending this country into a terrible, terrible situation. We are mortgaging our children and grandchildren's future with excess spending; and it has to stop somewhere.

Had this bill merely contained the funding for Israel, it would have been very easy for me to have supported it, although I was quite concerned that the bill reduced the funding for Israel by 7.2 percent below last year's funding level and 23.3 percent below the request. But, as I said earlier, the total bill had an increase of 33.8 percent compared to last year. What kind of message does it send when we increase overall spending levels in this bill by a third and yet cut funding to a critical ally and democratic partner in the Middle East?

One of the most troubling increases in this bill was a 20 percent increase to the United Nations Population Fund and a 19 percent increase to International Family Planning. The United Nations Population Fund aids China's one-child policy, coercive abortion, and sterilization. International Family Planning goes to organizations that promote and provide abortion services through International Planned Parenthood Federation and Marie Stokes International.

In addition, the Democrats had rejected four cost-cutting Republican amendments that had been presented which could have made this bill a lot more palatable to the 97 Republicans who voted against it.

Another problem with the bill is that there was a false assumption that the Obama administration will live up to its promise of no more war supplementals for Iraq and Afghanistan. The President has gone back on every promise that he made during the campaign. He has already asked for a supplemental this year, says it was a carryover from last year, but that won't happen again. However, before the ink was dry on the amended full committee report of this bill, the chairman of the Defense Appropriations Subcommittee, Congressman MURTHA, publicly stated that another supplemental is necessary to fund the troops because of the low fiscal year 2010 Defense allocation.

So the promise was that all of the money for the war was going to be here and we wouldn't have to do more supplementals. That isn't going to happen.

This bill also avoids making hard fiscal choices about spending abroad while we face a financial crisis here. This is not the way we should be going. We should be funding our friends and our allies. We should be helping Israel which is the only true democracy in the Middle East and who stands by us year after year, day after day. But funding things like abortion and international family planning is not the way to go.

PASSING OF LONGTIME HOUSE STAFFER SALLY CROWE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Ms. MCCOLLUM. Madam Speaker, I rise today to express how deeply saddened I am by the passing of longtime House staffer and Members' Dining Room Hostess, Sally Crowe.

The House of Representatives will mourn her for a long time, particularly the Members, staff and guests she touched on a regular basis. Her absence is truly unsettling.

Sally served the House of Representatives with distinction for over 57 years—over five decades—longer than any Member in Congress today.

A few years ago, she received the John W. McCormack Annual Award of Excellence for her commitment and outstanding service: An honor well deserved.

Sally was first hired as a cashier in the Longworth House Office Building cafeteria in 1951. But she is best known for her service as a hostess in the Members' Dining Room in the Capitol—a post she took on in the 1960s.

Sally's loyalty and work ethic was unmatched. Three years ago, she suffered a bad fall, but still returned to the job she clearly loved. She was 89 years old at that time.

Just as remarkable, Sally seemed to know every Member by name.

I first met her nine years ago, as a freshman Member of Congress. Those of us who were privileged to have met her are all the better for it. Sally was a burst of sunshine and brought joy to everyone who came in her path.

Sadly, on Sunday, June 28—just 10 days ago—Sally bid farewell to the Congress and her family and friends.

I want to extend condolences to her three daughters, six grandchildren and five great-grandchildren and say thank you for sharing her with us.

Sally's sense of humor was contagious and her spirit was comforting. We miss her dearly.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2010

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes:

Mr. ETHERIDGE. Madam Chair, I rise in support of H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2010. This legislation continues our commitment to the men and women who sacrifice so much to keep our nation safe, supporting members of our military on base, in theater, and when they return home.

As the representative of Fort Bragg, Pope Air Force Base, and many members of our National Guard and Reserves, I am pleased that this bill invests in the infrastructure needed to prepare our troops for battle and improve military equipment. Fort Bragg is becoming one of the largest military facilities in the country through the 2005 Base Realignment and Closure (BRAC) process, and this bill will provide more than $200 million for a variety of projects on the base in support of Army activity, special operations forces, and the National Guard. Nationwide, H.R. 3082 contains significant funding for new facilities including $450 million to modernize troop housing, $2 billion to improve military family housing, and $7.5 billion for BRAC. In recognition of the historic contributions of National Guard and Reserve personnel to operations in Iraq and Afghanistan, as well as their support of emergency assistance and homeland security, this bill provides $200 million for National Guard and Reserve construction. H.R. 3082 also includes $1.4 billion for needs related to operations and troop increases in Afghanistan. Overall, this bill ensures that our military infrastructure keeps up with the needs of our modern fighting forces and operations overseas.

As an Army veteran, I am also pleased that H.R. 3082 continues to build on our promise to take care of all those who have served our country with honor. It provides nearly $109 billion for veteran's services, including medical care and facilities. Together with increases of the last two years, enactment of this bill will have increased veteran's funding by nearly 50 percent, in recognition of the service of our soldiers in Iraq and Afghanistan. The bill provides $34.7 billion to improve access to medical services for all veterans and $4.6 billion for mental health care, and will add 1,200 new claims processors to reduce the claims backlog and ensure veterans receive care and payment in a timely manner. It also makes significant investments in medical research and information technology. As the representative of a predominantly rural district, I am aware that more than 40 percent of veterans live in rural areas. This bill invests $440 million to improve access to care for these veterans, who often have to travel long distances to receive care.

Madam Chair, this bill takes care of those who are keeping America safe. I urge my colleagues to join me in support of H.R. 3082, to fulfill our continued obligations to our nation's military.

RECOGNIZING DR. KAP JOON NO

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Dr. Kap Joon No. Dr. No, a first generation Korean, is a medical doctor at Swedish Covenant Hospital in Chicago and is a well-known and well-respected member of the Korean-American community.

Dr. No served as the past president of the Arirang Lions Club, to which he is still an active member. The Arirang Lions Club has held an annual picnic for Korean adoptees and their families for over 30 years and have within recent years started organizing trips for adoptees to visit Korea through a partnership with their sister club in Seoul.

Dr. No has been also been instrumental in coordinating a free health clinic annually,

where over 400 community members are able to receive medical diagnosis and treatment that they would not otherwise receive. Additionally, through his own private medical practice Dr. No personally assists those in need. Not only is Dr. No committed to serving the community, his wife and his two daughters, both of whom are in medical school, are just as dedicated to helping those in need.

We may never be able to thank Dr. No and his family enough for the time and finances they have selflessly dedicated to others in need and we are not the first to recognize his humanitarianism and concern for others. Last year, The Chicago Sun-Times named Dr. No one of the "50 People Who Make Chicago a Better Place" due to his outstanding service. To further add to his distinctions, I would like to formally recognize Dr. No and his family's dedication to those in need and his service as a hero of the local community.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3183—Energy and Water Appropriations Act of 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: 2 Natural Resource Drive, Little Rock, Arkansas, 72205

Description of Request: When the U.S. Army Corps of Engineers (COE) built the dams that created Bull Shoals and Norfork lakes, the primary purpose of those dams was to provide flood control, hydroelectric power, and municipal and industrial water supplies. Providing adequate water flow below each dam to protect fish and wildlife habitat was not a consideration. Once the dams were constructed, the water releases were much colder than what was previously in the warm-water stream. Consequently, with the exception of certain minnows, none of the previous species of the fish could survive in the changed environment. The Arkansas Game and Fish Commission (AGFC) and U.S. Fish and Wildlife Service determined that trout could survive in the newly formed cold-water rivers and began stocking brown, rainbow and cutthroat trout. As the economics of energy and power generation changed over the years, the Corps changed dam operations from continual to peaking (i.e. when demand is highest). As a result, low-water events at certain times of the years are much longer destabilizing the instream environment for trout and other aquatic life in the rivers. An increase in minimum flow to the desired levels would provide many benefits for both fish and wildlife in Arkansas, including mitigating high water temperatures in the summer that stress or sometimes kill trout by flushing fresher, cold water into rivers during low-water intervals; and increasing water flows that could improve dissolved oxygen, a critical factor in fall and winter when low oxygen levels can leave trout gasping on the surface near dams. The COE will use $7,500,000 to address this issue.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: General Investigations

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: 811 Fayetteville Avenue, Alma, Arkansas, 72921

Description of Request: $500,000 in funding for the Pine Mountain Dam project will be used to assist cities and counties in the western River Valley conduct extensive studies and environmental analysis for long-term planning to meet the needs of the region's rapidly growing population. These studies will be used by state and federal environmental agencies to determine feasibility for long-term projects.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: Department of Energy, Electricity Delivery and Energy Reliability

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: 119 Ozark Hall, Fayetteville, Arkansas, 72701

Description of Request: $1,500,000 is requested to support the continued development of advanced power electronics equipment at NCREPT. The University of Arkansas brings expertise on power electronics and power grid applications that does not currently exist in these efforts.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. SMITH 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 the FY 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act

Account: Federal Highway Administration—Surface Transportation Priorities

Legal Name of Requesting Entity: City of Austin

Address of Requesting Entity: 301 West 2nd Street, Austin, TX 78701

Description of Request: I have secured $500,000 for the City of Austin to deploy their Intelligent Transportation System. It is my understanding that the City of Austin has developed an intelligent transportation systems (ITS) deployment plan as part of its efforts to improve mobility information for residents, reduce congestion, improve mobility and improve air quality. Specific components of the system include: a traffic and transportation website with live streaming capabilities; variable message boards that inform drivers of traffic congestion, accidents, and other emergencies ahead, and alert drivers to alternate available routes; surveillance and detection cameras to monitor live roadway conditions, provide public access to special event and road closure information, detect traffic incidents quickly, and manage traffic control signalization remotely. The City of Austin will match any federal funds that the delegation secures for this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act

Account: Federal Transit Administration—Buses and Bus Facilities

Legal Name of Requesting Entity: San Antonio VIA Metropolitan Transit

Address of Requesting Entity: 800 W. Myrtle San Antonio, TX 78212

Description of Request: I have secured $750,000 for the San Antonio VIA Metropolitan Transit to build and design a Park & Ride Facility in the area of US 281 and North Loop 1604. The rapid and continuing growth in this sector of the city has outpaced the capacity of existing transit facilities in the area. In the last few years, VIA has introduced an express route, providing a direct transit connection between the US 281/Loop 1604 area and the downtown central business district. The proposed facility will sit on seven (7) acres and include 572 parking spaces, with approximately 4 bus routes operating through the facility. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. MCKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding Member priority requests I received as part of H.R. 3183, the "Energy and Water Development and Related Agencies Appropriations Act, 2010."

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 3183, the "Energy and Water Development and Related Agencies Appropriations Act, 2010"

Account: Army Corps of Engineers—Construction

Legal Name of Requesting Entity: Castaic Lake Water Agency

Address of Requesting Entity: 27234 Bouquet Canyon Road, Santa Clarita, CA 91350

Description of Request: I requested and received a Member priority request totaling $1,100,000 to help implement the fully authorized cleanup of perchlorate groundwater contamination at the former Whittaker-Bermite site (a former U.S. military munitions testing location) in the City of Santa Clarita. This site has both soil and groundwater contamination from years of chemical exposure during ordinance testing.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 3183, the "Energy and Water Development and Related Agencies Appropriations Act, 2010"

Account: Department of Energy (DOE)—Energy Efficiency and Renewable Energy (EERE)

Legal Name of Requesting Entity: College of the Canyons

Address of Requesting Entity: 26455 Rockwell Canyon Road, Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling $500,000 for the College of the Canyons and its academic partners Alternative Energy Training Institute. The Institute would use the funding to create and expand degree and training programs focused on alternative energies and to coordinate economic and workforce development strategies with local and regional governments, universities, community colleges, workforce investment systems, and private industry. Programs would include solar and wind energy, green construction, energy management, and LEED certification.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 3183, the "Energy and Water Development and Related Agencies Appropriations Act, 2010"

Account: Department of Energy (DOE)—Science

Legal Name of Requesting Entity: California State University San Bernardino

Address of Requesting Entity: 5500 University Parkway, San Bernardino, CA 92407

Description of Request: I requested and received a Member priority request totaling $200,000 for California State University, San Bernardino to purchase scientific equipment (e.g., telescope) for a state-of-the-art teaching and research observatory. The observatory would help meet the need for an increase in science and math competency and education and teacher preparation. Additionally, as a minority-serving university, CSUSB's observatory would be fundamental to an innovative undergraduate physics and astronomy curriculum for improving minority access to careers in astronomy and astrophysics.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, July 13, 2009.

Had I been present, I would have voted "nay" on rollcall vote No. 530 (On Motion to Adjourn).

EARMARK DECLARATION

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. PAULSEN. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding congressionally directed appropriations projects I sponsored as part of H.R. 3183, FY 2010 Energy and Water Appropriations Bill.

Account: Corps of Engineers Construction

Requesting entity: The Minnehaha Creek Watershed District (MCWD)

Address: 18202 Minnetonka Blvd. Deephaven, MN 55391

Description of Project Request: Funding will be used for the Painter Creek project, which aims to restore the hydrology and ecological function to a major drainage way discharging into Lake Minnetonka. Painter Creek was straightened and many of the adjacent wetlands were drained for agricultural uses in the early 1900s. The project focuses on restoring those wetlands, increasing the habitat value, and positively affecting water quality, flood damage reduction, and erosion. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. GINGREY of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding the earmark I received as part of H.R. 3183—the Energy and Water Development Appropriations Act of 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Savannah District

Address of Requesting Entity: 100 W. Oglethorpe Ave., Savannah, GA 31401

Description of Request: The $2,000,000 in construction funding will be used to begin construction of the Savannah Harbor Expansion Program. While the Record of Decision will not be signed until mid-2010, these funds can be used for final pre-construction monitoring and engineering design of the channel and mitigation components for the project. Additionally, these funds will be needed immediately after project approval for negotiation of the Project Partnership Agreement. Construction contracts cannot be awarded prior to the completion of this agreement.

EARMARK DECLARATION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. GOODLATTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received aspart of H.R. 3183, FY2010 Departments of Energy and Water Appropriations Act.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers/City of Roanoke, VA

Address of Requesting Entity: 215 Church Street, Roanoke, Virginia

Description of Request: $1,075,000 to continue construction of a flood control plan that includes 6 miles of channel widening.

Bill Number: H.R. 3183

Account: Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 803 Front Street, Norfolk, VA 23510

Description of Request: The purpose of the Section 216 Study, $300,000, is to verify that the Virginia Department of Environmental Quality's draft total maximum daily load Gathright Dam flow modifications, along with additional proposed nutrient reductions, will correct the impairment of the Jackson River without adversely affecting the approved functions of Gathright Dam/Lake Moomaw.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. SMITH 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 the FY 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act

Account: Department of Education—Elementary & Secondary Education

Legal Name of Requesting Entity: New Braunfels Independent School District

Address of Requesting Entity: 430 W. Mill Street, New Braunfels, TX 78130

Description of Request: I have secured $350,000 for the Texas State University to implement Texas Mathworks at the New Braunfels Independent School District. It is my understanding that funding of the project would enable Texas Mathworks to provide NBISD with specialized training for teachers in math and impact 600 students during the school year. Texas Mathworks is a center for mathematics education formed by Texas State University System to develop model programs and self-sustaining learning communities that engage Texas K–12 students in doing mathematics at a high level. Texas Mathworks proves to be an effective model for engaging and retaining students' interest in math and science, enabling teachers to effectively teach it at the highest levels. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act

Account: Department of Education—HRSA—Health Facilities and Services

Legal Name of Requesting Entity: Eastside Eyecare Clinic, San Antonio, TX

Address of Requesting Entity: 2547 E. Commerce Street, San Antonio, TX 78203

Description of Request: I have secured $250,000 for the Eastside Eyecare Clinic for facilities and equipment. It is my understanding that one hundred percent of the requested funding will be used to purchase equipment and technology for the clinical labs in the Eastside Eyecare Clinic and the School of Optometry. These labs will offer clinical optometry services, especially in the field of pediatric and geriatric optometric services. Federal investment in the proposed Eastside Eyecare Clinic will provide new and enhanced health services to a traditionally underserved population that is largely African-American, with a standard of living consistently below the poverty line. This initiative will also provide new educational opportunities in optometry to populations historically underrepresented in this field. In addition, the establishment of a Community Clinic in the East Side will have the extra benefit of spurring economic development in this long-impoverished area. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act

Account: Department of Education—HRSA—Health Facilities and Services

Legal Name of Requesting Entity: University of Texas Health Science Center at San Antonio

Address of Requesting Entity: 7703 Floyd Curl Drive, San Antonio, TX 78229

Description of Request: I have secured $150,000 for the University of Texas Health Science Center for facilities and equipment. It is my understanding that the funds will be spent on space development/renovations, faculty recruitment start-up costs, equipment purchases and maintenance, supplies and travel, and innovative discovery research seed projects. Understanding the pathogenesis and clinical management of airway diseases through basic science, clinical and translational research innovation and collaborations will provide important insights as to how to interrupt respiratory disease progression and improve health for many millions of Texas citizens and hundreds of millions throughout the U.S. and beyond. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act

Account: Institute of Museum & Library Services—Museums and Libraries

Legal Name of Requesting Entity: Witte Museum

Address of Requesting Entity: 7703 Floyd Curl Drive, San Antonio, TX 78229

Description of Request: I have secured $100,000 for the Witte Museum for exhibits and education outreach. It is my understanding that funding will be used to preserve and promote the culture and heritage of South Texas. To this end, the Witte is working closely with local educators to develop and refine programs and exhibits that will promote its mission by expanding educational outreach to its projected half million visitors; one third of whom are schoolchildren whose curriculum is interwoven with programs that align with Texas Essential Knowledge and Skills, TEKS. The South Texas Heritage Center is but one component of the expansion with the appropriation request focused on promoting educational outreach by providing funding for the design and development of these exhibits, as well as, their fabrication and installation. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. KING of Iowa. 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 STEVE KING

Bill Number H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Bureau of Reclamation, Water and Related Resources

Amount: $6,000,000

Legal Name of Requesting Entity: Lewis and Clark Regional Water System

Address of Requesting Entity: 401 E. 8th St., Suite 306, Sioux Falls, SD 57103

Description of Request: This funding will be used to continue construction of the The Lewis and Clark Regional Water System, the objective of which is to build and operate a tri-state water system that will provide high quality water to the region it will serve, which will improve the quality of life and expand economic development opportunities.

When completed, the Lewis & Clark Regional Water System will be a wholesale supplier of treated water to 20 cities and rural water systems in northwest Iowa, southeast South Dakota, and southwest Minnesota.

Lewis & Clark represents a unique regional approach by the three states and the 20 local sponsors to address common problems with area water resources in a more effective and cost-efficient way than each state, town, or rural water system could do alone. Regional water problems include shallow wells and aquifers prone to contamination and drought, compliance with new federal drinking water standards, and increasing water demand due to population growth and economic expansion. Indeed, recently a cheese factory, which created many jobs, opened in Hull, Iowa, which many have suggested would not have been possible without the emergency connection built to the town to support their recent growth.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Section 206

Amount: $0—It is a named project

Legal Name of Requesting Entity: Iowa Department of Natural Resources

Address of Requesting Entity: 205 E. 9th St., Des Moines, IA 50319

Description of Request: Any funding secured will be used to continue the joint project between the Storm Lake Improvement Group, The U.S. Army Corps of Engineers and the Iowa Department of Natural Resources to improve the aquatic species habitat in the Storm Lake watershed and to restore the wetland function of Little Storm Lake.

The 190 acre Little Storm Lake is located in the northwest corner of Storm Lake in Storm Lake, Iowa. Little Storm Lake originally had the ability to remove much of the sediment from incoming waters. Unfortunately, the ability to accomplish these tasks has dwindled due to the reduced vegetative diversity. Rehabilitating the ecosystem will require addressing loss of native plant communities, nutrient and sediment loading, and resuspension.

Restoration of the wetland function of the Little Storm Lake is an essential component of the Storm Lake restoration project, which has been undertaken to improve the water quality of Storm Lake. The water quality of Storm Lake is vital to the local community as annual visitors to the lake spent an average of $10.14 million annually that in turn supports 728 jobs and $9.79 million of labor income in the region.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Amount: $500,000

Legal Name of Requesting Entity: Western Iowa Tech Community College

Address of Requesting Entity: 4647 Stone Avenue, Sioux City, IA 51106

Description of Request: These funds will be used to help develop the Wind Energy program of study at Western Iowa Tech Community College, including the acquisition of equipment and technology for the design of the wind power engineering curriculum at the College. Federal funds will be used to purchase a wind turbine and laboratory equipment for technician skills training. The funding will help to provide an enhanced training program designed to attract, retain, and develop skills and competencies at the technician level to maintain and grow the economic competitiveness of the wind energy industries.

Training will encompass understanding the design of a wind farm and the electricity power grid; the erection of wind turbines; wiring the turbines to the electric power grid; and scheduling and performing routine maintenance on the turbines' electrical components and columns.

This project will build Western Iowa Tech Community College's capacity to increase the pipeline of workers for the Wind Energy industry. As a result of this project, the College will have the ability to prepare up to 33 degree-seeking workers annually for employment in the industry. The overarching impact is to increase the educational attainment and skills levels of area residents by positioning them for careers as technicians in the Wind Energy industry.

The development of this program at WIT will also add to local economic development efforts to continue to attract additional employers within the wind energy industry to the region.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. COLE. 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, for FY2010

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title III

Account: DOE—EERE

Legal Name of Requesting Entity: ''The University of Oklahoma''

Address of Requesting Entity: 660 Parrington Oval, Norman OK 73019

Description of Request: Provide an earmark for $500,000.00 to develop technologies for improved, highly efficient processes for production of biomass-derived liquid fuels compatible with the existing fuels infrastructure. The specific initial research projects will focus on critical aspects of an integrated process for thermochemical/catalytic conversion of lignocellulosic biomass to green gasoline and diesel, and chemicals—i.e., hydrocarbons compatible with the existing fuels and chemicals infrastructure. Such a process will make use of our State's agricultural resources to provide environmentally improved fuels that will significantly increase domestic fuel supplies to meet growing demand without increasing dependence on imported petroleum feedstocks.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title III

Account: DOE—Fossil Energy R&D

Legal Name of Requesting Entity: ''The University of Oklahoma''

Address of Requesting Entity: 660 Parrington Oval, Norman OK 73019

Description of Request: Provide an earmark for $500,000.00 for new technology in the form of next generation microemulsion technology now exists to increase the production from these fields and recover as much as an additional 30 percent of this oil. By bringing this technology to the small, independent oil producers who produce most of our domestic onshore oil, we can significantly slow the decrease in US domestic oil production, reduce oil imports, improve the US balance of trade, and create tens of thousands of new, high paying jobs, without drilling in environmentally sensitive areas.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title I

Account: Corps of Engineers—O&M

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: 1645 South 101 East Ave. Tulsa, OK 74128

Description of Request: Provide an earmark of $3,000,000.00 to fund the modernizing the 1976/78 Corps of Engineers Lake Texoma Master Plan, Environmental Impact Statement, and 1996 Shoreline Management Plan is critical to future regional development. Expedited federal funding to update these critical plans will greatly enable resolution of critical interstate and intrastate water use issues and effective and balanced planning, zoning and development around Lake Texoma. The updated Master and related plans will involve public and business participation and will be essential to manage future development and different interests in the Lake Texoma and surrounding areas.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title I

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: Oklahoma Water Resources board

Address of Requesting Entity: 3800 North Classen Blvd., OK 73118

Description of Request: Provide an earmark of $300,000.00 to conduct a study. Area covers a 29 county area in southeast Oklahoma, including the Kiamichi River Basin and other tributaries of the Red River. The Oklahoma Water Resources Board signed the FCSA in July 2001, halted the study in 2002 due to a lack of State funds, but requested restarting the study and focusing the study on stream flows, habitat analysis and water supply. Study results will be integrated into the OK State Comprehensive Water Planning initiative.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title I

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: Oklahoma Water Resources board

Address of Requesting Entity: 3800 North Classen Blvd., OK 73118

Description of Request: Provide an earmark of $250,000.00 to conduct a feasibility study to develop a Washita River Watershed management plan.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the House passed version of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 3183

Provision: Title II, Department of Energy, Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: University of South Carolina Aiken

Address of Requesting Entity: 471 University Parkway, Aiken SC 29801

Description of Request: The purpose of this appropriation is to provide $456,000 for the University of South Carolina Aiken, USCA, Biofuels Laboratory in Aiken SC. A key element to solve U.S. energy supply problems is the development of renewable fuels such as hydrogen, and one of the most environmentally friendly ways that hydrogen can be produced is biologically by bacteria. For the past year, the USC, with the support of the Aiken/Edgefield Economic Development Partnership has engaged in research at the Aiken County Center for Hydrogen Research to isolate and develop bacteria that generate large amounts of hydrogen. Also, USCA has been working on the process of embedding bacteria with high hydrogen production potentials into latex mats that can be used to produce hydrogen. The requested funds will enable USCA to become a full partner in the establishment of a bio-energy research center. Specifically, the funding will allow USCA to purchase equipment that will make it possible to screen hundreds of bacterial isolates in a short period of time and to fund a full-time laboratory technician. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 3183

Provision: Title II, Department of Energy, Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 300 Brackett Hall, Box 5702, Clemson University, Clemson SC 29634

Description of Request: The purpose of this appropriation is to provide $1,000,000 for the construction and operation of the Clemson University Cellulosic Biofuel Pilot Plant to be built in Charleston, SC. As our nation looks to expand our renewable energy portfolio, this funding would be used to construct and operate a pilot plant at a brownfield industrial site in Charleston SC, to scale-up commercially viable technology for conversion of cellulosic feedstocks from the coastal plains, i.e. trees, wood residuals, and row crops, to bio-fuels and other higher value products. Clemson has partnered with the Savannah River National Laboratory and South Carolina State University to bring together complimentary strengths that support a vertically integrated systems approach addressing issues from feedstock to consumer distribution. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 3183

Provision: Title I, Corps of Engineers Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Savannah District

Address of Requesting Entity: 100 W. Oglethorpe Ave., Savannah GA 31401

Description of Request: The purpose of this appropriation is to provide $1,000,000 for Phase II of the Savannah River Basin Comprehensive Study. Section 414 of the Water Resources Development Act of 1996 (PL 104–303) authorized a Savannah River Basin Comprehensive Water Resources Study in order to develop an updated plan addressing current and future needs in the basin, examine reallocation of storage at Corps of Engineers multi-purpose projects, and to develop a better management structure to address basin water resources issues. The study was initiated in 2000 upon agreement by the Corps and the states of Georgia and South Carolina. However, federal funding for this project has not

been appropriated by Congress since fiscal year 2006, and Phase II of the study has yet to be completed. The completion of the second phase of the Comprehensive Study will generate new operating guidelines for the allocation of the water stored at the three Federal reservoirs in the Savannah River basin, possibly changing the water allocations for hydropower, water supply, and flood damage reduction. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

EARMARK DECLARATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. HARPER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3183

Account: EERE—Biomass and Biorefinery Systems R&D

Project Name: Sustainable Energy Research Center

Recipient and Address: Mississippi State University, P.O. Box 9632, Mississippi State 39762

Amount: $1,500,000

Description: The goal of the Sustainable Energy Research Center, SERC, at Mississippi State University is to develop new engineering and scientific knowledge and to serve as a catalyst to create renewable transportation fuel industries in the Southeastern US. Renewable transportation fuel platforms under development by SERC include bio-oil, biocrude, and syngas to gasoline. All of these fuels focus on the use of non-food, lignocellulosic feedstock, especially woody biomass.

IN HONOR AND RECOGNITION OF DAVID O. FRAZIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of David O. Frazier, actor, singer, author and lyricist, on the occasion of his 70th birthday, and in recognition of his recent induction into the Cleveland Playhouse Hall of Fame for Outstanding Achievement in Theatre.

Mr. Frazier began his entertainment career as a child, under the instruction of piano teacher Nelly Kelly, the aunt of Princess Grace of Monaco. During his teenage years, he learned about hard work by picking cotton in Texas. As a young man, fate guided him to Cleveland, where he began his professional career at the Cleveland Playhouse. Mr. Frazier has appeared in over 150 productions. Moreover, Mr. Frazier's unwavering commitment and advocacy on behalf of the arts was a critical factor in saving the Cleveland Playhouse from demolition. His appearance in the record-breaking two and a half year run in the production of ''Jacques Brel is Alive and Well and Living in Paris'' at the Playhouse Square Foundation stopped the demolition of and revived Cleveland's five historic theatre houses. Today, Playhouse Square is the second largest performing arts complex in the nation.

Mr. Frazier has performed on private and public stages around the world, singing, dancing and writing his way into the hearts of audiences ranging from accomplished writers and actors, heads of state, and thousands of theatre patrons. He co-wrote his one man show, ''Conversations with an Irish Rascal,'' with his partner and collaborator of more than thirty years, Joe Garry. Together, Mr. Frazier and Mr. Garry have co-written and co-produced fifteen original musicals. Mr. Frazier also appeals to young audiences in his starring role on NBC's children series, ''Hickory Hideout,'' for which he was awarded an Emmy Award.

Madam Speaker Colleagues, please join me in honor of Mr. David O. Frazier, whose passion for music, limitless talent and unwavering dedication to the theatre has served as a source of entertainment and inspiration for audiences in Cleveland, Ohio and throughout the world. Furthermore, his dedication to promoting and preserving theatre in Cleveland has enriched the diverse culture of the entire community. I wish Mr. Frazier a very happy birthday and congratulations on his induction to the Cleveland Playhouse Hall of Fame.

EARMARK DECLARATION

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. HOEKSTRA. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding that will benefit the Second Congressional District of Michigan as part of H.R. 3183.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Detroit District of the U.S. Army Corps of Engineers

Address of Requesting Entity: 477 Michigan Avenue, Detroit, MI 48226–2550

Description of Request: Provide $170,000 for operations and maintenance of Arcadia Harbor. Provide $185,000 for operations and maintenance of Pentwater Harbor. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Operations and Maintenance account.

HONORING GARRETT MARK JONES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Garrett Mark Jones, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 360, and in earning the most prestigious award of Eagle Scout.

Garrett has been very active with his troop participating in many scout activities. Over the many years Garrett has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Garrett Mark Jones for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING COLONEL VAN R. MAYHALL ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CASSIDY. Madam Speaker, I rise today to lead the 111th Congress of the United States of America in honoring Colonel Van R. Mayhall, USAR (Ret.), on the occasion of his 90th birthday.

Born near Baton Rouge, Louisiana on July 24, 1919, Van Robinson Mayhall has lived in Baton Rouge nearly all his 90 years. In fact, the longest he was ever away from home was while fighting to defend America overseas. Colonel Mayhall graduated from Catholic High School and attended Louisiana State University until the outbreak of World War II. He joined the Louisiana National Guard at age 17, and in December 1941, after the Japanese attack on Pearl Harbor, enlisted in the United States Army. He rose to the rank of Captain in the European Theater, serving as aide to General William Weaver and seeing combat in France and Germany, including the Battle of Hurtgen Forest and the Battle of the Bulge. In recognition of his courageous service in combat, Colonel Mayhall received numerous awards and honors, including the Bronze Star and the Silver Star for his bravery under enemy fire. Colonel Mayhall was honorably discharged from the Army following the war, and his commitment to his community and his country continued. Then-Captain Mayhall remained in the Army Reserves until retirement, achieving the rank of Colonel.

After his five year deployment, he was reunited with his wife, Marie Roques Mayhall, with whom he raised five children, fourteen grandchildren, and two great-grandchildren, with one more on the way. He fully dedicated himself to the Baton Rouge community, volunteering on behalf of his church, military and veterans groups, and charitable organizations. In 1999, his own World War II memoir, Cranking Up A Fine War, was released and received favorable reviews. In 2006, in recognition of an extraordinary lifetime of service and achievements, he was inducted into the Louisiana Veterans' Hall of Honor.

Colonel Mayhall's life is a testament to the spirit of the Greatest Generation. It is also an ongoing tribute to his brothers in arms who never returned home to live the American dream as Colonel Mayhall has. It is a great honor that the position to which I have been elected offers me the opportunity to lead the Congress of the United States of America, on

the occasion of Colonel Van R. Mayhall's 90th birthday, in expressing the respect, admiration and thanks of a grateful Nation for his service to his country, as well as a very happy birthday on July 24, 2009.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BLUNT. 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 Department of Energy and Water Appropriations for Fiscal Year 2010.

Bill Number: H.R. 3183

Account: Department of Energy EERE

Project Title: MARET Center

Legal Name of Requesting Entity: Crowder College

Address of Requesting Entity: 601 Laclede Ave., Neosho, MO 64850

Description of Request: $1.5 million will be used toward design, engineering and construction at the MARET Center. The use of taxpayer funds is justified because the funding will be used in part to fund the new center which will be for delivery of new business and incubator services and education and training programs in renewable construction technologies and renewable energy. As we know, the building sector consumes 48 percent of the nation's energy. Programs like the MARET Center will help lower both usage and cost.

Account: Department of Energy EERE

Project Title: Natural Gas Fueling Facility

Legal Name of Requesting Entity: City of Springfield, Missouri

Address of Requesting Entity: 840 N. Boonville, Springfield, MO 65802

Description of Request: $700,000 was included in the bill to construct a Compressed Natural Gas (CNG) fuel station for use by Local, County and State agencies to refuel CNG vehicles. The use of taxpayer funds is justified because this is a cost effective way to fuel government vehicles while reducing dependency on foreign oil.

EARMARK DECLARATION

HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. ROONEY. 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.

Five of my requests were funded in this bill, and all are previously Congressionally authorized projects.

$350,000: St. Lucie Inlet, Martin County, FL. The entity to receive the funds for the project is Martin County, FL located at 2401 S.E. Monterey Road, Stuart, FL 34996. The funding will go to a Congressionally authorized project to dredge the inlet. This project is funded through the Army Corps of Engineers Operations and Maintenance Account.

$1,000,000: St. Lucie County, FL, Fort Pierce Beach. The entity to receive the funds for the project is St. Lucie County, FL located at 2300 Virginia Ave, Fort Pierce, FL 34982. The funding will be used on a Congressionally authorized project to restore the beaches severally degraded by jetties which protect the federally-maintained inlet. This project is funded through the Army Corps of Engineers Investigations Account.

$350,000: Martin County, FL. The entity to receive the funds for the project is Martin County, FL located at 2401 S.E. Monterey Road, Stuart, FL 34996. The funding will be used for the federally authorized Hutchinson Island Shore Protection Project that provides for a protective berm and storm dune and periodic nourishment of the restored beach. This project is funded through the Army Corps of Engineers Construction Account.

$130,000,000: Herbert Hoover Dike. The entity to receive funding for the project is the U.S. Army Corps of Engineers, 701 San Marco Blvd. Jacksonville, FL 32207. The Dike is a federally maintained structure that is currently undergoing rehabilitation to ensure the continued safety of the communities around the lake. This project is funded through the Army Corps of Engineers Construction Account.

$210,239,000 South Florida Everglades Ecosystem Restoration, FL. Of this total, about $22,000,000 is for the Indian River Lagoon which Representative Rooney requested. The entity to receive funding for this project is the South Florida Water Management District located at 3301 Gun Club Road, West Palm Beach, FL 33406. The Indian River Lagoon-South Project was authorized in WRDA 2007 as a component of the Comprehensive Everglades Restoration Plan. The project will help clean and restore the fragile ecosystem and is a 50/50 partnership with the state and local agencies. This project is funded through the Army Corps of Engineers Construction Account.

All of my projects are Congressionally authorized and go only to public government agencies.

HONORING MR. DONALD K. ALLEN

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. RYAN of Ohio. Madam Speaker, I am submitting the obituary of man that contributed much to our community and did so in so many ways. He was a friend, a supporter and an example to all of us.

NILES—Donald K. Allen, 79, Niles, died at 6:15 a.m. Friday, March 28, 2008, at the Hospice House in Poland, following an extended illness.

Mr. Allen was born Feb. 4, 1929, in New Martinsville, W.Va., a son of the late Harold Roy and Ruby Mason Allen.

He was a graduate of Magnolia High School, where he was a four-year football letter winner and captain of his 1946 football squad. He recently received the Magnolia High School Alumni Life Achievement Award, honoring student athletes from their era. Following high school, he went on to Youngstown College on a football scholarship. He also attended Northwestern University.

Donald served in the U.S. Army as a sergeant during the Korean Conflict, and went on to serve in the National Guard for 17 years.

He was employed at the Niles Police Department in 1954 as a patrolman. Donald was the owner and operator of Associated Research Consultants as a Licensed Polygraph Operator. He then went on to work at Republic Steel in the Production Planning and Transportation Department. He continued to serve for 20 years as the president of the office and clerical Union Local 6824. Donald proudly served under Mayor Ralph Infante's administration since 1992. First serving as safety director and presently as service director for the City of Niles.

His memberships include: Past member of the United Way Charity Committee; former member of the Niles Football Frontliners; 58-year member of the Niles McKinley Lodge 794 of Free and Accepted Masons, where he was a 32nd degree mason; Past worthy president and 47 year member of the Niles Eagles Aerie 1476, where he was given the honor of the Golden Eagle; Ben Lin Club member; Charter member ITAM Post 39; American Legion Post 106; 40-year member of the Niles Moose Lodge 627; and Niles Moose Legion 87; past commissioner for Niles Youth Baseball League; lifetime member of the Niles Men's Democratic Club and Former Trumbull County Democratic Central committeeman for 28 years.

His loving wife, Edna Mae Sheets Allen, whom he married Dec. 1, 1951, passed away after 46 years of marriage on Nov. 14, 1997.

Survivors include a son, William, and his wife, Karen Infante Allen of Niles; two granddaughters, Jennifer and Melanie Allen.

He was preceded in death by his parents; two brothers, Bruce and Robert Allen; three sisters, Wilma Games, Maxine Tackett, and Beulah Hawkins.

Funeral services will be held 1 p.m. Monday at Lane Funeral Home, Niles Chapel, 415 Robbins Ave. Calling hours will be from 4 to 8 p.m. Sunday at the funeral home. Burial will be at Niles City Cemetery.

Memorial contributions can be made to the Hospice House, 9803 Sharrott Road, Poland, Ohio, 44514.

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: San Gabriel Basin Water Quality Authority

Address of Requesting Entity: 1720 West Cameron Avenue, Suite #100, West Covina, California 91790

Description of Request: Provide an earmark of $4,000,000 for the San Gabriel Basin Restoration Fund to continue the design, construction, and operation of water projects to contain

and treat the spreading groundwater contamination in the San Gabriel and Central Water Basins. The San Gabriel Basin Water Quality Authority was established by California State law under SB1679 in 1993 to develop, finance and implement groundwater treatment programs in the San Gabriel Basin and act as a clearinghouse for federal funds that have been appropriated for these programs. The project is authorized in P.L. 106–554 and this request is consistent with the intended and authorized purpose of the Bureau of Reclamations Water and Related Resources account. The current authorization ceiling for the Restoration Fund has yet to be reached, with roughly $4,000,000 yet to be appropriated. The San Gabriel Basin Water Quality Authority will provide a minimum of a 35% cost share which will come directly from the Water Quality Authority.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Inland Empire Utilities Agency

Address of Requesting Entity: 6075 Kimball Avenue, Chino, California 91710

Description of Request: Provide an earmark of $100,000 for the Inland Empire Regional Water Recycling Project. Construction of the project is underway, and FY 2010 funding will be used 50% for purple pipe and 50% for storage tanks. When complete, the project will yield 100,000 acre feet of new recycled water annually. The project is authorized in P.L. 108–361, Title 1, Section 103(d)(3) and additional specific authorization is provided in P.L. 110–161, Sec. 210. The total project cost is $226 million. As is consistent with law, the federal share is capped at $20 million, which is less than 10% of the total cost of the project.

Requesting Member: Representative DAVID DREIER

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: Los Angeles County Flood Control District

Address of Requesting Entity: 900 South Fremont Avenue, Alhambra, California 91802

Description of Request: Provide an earmark of $600,000 to continue a feasibility study and ultimately a watershed management plan which will focus on the restoration of the natural hydrologic function of the watershed and the management of water resources and water quality improvement including habitat and recreational resource restoration. The estimated total project cost is $2.7 million with more than 50% provided by local, non-federal funds.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BONNER. Madam Speaker, I submit the following:

Project Name: Auburn University, Biomass to Liquid Fuels and Electric Power Research

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3183

Account: Department of Energy, Office of Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 102 Samford Hall, Auburn, Alabama 36849

Description of Request: Provide an earmark of $1,500,000 to help solve our energy and security needs by creating renewable options for electrical power and liquid transportation fuel. Approximately, $375,000 [or 25%] of the funding will be used to provide laboratory analytical equipment; $375,000 [or 25%] will be used for laboratory personnel; $750,000 [or 50%] will be used for operations and maintenance expenses for conducting feedstock research, operation of fractionation, gasification, and gas-to-liquids production studies. The total project cost is $13,750,000; this particular phase will cost a total of $4,000,000. The Center for Bioenergy and Bioproducts has recently commissioned several unique research facilities dedicated to processing biomass feedstocks and converting them into liquid fuels, electrical power, and higher value chemicals. This proposed initiative will capitalize on this infrastructure investment by using systems-based approaches to develop bioenergy solutions based primarily on forest residues, previously unmarketable small-diameter trees, and other underutilized woody biomass feedstocks. Alabama has been a leader in the nation in biomass fuel and this project will allow the continued research and development of this renewable fuel source.

Project Name: Western Baldwin County, AL Grid Interconnection

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3183

Account: Department of Energy, Electricity Delivery and Energy Reliability

Legal Name of Requesting Entity: Utilities Board of the City of Foley, AL

Address of Requesting Entity: 413 East Laurel Avenue, Foley, AL 36535

Description of Request: Provide an earmark of $500,000 to this public utility to construct a new interconnection point to the transmission grid for the purpose of providing additional electric capacity and increased reliability to a rapidly growing section of southwest Alabama. $500,000 [or 100%] will be used to purchase transformers, arresters, breakers, regulators and other equipment. The total estimated cost of this project is $2,500,000 and the Utilities Board of the City of Foley will provide approximately 80 percent of required funding. Project will provide stability and recovery of the electric system in the event of a natural disaster and will employ at least 20—30 contract employees.

Project Name: Alabama River Lakes, AL

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3183

Account: Operations & Maintenance

Legal Name of Requesting Entity: U.S. Corps of Engineers

Address of Requesting Entity: Mobile District, Mobile, AL 36602

Description of Request: Provide an earmark (which was also requested by The President in his FY 2010 annual Corps priorities) in the amount of $16,785,000 to the U.S. Corps of Engineers to fund annual operations and maintenance at Alabama River Lakes including the old Alabama-Coosa, Millers Ferry Lock and Dam, Robert F. Henry Lock and Dam, the Claiborne Lock and Dam, and 315 miles of navigational channels. $16,785,000 [or 100%] of funding will be used to provide dredging of the Alabama River navigation channel to its authorized depths of nine feet deep and 200 feet wide. These dimensions will allow the waterways to accommodate fully-loaded barges of 1500 tons per barge or greater. A lack of dredging reduces the efficiency of a tow as silt reduces channel depths reducing the loading capacity of barges which in turn increases the costs of transportation. Funding will be used to ensure the economic viability of the waterways will accommodate economic development projects along the waterways in Alabama.

Project Name: Mobile Harbor, AL

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3183

Account: Operations & Maintenance

Legal Name of Requesting Entity: U.S. Corps of Engineers

Address of Requesting Entity: Mobile District, Mobile, AL 36602

Description of Request: Provide an earmark (which was also requested by The President in his FY 2010 annual Corps priorities) in the amount of $23,996,000 to the U.S. Corps of Engineers to fund annual operations and maintenance of the Mobile Harbor. $23,996,000 [or 100%] will be used for dredging of the channels in keeping with the Corps of Engineers' requirements to ensure depth is adequate for ships that utilize the harbor. The Mobile Harbor will help support economic development of the entire state of Alabama, Florida panhandle, southern half of Mississippi and western Tennessee through increased international trade and support. Current vessel traffic supports a new container terminal, McDuffie Coal Terminal, and two raw material terminals supporting Alabama's steel production. Funding will assist in keeping the harbor dredged and operational not only to large ships from the Gulf of Mexico but also for the barges that utilize the waterways north of Mobile, Alabama. Post hurricane-Katrina, the Alabama State Port has become the tenth largest port in the United States.

EARMARK DECLARATION

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BOUSTANY. 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. These earmarks are contained in H.R. 3183:

Calcasieu River, Mile 5.0–14.0, Cameron Parish

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, CAP 204

Purpose: An earmark prioritizing the Calcasieu River, Mile 5.0–14.0, Cameron Parish project within the Corps CAP 204 program. Funds will be used to complete the design and implementation phase for the beneficial use of dredged materials project along the Calcasieu River. The project provides for the placement of shoal material from the Calcasieu River, Mile 5 to Mile 14, into the Cameron Creole Prairie National Wildlife Refuge. Additional beneficiaries include the Lake Charles Harbor and Terminal District and the users of the Calcasieu River Ship Channel.

Calcasieu Lock, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Investigations

Purpose: An earmark of $1,000,000 to advance the authorized feasibility study for the Calcasieu Lock, LA project and to address economic and environmental studies. Traffic projections will provide the economic baseline expectations for future without project conditions. The benefit model will identify the inflection point for decision to shift shipping methods. The agricultural study will determine the benefits to agricultural areas from the improved drainage of the system. Once completed, these studies will form the basis for the justification of the project. The completion of feasibility will be necessary upon completion of the economic study. The Calcasieu Lock is a bottleneck on the Gulf Intracoastal Waterway system in Louisiana, causing delays in transportation and interstate commerce.

LCA—Ecosystems Restoration, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, General Investigations

Purpose: An earmark of $20,000,000 to advance the studies for the authorized Louisiana Coastal Area (LCA) Ecosystems Restoration, LA project. Funds will be used to begin BBBSR PED; conclude 1 feasibility study; and continue 10 studies. The Mississippi River Hydrology Study/Delta Mgt feature will continue to be a priority and will include the hydrodynamics of the watershed of the Atchafalaya River. In accordance with the Water Resources Development Act, decision documents will be submitted to the ASA. Additional beneficiaries include residents of Louisiana.

Bayou Teche & Vermilion River, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Operations and Maintenance

Purpose: An earmark of $15,000 for the authorized Bayou Teche & Vermilion River, LA project. Funding will be used for surveys.

Bayou Teche, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Operations and Maintenance

Purpose: An earmark of $200,000 for the authorized Bayou Teche, LA project. Funding will be used for hydrographic surveys, real estate activities, P&S and environmental clearances.

Calcasieu River and Pass, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Operations and Maintenance

Purpose: An earmark of $17,968,000 for the authorized Calcasieu River and Pass, LA project. Funds are needed to keep international commerce moving without delays and light loadings. Funds will be used to operate, repair and maintain the Calcasieu River channel, dredge the bar channel, dredge mile 5 to 17 and Devil's Elbow, master plans, and maintenance of dredged material disposal facilities. Additional funds would be used to dredge the bar channel and Mile 17 to 29, foreshore rock dikes, construction and major rehabilitation of new disposal area per Dredged Material Management Program.

Freshwater Bayou, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Operations and Maintenance

Purpose: An earmark of $2,235,000 for the authorized Freshwater Bayou, LA project. The lock is crucial to support offshore oil industry to provide the necessary fuel, supplies and food to offshore oil platforms in the Gulf of Mexico, and also to support commercial fishing. The funds will be used for operations and maintenance and to dredge two critical reaches to support the energy infrastructure along the Freshwater Bayou, LA.

Mermentau River, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Operations and Maintenance

Purpose: An earmark of $1,913,000 for the authorized Mermentau River, LA project. Funding will be used to dredge and continue ongoing repairs along the Mermentau River, including operations of Catfish Point and Schooner Bayou Control Structures, maintenance of the control structures, including water control data systems, real estate, and dredge Mermentau Bar Channel, and boathouse replacement at the Catfish Point Control Structure.

Southwest Coastal Louisiana Hurricane Protection, LA Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Investigations

Purpose: An earmark of $1,000,000 to advance the authorized Southwest Coastal Louisiana Hurricane Protection, LA project. The Corps is directed to expedite the study under the Water Resources Development Act of 2007. The funds will be used to continue the feasibility phase. Activities include plan formulation, hydrology and hydraulic analyses, economic inventory, environmental analyses.

EARMARK DECLARATION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CAMP. Madam Speaker, pursuant to the Republican Leadership's standards on Member spending requests, I am submitting the following information regarding the spending request I submitted that is contained in H.R. 3183, the Energy and Water Appropriations Bill for FY 2010.

The entity to receive funding under the request is Spaulding Township, located at 5025 East Road, Saginaw, Michigan, 48601. The funding is to be allocated from the Army Corps of Engineers Section 205 Account, and will be used by the Army Corps of Engineers to complete construction of the north and south levees at the Cass River in Saginaw County between East M 13 and Sheridan Road. The existing levees (except for the portion completed in early 1999 by the Township) will be relocated away from the banks of the Cass River to create a floodway shelf for added capacity and for wetland mitigation. The Township has already contributed $345,000 towards the project, and $3,930,573 in federal funding is required in order to complete the project according to structural and safety guidelines required by Army Corps of Engineers.

The Cass River has flooded nearby homes and businesses in Spaulding Township on an almost semi-annual basis for the past 30 years. During some of these floods, traffic on major highways has been stopped, and at times has made emergency rescue services (fire and ambulance) impossible. The existing levees are in poor condition and portions appear to be unstable. In addition, the low top elevations of the existing levees do not adequately protect the area from flooding. Federal funds are therefore needed to mitigate a significant public health and safety risk to the residents of Spaulding Township.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—Financial Services and General Government Appropriations Act, 2010

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3170

Provision: Title V

Account: GSA—Operating Expenses

Legal Name of Requesting Entity: Oklahoma City National Memorial Foundation

Address of Requesting Entity: 620 N. Harvey, Oklahoma City, OK 73102, P.O. Box 323 Oklahoma City, OK 73101

Description of Request: Provide an earmark of $1,000,000 to fund the Oklahoma City National Memorial Foundation's operation and maintenance cost associated with the Memorial Museum, as well as the execution of outreach and educational programs.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. HALL 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. 3183, Energy and Water Appropriations for Fiscal Year 2010:

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3183, Energy and Water Authorization Act for Fiscal Year 2010

Account: Investigations

Legal Name of Requesting Entity: Arkansas Red River Commission

Address of Requesting Entity: 4155 E. Clay St., Vicksburg, MS 39183

Description of Request: I have secured $25,000 for the Red River Navigation Study, Southwest Arkansas, AR & LA with the Arkansas Red River Commission. Funding for this project will be to study alternatives for extending navigation from Shreveport, LA to Index, AR. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3183, Energy and Water Authorization Act for Fiscal Year 2010

Account: Science

Legal Name of Requesting Entity: Texas A&M University—Commerce

Address of Requesting Entity: P.O. Box 3011, Commerce, TX 75429

Description of Request: I have secured $300,000 for the Advanced Artificial Science and Engineering Research Infrastructure with Texas A&M University at Commerce. Funding for this project will assist in the development of an advanced artificial science and engineering research infrastructure to facilitate innovative computational modeling and analysis of complex electromagnetic wave propagation phenomenologies. The objectives of this proposal are twofold: (1) to implement and operate a high-powered computing grid (a virtual computing environment) that will facilitate the solution of interdisciplinary computational and engineering models, and (2) to develop a computational model of complex electromagnetic wave transmission, propagation, and reception, and analyze that model using new Computational Science methods within the virtual computing environment. The research will be conducted in Hunt County, and will provide faculty and students with research and educational opportunities currently not available. Furthermore, the "grid" will be available for other universities and industries to utilize, thereby expanding the area of impact across the state. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3183, Energy and Water Authorization Act for Fiscal Year 2010

Account: Construction

Legal Name of Requesting Entity: Corps of Engineers, Tulsa District

Address of Requesting Entity: 1645 S. 101 East Ave., Tulsa, OK 74128

Description of Request: I have secured $1,800,000 for the Red River Basin Chloride Control, TX & OK with the Corps of Engineers, Tulsa District. This project is designed to control natural chloride brine emissions at three major source areas to improve water quality for municipal, industrial, and agricultural use. Funding for this project will improve construction of low flow dams, pump stations, and diversion pipelines to Truscott Brine Dam. The Red River water quality will be improved so it can be used for irrigation, municipals and industries. I certify that I do not have any financial interest in this project.

EARMARK DECLARATION

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, The Energy and Water Development and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3183

Account: Department of Energy—Fossil Energy R&D

Legal Name of Requesting Entity: Technology Management Inc.

Address of Requesting Entity: 290 Alpha Dr., Highland Heights, Ohio 44143

Description of Request: Provide an earmark of $500,000 to be used to continue development of a scalable fuel cell system for distributed bioenergy generation. Technology Management Inc. has produced a fully functional fuel cell system—the size of an appliance—that can be installed and used to generate power through biofuels sufficient enough to power an Ohio farm. Funds would be dedicated to engineering prototypes for manufacturing.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: City of Mentor-on-the-Lake

Address of Requesting Entity: 5860 Andrews Road, Mentor-on-the-Lake, Ohio 44060

Description of Request: Provide an earmark of $500,000 to be used to reconstruct a new storm sewer system along State Route 283. The system would help to eliminate flooding and reduce pollution of Lake Erie.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3183

Account: Department of Energy—Fossil Energy R&D

Legal Name of Requesting Entity: Parker Hannifin

Address of Requesting Entity: 9200 Tyler Blvd. Mentor, Ohio 44060

Description of Request: Provide an earmark of $300,000 to be used to develop new adaptive control technologies for combustion performance. This new technology will result in significant changes to combustor performance, allowing enhanced operability, increased fuel flexibility and increased life of engine components. The project will facilitate the use of syngas, a clean fuel, as a replacement for traditional fossil fuels to provide power in everything from a building generator to a power utility. Because fossil fuel-powered utilities are the greatest sources of greenhouse gas emissions, the use of syngas will have a positive impact on the environment.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Lake County Department of Utilities

Address of Requesting Entity: 105 Main Street, Painesville, Ohio 44077

Description of Request: Provide an earmark of $500,000 to be used to replace the county's existing lift station and forcemain, which is located under the Grand River. Replacement of the aging system would prevent flooding and potentially hazardous discharges into Lake Erie.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3183

Account: Department of Energy—EERE

Legal Name of Requesting Entity: Case Western Reserve University

Address of Requesting Entity: 10900 Euclid Avenue, Nord Hall Room 628, Cleveland, Ohio 44106

Description of Request: Provide an earmark in the amount of $500,000 for the Great Lakes Institute for Energy Innovation at Case Western Reserve University for research, equipment and infrastructure to support the institute's regional work in alternative energy including wind, solar and smart grid systems. The work will support the nation's effort in developing green technologies.

BEAVER CREEK RESERVOIR PROJECT

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010. The entity to receive funding is Clarion County Commissioners, 421 Main Street, Clarion, PA 16214, in the amount of $100,000. Funding will be used to provide a major water source, recreation, aquatic, avian, ecological, and environmental education endeavors with the inclusion of a major water supply source (1.3 million gallons/day). Enhancements to the Clarion County Commerce Center (KOZ Zone) would be afforded a water supply for industrial growth in the western section of the county.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. KING of New York. 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 & Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3183

Account: Operations and Maintenance (O&M)

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 26 Federal Plaza, Room 2109, New York, NY 10278

Description of Request: $150,000 will be used to place one million cubic yards of sand along the shoreline several miles west of the inlet for erosion control at Gilgo Beach and Robert Moses State Park (Fire Island to Jones Inlet Project).

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 26 Federal Plaza, Room 2109, New York, NY 10278

Description of Request: $500,000 will be used to complete the design and initiate construction of the first contract of beach renourishment and maintenance project from Jones Inlet to East Rockaway Inlet (Long Beach).

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 26 Federal Plaza, Room 2109, New York, NY 10278

Description of Request: $5,800,000 will be used by the Army Corps of Engineers for the Fire Island Inlet to Montauk Point (FIMP) Project to complete the 3rd nourishment at Westhampton and 1st nourishment at Shinnecock, to continue required monitoring efforts, and to complete a reformulation study for the Fire Island to Montauk Point Project.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3183

Account: FUSRAP

Legal Name of Requesting Entity: Verizon Communications

Address of Requesting Entity: One Verizon Way, Basking Ridge, NJ 07920

Description of Request: This report language will direct the U.S. Army Corps of Engineers to complete a remedial investigation/feasibility study for the cleanup of the former Sylvania nuclear fuel site at Hicksville, New York, proceed to a record of decision and, if appropriate, initiate any necessary remediation in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the earmark I received as part of H.R. 3183, Energy and Water Appropriations bill for FY 2010.

Project Name/Amount: Sustainable Algal Energy Production and Environmental Remediation, $500,000

Requested by: ROBERT J. WITTMAN

Intended Recipient of Funds/Grantee: College of William and Mary P.O. Box 8795 Williamsburg, VA 23187–8795

Project description and explanation of the request: Algae yields substantial advantages over other bio-fuel crops toward the combined goals of renewability, sustainability, affordability, and environmental compatibility in an energy sustainable economy. A multi-disciplinary program plan and partnership are in development for a system to grow, harvest, and process wild algae into feedstock, to chemically convert the feedstock into fuels, and then to distribute the native algae-derived fuels to consumers. This program will be developed under leadership of the College of William and Mary (CWM), acting through its Virginia Institute for Marine Science (VIMS), the nation's third largest marine science organization, and the premier institute for coastal and estuary studies, working with the College's William and Mary Research Institute (WMRI), which provides access to 570 faculty members across the schools of the main campus. The envisioned commercial process has the potential to produce significantly higher efficiencies than other bio-fuel systems in development, based on mature, proven algae cultivation capabilities, while avoiding many land use issues of alternative algal methods. The target consumers of these fuels include all air and ground transportation and power production systems. This project will secure a number of new jobs for the district in the execution of the work, but the major benefits of bringing algal biofuels to the coast of Virginia will have an enormous impact on the state's economy while remediating long-standing environmental problems caused by nutrients in the watershed, rivers and estuarial run-off into the Chesapeake Bay. Funding will support production of 40 kg of Algal Oil and 200 kg of Algal Carbohydrate. Funding will also support design, development, and operation of a portable, water based, self contained harvesting system. Additionally, funding would develop a site screening and production forecasting computer model

Project Name/Amount: Regional Sediment Management Demonstration Program: Mathews County, VA, $238,000

Requested by: ROBERT J. WITTMAN

Intended Recipient of Funds/Grantee: Norfolk District, Army Corps of Engineers 803 Front Street Norfolk, VA 23510

Project description and explanation of the request: Continue construction a sediment budget for the Mathews County, VA area and investigate utilization of dredge material from several local/adjacent federal navigation channels to address shoreline conditions along the western shore of the Chesapeake Bay. The project is authorized by PL 110–114 Sec. 2037.

Project Name/Amount: Winter Harbor, Mathews County, VA, $1,190,000

Requested by: ROBERT J. WITTMAN

Intended Recipient of Funds/Grantee: Norfolk District, Army Corps of Engineers 803 Front Street Norfolk, VA 23510

Project description and explanation of the request: Completion of authorized maintenance dredging activities authorized under the River and Harbor Act of 17 May 1950.

RECOGNITION OF THE MILLER GAS STATION ON ITS 50TH ANNIVERSARY

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Ms. KILROY. Madam Speaker, I rise today to honor the Miller gas station on its 50th anniversary. This family business has been serving the residents of my hometown in Ohio for five decades by offering the personal service and attention that is becoming rare and invaluable in an increasingly automated world.

Unlike most other gas stations in Ohio which are purely self-service, the Miller family gas station maintains a full-service pump. The Millers interact with customers on a daily basis, developing relationships that are necessary for the sense of connectedness and goodwill among members of a strong and spirited community. Residents of Upper Arlington return to the Millers' station time and again—some for many years—knowing they will receive exceptional service each time.

Eddie and Deanna Miller leased the station in 1959 and worked at the station for almost 25 years before they could own the business outright. The couple has served as an example of the American tradition of hard work and quality service, factors that have kept their business vibrant in instances of harsh economic conditions over the last fifty years. For the Millers, good service is not just a virtue of successful business, it is an enjoyable and fulfilling aspect of their work. Interaction with community members instills within their family a sense of pride in and responsibility toward the people of Upper Arlington.

This month as the family business celebrates its 50th anniversary Eddie and Deanna express confidence in their son Mike in carrying their family business forward for decades to come. I thank the Miller family and encourage them to continue their tradition of unique and valued service to the residents of Central Ohio.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. INGLIS. 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, Energy and Water Development

and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman BOB INGLIS

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: EERE–Other

Legal Name of Requesting Entity: University of South Carolina

Address of Requesting Entity: 1218 Henderson Street, Columbia, South Carolina 29201

Description of Request: The purpose of the request is to continue the development and demonstration of a unique science and technology process to use waste heat from nuclear reactors to generate hydrogen using chemical processing combined with separation using PEM technology. This highly effective process will enable expanded and accelerated hydrogen production for energy sustainability and security for our society. The amount is $300,000 and it would go to the University of South Carolina.

Requesting Member: Congressman BOB INGLIS

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Science

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 209 Sikes Hall, Clemson, South Carolina 29634

Description of Request: The purpose of the request is to continue the development of the Clemson University Cyberinstitute (CUCI) project which will assist research universities around the State of South Carolina to perform scientific research in nanotechnology, bioinformatics/computational biology, environment/ecology and global climate change. The project links South Carolina to a nation-wide backbone of world-class university research, industry partners and cutting-edge technology entrepreneurs. CUCI will serve as a conduit for a virtual research campus that brings together cyber resources and strengths from each of South Carolina's research institutions, including Clemson University, the Medical University of South Carolina, and the University of South Carolina. The amount is $500,000 and it would go to Clemson University.

Requesting Member: Congressman BOB INGLIS

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Energy Efficiency and Renewable Energy (EERE)—Biomass and Biorefinery Systems R&D

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 209 Sikes Hall, Clemson, South Carolina 29634

Description of Request: The purpose of the request is to continue the development of a Cellulosic Biofuel Plant. Cellulosic ethanol comes from breaking down the lignin and hemi-cellulose shell in order to access plant sugars for fermentation into renewable fuel. It is estimated that cellulose conversion to ethanol can produce 800–1000 gallons of ethanol per acre (compared to 416/acre for corn). Capturing 20% of the state's gasoline fuel market through bio-ethanol would build a $1Bn industry. In order to accomplish that goal, South Carolina must have the capacity to produce 700M gallons of ethanol/year. Based on recent studies of the economic impact of corn ethanol plans in the Midwest, 700M gal/year of bio-ethanol capacity could lead to $1.5 billion in capital investments, create 10,000 new jobs, add $2 billion to the local economy and increase local and state taxes by $20 million. The amount is $1 million and it would go to Clemson University.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 3183

Account: EERE—Building Technologies

Legal Name of Requesting Entity: Snead State Community College

Address of Requesting Entity: Snead State Community College, PO Box 734, Boaz, AL 35957

Description of Request: ''Energy Efficiency Enhancements, $250,000''

The funding would be used to reduce energy consumed in ten campus buildings. Funding will pay for lighting retrofits, monitors, sensors, and HVAC controls. Leadership in Energy and Environmental Design (LEED) standards from Green Building Council will be used for sustainable operations. Anticipated 20–30% energy savings per year with changes. Of the requested amount, 60% of the funds will be used for materials and supplies and 40% will be used on installation costs. The project will reduce the College's energy consumption. Taxpayer Justification: This funding will help reduce energy use and save natural resources and reduce dependence on foreign oil. The project will also promote conservation to the public.

Requesting Member: ADERHOLT

Bill Number: H.R. 3183

Account: EERE—Building Technologies

Legal Name of Requesting Entity: Gadsden State Community College

Address of Requesting Entity: P.O. Box 227, Gadsden, AL 35902–0227

Description of Request: ''Green Operations Plan, $75,000''

The funding would be used for replacing aging inefficient light fixtures in Wallace Hall Fine Arts Center to reduce the amount of electricity used by over 50%. Gadsden State's requested amount was $75,000. Gadsden State Community Colleges plans to expend the entire amount of the funds on Energy Efficient Stage Lighting fixtures; LED Stage Border lights; High-efficiency Moving Light fixtures; and Digitally Controlled—Energy Efficient Rigging Units. Taxpayer Justification: This plan will produce the same brightness at a lower cost and utilize easily-recyclable lamps which will cut lighting energy use.

Requesting Member: ADERHOLT

Bill Number: H.R. 3183

Account: EERE—Building Technologies

Legal Name of Requesting Entity: University of North Alabama, Florence, AL

Address of Requesting Entity: UNA, 110 Bibb Graves, Florence, AL 35632

Description of Request: ''University of North Alabama, Green Campus Initiative, $200,000''

The funding would be used to continue the Green Campus Initiative. The objective of the Green Campus Initiative is to reduce dependence on fossil fuels; with anticipated reduction of electrical and natural gas energy consumption by 15%. Request is made in the amount of $1M to continue the FY09 Green Campus Initiative. Funding will be used to (1) replace 35+ year old HVAC system/Chillers ($200K), (2) replacement of single pane windows with energy efficient double pane windows ($400K), (3) replacement of fluorescent lighting with energy saving electronic ballast T–8 or T–5 lamp technology ($200K), and (4) Labor costs ($200K). Taxpayer Justification: This funding will improve the provision of a functional green energy technologies prototype to reduce dependence on fossil fuels and natural gas.

Requesting Member: ADERHOLT

Bill Number: H.R. 3183 Account: EERE—Biomass

Legal Name of Requesting Entity: Auburn University, Auburn, AL

Address of Requesting Entity: Auburn University, 102 Samford Hall, Auburn, AL 36849

Description of Request: ''Farm Deployable Microbial Bioreactor for Fuel Ethanol Production, $800,000''

The funding will be used for scientists to develop natural bacteria and yeast mixtures that will simultaneously convert inedible plant waste to bioethanol using a farm deployable bioreactor system, and test its commercial viability within the agriculture community. The requested amount for the project is $1,000,000 with a spending plan as follows to conduct research on farm deployable microbial bioreactor for fuel ethanol production at Auburn University—Montgomery. Approximately, $210,000 for salaries and benefits; $57,600 for graduate students; $34,500 for travel; $360,000 for equipment and materials; $31,000 in rent; $129,179 for collaborators (Auburn University and Alabama State Department of Agriculture); $101,018 utilities and related costs. Taxpayer Justification: Fuel ethanol from inedible plant materials or biomass will become a major portion of America's energy pool. The benefit of this research is national in scale and will especially promote sustainable agriculture in agricultural regions of the nation. Auburn University Montgomery will conduct research to develop farm deployable microbial bioreactor for fuel ethanol production. The proposed system is cost-efficient, simple, highly usable and has potential for home production. The Alabama Department of Agriculture and Industries will assist in developing pilots on farm to determine and increase commercial viability. Success in this effort will provide a unique combination of microbial catalysts and all-in-one ethanol bioreactor for fuel ethanol production from agricultural wastes.

Requesting Member: ADERHOLT

Bill Number: H.R. 3183

Account: Corp of Engineers—O&M

Legal Name of Requesting Entity: Warrior Tombigbee Waterway Association, Mobile, AL

Address of Requesting Entity: PO Box 2863, Mobile, AL 36652

Description of Request: ''Black Warrior and Tombigbee Rivers, $24,180,000''

The funding would be used to repair Selden Lock miter gates and Holt spillway and Holt lock valves. Funds would also be used to construct an upland disposal site at Buena Vista. Provide $24,180,000 in funding for Operations and Maintenance for the Mobile District of the COE for the Black Warrior and Tombigbee Rivers. Currently there are 20–25 million tons transported on this river each year, mostly coal and petroleum products, and serious repairs are needed. The Tennessee-Tombigbee Waterway and Coosa-Alabama River systems depend on the efficiency of the Black Warrior-Tombigbee. This project will provide necessary infrastructure maintenance and repairs to the 50+ year old lock and dam system. The entire budget for the project will go towards maintenance and repairs. This request is consistent with the intended and authorized purpose of the Corps of Engineers, O&M Account. Taxpayer Justification: Each year approximately 20–25 million tons of goods move through this waterway, mostly coal and petroleum products. The Black Warrior and Tombigbee Rivers system is vital for the Tennessee-Tombigbee Waterway and the Coosa Alabama River system, and this funding promotes the functioning of this vital waterway.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding H.R. 3170, the Financial Services and General Government Appropriations Act of 2010.

Requesting Member: Congressman JACK KINGSTON

Bill: H.R. 3170

Account: Small Business Administration

Legal Name of Requesting Entity: City of Alma

Address of Requesting Entity: 884 Radio Station Rd., Alma, GA 31510

Description of Request: Funding in the amount of $500,000 for business and infrastructure development to entice small businesses to the area and encourage growth in the community.

THE COMMUNITY GARDENS ACT OF 2009

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. INSLEE. Madam Speaker, today Congresswoman NORTON and I introduced the Community Gardens Act of 2009, along with Representatives MATSUI, BLUMENAUER, MORAN, CONYERS, Jr., BORDALLO, CHRISTENSEN, DENNIS MOORE, ENGEL, KAPTUR, MALONEY, MCGOVERN, CARSON, GRIJALVA, BARBARA LEE, DONNA EDWARDS, WOOLSEY and CLEAVER II. We thank them for their support.

Localities across America are already demonstrating an eagerness to harvest fresh fruits and vegetables in community gardens. According to a national study, 1 million households participated in community gardens in 2008, and an estimated 5 million households are very interested in starting a garden plot near their home. Washington state is home to many opportunities by which individuals may participate in a community garden atmosphere. For example, the City of Seattle's Department of Neighborhoods currently maintains 1,900 plots, which serve more than 3,800 urban gardeners on 23 acres of land. This successful program is expanding as interest in gardening grows. With this legislation we can help programs like the one in Seattle, Washington, as well as at 21 Acres in Woodinville, Washington, to expand opportunities for all American households to share in the numerous benefits of local gardening.

The Community Gardens Act of 2009 will establish a grant program specifically geared to help local organizations create community gardens in their areas. Groups eligible to apply for funds include community-development organizations, schools, and state and local governments, among others. By encouraging these groups to construct gardens in their communities, the legislation will promote nutrition, environmental awareness, and neighborhood development.

Existing community gardens illustrate the many benefits of creating such a grant program. These gardens are already helping to beautify neighborhoods by transforming vacant lots and paved areas into "green" spaces. They are reducing the impact of nutrient and sediment pollution on local wildlife habitats, forest lands and water quality. They are also teaching our kids about the importance of nutrition and exercise by participating in harvesting healthy food and creating an excellent opportunity for outdoor recreation.

Congresswoman NORTON and I are proud to introduce the Community Gardens Act of 2009 and we look forward to working in Congress to ensure that healthy food and healthy lifestyles are available to all communities across the nation.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3170—Financial Services and General Government Appropriations Act, 2010

Account: Salaries & Expenses

Legal Name of Receiving Entity: Operation New Hope, Inc.

Address of Receiving Entity: 1830 North Main Street, Jacksonville FL 32206

Description of Request: I have secured $790,000 in funding in H.R. 3170, in the Salaries & Expenses Account for a prison re-entry job training program that works with small business owners.

The purpose of this program is to successfully re-integrate ex-offenders by work training and job coaching and matching up successful participants with local small businesses that meet their hiring and staffing needs.

This project is eligible for federal funding under the Small Business Administration.

Operation New Hope, Inc. will contribute $2,000,000 in non-Federal matching funds.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 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 FY 2010 Energy and Water Development Appropriations Act, H.R. 3183:

Name of Project: Delaware Bay Coastline, Roosevelt Inlet to Lewes Beach, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $350,000 for periodic renourishment of Roosevelt Inlet/Lewes Beach area located in Sussex County, Delaware. The purpose of the project is to reduce flood and coastal storm damage and for navigation mitigation.

Name of Project: Intracoastal Waterway, Delaware River to Chesapeake Bay, DE & MD

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $28,390,000, which is the President's requested funding level for the continued annual operations and maintenance of this Intracoastal Waterway.

Name of Project: Wilmington Harbor, Delaware

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $320,000 for aggressive management and capacity restoration of federal disposal areas and chemical and sediment testing within those areas. The purpose of this project is to increase capacity and manage disposal areas for Wilmington Harbor.

Name of Project: Delaware Coast Protection, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $390,000 to reimburse the State of Delaware for the Federal share of the annual operation and maintenance costs of the sand bypass plant and new

plant facilities. The purpose is to support the periodic nourishment of the beach during the authorized period.

Name of Project: Red Clay Creek, Christina River Watershed, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $300,000 to continue the investigation of the Christina River Watershed feasibility study. The purpose of the project is to continue investigation of flood damage reduction, ecosystem restoration, water quality control strategies.

Name of Project: Wind Turbine Infrastructure for Green Energy and Research on Wind Power in Delaware

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: DoE—EERE

Legal Name of Requesting Entity: University of Delaware

Address of Requesting Entity: Hullihen Hall, Newark, DE 19716

Description of Request: $300,000 for the one-time purchase and installation of a wind turbine to be used shore-side at the University of Delaware's Lewes Campus. The purpose of this project is to help inform decisions about the viability and delivery of offshore renewable wind energy.

Name of Project: University of Delaware Energy Institute

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: DoE—Science

Legal Name of Requesting Entity: University of Delaware

Address of Requesting Entity: Hullihen Hall, Newark, DE 19716

Description of Request: $500,000 for equipment, fellowships, and outreach for University of Delaware's Energy Institute. The purpose of the project is to expand and accelerate the deployment, demonstration and adoption of alternative energy sources and technologies that are more secure, abundant, and sustainable to help meet the nation's energy challenges.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately Monday night, July 13, 2009, I was unable to cast my vote on the Motion to Adjourn.

Had I been present for rollcall No. 530, on the Motion to Adjourn, I would have voted "aye."

TRIBUTE TO CONTINENTAL AIRLINES ON ITS 75TH ANNIVERSARY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BRADY of Texas. Madam Speaker, I rise today to recognize and congratulate Continental Airlines headquartered in Houston, Texas, on its 75th anniversary. I ask my colleagues to join me in applauding Continental Airlines and its employees for the outstanding service and dedication it has provided to travelers over the past 75 years.

From its modest beginnings in July 1934 in El Paso, Texas, Continental has grown to become the fifth largest carrier in the world. Just before the Second World War, Continental moved its headquarters to Denver, Colorado where it subsequently built the Denver Modification Facility, modifying B–17 and B–29 aircraft for the war effort. As the war approached an end, Continental expanded its services to include 26 cities and employ over 400 people by 1945.

In 1963, Continental moved its headquarters once again to Los Angeles, where the company continued to support American military efforts, flying soldiers to Asia during the Vietnam War. During the 1970s, Continental experienced considerable growth. Most notable was approval by President Jimmy Carter to fly from Los Angeles to New Zealand and Australia.

In 1982, Continental, once more relocated its headquarters to its current location in Houston, Texas. Continental then mounted one of the most successful business turnarounds ever in American history when it began restructuring in 1994, using its famous "Go Forward Plan" that emphasized the airline's unique company culture. In addition to Houston, Continental also has hubs in Cleveland, Ohio and Newark, New Jersey.

Today, Continental remains a major employer in the Houston area and a valued airline. I hear often from satisfied travelers about the quality of the company's service and commonsense approach to operations. As a million mile traveler, I personally can attest to the quality and professionalism of the crew and staff of Continental Airlines. It is my personal choice when I travel back and forth to Washington, and one I trust with the safeguard of my family.

Madam Speaker, I hope my colleagues in the U.S. House of Representatives will join me to recognize Continental's contribution to America on the occasion of the 75th anniversary.

RECOGNIZING YOUNG JU JI

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Ms. Young Ju Ji. Ms. Ji is the Executive Director of Korean American Women in Need, KANWIN, and a well-respected member of the Korean-American community in Chicago.

KANWIN helps Korean-American survivors of domestic violence and is one of a few organizations in the country with such a mission. The organization's formation began amid controversy as it publicly stated that women should not be subjected to violence or brutality at the hand of her husband or partner. KANWIN has served thousands of families in Chicago, giving women and their children renewed optimism and opportunity.

Ms. Ji immigrated to the U.S. in 1999 to Chicago where she and her family now reside. In addition to her work at KANWIN, Ms. Ji teaches both adults and children Korean drumming, one of her many efforts to preserve Korean culture in Chicago. She also is a Board Member at the Korean-American Resource and Cultural Center, KRCC.

Ms. Ji is well-respected and vital to the Korean-American community. She is a natural leader and her strength invigorates the men and women whose lives she has affected. In her charity, few things are ever unavailable. Ms. Ji, her husband and their two young children regularly open their home and share their financial resources and time to those in need. It is my privilege to recognize Ms. Young Ju Ji as an outstanding member of our community and as a person who deserves our country's honor.

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. GRAVES. 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:

Congressman SAM GRAVES (MO–6)

Department of Defense, Corps of Engineers—Civil, Investigations—$350,000 to the Corps of Engineers, Kansas City District for the Missouri River Levee System (MRLS) Units L–455 and R 471–460 (4800 East 63rd Street, Kansas City, MO 64130)

Federal funds obtained will be used to advance design of the levee system on the Missouri River at Elwood and Wathena, KS and St. Joseph, MO. Damage from flooding has been significant in St. Joseph and the surrounding area, with devastating floods occurring in 1881, 1952 and 1993. In the Great Flood of 1993, Unit R 471–460 failed causing more than $97 million in damages. The levee system extends over 29 miles in length, protecting industrial and residential areas in St. Joseph worth over $1 billion. The feasibility study was completed in 2006 identifying an alternative to raise 13 miles of the right bank unit of the levee protecting Elwood, Wathena, and the MO Air National Guard base.

Congressman SAM GRAVES (MO–6)

Department of Defense, Corps of Engineers—Civil, Section 205—Funds to the Corps of Engineers, Kansas City District for the Blacksnake Creek Feasibility Study (4800 East 63rd Street, Kansas City, MO 64130)

The Blacksnake Creek is a tributary of the Missouri River. In 1984 a flash flood in St. Joseph, MO devastated homes and commercial

property in its two largest watersheds, including Blacksnake Creek, a watershed of 5,200 acres. In order to provide a higher level of flood protection the City and the Corps of Engineers initiated a feasibility study of flood control improvements that can be implemented along Blacksnake Creek in St. Joseph. The project would create a storm water detention basin to capture storm water from 3,300 acres of the watershed and protect the fully developed area of 1,900 acres downstream. The project itself has increased in importance as a result of the EPA and its Combined Sewer Overflow (CSO) regulations. As a result, the project is critical to address both flooding and storm water detention and outfall redirection to keep storm water flow out of the combined system and improve water quality as a result. Flooding on the creek threatens the commercial and residential corridor. Federal funds obtained will be used to initiate design work.

Congressman SAM GRAVES (MO–6) (along with the President, Rep. CLEAVER and Rep. MOORE (KS))

Department of Defense, Corps of Engineers—Civil, Investigations—$700,000 to the Corps of Engineers, Kansas City District for Missouri River Degradation, Kansas and Missouri project (4800 East 63rd Street, Kansas City, MO 64130)

The Kansas City levee systems and metro utilities in the Missouri River are threatened by the ongoing degradation of the Missouri River bed in the Kansas City reach. Federal funds obtained will be used for a feasibility study to investigate the progressive streambed degradation in the Kansas City reach and other areas of the Missouri River.

Congressman SAM GRAVES (MO–6) (along with the President)

Department of Defense, Corps of Engineers—Civil, Construction—$100,000 to the Corps of Engineers, Kansas City District for Kansas City Levees in Missouri and Kansas (4800 East 63rd Street, Kansas City, MO 64130)

Design of Phase 1, Fairfax Levee, began in 2007. A new construction start and funding is necessary to begin the most critical corrections to the levee system, and to complete Phase 2 feasibility study. Corrective measures to provide reliable protection include raising the levee/floodwall at Argentine; installing pressure relief wells, new piping and pump station all to control underseepage at several units; and to reduce the risk of system failure through sheetpile wall reinforcement; and new construction for the Fairfax-Jersey Creek Unit. There are more than 95,000 jobs that exist in the Kansas City levees protected area. Federal funds obtained will be used to advance the feasibility study.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally-directed funding, I am submitting the following information regarding funding included in H.R. 3183, the Energy and Water Development Appropriations Act of 2010.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers—Construction, General (Section 202)

Legal Name of Recipient: U.S. Army Corps of Engineers—Huntington & Nashville Districts

Address of Recipient: 502 Eighth Street, Huntington, WV 25701 P.O. Box 1070, Nashville, TN 37202

Description of Request: As authorized in Section 202 of P.L. 96–367, as amended, provide directed funding of $9,500,000 for the U.S. Army Corps of Engineers to continue structural and non-structural flood damage reduction efforts in several flood-prone communities in southern and eastern Kentucky along the Levisa and Tug Forks and Upper Cumberland River. These important flood damage reduction projects mitigate hundreds of millions of dollars in potential damages. Without Section 202 projects, taxpayers in Appalachian Kentucky would be burdened by an additional $847 million in flood insurance. Of these sums, at least $3,000,000 is directed towards the Town of Martin, Kentucky, which recently suffered severe flood damage.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers—Construction, General (Section 531)

Legal Name of Recipient: U.S. Army Corps of Engineers—Huntington District

Address of Recipient: 502 Eighth Street, Huntington, WV 25701

Description of Request: As authorized in Section 531 of P.L. 104–303, provide $1,500,000 in directed funding for the U.S. Army Corps of Engineers to execute its environmental infrastructure program in southern and eastern Kentucky. The Environmental Protection Agency estimates this region has over $300 million in unmet infrastructure needs. The U.S. Army Corps of Engineers therefore works closely with regional non-profits to determine priority water quality projects. Over 50 innovative regional projects for sewer and water improvements are currently underway or have been completed. Through this program, the U.S. Army Corps of Engineers has helped serve 20,861 homes with sewer improvement projects. FY10 funding for Section 531 projects will continue these important efforts.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers—Construction, General

Legal Name of Recipient: U.S. Army Corps of Engineers—Nashville District

Address of Recipient: P.O. Box 1070, Nashville, TN 37202

Description of Request: Provide $123,000,000 in directed funding for continued design, preparation and construction to stabilize Wolf Creek Dam, which impounds Lake Cumberland. The lake mitigates possible flooding to several Kentucky and Tennessee communities, and it is estimated that Wolf Creek Dam has prevented more than $1.3 billion in damages and prevented major loss of life from flood events. The dam also supports a $150 million tourism industry in the region. A $341 million contract for the construction of a 4200-foot concrete barrier wall to eliminate seepage at Wolf Creek Dam was let in July 2008. The project is among the Corps' top dam safety projects in the nation and was requested by the President.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers—Operations & Maintenance

Legal Name of Recipient: U.S. Army Corps of Engineers—Nashville District—Lake Cumberland

Address of Recipient: P.O. Box 1070, Nashville, TN 37202

Description of Request: Provide directed funding of $1,000,000 for the U.S. Army Corps of Engineers to perform needed recreational improvements to degraded Lake Cumberland structures and facilities. These operation and maintenance funds may be used for needed refurbishments and enhancements around the lake. These enhancements include, but are not limited to lake debris removal, environmental restoration and recreational improvements.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers—Operations & Maintenance

Legal Name of Recipient: U.S. Army Corps of Engineers—Huntington District—Town of Martin

Address of Recipient: 502 Eighth Street, Huntington, WV 25701

Description of Request: Section 107 of H.R. 3183 directs the U.S. Army Corps of Engineers to expedite the acquisition of properties in Martin, Kentucky that were damaged by floodwaters in a severe May 2009 flood event. Removing residents and businesses from harm's way should be a top priority for the Corps, and this language directs the Huntington District to modify its Project Detailed Project Report, dated March 2000, so that the acquisition of homes and businesses might commence immediately.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: Department of Energy—Energy Efficiency and Renewable Energy (EERE)

Legal Name of Recipient: Consortium for Plant Biotechnology Research

Address of Recipient: 100 Sylvan Drive, Suite 210, St. Simons Island, GA 31522

Description of Request: Provide directed funding of $3,000,000 for the Consortium of Plant Biotechnology Research (CPBR), a non-profit organization whose membership includes 43 leading U.S. research universities and 39 agribusiness companies and trade associations across the county. 92.6% of funding is utilized for researching plant biotechnologies that will improve the competitiveness of U.S. agriculture by developing technologies to lessen the country's dependence on foreign energy supplies. Federal funds are matched 130% on average. The University of Kentucky is a CPBR member.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: Department of Energy—Fossil Fuels Research and Development

Legal Name of Recipient: The University of Kentucky—Center for Applied Energy Research

Address of Recipient: 2540 Research Park Drive, Lexington, KY 40511

Description of Request: Provide directed funding of $2,000,000 for the University of Kentucky's Center for Applied Energy Research (CAER) to continue important research regarding the development of strategic coal-based liquid transportation fuels. Rising petroleum prices, national security concerns and limited domestic oil reserves require a serious look at alternative sources of transportation fuels. The use of coal for transportation fuels can provide additional independence from oil imports, safeguard the nation's security, allow for the development of new industries, and provide new incentives for coal mining. The Department of Defense has a keen interest in securing alternatives to petroleum for reliable supplies of battlefield fuels. Moreover, there are certain applications where coal-derived fuels are environmentally superior for the production of ultra-clean diesel and jet fuel of interest to the aviation, heavy equipment and trucking industries. Eastern and western Kentucky coals are suitable feed stocks for these purposes.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: Department of Energy—Energy Efficiency and Renewable Energy (EERE)

Legal Name of Recipient: Morehead State University East Kentucky Bioenergy Capacity Assessment Project

Address of Recipient: 150 University Blvd., 901 Ginger Hall, Morehead, KY 40351

Description of Request: Provide directed funding of $250,000 for Morehead State University to analyze the availability of bioenergy in a region of Appalachia traditionally supported by coal. Many opportunities exist through the exploration of alternative fuel sources to allow the United States to become less energy dependent on fossil fuels, and this project would support a feasibility study to analyze the availability of bioenergy sources in southern and eastern Kentucky.

PERSONAL EXPLANATIOIN

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Friday, July 10, 2009.

Had I been present, I would have voted "no" on rollcall vote No. 526 (On ordering the previous question to H. Res. 622) and "no" on rollcall vote No. 527 (On agreeing to H. Res. 622), "yes" on rollcall vote No. 528 (On agreeing to the Rep. Jeff Flake of Arizona amendment to H.R. 3082), "yes" on rollcall vote No. 529 (On passage to H.R. 3082).

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Construction

Legal Name of Receiving Entity: Army Corps of Engineers

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville FL 32207

Description of Request: I have secured $1,000,000 in funding in H.R. 3183 in the Construction Account for the Dredged Materials Disposal Facilities Program, Jacksonville Harbor, FL.

This is a valuable use of taxpayer funds because it will contribute to the dredging improvements which will assure that commodities reach their destination efficiently and cleanly by ship rather than by surface transportation, which reduces air pollution, strain on our over-burdened highway system and traffic congestion.

In addition, to continue JAXPORT's growth, the channel must be deepened so it can handle container ships with deeper drafts.

There is a 25 percent non-Federal cost share required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Construction

Legal Name of Receiving Entity: Army Corps of Engineers

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville FL 32207

Description of Request: I have secured $1,000,000 in funding in H.R. 3183 in the Construction Account for Jacksonville Harbor, FL.

This is a valuable use of taxpayer funds because dredging improvements will assure that commodities reach their destination efficiently and cleanly by ship rather than by surface transportation, which reduces air pollution, strain on our over-burdened highway system and traffic congestion.

In addition, to continue JAXPORT's growth, the channel must be deepened so it can handle container ships with deeper drafts.

There is a 25 percent non-Federal cost share required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Operations & Maintenance

Legal Name of Receiving Entity: Army Corps of Engineers

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville FL 32207

Description of Request: I have secured $4,500,000 in funding in H.R. 3183 in the Operations & Maintenance Account for the Intracoastal Waterway, Jacksonville to Miami, FL.

The purpose of this funding is for the routine maintenance dredging of Reach 1 in Duval County at Nassau Sound and non-routine maintenance dredging in Reach 3 will remove 250,000 cyds. of material. The beach quality material will be placed on Amelia Island and the non-beach quality materials will be placed in DMMA DU–2.

This is a valuable use of taxpayer funds because the operation and maintenance of the Intracoastal Waterway in Florida is a Federal responsibility.

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Operations & Maintenance

Legal Name of Receiving Entity: Army Corps of Engineers

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville FL 32207

Description of Request: I have secured $6,035,000 in funding in H.R. 3183 in the Operations & Maintenance Account for the Jacksonville Harbor, FL.

The purpose of this funding is for the periodic dredging in the 20 mile main federal ship channel.

The Jacksonville Harbor project is an authorized federal project and has regularly received O&M funds which are necessary to retain the federal project depth. Pursuant to federal statute, the Army Corps of Engineers is responsible for maintenance of federal navigation channels.

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Section 206

Legal Name of Receiving Entity: Army Corps of Engineers

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville FL 32207

Description of Request: I have secured funding in H.R. 3183 in the Section 206 Account for the Big Fishweir Creek, FL.

Big Fishweir Creek is a small tributary on the St. Johns River, a federally-designated American Heritage River, approximately 4 miles south of downtown Jacksonville. The contributing sub-basin to Big Fishweir Creek has been urbanized, predominantly with residential land use, which is encroaching along the creek's banks. Most of this urbanization occurred prior to the promulgation of storm water regulations. Consequently, only limited storm water management has been implemented in the sub-basin. Contaminated sediment from untreated storm water has been deposited in the creek over time, reducing natural habitat in the creek and along its banks.

Under the authority provided by Section 206 of the Water Resources Development Act of 1996, the Corps may plan, design and build projects to restore aquatic ecosystems for fish and wildlife. Projects must be in the public interest and cost effective and are limited to $5 million in Federal cost.

There is a 50 percent non-Federal matching requirement for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Electricity Efficiency and Renewable Energy

Legal Name of Receiving Entity: City of Tallahassee, Florida

Address of Receiving Entity: 300 S. Adams Street Tallahassee FL 32301

Description of Request: I have secured $250,000 in funding in H.R. 3186 in the Electricity Efficiency and Renewable Energy Account under the Department of Energy for the City of Tallahassee Innovative Energy Initiatives.

The City of Tallahassee will provide $2,000,000 in matching funds for this project.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. YOUNG of Alaska. 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.

Project Name: Fairbanks Geothermal Energy Project

Bill Number: H.R. 3183—Department of Energy

Legal name and address of entity receiving earmark: Fairbanks North Star Borough, 809 Pioneer Road, Fairbanks, AK 99707

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Fairbanks North Star Borough in cooperation with the University of Alaska Fairbanks (UAF) Center for Energy and Power will use funds to perform research and development work on an enhanced geothermal system designed to replace the 9 megawatt combined heat and power unit located on the campus of UAF.

Appropriated Amount: $1,000,000

Detailed Finance Plan: Program Coordination: $300,000, geothermal resource assessment: $500,000, test well: $4,200,000

Project Name: St. Hermann Harbor Dredging in Kodiak

Bill Number: H.R. 3183—Army Corps of Engineers

Legal name and address of entity receiving earmark: City of Kodiak, 710 Mill Bay Road, Kodiak, AK 99615

Description of how the money will be spent and why the use of federal taxpayer funding is justified: In 1997, the Army Corps completed a breakwater to protect Kodiak's St. Herman Harbor. The south channel of this new harbor has residual rubble from the construction period that needs to be dredged and cleaned out in order to allow the channel entrance to be the width and depth intended by the original project design.

Appropriated Amount: $500,000

Detailed Finance Plan: Army Corps of Engineers Operations and Maintenance: $500,000

Project Name: High Penetration Wind Power in Tatitlek

Bill Number: H.R. 3183—Department of Energy

Legal name and address of entity receiving earmark: Native Village of Tatitlek, P.O. Box 171, Tatitlek, AK 99677

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Funding will provide for a high penetration hybrid wind turbine/diesel power station in the Village of Tatitlek. Because it is expensive to ship home heating fuel into Tatitlek, Tatitlek conducted studies on cost effective alternatives. Energy generation from wind is expected to save the community 32 percent over energy generation from diesel.

Appropriated Amount: $900,000

Detailed Finance Plan: Machines: $612,495; Shipping: $34,028; Concrete pads for generators: $156,257; Crane: $122,499; Electrical lines: $24,500; Controls and Equipment: $340,275; Site prep: $88,472; C.E. freight: $68,055; Wind prospecting: $20,417; Engineering: $102,083

Project Name: Port of Anchorage

Bill Number: H.R. 3183—Army Corps of Engineers

Legal name and address of entity receiving earmark: Port of Anchorage, 2000 Anchorage Port Rd, Anchorage, AK 99501

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Provide an earmark of $18 million will be used for operations and maintenance for the Port of Anchorage expansion project.

Appropriated Amount: $18,000,000

Detailed Finance Plan: Army Corps of Engineers Operations and Maintenance: $18,000,000

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 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: Congressman CANDICE S. MILLER

Bill Number: H.R. 3170—the Financial Services and General Government Appropriations Act of 2010

Account: Salaries and Expenses

Legal Name of Requesting Entity: Macomb County, Michigan

Address of Requesting Entity: 1 S. Main St., 7th Floor, Mt. Clemens, MI 48043

Description of Request: This request, in the amount of $100,000.00, would be used to provide a variety of much needed programs and services including training such as business plan and marketing writing and assistance. Additionally, it would serve businesses and entrepreneurs in Macomb County who currently lack access to such vital services.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. LEE of New York. 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 Financial Services Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 3170

Account: Small Business Administration—Salaries and Expenses

Legal Name of Requesting Entity: Buffalo Niagara International Trade Foundation

Address of Requesting Entity: 725 Main Street, Buffalo, NY 14203

Description of Request: Provide an earmark of $250,000 to support three approaches by the World Trade Center Buffalo Niagara (WTCBN), a non-for-profit that helps companies to enter, grow, and compete in international markets: (1) The "Export Canada" program addresses the needs of small and medium sized-manufacturers and service firms by providing workshops focused on exporting to Canada; (2) Expand WTCBN's international business development services and guided assistance to service a broader audience of companies in a 12-county region of Western New York; (3) Support comprehensive trade education and global skills development programs geared for the agribusiness and manufacturing sectors through strengthened partnerships with educational institutions.

Of the total amount, approximately $100,000 (or 40 percent) is for outreach and marketing; $60,000 (or 24 percent) is for education; $50,000 (or 20 percent) is for technology; $30,000 (or 12 percent) is for miscellaneous expenses; and $10,000 (or 4 percent) is for membership activities.

Global trade for any individual firm remains a complex matter requiring a wide range of services, market contact and skills. As part of a network of 300 World Trade Centers in 100 countries, WTCBN has the capabilities and contacts to assist regional businesses in every major market in the world. WTCBN is licensed by the World Trade Centers Association to serve companies throughout much of Upstate New York. The WTCBN shares a very similar mission as the Small Business Administration.

RECOGNITION OF LES WEISBROD

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great honor and pleasure that I stand before you today to recognize a very special constituent and friend of mine. He is both a mentor and an outstanding lawyer with a brilliant legal mind, and I am privileged to recognize and acknowledge the achievements of Les Weisbrod. I have known him since 1971, and I can truly say that he is a dedicated, distinguished, and committed citizen.

The name Weisbrod has long been associated with excellence, and his life and work reflect his parents' highest standards of hard work, honesty, courtesy, and responsibility. On July 30, 2009, Mr. Weisbrod will finish his term as President of the American Association for Justice. As the largest trial bar in the world, this association aims to promote a fair and effective justice system and has benefitted enormously from Mr. Weisbrod's leadership and expertise. He has served as President-Elect, Vice President, Secretary, Treasurer, and Parliamentarian of the American Association for Justice, in addition to leading many of this association's litigation groups through his quarter-century of membership.

Regarded as one of the most effective medical malpractice and personal injury attorneys in the country, Mr. Weisbrod has obtained more medical malpractice punitive damage jury verdicts for his clients than any other attorney in the United States. In 2003, he obtained a verdict which has been reported by the National Law Journal as one of the 100 most important verdicts of that year, and he

was named one of the best lawyers in Dallas for 2003–2005 in Dallas' "D" Magazine and a "Texas Super Lawyer" for 2003–2004 in Texas Monthly.

Our communities and our country rely on the contributions of individuals like Mr. Weisbrod who rise above and beyond the call of duty to make a difference in the lives of others, both personally and professionally. He has demonstrated an unfaltering and tireless commitment to the betterment of Dallas County, the State of Texas, and the entire Nation. I am fortunate to know and to have worked with Mr. Weisbrod for the past 38 years, and I am so pleased to call him a dear friend.

Madam Speaker, in closing, I would like to give a final salute to Les Weisbrod who has fought to ensure justice and fairness in our legal system. I wish him continued health, happiness, and peace throughout his professional and personal journey. His outstanding service on behalf of others truly makes a remarkable difference and serves as an outstanding example to us all.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. MCKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 3170, the "Financial Services and General Government Appropriations Act, 2010."

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 3170, the "Financial Services and General Government Appropriations Act, 2010"

Account: Small Business Administration (SBA)

Legal Name of Requesting Entity: City of Palmdale, CA

Address of Requesting Entity: 38300 Sierra Highway, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling $100,000 to assist the City of Palmdale and the South Valley WorkSource Center (SVWC) with their efforts to further develop and fully implement the second year of the Business Resource Network, an economic development support program that would connect area small businesses to available public and private business resources, which are designed to increase worker skills preparedness, reduce the potential for employee lay-offs and business closures, and promote continuing local economic development and growth.

EARMARK DECLARATION

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 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 H.R. 3183, the Energy and Water Appropriations bill for Fiscal Year 2010.

St. Joseph Harbor O&M Dredging

Department: Army Corps of Engineers

Account: Operations & Maintenance

Legal Name of Requesting Entity: Berrien County, Michigan

Address of Requesting Entity: Berrien County Administration Center, 701 Main St., St. Joseph, MI 49085

This request is for securing funds fur dredging both the inner and outer harbor of St. Joseph, Michigan, as well as performing much-needed structural repairs. The inner harbor is a key port for raw materials such as limestone, sand and gravel for state highways. Road and building construction projects in the area receive a majority of their aggregate materials through the three commercial docks located in this harbor. Additionally, it is a major hub for recreational boaters, with over 1,600 boat slips. This project has been authorized through many WRDA acts, is vital to the economic viability of Southwest Michigan, and has the support of the entire community.

The St. Joseph Harbor is an integral cog in the region's economic engine. A recent study by Purdue University gauged the harbor's economic impact at more than $5.5 million dollars and more than 35 local jobs. The St. Joseph Harbor is among the top 50 in commercial activity among Great Lakes Harbors.

Amount: $750,000

Funding Breakdown: The entirety of this funding will go towards dredging to the entrance, inner channel of the harbor and outer harbor. Supplemental funds will be provided by Berrien County and local municipalities.

New Buffalo Federal Channel O&M Dredging

Department: Army Corps of Engineers

Account: Operations & Maintenance

Legal Name of Requesting Entity: City of New Buffalo, Michigan

Address of Requesting Entity: City of New Buffalo, 244 W. Buffalo St., New Buffalo, MI 49117

This request is to secure funds for the dredging of the Federal Channel in New Buffalo Harbor, from the Whittaker Street Bridge to Lake Michigan. The floodwaters from the September 14, 2008 storm event discharged an immense amount of sediment into the federal channel which has restricted the access to Lake Michigan. The project would dredge the federal channel to remove the shoals (much worse then what normal dredging handles) which prevent boats from accessing Lake Michigan. Dredged material would be used to supplement a beach nourishment area established by the ACOE. The federal channel serves boat traffic for the south Lake Michigan area, including residents of Chicagoland and Northern Indiana. New Buffalo is a boating community with an economy that relies entirely on its harbor's access to Lake Michigan via the Gallen River. Without the dredging, the City and surrounding area will see a significant decline in tourism and related jobs. This project is authorized through the River and Harbor Act of 1962.

Amount: $139,000

Funding Breakdown: The entirety of this funding will go toward the dredging of the Federal Channel in New Buffalo Harbor, from the Whittaker Street Bridge to Lake Michigan

Western Michigan University Green Manufacturing and Energy Conscious Design Program

Department: Energy

Account: Office of Science and Biological Research

Legal Name of Requesting Entity: Western Michigan University

Address of Requesting Entity: 1903 W. Michigan Ave., Kalamazoo, MI 49008

This project will assist companies (small companies in particular) to take advantage of environmentally benign and energy conscious materials in their design and manufacturing processes. The proposal is a collaborative project involving WMU College of Engineering, College of Arts and Sciences, College of Business, industry partners and community participants and seeks to enhance economic and workforce development and technology transfer through the advancement and use of environmentally friendly materials, designs, products and manufacturing processes and systems, building upon the already successful manufacturing, environment and energy research centers and programs at WMU.

Amount: $1,000,000

Funding Breakdown: One third of this funding will go to equipment, one third to educational materials development and delivery to employees and students, and one third to program support. Western Michigan University will provide supplemental funding for this S3 million project.

TRIBUTE TO LIEUTENANT GENERAL JOHN L. "JACK" HUDSON

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. AUSTRIA. Madam Speaker, I rise today to congratulate Lieutenant General John L. "Jack" Hudson, for his outstanding service to our nation on the occasion of his retirement.

On behalf of the people of Ohio's Seventh Congressional District, I am honored to congratulate Lieutenant General Hudson upon his retirement as the Commander of the Aeronautical Systems Center at Wright Patterson Air Force Base.

His dedicated service to the citizens of our nation and our area is both admirable and commendable. Hudson received his commission in 1971 upon his graduation from the U.S. Air Force Academy. Since that time, he has served as a T–38 instructor pilot; an A–10 pilot, instructor pilot and flight examiner; and test pilot at Edwards Air Force Base.

Over the course of his distinguished career, he has also served as the Assistant Deputy Under Secretary of the Air Force for International Affairs. Most recently, Lieutenant General Hudson has served as the Commander of the Aeronautical Systems Center at Wright Patterson Air Force Base, a position from which he will retire in 2009.

For his many years of service to our nation, I join the people of Ohio's Seventh Congressional District in extending our best wishes upon his retirement and wish him ongoing success in all future endeavors.

COMMUNITIES REBUILD AFTER HURRICANE IKE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 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.

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 meet 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.

[From the Galveston Daily News, May 24, 2009]

BANKS STEPPED UP WHEN CHIPS, ECONOMY WERE DOWN

(By Laura Elder)

Just days after Hurricane Ike, as failing Wall Street institutions roiled the U.S. financial system, civic leaders and representatives of four banks forged an agreement that would profoundly shape the island's economic recovery.

After several meetings, some in storm-swamped buildings under generator-powered lights, representatives of Frost, HomeTown, Moody National and Texas First banks agreed to make unsecured bridge loans to island businesses for rebuilding until federal money and insurance payments materialized.

The community banks made more than $40 million in recovery loans at a time when lending by industry giants had all but ground to a halt. The 180-day loans, at 5 percent interest, were a lifeline to local businesses hoping to recover quickly from a hurricane that inflicted $11.4 billion in damage along the upper Texas Coast.

Some island business owners said their livelihoods would have been lost for good had it not been for the help of community bankers.

LINE OF CREDIT

Charley DiBella, owner of DiBella's Italian Restaurant, which took in 4 feet of storm surge, was helped by HomeTown Bank not once but twice after Hurricane Ike, which struck Sept. 13.

DiBella credits the bank and Gary Gilliland, chief commercial lending officer, for providing a line of credit to the restaurant.

With the loan, DiBella's was able to make storm repairs and open in November. But in January, disaster struck again when a fire broke out on the second floor of the 20-year-old restaurant. HomeTown Bank helped again, DiBella said. DiBella's Italian Restaurant plans to reopen Tuesday.

''Without HomeTown Bank and Gary Gilliland, there wouldn't be a DiBella's Restaurant,'' DiBella said. ''I had insurance, but you know what that's like.''

Gilliland, who checked on properties for his clients who had evacuated and weren't allowed back on the island for days after the storm, was in May named Indie Banker of the Month by Independent Banker Magazine for his work during Hurricane Ike.

BRIDGE OF DOLLARS

HomeTown Bank, at last count, had made more than $6 million in bridge loans to area businesses after the storm, said Jimmy Rasmussen, president and chief executive officer.

Two days after Ike struck, Wall Street institution Lehman Brothers filed for Chapter 11 bankruptcy, deepening a financial crisis and already painful credit crunch that had stalled lending. Fast-and-loose credit practices by the banking giants had come home to roost.

NO 'VOODOO' PRODUCTS

But independent and community banks were never caught holding a bundle of bad loans.

''We're not sitting here selling voodoo products to peddle to people,'' said Matt Doyle, vice chairman of Texas First Bank.

That local competing banks got together in one room after the hurricane wasn't so unusual, Doyle said.

''We may be competitors, but we're community bankers,'' Doyle said. ''When our community is suffering, all that goes out the window, and it's never really even in the house.''

Texas First Bank lent $8.5 million in recovery loans.

Bankers are the first to say their efforts weren't without self-interest. They certainly earned money from the loans. And they made loans based on credit history, long-standing relations and with the understanding they would be repaid.

IN IT TOGETHER

And if a lot of local businesses failed, the local banks were going to feel it, so they had an interest in the success of their neighbors.

''If Galveston business didn't recover, we're all going to be damaged, all going to take losses,'' said Vic Pierson, president of Moody National Bank, which made about $21 million in recovery loans after the storm.

''It was in our best interest to do whatever we could to assist as rapidly as we could for business recovery on the island.''

STRONG RELATIONSHIPS

Those who didn't have strong relationships with their bankers were left waiting for help from the Small Business Administration and the Federal Emergency Management Agency, Pierson said.

''Those programs are very good, but to finally get some dollars can take 90 to 120 days or longer,'' Pierson said.

''A business couldn't wait three or four months to get started and I think that's where the local community banks came in.''

Watching a business rebuild can encourage others to follow, Pierson said.

''It was absolutely critical that people started putting their businesses back together and making a statement,'' Pierson said.

NEED REMAINS

Albert Shannon, Frost Bank's group president in this region, and other bankers interviewed for this story credited Mayor Lyda Ann Thomas and Jeff Sjostrom, president of Galveston Economic Development Partnership, for the idea of recovery loans. Island businessman Gerald Sullivan, who early after the storm was appointed by Thomas to help with recovery, also played a role in encouraging recovery loans, bankers said.

Frost Bank, headquartered in San Antonio, made $5 million in recovery loans, Shannon said.

Sjostrom recently traveled to Manatee, Fla., to share ideas with officials there about recovery efforts.

''They were just amazed at the response of our local lenders,'' Sjostrom said.

Still only about 75 percent of the island's 2,500 business have returned, Sjostrom said. Many were uninsured for flood damage when Ike struck.

Businesses that aren't able to turn to the banks are doing what they can to recover, Sjostrom said,

''They're not sitting back waiting and crying,'' Sjostrom said. ''They're going forward doing what they have to make it work. We still have a lot of businesses that need financial help.''

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.Q. 3183, the Energy and Water Development and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: City of Chesapeake, VA

Address of Requesting Entity: 306 Cedar Road, Chesapeake, VA 23322

Description of Request: Provides $100,000 to replace the existing 2-lane Deep Creek AIW Bridge with a 5-lane, dual bascule bridge, thus providing a new structurally sound bridge and reducing traffic congestion along the corridor. AIW Deep Creek Bridge (owned and operated by the Army Corps of Engineers) was built in 1934 and is functionally obsolete. The City and State (along with FHWA) have made improvements on either side of the bridge and now replacement of the bridge is critical to the movement of people and goods along U.S. Rt. 17 as well as the Atlantic Intracoastal Waterway.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3183

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 803 Front Street, Norfolk, VA 23510

Description of Request: Provides $2,620,000 for the Atlantic Intracoastal Waterway Albemarle and Chesapeake Canal to protect the navigation route between the Southern Branch of the Elizabeth River and the VA-NC state line in the North Landing River, a

distance of 27 miles. The ACC is of critical importance to transportation, especially to the U.S. Navy which transported over 55 million gallons of jet fuel yearly from the Craney Island to Oceana Naval Air Station in Virginia Beach. Failure to fund the ACC will result in the Navy being unable to meet the fuel demand of the Oceana Naval Station. The Navy has stated that trucking this much fuel would not be feasible on a long-term basis. In addition, commercial and recreation vessels travel the ACC in lieu of the Atlantic Ocean to prevent entry into the dangerous waters off Cape Hatteras. An average of over 1,000,000 tons of commerce passed though the Great Bridge Lock yearly. Funds will be used to continue to operate the navigation lock, swing bridge, and canal.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 803 Front Street, Norfolk, VA 23510

Description of Request: Provides $100,000 to investigate federal flood control projects in the Chowan River Basin. In many locations within the basin, six of the top 10 historical high water marks have occurred from 1998 forward, including the flood of record (Hurricane Floyd in 1999), October 2006 cold core upper level low (second highest), and Hurricane Isabel in 2003 (5th highest). Damages from these storm events have ranged from $10M to over $100M (February 2008 dollars). The reconnaissance study will evaluate the Federal interest in ways to protect the water resources of this highly productive basin with particular emphasis on restoring wetlands and forested buffers lost from erosion and flooding, reducing flood damages throughout the basin, and improving navigation and to determine the Federal interest in conducting a more detailed feasibility study.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3183

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: City of Hopewell, VA

Address of Requesting Entity: 300 North Main Street, Hopewell, VA 23860

Description of Request: Provides $600,000 to obtain funding for the maintenance dredge of the Appomattox River. The dredging of the Appomattox River will be of benefit to the region in that it will: (1) restore the Appomattox River to the free-flowing, fully navigable river that it was until the late 1970s; (2) reconnect the City to the navigable portions of the Appomattox River; (3) serve as a catalyst for the commercial and residential revitalization; (4) enhance local and regional tourism and recreational opportunities; and (5) improve the environmental condition of the Appomattox River.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3183

Account: Department of Energy, EERE

Legal Name of Requesting Entity: City of Hopewell, VA

Address of Requesting Entity: 300 North Main Street, Hopewell, VA 23860

Description of Request: Provides $350,000 to support the city's Green Building and Retrofitting Program. Building green requires the wise use of available materials and resources through energy and water efficiency strategies, the recycling of waste, and the use of recycled materials. Energy use is reduced through strategies such as low-e glazing, thicker insulation, energy recovery, demand-controlled ventilation, efficient mechanical equipment, and the use of renewable energy. The focus on indoor air quality that is characteristic of green buildings and better health, increases productivity, and, among students, higher test scores.

100TH ANNIVERSARY OF MOUNT TABOR MISSIONARY BAPTIST CHURCH

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BUCHANAN. Madam Speaker, I rise today to congratulate the Mount Tabor Missionary Baptist Church in Tallevast, Florida, on its 100th Anniversary and recognize Pastor Ezell Patterson who has served as the congregation's spiritual leader for the past 33 years.

The 150-member church was founded in 1909 by the children of former slaves and has since provided a spiritual home to generations of Tallevast residents who have been able to count on the enduring spiritual support and presence of Mount Tabor.

Though its challenges have changed over the years, Mount Tabor Missionary Baptist has remained strongly committed to its core mission: provide spiritual guidance to all of its members and their families.

For the past few years, the church has provided comfort and a meeting place for area residents impacted by the recent discovery that some residents of the polluted community were drinking contaminated water for possibly up to 40 years.

For more than a century now, Mount Tabor has been the spiritual heart of the Tallevast community.

Resident Ms. Virginia Massie told The Bradenton Herald the church is ''the most important thing in my life.'' And Associate Pastor Willie C. Shaw told the paper, it ''has always been an extension of my immediate family.''

I have had the pleasure of visiting with local residents in the church hall and attending Sunday service there.

I congratulate Mount Tabor Missionary Baptist Church and its members for reaching this important milestone. I recognize its many accomplishments, and I appreciate their successful efforts to provide a spiritual home to the Tallevast community.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY10 Energy & Water Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 3183

Account: Department of Energy—Biomass and Biorefinery Systems R&D

Legal Name of Requesting Entity: County of Monroe NY Department of Environmental Services

Address of Requesting Entity: 50 West Main Street, Suite 7100, Rochester, NY 14614

Description of Request: Provide an earmark of $1,000,000 for the continued transformation of the Mill Seat Landfill in Riga in to a very efficient bioreactor through innovative harnessing of methane to create energy with large and/or small generating system. This second power plant will result in increased Methane production to produce up to 12.8 Megawatts of Renewable Green power and associated Thermal Load. The project will allow the County to utilize the thermal output to spur economic development adjacent to the Landfill and sell the electricity and related green benefits to offset utility costs.

Of the total amount, 100 percent is for purchase and installation of equipment.

This state of the art process would provide many environmentally friendly results: eliminates the need for incinerating sludge at the wastewater treatment plant saving non-renewable energy; reduces the use of non-renewable fuel and emissions; and improves the decomposition process via the use of the ''chemically treated biosolids''. This is the first use of chemically treated biosolids from a Waste Water Treatment Plant to increase the decomposition of Municipal solid waste resulting in increased Methane production while extending the life of the landfill by 30–50 percent. Also, Monroe County will use the free thermal associated with the project to entice companies to relocate to the eight 25-acre economic development parcels adjacent to the landfill.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 3183

Account: Department of Energy—Science

Legal Name of Requesting Entity: State University of New York at Geneseo

Address of Requesting Entity: Erwin 218, SUNY Geneseo, Geneseo, NY 14454

Description of Request: Provide an earmark of $500,000 for the purchase of a Fourier Transform Nuclear Magnetic Resonance Spectrometer for SUNY Geneseo's Integrated Science Center.

Of the total amount, 100 percent is for purchase and installation of equipment.

This instrument will replace an aging spectrometer at the College thus allowing Geneseo to continue attracting competitive research grants, training students in critical fields of science and technology, and contribute to economic development efforts in the region.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 3183

Account: Corps of Engineers—Operations and Maintenance

Legal Name of Requesting Entity: Army Corps of Engineers Buffalo District

Address of Requesting Entity: 1776 Niagara Street, Buffalo, NY 14207

Description of Request: Provide an earmark of $2,696,000 for the routine operations and

maintenance of Mount Morris Dam, NY. Failure to fund could result in operating systems failures and structural degradation.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 3183

Account: Department of Energy—EERE—Geothermal Technology

Legal Name of Requesting Entity: Daemen College

Address of Requesting Entity: 4380 Main Street, Amherst, NY 14226

Description of Request: Provide an earmark of $950,000 to implement a heating and cooling system in Daemen College's largest building, housing many administrative, faculty, and staff offices and many classrooms and laboratories.

Of the total amount, $25,650 (2.7 percent) is for personnel; $875,900 (92.2 percent) is for construction; and $48,450 (5.1 percent) is for equipment.

Funds will be used to implement the heating and cooling system. The project will create jobs and educate people on energy efficiency.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 3183

Account: Department of Energy—EERE—Other

Legal Name of Requesting Entity: Rochester Institute of Technology

Address of Requesting Entity: 30 Lomb Memorial Drive, Rochester, NY 14623

Description of Request: Provide an earmark of $250,000 to fund research to address a critical technology gap impeding the deployment and optimization of next generation autonomous microsystems—the ability to effectively and efficiently power these devices. The focus of this research program to date has been to use the facilities and expertise of the NanoPower Research Labs (NPRL) at the Rochester Institute of Technology (RIT) in power conversion and storage using new materials such as carbon nanotubes and quantum dots to develop and commercialize the next generation of autonomous power solutions.

Of the total amount, approximately $50,000 (20 percent) is for faculty and staff; $32,000 (12.8 percent) is for materials; $48,000 (19.2 percent) is for services; $3,000 (1.2 percent) is for travel; and $120,000 (48 percent) is for equipment.

The federal investment will enable the NPRL at RIT to accelerate the translation of its fundamental research into a wide range of applications, particularly for terrestrial solar energy systems. The economic opportunities of this research initiative are also significant for the upstate New York region, which is at a critical juncture in the need to jumpstart and capitalize on emerging industries.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BONNER. Madam Speaker, I submit the following.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, 2010

Account: Federal Buildings Fund

Legal Name of Requesting Entity: The Judiciary; U.S. General Services Administration (GSA)

Address of Requesting Entity: Thurgood Marshall Federal Judiciary Building One Columbus Circle, NE Washington, DC 20544; 1800 F. Street, NW, Washington DC 20405

Description of Request: Provide a judicially directed earmark of $96,000,000 to construct a new Mobile United States Courthouse, Alabama (approximately $2,600,000 for additional site acquisition; $6,000,000 for additional design; $87,400,000 construction account). The existing courthouse was originally constructed in 1932. There are major security concerns, such as the need to use public hallways and public elevators to transport prisoners, and no holding cells adjacent to the courtrooms. There are HVAC and mold problems in most of the courthouse and a serious lack of space, making it necessary to stack court documents and office supplies in hallways and on stairwell landings. Once GSA constructs the facility, the court will occupy the new courthouse and pay rent to GSA for the building. The Mobile metro area is projected to be among the fasting growing metropolitan areas in the country. The Judiciary FY10 request was $190,300,000; therefore, approximately $94,300,000 is needed to complete construction of this ongoing project.

CONGRATULATING THE CHILDREN'S ADVOCACY CENTER FOR DENTON COUNTY ON THE RIBBON CUTTING OF ITS NEW FACILITY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Children's Advocacy Center for Denton County on the completion and ribbon cutting of its new facility in Lewisville, Texas. After providing justice and healing for abused children in North Texas for over 10 years, the CACDC will now be able to open its doors to more families and children in need.

What began in 1994 as a task force is now a symbol of hope for abused children and their families in Denton County. The brand new 14,000 square foot facility will allow the CACDC to better serve a growing community.

Prior to the formation of the CACDC, there was no adequate facility to care for the victims of child abuse cases. Children often underwent questioning in frightening environments by investigators who were not trained to work with child abuse victims. Today, the CACDC provides resources to child abuse victims and their families, hosts a comfortable environment to counsel abused children, and fights to ensure that abusers are prosecuted. The Center works hard to give children the care and encouragement they need to move past the trauma of abuse.

I am proud of the noble and devoted community leaders, such as the CACDC volunteer board of directors, Executive Director Dan Leal, and countless others who have helped grow the Center into the safe haven it is today. I am honored to represent the people of the Children's Advocacy Center for Denton County in the 26th District of Texas, and I offer them my congratulations, and endless appreciation.

IN HONOR OF HOMESTEADING AND THE 75TH ANNIVERSARY OF NORVELT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. MURTHA. Madam Speaker, I rise today to honor the 75th Anniversary of Norvelt. This community, located in Mount Pleasant Township in Westmoreland County, Pennsylvania, was originally named Westmoreland Homestead. It was created to demonstrate how a homesteading community could assist displaced coal miners. In the early 1900s, western Pennsylvania had emerged as the world leader in mining bituminous-coal, but the Great Depression caused the mining industry to falter, causing massive job loss and severe wage reductions.

While driving through impoverished mining towns and witnessing first hand the severe poverty the families were enduring, First Lady Eleanor Roosevelt became deeply concerned. Many houses she visited had upwards of ten people sharing one bed and some families were so poor they were living in abandoned coke ovens. Mrs. Roosevelt believed that subsistence housing would provide for a better quality of life for the impoverished citizens. Her husband, President Franklin D. Roosevelt, supported his wife's vision by establishing the homesteading movement in the New Deal. The new homesteading community in Westmoreland County eventually changed its name to "Norvelt" in honor of Eleanor Roosevelt.

In contrast to previous "patch towns," where miners were almost entirely dependent on their employers, the new homestead enabled residents to be self-reliant. The community was 772 acres and sustained 254 homes. The new residents, who came from the older, surrounding communities, assisted in the construction of their new residences and were responsible for the painting.

Each modest house came with a tract of land that enabled families to grow their own food. Every family received several dozen chickens, as well as agricultural tools, trees, and bushes. The First Lady also pushed for each home to have a refrigerator and washing machine, as she believed that everyone deserved to have some comforts in life. Personal garages also served as a symbol of hope that one day each family would own its own car. Every month, families would pay rent which ultimately went towards the purchase of their homes.

Today Madam Speaker, as our country faces economic hardship, we can look to the example of the past residents of Norvelt as they worked hard in the hope of a better future.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BARTON of Texas. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Bill

Account: Corps of Engineers—Construction

Legal Name of Receiving Entity: The City of Arlington

Address of Receiving Entity: 101 W. Abram, P.O. 90231, MS 01–0310, Arlington, TX 76004–0231

Description of Request: I have secured $1,500,000 in funding in H.R. 3183 in the Corps of Engineers—Construction account for The City of Arlington.

The funding would be used for flood damage reduction, restoration of the floodplain and its riparian areas and the development of a linear park with passive recreational facilities.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Bill

Account: Department of Energy—Fossil Energy R&D

Legal Name of Receiving Entity: The University of Texas at Arlington

Address of Receiving Entity: 701 South Nedderman Drive, 346 Davis Hall, Arlington, TX 76019

Description of Request: I have secured $1,000,000 in funding in H.R. 3183 in the Department of Energy—Fossil Energy R&D account for The University of Texas at Arlington.

The funding would be used to develop technology that will allow the conversion of homeland natural resource hydrocarbons, such as coal, oil sands, crude, oil shale, biotars, agricultural wastes and industrial sludges, into more valuable forms of energy, such as clean, affordable gases, transportation fuels and heating oil.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Bill

Account: Department of Energy—Electricity Delivery and Energy Reliability

Legal Name of Receiving Entity: The University of Texas at Arlington

Address of Receiving Entity: 701 South Nedderman Drive, 346 Davis Hall, Arlington, TX 76019

Description of Request: I have secured $500,000 in funding in H.R. 3183 in the Department of Energy—Electricity Delivery and Energy Reliability account for The University of Texas at Arlington.

The funding would be used to purchase capital equipment, construction, and for salaries.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Bill

Account: Corps of Engineers—Investigations

Legal Name of Receiving Entity: The City of Kennedale

Address of Receiving Entity: 405 Municipal Dr., Kennedale, TX 76060

Description of Request: I have secured $500,000 in funding in H.R. 3183 in the Corps of Engineers—Investigations account for The City of Kennedale.

The funding would be used for a study conducted by the Corps of Engineers to determine the engineering, economic, and environmental feasibility of constructing a flood control project within the Upper Trinity River Basin.

HONORING BRANDON PARKS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. REICHERT. Madam Speaker, today I rise in recognition of a recent graduate of the Los Angeles police academy who excelled in every aspect of his training and will, no doubt, serve and protect the people of Los Angeles with respect, honor and commitment.

Brandon Parks, 28, the son of my senior advisor Mariana Parks, and an Army veteran who served in Iraq, is now patrolling the streets of the Foothill District in northern Los Angeles. I'm confident a young, responsible and highly motivated young man such as Brandon is enjoying his first days and weeks on the force just as I did years ago for the King County Sheriff's Department.

But today, Madam Speaker, I want to focus my remarks on the exceptional way Brandon conducted himself during his 24-week training at the Los Angeles Police Academy. Arriving to the academy every morning at 6:00 a.m., a typical day for Brandon and his fellow recruits consisted of running, writing, shooting, thinking, perceiving and everything else in between. No matter the amount of physical, mental and emotional fatigue Brandon may have felt, he graduated on June 19 with outstanding final marks: a 99.5 average in his report writing and academic testing, a 91 average in grueling physical training and a 97.6 average conducting his tactical scenarios. Because of his excellent scores, Brandon was honored at the graduation ceremony with the Academic Achievement award, Top Physical Conditioning award and the William H. Parker award for overall excellence. The 'overall excellence' award named after Mr. Parker—a former police chief for the LAPD who served admirably in WWII—is especially befitting an Army veteran such as Brandon.

Again, Madam Speaker, Brandon is the son of my senior advisor, Mariana Parks, and I know she is one of the proudest mothers in the world. I also know Brandon's grandparents on Whidbey Island, Washington, Joe and Jaynie Putnam, are extremely proud of Brandon and his accomplishments. Of course, this House owes Brandon a debt of gratitude for his service in Iraq and I am eager to follow his career serving as a dedicated law enforcement officer.

EARMARK DECLARATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. AKIN. 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 TODD AKIN

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Monarch-Chesterfield Levee District

Address of Requesting Entity: 17627 Wildhorse Creek Rd., Chesterfield, MO 63005, USA

Description of Request: Provide an earmark of $3.331 million to complete construction of closure structures and pump stations. Funding from this request could be used to construct the Baxter Road closure structure and initiate design of the Walnut Grove flood wall at Long Road. These structures will augment completed earth works that provide 500-year protection to over 700 businesses. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Construction account and has previously been authorized by the Water Resources Development Act (WRDA) of 2000, Section 101(b)(18). The Monarch-Chesterfield Levee District will provide its cost share in accordance with Federal cost-sharing requirements for Federal flood protection projects, 65 percent Federal, 35 percent non-Federal, and the non-Federal funding will come directly from the Levee District.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Operation and Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, St. Louis District

Address of Requesting Entity: 1222 Spruce Street, St. Louis, MO 63103

Description of Request: Provides an earmark of $44.130 million This project extends from the mouth of the Missouri River at St. Louis 105 miles upstream to the tail waters of Lock and Dam 22. Funds could be used for current-year O&M as well as for deferred maintenance on an aging system of locks and dams (Locks and Dams 24, 25, and 26 (Mel Price)). Basic Operation & Maintenance would provide a nine-foot navigation channel, regulating works, dike and revetment, dredging, environmental compliance and environmental stewardship.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Rock Island District

Address of Requesting Entity: Clock Tower Bldg, PO Box 2004, Rock Island, IL 61204

Description of Request: Provides an earmark of $20 million. This project addresses

adverse impacts to the aquatic ecosystem caused by maintenance of the river's navigation channel. This includes habitat rehabilitation and measures to determine if enhancement projects are effectively preserving and improving fish and wildlife habitat on the river.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: City of Valley Park

Address of Requesting Entity: 320 Benton, Valley Park, Missouri 63088

Description of Request: Provides an earmark of $600,000. The flood control portions of this 3.2 mile levee project in St. Louis County, Missouri on the left descending bank of the Meramec River are largely complete. Funds would be used to install seepage controls at railroad embankment, prepare the final operation and maintenance manuals, prep final as-built drawings, conduct final reviews and audits, and perform financial close-out of the flood damage reduction component of the project.

RECOGNIZING CATHERINE SOO JUNG HAN

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Catherine Soo Jung Han. Ms. Han is a second generation Korean who, in taking after her late father, tirelessly dedicates her time to the well-being of others in the community. Ms. Han's father was a Tae Kwon Do Master in Chicago and he would often give up his own possessions in order to help those in need.

Ms. Han is currently a board member with the Korean American Resource and Cultural Center. She served as Board President from 2006 to 2008 and as Board Secretary from 2003 to 2006. Ms. Han has been instrumental in the KRCC's Project Participate, which registers, educates and mobilizes over 8,000 Korean-American voters in local, state, and federal elections.

Ms. Han is currently the only female performer in Il Kwa Nori, the KRCC's professional pungmul, traditional Korean drumming, troupe which performs both within and outside the Korean American community 25 times annually. In addition to performing, Ms. Han teaches youth workshops in drumming. Her influence on youth extends further for she encourages children she helps to make volunteerism a priority in their lives.

I am honored to recognize Catherine Soo Jung Han. She exemplifies the values of integrity and compassion, and those who have been inspired by her will be the living legacy of both her efforts and her father's. I thank her and those who have joined her in strengthening the community.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Tuesday, July 14, 2009.

Had I been present, I would have voted "nay" on rollcall vote No. 531 (on Motion to Adjourn); "nay" on rollcall vote No. 532 (on Motion to Adjourn), "yea" on rollcall vote No. 533 (on motion to suspend the rules and agree to H. Res. 612), "yea" on rollcall vote No. 534 (on motion to suspend the rules and agree to H. Res. 469), "yea" on rollcall vote No. 535 (on motion to suspend the rules and agree to H.R. 1037), "yea" on rollcall vote No. 536 (on motion to suspend the rules and agree to H.R. 402).

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Energy and Water Development and Related Agencies Appropriations Act.

Bill: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Army Corps of Engineers, Section 205

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, and New York, NY 10278–0090

Description of Request: H.R. 3183 lists the Jackson Brook project under the Section 205 CAP Program, which is authorized by Congress. The funding would be used for completion of design. Flood damages have occurred to the homes and property located on the lower part of the Jackson Brook Watershed, as well as damages to the public park facilities. Flooding has caused siltation in Hedden Pond.

Bill: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Army Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, and New York, NY 10278–0090 Description of Request: H.R. 3183 includes $5,000,000 for the Passaic River Basin Flood Management project, which is authorized by Congress. The funding would be used for the continued acquisition and removal from the State defined Floodway of homes along the Passaic River. The authorization specifies that the buy-outs are to be from willing sellers. The flooding has long been a problem in the Passaic River Basin resulting in significant property loss and the loss of life.

Bill: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, Office of Science

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is the College of Saint Elizabeth located at 2 Convent Station, Morristown, NJ 07960.

Description of Request: H.R. 3183 includes $1,000,000 for the College of Saint Elizabeth. It is my understanding the funding will assist the College with the partial renovation of the teaching and learning spaces dedicated to Nursing, Allied Health Studies, Health Care Management, and Foods and Nutrition programs. Additionally, the funding will assist the college with renovation of the teaching and learning spaces dedicated to programs in Biology, Chemistry, Applied Science, and Mathematics. The funding will provide for design, construction, and outfitting of classroom, lab, research and support spaces for these programs. The physical renewal of these spaces is being undertaken in conjunction with significant curricular revision of the College's undergraduate program with the goal of aligning pedagogy, technology, and teaching and learning spaces in ways that will better serve the educational needs of the wide range of students who use these facilities on a regular basis.

Bill: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Legal Name and Address of Requesting Entity: The entity to receive funding is Morris County Improvement Authority located at P.O. Box 900, Morristown, NJ 07960–0900.

Description of Request: H.R. 3183 includes $2,000,000 for the Morris County Renewable Energy Initiative. It is my understanding that the funding would be used for the Morris County Renewable Energy Initiative for design, acquisition and installation of renewable energy equipment and facilities such as solar panels.

BM: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is the Newark Museum located at 49 Washington Street, Newark, NJ 07102.

Description of Request: H.R. 3183 includes $500,000 for the Newark Museum. It is my understanding that the funding would be used for green energy enhancements including various applications of water to water heat pumps, geothermal heating and photovoltaic collection units. It is my understanding that the Museum will be one of the most energy efficient in the United States and will be a model for future institutions.

Bill: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Legal Name and Address of Requesting Entity: The entity to receive funding is Somerset County located at 20 Grove Street, P.O. Box

3000, Somerville, NJ 08876. Description of Request: H.R. 3183 includes $2,000,000 for the Somerset County Renewable Energy Initiative. It is my understanding that the funding would be used for the Somerset County Renewable Energy Initiative for design, acquisition and installation of renewable energy equipment and facilities such as solar panels.

EARMARK DECLARATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—the FY 2010 Energy and Water Development and Related Agencies Appropriations Act:

Army Corps of Engineers (Investigations), Millstone River Basin, NJ Flood Damage Reduction and Ecosystem Restoration Study—$250,000. The funding would be used to continue the federally authorized feasibility study to develop flood damage reduction and ecosystem restoration alternatives in the Millstone River Basin. The entity to receive this funding is: U.S. Army Corps of Engineers, New York District, 26 Federal Plaza, New York, NY 10278

Army Corps of Engineers (Investigations) Rahway River Basin, NJ Flood Damage Reduction and Ecosystem Restoration Study—$300,000.

The funding would be used to continue the federally authorized feasibility study to develop flood damage reduction and ecosystem restoration alternatives in the Rahway River Basin.

The entity to receive this funding is: U.S. Army Corps of Engineers, New York District, 26 Federal Plaza, New York, NY 10278

Department of Energy (EERE) Energy Audit, Efficiency Improvements, and Renewable Energy Installations, Township of Branchburg, NJ—$1,000,000.

The funding would be used for engineering, construction and administrative costs for the design and installation of NJ Clean Energy Program—local government energy audit energy efficiency improvements and for the installation of Renewable Energy Installations (solar power) for major components of Branchburg Township Buildings and Grounds facilities.

The entity to receive this funding is: Township of Branchburg, 1077 Highway 202 North, Branchburg Township, NJ 08876

Department of Energy (EERE) Municipal Building Energy Efficient Window Replacement Program, Township of Cranford, NJ—$180,000.

This money will be spent to reduce the energy costs of heating and air-conditioning the Municipal Building by replacing 45 old windows that were built in 1960 with energy efficient windows.

The entity to receive this funding is: Township of Cranford, 8 Springfield Avenue, Cranford, NJ 07016

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act:

Bureau of Reclamation—Wichita Project, Equus Beds Division, Kansas. H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act contains $600,000 for the Equus Beds Division of the Wichita Project in the Bureau of Reclamation's Water and Related Resources account. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

The funding would be used for funding the design on Phase II of the Equus Beds Aquifer Storage and Recovery project.

U.S. Army Corps of Engineers—El Dorado Lake, Kansas. H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act contains $1,586,000 for El Dorado Lake, Kansas, in the Corps of Engineers' Operations and Management account. The entity to receive funding for this project is the United States Army Corps of Engineers, Tulsa District located at 1645 S. 101 East Ave., Tulsa, OK 74128.

The funding would be used to remote control the flood gates to improve efficiencies within the Tulsa district.

U.S. Army Corps of Engineers—Wichita Area Drainage Master Plan, Kansas. H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act contains $550,000 for Collection and Study of Basic Data—Flood Plain Management Services, Wichita Area Drainage Master Plan, Kansas in the Corps of Engineers' Investigations account. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

Funding will be used to conduct a drainage master plan for the Wichita area. Development of a Wichita Area Drainage Master Plan will ensure the economic wellbeing of the Wichita area by providing a comprehensive plan for addressing drainage issues.

Department of Energy—National Institute for Aviation Research, Advanced Materials Research. H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act contains $1,500,000 for the National Institute for Aviation Research, Advanced Materials Research, in the Department of Energy's Energy Efficiency and Renewable Energy account. The entity to receive funding for this project is Wichita State University located at 1845 Fairmount St, Wichita, KS 67260.

The funding would be used for green wind energy and sustainability research activities.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3183

Account: Corps of Engineers, Section 206 account

Legal Name of Requesting Entity: City of Phenix City, AL

Address of Requesting Entity: 601 12th Street, Phenix City, Alabama 36867

Description of Request: ''Chattachoochie River Dam Removal'' Taxpayer justification—It is my understanding that this funding will be used to remove two small, under utilized and outdated low-head dams, restore fish habitat for the shoal bass and other species in a 2.3 mile stretch of the Chattahoochee River and allow the use of a natural white-water course for related recreation consistent with Corps planning policy. Together these project objectives will improve fish habitat and environmental quality and advance ecotourism and economic development for Alabama and Georgia communities.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3183

Account: DOE, EERE account, $1,500,000

Legal Name of Requesting Entity: Auburn University, Auburn, AL

Address of Requesting Entity: 102 Samford Hall, Auburn, Alabama 36849

Description of Request: ''Auburn University, Biomass to Liquid Fuels and Electric Power Research'' taxpayer justification—It is my understanding that the funding will help the development of renewable, liquid transportation fuel alternatives from domestic sources, will improve U.S. energy security by decreasing our dependence on foreign oil sources, development of renewable energy systems will reduce net greenhouse gas emissions, and the development of integrated biorefining systems that can produce liquid fuels from biomass will create new jobs in rural communities throughout the U.S.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3183

Account: DOE, EERE account, $300,000

Legal Name of Requesting Entity: Alabama Institute for Deaf and Blind, Talladega, AL

Address of Requesting Entity: 205 E. South Street, Talladega, Alabama 35161

Description of Request: ''Alabama Institute for Deaf and Blind Biodiesel Project Green'' taxpayer justification—It is my understanding that the funding will implement a multifaceted biodiesel training, production and public education program. AIDB views alternative energy projects, like Project Green, as a viable means to not only reduce U.S. dependence on foreign oil, but to also to deflect fuel prices, support local agriculture, aid city sewer infrastructures, cleanse the environment, lower carbon dioxide emissions, educate Alabama's youth, promote public awareness and develop work skills among those with disabilities (an untapped labor pool) that can transfer into a variety of employment settings. It is an excellent model for replication on a national scale.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. NEUGEBAUER. Madam Speaker, I was absent from votes on July 13, 2009 due to a flight delay. Had I been present, I would have voted "nay" on rollcall No. 530.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CAO. 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, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 2892—the Department of Homeland Security Appropriations Act, 2010, provides for the City of New Orleans Emergency Medical Services ("EMS"), New Orleans, LA in support of an Emergency Operations Center. This is in the FEMA—State and Local Programs—Emergency Operations Center Account in the amount of $750,000. This will benefit the City of New Orleans, 1300 Perdido Street, Suite 4W07, New Orleans, LA 70112 in the form of upgrades and retrofitting of a new permanent Emergency Operations Center for the city's sole 9–1–1 emergency medical service provider. This funding will help secure and store equipment and medication, and provide a training center and base of operations for the emergency medical services. Currently, Emergency Medical Services are operating from a pairing of FEMA trailers staged underneath the Crescent City Connection overpass. Moving to the new facility on City Park Avenue and making the proposed changes to the facility will provide for the critical operational needs. Having a secure medication and equipment storage area, training areas, and a protected emergency operations center will help the department serve the citizens of New Orleans and better secure the city.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I would like to place in the RECORD a listing of the congressionally-directed projects I have requested in my home state of Idaho that are contained in the report of HR 3183, the FY2010 Energy and Water Development Appropriations Bill.

Project Name: City of Boise Geothermal Expansion to Boise State University

Amount Received: $1,000,000

Account: DOE Energy Efficiency and Renewable Energy Geothermal Technology

Recipient: City of Boise

Recipient's Street Address: 150 N Capitol Boulevard, Third Floor, Boise, Idaho 83702

Description: The Boise City geothermal system currently provides a low cost, environmentally sound, sustainable, locally provided heat source to commercial and publicly owned buildings in downtown Boise. Geothermal heat is considered a renewable source of energy and does not rely on fossil fuels, nuclear power, mining or damming of rivers and emits zero emissions into the atmosphere. This project will extend the City of Boise geothermal pipeline system to Boise State University and would have the capacity to heat almost two million square feet on the campus. As global energy costs increase, the expansion to increased facilities will provide significant cost savings.

Project Name: Idaho Accelerator Center Production of Medical Isotopes

Amount Received: $1,500,000

Account: DOE Office of Science

Recipient: Idaho State University

Recipient's Street Address: 921 South 8th Avenue, Pocatello, ID 83209

Description: The National Academy of Sciences recently issued a report recommending that the federal government increase support to radionuclide production, distribution and basic research in production mechanisms; increase the domestic production of medical radionuclides through dedicated accelerators and reactors; and educate the next generation of medically-related nuclear scientists. The Idaho Accelerator Center (IAC) will develop a medical isotope production facility that will serve regional isotope needs, conduct basic research in isotope production, educate the next generation of medically-related nuclear scientists, and partner with regional and national entities in medical isotope distribution and use. This program will meet regional and national needs in education and isotope production and provide new isotopes that are not currently part of the national isotope portfolio. IAC will complement, supplement and enhance DOE's National Isotope Program.

Project Name: Idaho National Laboratory Center for Advanced Energy Studies (CAES)

Amount Received: $1,000,000

Account: DOE Office of Science

Recipient: Idaho National Laboratory

Recipient's Street Address: 2525 North Freemont St., Idaho Falls, Idaho 83415

Description: CAES is a partnership between the State of Idaho and its academic research institutions, the federal government through the U.S. Department of Energy and the Idaho National Laboratory managed by the Battelle Energy Alliance, LLC. Through its collaborative structure, CAES combines the efforts of these institutions to provide timely energy research on both technical and policy issues. The funds provided will procure world-class computation and visualization research equipment to be located in the CAES research laboratory. These research tools will enable both critical-path scientific research and graduate education programs focused on such twenty-first century energy challenges as the availability of carbon-neutral renewable energy, such as biofuels for transportation; the stewardship of the environment including water resource management through energy efficiency; the management of fossil fuel energy systems; and the expansion of energy production from commercial nuclear power while educating the next generation of scientists, engineers, policy makers and the public.

Project Name: Little Wood River Ecosystem Restoration

Amount Received: $100,000

Account: Corps of Engineers

Recipient: City of Gooding, Idaho

Recipient's Street Address: 308 5th Ave. West, Gooding, ID 83330

Description: This funding was authorized in the Water Resources Development Act of 2007 and would be used to repair and replace an aging WPA/CCC project that channeled the Little Wood River through the City of Gooding, Idaho. The project will remove and replace the existing rock wall and the boxed culverts that severely restrict the stream channel flow. Approximately 1.5 miles of the Little Wood River flow within Gooding city limits. Over the years, aging along with high water and ice jam events have caused severe deterioration of the masonry rock walls constructed in the 1930s and 40s in order to protect the city from floods. Large portions of the existing lava rock walls that line the Little Wood River through the city are structurally unserviceable and many have failed and fallen into the channel. This deterioration has increased at an alarming rate. The Corps of Engineers and the City of Gooding have been working on a solution for this rock wall failure for the past 20 years. The Army Corps has completed the Reconnaissance Study and the General Investigation Study, but the project has been on hold due to a lack of funding.

Project Name: Rural Idaho Section 595

Amount Received: $5,000,000

Account: Corps of Engineers

Recipient: Walla Walla District Corps of Engineers

Recipient's Street Address: Boise Field Office, 304 8th St., Rm. 140, Boise, ID 83702–5802

Description: The funding was authorized in the Water Resources Development Act of 2007. This funding is critical to assisting rural Idaho communities in upgrading their water and wastewater treatment facilities. In many cases, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies. In addition, these funds help rural communities in Idaho trying to attract new businesses and spur economic development. The vital water funding in this bill will assist rural communities in job creation and affordable housing by offering improved services at lower costs than would otherwise be possible. This request is consistent with the intended purpose of this account. Funding will be directed primarily to the Eastern Idaho Regional Wastewater Authority in Shelley, Idaho.

I appreciate the opportunity to provide a list of Congressionally-directed projects in the report accompanying the FY2010 Energy and Water Development Appropriations bill on behalf of Idaho and provide an explanation of my support for them.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy

on earmarks, to the best of my knowledge the requests I have detailed below are (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 projects I requested and were included in the Energy and Water Development and Related Agencies Appropriations Act of 2010 (H.R. 3183).

Account: Bureau of Reclamation—Water and Related Resources

Project Name: Deschutes Project

Legal Name and Address of Requesting Entity: Deschutes Basin Board of Control, PO Box 919, Madras, OR 97741

Project Location: Deschutes County, Oregon

Description of Project: H.R. 3183 appropriates $482,000 for the U.S. Bureau of Reclamation's Deschutes Project. According to the requesting entity, the appropriated funds for this project will be used by the Bureau of Reclamation in coordination with the Deschutes Basin Board of Control (consists of the seven primary irrigation districts in Central Oregon) to pursue water conservation, piping, lining and efficiency projects that will improve irrigation efficiencies, and result in increased instream flows benefiting federally-listed steelhead and bull trout in the Deschutes and Crooked Rivers and their tributaries. The Deschutes Basin Board of Control states in their request that these projects will provide a broad array of economic and environmental benefits to central Oregonians.

Account: Bureau of Reclamation—Water and Related Resources

Project Name: Savage Rapids Dam Removal

Legal Name and Address of Requesting Entity: Grants Pass Irrigation District, 200 Fruitdale Drive, Grants Pass, OR 97527

Project Location: Savage Rapids Dam, Grants Pass, Oregon

Description of Project: H.R. 3183 appropriates $1,160,000 for the U.S. Bureau of Reclamation's Savage Rapids Dam Removal project. According to the requesting entity, the appropriated funds for this project will be used by the Bureau of Reclamation to complete installation, testing, and operation of electric pumps and to complete removal of a major portion of the Savage Rapids Dam on the Rogue River, Oregon. The Grants Pass Irrigation District states that this project, which was authorized by P.L. 108–137, is a justified use of taxpayer funding because it will restore significant portions of the Rogue Wild and Scenic River to a free-flowing river by removing the dam as an impediment to passage of federally-listed fish species.

Account: Corps of Engineers—Section 206

Project Name: Camp Creek, Zumwalt Prairie Preserve, OR

Legal Name and Address of Requesting Entity: The Nature Conservancy in Oregon, 821 SE 14th Avenue, Portland, OR 97214

Project Location: Wallowa County, Oregon

Description of Project: H.R. 3183 provides Corps of Engineers Section 206 status for the Camp Creek, Zumwalt Prairie Preserve in Oregon. According to the requesting entity, the appropriated funds for this project will be used by the Corps of Engineers for site work on this ecosystem restoration project, including the removal of small push-up dams and to restore aquatic and riparian habitats within the upper Camp Creek watershed in The Nature Conservancy's Zumwalt Prairie Preserve in Wallowa County. The Nature Conservancy states in its request that this project is a justified use of taxpayer funding because it will create approximately 15 to 20 temporary and full-time jobs and support the restoration of aquatic and riparian habitat conditions along six miles of spawning habitat for Snake River Steelhead.

Account: Corps of Engineers—Investigations

Project Name: Walla Walla Watershed, OR & WA

Legal Name and Address of Requesting Entity: Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, Pendleton, OR 97801

Project Location: Umatilla, Wallowa, and Union Counties in Oregon, Walla Walla and Columbia County in Washington

Description of Project: H.R. 3183 appropriates $203,000 for the U.S. Army Corps of Engineers to continue the general investigations of the Walla Walla Watershed project. According to the requesting entity, the appropriated funds for this project will be used by the Corps of Engineers for the feasibility report/environmental impact statement (FR/EIS) and to initiate pre-engineering and design based on findings and recommendations of the ER/EIS. Moreover, the project will provide restoration and management tools needed to help create a viable ecosystem within the Walla Walla River Basin for federally-listed bull trout and steelhead. The requesting entity states that this project is a justified use of taxpayer funding because the ER/EIS will promote the fulfillment of a Treaty reserved right of the Confederated Tribes of the Umatilla Indian Reservation.

Account: Department of Energy—EERE

Project Name: Christmas Valley Renewable Energy Development

Legal Name and Address of Requesting Entity: Oregon Department of Energy, 625 Marion St. NE, Salem, OR 97301

Project Location: Christmas Valley, Oregon

Description of Project: H.R. 3183 appropriates $410,000 for the Oregon Department of Energy's Christmas Valley Renewable Energy Development project. According to the requesting entity, the appropriated funds for this project will be used to conduct renewable energy assessments at the former site of the Air Combat Command Radar Transmitter located in Christmas Valley, Oregon. Specifically, the project will fund assessments of wind, solar and geothermal energy resources. Over the years, the US Air Force and Bureau of Land Management have left intact the mothballed facility's massive electrical transmission lines and support infrastructure that will someday allow for renewable energy development. The requesting entity states that this project is a justified use of taxpayer funding because it would advance the utilization of various renewable resources while providing a significant economic boost to the local economy of Lake County, Oregon which currently has a seasonably adjusted unemployment rate of 12.8 percent.

Account: Department of Energy—EERE

Project Name: Geothermal Power Generation Plant at Oregon Institute of Technology

Legal Name and Address of Requesting Entity: Oregon Institute of Technology, 3201 Campus Drive, Klamath Falls, Oregon 97601

Project Location: Klamath Falls, Oregon

Description of Project: H.R. 3183 appropriates $1,000,000 for Oregon Institute of Technology's Geothermal Power Generation Plant. According to the requesting entity, the appropriated funds for this project will be used to help construct a high-temperature geothermal power plant on the Oregon Institute of Technology (OIT) campus. The plant will eventually provide 100 percent of the electricity demands and hot water supply to the campus and it would be the first flash steam geothermal power plant in Oregon. When the Geothermal Power Generation Plant is complete, OIT will be the only campus in the world to satisfy all of its electricity needs from an onsite geothermal energy source. The requesting entity states that this project is a justified use of taxpayer funding because it would serve as a demonstration tool and educational training facility for OIT students and faculty.

EARMARK DECLARATION

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mrs. SCHMIDT. 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 Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congresswoman JEAN SCHMIDT

Bill number: H.R. 3183

Account: Army Corps of Engineers, Construction General

Requesting entity: City of Cincinnati/Cincinnati Park Board, 950 Eden Park Drive, Cincinnati, Ohio 45202; and

Summary: $4.9 million provided for Ohio Riverfront, Cincinnati, OH, to continue construction of Phase I. Project authorization in PL 110–114, Section 5116, (WRDA 2007). Funds will be used to continue construction of flood-tolerant, stabilized river bank that will become riverfront park linking Central Riverfront attractions to Downtown Cincinnati. Project is key to efforts to revitalize downtown Cincinnati.

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. SOUDER. 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 MARK SOUDER

Bill Number: H.R. 3183

Account: Department of Energy, EERE

Legal Name of Requesting Entity: Southwest Allen County Schools

Address of Requesting Entity: 4810 Homestead Road, Fort Wayne, Indiana 46814

Description of Request: The ''green'' roof will bring the following environmental benefits: (1) reduced energy consumption and related energy cost savings for Summit Middle School; (2) cleaner air as the vegetation converts carbon dioxide to oxygen; and (3) reduced flooding as the vegetation absorbs excess rainwater. Fort Wayne area students will receive hands-on learning experiences relating to green building techniques. Students relate well to environmental education, and many teachers are beginning to include environmental messages with their traditional subjects. The proposed vegetative roof would provide teachers a creative asset to be leveraged to educate Fort Wayne area students. The power generated by this project will reduce the overall power consumption of Summit Middle School and reduce the utility bill of the Southwest Allen County Schools. The School District's taxpayers will benefit not only from a more efficient school system with a leaner budget, but the demonstration nature of this project will enable other school districts to see the value and learn the methods for such a project.

EARMARK DECLARATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3183—the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403

Description of Request: I have secured $2,500,000 for the U.S. Army Corps of Engineers. This will fund the Army Corps of Engineers Charleston office to maintain 210 miles of the Atlantic Intracoastal Waterway in South Carolina, from the North Carolina–South Carolina state line above Little River Inlet to Port Royal Sound near Hilton Head. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY10 Energy and Water Development and Related Agencies Appropriations Act Army Corps of Engineers, General Investigations Account Flagler Beach Shoreline Protection Project.

I have received $233,000 in the FY10 Energy and Water Development and Related Agencies Appropriations Act. The entity to receive funding for this project is Flagler County, 1769 East Moody Blvd, Bunnell, Fl 32110. The FY 2010 funding will complete the feasibility study of the Flagler County shoreline which was begun with funding provided in FY 2004.

The shoreline of the City of Flagler Beach has experienced critical erosion that threatens State Road A1A, which serves as an emergency evacuation route. A1A was closed in Flagler Beach for the month of January, 2006 as the road was completely washed away due to erosion. The erosion also has caused a severe loss of public recreation opportunities and a degradation of environmental habitat. The beach is so narrow that the high tide line extends into the existing revetment, making it unsuitable as nesting habitat for sea turtles and almost unusable for recreational purposes. The City believes that restoration of the beach is a primary component of preserving safe passage along A1A while also providing public recreational opportunities and environmental habitat.

Army Corps of Engineers, Construction Account, St. Johns Shoreline Protection Project.

I have received $700,000 in the FY10 Energy and Water Development and Related Agencies Appropriations Act. The entity to receive funding for this project is St. Johns County, 2740 Industry Center Road, St. Augustine, Fl 32084. Federal funding will allow the Army Corps of Engineers to complete the St. Johns feasibility study and proceed to preconstruction engineering and design. The study area will include all of St. Johns County, including the South Ponte Vedra Beach area.

The shoreline of St. Johns has experienced significant erosion due to tropical storms and major hurricanes, particularly Hurricane Floyd of 1999 and the Hurricanes of 2004. This project is currently authorized by the Water Resources Development Acts of 1986 and 1999, which seeks to lessen down drift shoreline impacts caused by the federal navigation channel at St. Augustine Inlet, and to provide strong damage protection to the shore. The Army Corps of Engineers will begin supplemental nourishment in 2010 due to the recent storm damages and the third Renourishment of the St. Augustine Beaches scheduled in 2010 will begin the design phase also this year. The approximately $700,000 dollar design and $15 million dollar construction project will require about $1.85 million from the County and $1.2 million from the State as a local match. This is a shore protection project with continuing Renourishment anticipated every five years. Federal assistance is necessary and in dire need to provide protection to the coastline.

Department of Energy, Science Account Bethune-Cookman University STEM Research Lab.

I have received $250,000 in the FY10 Energy and Water Development and Related Agencies Appropriations Act. The entity to receive funding for this project is Bethune-Cookman, 640 Dr. Mary McLeod Bethune Boulevard, Daytona Beach, Fl 32114.

Bethune-Cookman's School of Science, Engineering and Mathematics provides specialized training for students majoring in biology, chemistry, computer engineering, computer science, mathematics and physics. The School of Science, Engineering and Mathematics is housed in the Gross Science Hall which was built in 1948 and has not been renovated or upgraded since 1972. Much of the original classrooms, laboratories and equipment are still in use today. Federal funding will allow Bethune-Cookman to update and expand a 10,000 square foot wing of aging laboratories, classrooms and equipment in the Gross Science Hall. The upgrades are needed to accommodate the increasing numbers of students who are majoring in STEM fields at B-CU, provide these students with the educational benefits of up-to-date technology and modern equipment, and provide university students and faculty researchers with the technological capability to engage in research projects. The upgrades will include two ''clean'' labs, safe spaces for storage of chemicals, modern ventilation equipment, electronically enhanced lecture classrooms/theatres integrating computer, multimedia and network technology and ''ill'' feature technologies that help the environment and reduce energy costs.

Army Corps of Engineers, O&M Account, Intracoastal Waterway, Jacksonville to Miami, Florida.

Along with Representatives CRENSHAW; HASTINGS; KLEIN; KOSMAS; MEEK; ROS-LEHTINEN; WASSERMAN SCHULTZ; and WEXLER; I have received $4,500,000 in the FY10 Energy and Water Development and Related Agencies Appropriations Act. The entity to receive funding for this project is the Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Fl 33477.

The funds would be used to dredge the Intracoastal Waterway in two locations: Matanzas Inlet (St. Johns County) and in the vicinity of St. Augustine. In addition, funds will be used towards the 1) Restoration of Dredged Material Management Area in St. Johns County and 2) Construction of Dredged Material Management Area in Indian River County. Dredging the Intracoastal Waterway will allow for navigation of the channel by commercial and recreational vessels along the entire east coast of Florida. The project will restore protected freshwater wetlands. The Intracoastal Waterway in Florida annually transports over 1.7 million tons of commercial cargo and over 500,000 recreational vessels; increases property values by up to $22.3 billion; and provides $16.2 billion in economic output that includes $4.8 billion in personal wages and 110,400 jobs. Studies have shown that these benefits would be reduced by over 50% if the waterway is not properly maintained.

RECOGNIZING REGGIE FLEMING

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. QUIGLEY. Madam Speaker, Saturday morning the well-loved hockey player, Reggie Fleming, passed away. As a former player on the Chicago Blackhawks and a member of the ''Hawks'' team that won the Stanley Cup in 1961, Reggie left a lasting impact on the city of Chicago.

In four seasons with the Blackhawks, Reggie spent over 455 minutes in the penalty

box, making his mark as a hard-nosed player. He called himself the ''policeman of the team,'' remarking that though he was not the highest scorer, he did what he loved: played hockey.

Though he moved on to play elsewhere, Reggie's home was always Chicago. Even after his days ended in the NHL, he continued to do what he loved, returning to our city to play for the World Hockey Association's Chicago Cougars.

After falling ill five years ago, he moved to a rehabilitation facility, where he fought a brave battle against illness and where his son Chris, a noted filmmaker, documented his father's memories of his finest moments. He says that his father's roughness on the ice was not mirrored off it.

Our sympathies go out to Chris, his sister Kelly, and the rest of the Fleming family in this difficult time. Reggie will be long remembered as a hockey player, family man, and true Chicagoan, not only by his family, but by many around Chicago and across America.

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards on member requests, I am submitting the following information regarding the earmarks I received as part of the FY10 Energy and Water Development Appropriations Bill:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Corps of Engineers—Construction

Project Name: Antelope Creek Flood Damage Reduction Project

Amount: $5,697,000

Name and Address of Requesting Entity: Lower Platte South Natural Resources District located at 3125 Portia Street, Lincoln, Nebraska 68521.

Description: The Antelope Creek Flood Damage Reduction Project is a critical element of a flood control, transportation and community revitalization project known as the Antelope Valley Project. The project is being constructed in central Lincoln adjacent to the University of Nebraska Lincoln main campus to improve flood control, transportation networks and community well-being in the city's down-town area.

Essential to progress on the entire Antelope Valley Project is the completion of the flood damage reduction component. This multi-purpose project is a partnership of the City of Lincoln, the University of Nebraska Lincoln, and the Lower Platte South Natural Resources District, along with the U.S. Army Corps of Engineers and the federal Departments of Transportation and Housing and Urban Development. The project reduces flooding threats to over 800 dwellings and businesses and 1,200 floodplain residents and removes 100-year floodplain restrictions on 400 acres.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Corps of Engineers—Construction

Project: Sand Creek Environmental Restoration Project

Amount: $500,000

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066.

Description: The Sand Creek Project will restore several types of historic wetlands and add to the national wetlands inventory in support of the Administration's ''net gain'' national wetlands policy. A quantitative analysis of all environmental outputs by the Corps of Engineers in addition to the Feasibility Study demonstrated a significant level of benefits for this wetland restoration project for the Lower Platte River watershed which serves the North American Central Flyway.

The Sand Creek Project supports the national goal of a net gain in American wetlands. Active pursuit of this goal also provides for improvements in water quality and water supply to achieve watershed improvement. Flooding in Wahoo along the U.S. 77 Expressway corridor occurred twice during 2006. Completion of the wetlands restoration structure will also provide flood damage reduction benefits on the roadway allowing completion of this expressway between Lincoln and Sioux City. This is a key segment of the expressway.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Corps of Engineers—Construction

Project: Western Sarpy-Clear Creek Flood Damage Reduction Project

Amount: $1,000,000

Name and Address of Requesting Entity: Papio-Missouri River Natural Resources District located at 8901 S. 154th Street, Omaha, NE 68138.

Description: The Western Sarpy-Clear Creek Flood Damage Reduction Project is vital to the health and well-being of a large number of Nebraskans. It is planned to protect vital drinking water resources that supply up to 50% of Nebraska's population in the eastern part of the state from flooding due to potential ice jams on the Platte River. Elected officials at local, regional and state levels in Nebraska have been long committed to this project's construction because of risk to water supplies and other infrastructure.

Significant construction progress towards completion is vital to Nebraska in the year ahead. The Congress has provided construction funding for the past four years in the Energy and Water Development Appropriations Act.

In 1993, flooding in the Lower Platte severed one-half of the City of Lincoln's water supply and catastrophe was again threatened in 1997 from ice-jam induced flooding. That portion of the new Omaha Metropolitan Utilities District well field on the western side of the Platte River now under development south of U.S. Highway 92 will also receive vital protection from this project. Treatment facilities for water from this well-field will be completed in the months ahead.

Additionally, this project is needed to provide protection to: I–80 and U.S. Highway 6; the Burlington Northern Santa Fe Railroad, an Amtrak line; military facilities the National Guard Camp at Ashland; national telecommunication lines; and other public infrastructure.

Construction of a separate but companion levee at the Nebraska National Guard Camp at Ashland was fully funded by the Congress in the FY '04 Military Construction Appropriations Bill and is completed. Neither of these adjoining levees is effective without the other. Ice jams with the potential for flooding in the area around Camp Ashland and the I–80 Bridge where it crosses the Lower Platte River occurred again as recently as 2001 and will continue to be a significant threat until both of these projects are completed.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Section 205

Project Name: Fremont Section 205 Flood Control Study

Amount: No specific dollar amount

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066

Description: This funding is for the federal share to complete the Fremont South Section 205 Flood Control Study. Funding for this Section 205 project will continue urgent feasibility planning to strengthen an existing flood control levee in order to remove a portion of South Fremont from the threat of flooding in the 100 year flood plain. This Fremont South area will be soon identified by the Federal Emergency Management Agency (''FEMA'') as within the designated flood plain. The total cost of the project is $1,086,000 split equally between the Corps of Engineers and the nonfederal sponsor.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Section 205

Project Name: Schuyler Section 205 Flood Control Study

Amount: No specific dollar amount

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066

Description: This funding under the Section 205 authority is for the federal share to continue the Schuyler, Nebraska Flood Control Study. The amount requested will continue the Schuyler, Nebraska 205 Flood Control Study. The purpose of the study is to plan for mitigation of flooding in 40% of the city which is anticipated to be placed in the flood plain for the first time when designated by FEMA. The total cost of the study is $772,000 split equally between the Corps of Engineers and the nonfederal sponsor.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Energy Efficiency and Renewable—Energy

Project Name: Sustainable Energy Options for Rural America

Amount: $500,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 302 Canfield Administration Building, Lincoln, Nebraska 68588

Description: This funding would be used to research the most effective sustainable energy options for rural Nebraska and to establish

demonstration sites which will include the UNL Panhandle Research and Extension Center in Scottsbluff, the West Central Water Resources Field Lab near North Platte, the Gudmundsen Sandhills Laboratory near Whitman, and two sites in eastern Nebraska. Alternative energy technologies to be considered include wind, solar, anaerobic digestion (methane generation), gasification, direct burning of biomass, fuel cells, diesel engines converted to high compression ethanol engines, hybrid vehicles, and flex-fueled engines. Fuels to be considered include gasoline, diesel fuel, ethanol, biodiesel, dimethyl ether, butanol, and syngas. Energy independence is one of our highest national priorities. This project addresses the need to pursue development of diverse, sustainable alternative energy sources.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Energy Efficiency and Renewable Energy

Project Name: Switchgrass Biofuel Research: Carbon Sequestration and Life Cycle Analysis

Amount: $250,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 302 Canfield Administration Building, Lincoln, Nebraska 68588

Description: The funding would be used to establish a production-scale switchgrass carbon sequestration and life cycle analysis research program. Research will focus on optimizing switchgrass production for use as a biofuel and developing improved life cycle analysis tools to determine greenhouse gas (GHG) emissions for federal compliance certification of refineries processing switchgrass into ethnaol.

In the Midwest, switchgrass appears to be the most viable cellulosic feedstock for biofuels because it is a highly productive native grass species. The 2007 Energy Independence and Security Act (EISA) requires that switchgrass biofuel systems meet a threshold reduction in GHG emissions of 60% compared to gasoline, and the Environmental Protection Agency will establish regulations based on the best available science. Initial life cycle analyses suggest switchgrass systems will only meet EISA thresholds if they sequester a substantial amount of carbon in soil. This analysis could be altered if switchgrass producers increase inputs (water, fertilizer, etc). Quantifying switchgrass carbon sequestration under varying input requirements is vital to developing this source of cellulosic ethanol.

HONORING THE MEMORY OF ROBERT MILTON HOPE, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BONNER. Madam Speaker, the state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Robert Milton Hope, Sr. was a native of Mobile and a 1942 graduate of Murphy High School. Following graduation, he joined the Merchant Marines and served in the Pacific on a cargo ship during World War II. After the war ended, Mr. Hope attended the University of Alabama and earned a degree in business administration. He then went on to serve in the U.S. Army during the Korean War.

In 1952, Mr. Hope began working for the Alabama State Docks and dedicated almost four decades to the port of Mobile. He served in management positions at various Alabama State Docks facilities. He was appointed docks director for three terms under Alabama Governors George C. Wallace, Fob James, and Wallace again from 1976 until 1987. During his tenure, he oversaw the development of the McDuffie Coal Terminal.

In 1986, the Alabama State Docks honored Mr. Hope by dedicating the overpass that takes traffic over a set of railroad tracks into the docks' property as Hope Overpass. Following his retirement from the state docks, he served as a consultant for Volkert & Associates for several years before he retired.

In 1984, Mr. Hope was one of two U.S. participants invited to present a paper at the International Association of Ports and Harbors in Hamburg, Germany. In 1986, he received a White House appointment as a U.S. Representative to the Coal Industry Advisory Board of the International Energy Agency. He also served as president of the Mobile Area Chamber of Commerce in 1982 and 1983 and as president of the Gulf Ports Association. He served on the Alabama-Mississippi District Export Council and on the board of directors of the National Waterways Conference Inc.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout the state of Alabama. Mr. Robert Milton Hope, Sr. will be deeply missed by his family—his wife of 57 years, Tee Hope; his daughter, Page Hope Sute; his sons, Robert Milton Hope, Jr. and Gregg Hope; and his five grandchildren—as well as his many friends.

Our thoughts and prayers are with them all at this difficult time.

EARMARK DECLARATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BURGESS. Madam Speaker, pursuant to the U.S. House of Representatives Republican Leadership standards on earmarks, I am submitting the following information regarding two earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010:

The Richland Hills, Texas Flood Control Project. Big Fossil Creek Watershed Study, Project Management Plan of the Upper Trinity River Feasibility Study. Richland Hills, Texas—$500,000—Investigations.

The purpose of this project is to review the numerous flooding, drainage, erosion and sedimentation problems that exist within the City of Richland Hills, TX, and formulate specific alternatives to address and remedy these, and related water-resources problems. The Corps of Engineers published initial findings and baseline conditions in August 2007. The Richland Hills project would be prepared within the context of the referenced Corps of Engineers/North Central Texas Council of Governments Big Fossil Creek Watershed Study and Upper Trinity River Feasibility Study, to include the impacts from upstream watershed development and erosion. The purpose of this project is to reduce the flooding potential for the 361 properties in the City of Richland Hills that are within the FEMA-designated 100-year floodplain; reduce sedimentation, enhance the environment and potential recreational benefits to the area, and reduce potential loss of life from floods. The total project cost is projected to be $1,500,000. The City of Richland Hills and eight other communities have committed additional funds.

The City of Richland Hills is located at 3200 Diana Drive, Richland Hills, TX 76118.

Center for Advanced Scientific Modeling (CASCaM)—$700,000—University of North Texas.

The funds will be used for computing and modeling to conduct and predict advanced scientific laboratory outcomes at reduced cost and increased safety. CASCaM uses computing and modeling to conduct and predict advanced scientific laboratory outcomes at reduced cost (chemicals, time) and increased safety (reduces need to expose workers to toxic chemicals, radioactive materials). This scientific computing allows determination of the probability of whether or not two chemicals will explode, become a viable pharmaceutical, the next new nanomaterial, or tomorrow's new alternate fuel source.

University of North Texas is located at Hurley Administration Building 175, Denton, TX 76203–0979.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 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. 3170—Financial Services and General Government Appropriations Act, FY2010

Financial Services and General Government Projects

Project Name: For the I–99 Entrepreneurial Institute

Account: Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: Altoona-Blair County Development Corporation

Address of Requesting Entity: 3900 Industrial Park Drive, Altoona, PA 16602

Description of Request/Justification of Federal Funding: $100,000 for the I–99 Entrepreneurial Institute

It is my understanding that funding for this project would be used for the I–99 Entrepreneurial Institute. The I–99 Entrepreneurial Institute is a partnership program between Pennsylvania State University—Altoona and the Altoona-Blair County Development Corporation. The Institute serves as a formal bridge linking entrepreneurial learning and academic research with real-world business applications and experiences. Funding for this project would enhance programs and opportunities already in place to foster economic development and support startups and the expansion of small businesses. This project is

one piece of a comprehensive effort to promote economic development in the I–99 corridor.

This project is a valuable use of taxpayer funds because supporting job creation and entrepreneurial development are critically important in our current economy. Federal funding that is utilized to directly impact job creation and to support entrepreneurship and small businesses yields a sustainable and justified investment for communities and our country.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following regarding earmarks I received as part of H.R. 3183, the Energy & Water Appropriations Act, 2010:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Manatee County

Address of Requesting Entity: 1112 Manatee Avenue West, Bradenton, FL 34205

Description of Request: I secured $5,565,000 for an important dredging project for flood control purposes.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: City of Sarasota

Address of Requesting Entity:

Description of Request: I secured $500,000 to replenish the beach to deal with ongoing erosion.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—O&M

Legal Name of Requesting Entity: West Coast Inland Navigation District

Address of Requesting Entity: 200 E. Miami Avenue, Venice, FL 34285

Description of Request: I secured $780,000 for maintenance dredging of the Gulf Intracoastal Waterway.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Manatee County

Address of Requesting Entity: 1112 Manatee Avenue West, Bradenton, FL 34205

Description of Request: I secured $200,000 to complete the necessary study to enroll certain portions of Anna Maria Island beached into the federal program.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Port Manatee

Address of Requesting Entity: 300 Tampa Bay Way, Palmetto, FL 34221

Description of Request: I secured $200,000 for or maintenance of the Manatee Harbor Basin, if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel or breakwater was constructed in accordance with the applicable permits and appropriate engineering and design standards.

Requesting Member: Congressman VERN BUCHANAN Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Port Manatee

Address of Requesting Entity: 300 Tampa Bay Way, Palmetto, FL 34221

Description of Request: I secured $500,000 on-going U.S Army Corps of Engineers' General Re-evaluation Report.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—Section 1135

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1600 Ringling Blvd. Sarasota, FL 34236

Description of Request: I secured language to allow it to be used for construction of a central sewer system and other needed infrastructure to replace approximately 14,000 individual septic systems.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. GINGREY of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accord with Clause 9 of Rule XXI, I am submitting the following information regarding the earmark I received as part of H.R. 3170—Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3170

Account: Small Business Administration

Legal Name of Requesting Entity: University of West Georgia

Address of Requesting Entity: 1601 Maple Street, Carrollton, GA 30118

Description of Request: In cooperation with the Carroll County Economic Development Foundation, the university will use funding to establish a small business incubator to assist small business in a six county area of West Georgia (Bartow, Carroll, Haralson, Floyd, Polk, and Paulding Counties). This program will offer counseling, resource information exchange, and distance learning opportunities for entrepreneurs and small business ventures. The program will also provide online access to and navigation of the West Georgia Angel Investors Network.

This project will provide the expertise of academic and business professionals directly to the budding entrepreneur. The program will include counseling, consolidated business resource databases, information blogs, and links to regulatory programs and funding sources. Video and online conferencing will afford real-time communication between individuals and groups. Distance learning opportunities will include training webinars in both live simulcast and archived viewing. Finally, the virtual resource center will provide a perpetual 3–D ''tradeshow'' exposure for participating businesses, including direct links to client websites.

The program will also give potential business entrepreneurs access to much needed seed capital through angel investors in the region. Business financial analysis and exit strategy development are just two of the resources that will be available to the entrepreneurs interested in investment capital. Counseling and guidance in developing an investment package would prepare the business owner for serious consideration by the Angel Investors Network.

The $100,000 in Small Business Administration funding will be applied according to the following expenditure breakout:

Project Manager, $55,000

Support Staff (3), 90,000

Senior staff supervision and oversight, 80,000

Supplies, 20,000

Program Launch, 45,000

Program Development, 30,000

Technical Assistance, 25,000

Equipment, 205,000

Travel, 10,000

Administrative and accounting, 30,000

EARMARK DECLARATION

HON. ANH ''JOSEPH'' CAO

OF WEDNESDAY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CAO. 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:

As requested by me, Representative ANH ''JOSEPH'' CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 funding for the Global Green New Orleans-Holy Cross project. This is in the Department of Energy EERE account in the amount of $550,000. The funding will go towards construction of and LEED Platinum standards for 5 single-family homes, an 18-unit apartment building, and a Community Development/Sustainable Design and Climate Action Center.

As requested by me, Representative ANH ''JOSEPH'' CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 funding for the Clean Power Energy Research Consortium (CPERC). This is in the Department of Energy Electricity Delivery and Energy Reliability account in the amount of $1,000,000. CPERC will use these funds to address critical scientific and engineering issues in clean power and energy generation to develop technologies to reduce fuel consumption and greenhouse gases emissions in the U.S. This is a joint venture between UNO, Louisiana State University, LSU, Tulane, Southern University, Nicholls State University, University of Louisiana at Lafayette, and the Louisiana State AgCenter.

As requested by me, Representative ANH ''JOSEPH'' CAO, H.R. 3183—Energy and Water

Development and Related Agencies Appropriations Act, 2010 provides for Louisiana Coastal Area Ecosystem Restoration. This is in the Army Corps of Engineers Investigations account in the amount of $20,000,000. The funding will go towards identifying and implementing ecosystem restoration projects to restore and protect coastal Louisiana.

As requested by me, Representative ANH ''JOSEPH'' CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 provides for floor control construction in the Mississippi Delta Region. This is in the Army Corps of Engineers MRT-Construction account in the amount of $2,250,000. The funding for this project will go towards providing protection against a projected flood having a flow of 3,000,000 cubic feet per second (cfs) at the latitude of Old River.

As requested by me, Representative ANH ''JOSEPH'' CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 provides for operations and maintenance funding in the Mississippi River Levees area, specifically within Southeast Louisiana. This is in the Army Corps of Engineers MRT-Operations and Maintenance account in the amount of $8,011,000. The funding will go towards raising, strengthening, and in some cases, extending existing levees to stronger flood protection along the Mississippi River west bank from Black Hawk to Venice, and on the east bank from Baton Rouge to Bohemia, LA.

As requested by me, Representative ANH ''JOSEPH'' CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 provides for operations and maintenance funding for the Gulf Coast Intracoastal Waterway in Louisiana. This is in the Army Corps of Engineers Operation and Maintenance account in the amount of $24,777,000. The funding for this project would go towards the operation and maintenance of the Gulf Intracoastal Waterway (GIWW) which crosses through all five states that comprise the Gulf of Mexico.

As requested by me, Representative ANH ''JOSEPH'' CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 provides for operations and maintenance of projects along the Mississippi River from Baton Rouge to the Gulf of Mexico. This is in the Army Corps of Engineers Operation and Maintenance account in the amount of $54,994,000. The funding for this project will go towards the operation and maintenance of the Mississippi River, Baton Rouge to the Gulf of Mexico project which provides a 45-foot deep draft channel between Baton Rouge and the Gulf of Mexico.

As requested by me, Representative ANH ''JOSEPH'' CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 provides for increased hurricane protection along the southeast coast of Louisiana. This is in the Army Corps of Engineers Investigations account in the amount of $1,000,000. The funding will go towards overall efforts to comprehensively address storm damage risk reduction protection, coastal restoration and flood control needs in South Louisiana and would provide a detailed study as part of the LACPR initiatives.

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. SOUDER. 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 MARK SOUDER

Bill Number: H.R. 3183

Account: Department of Energy, Science

Legal Name of Requesting Entity: Trine University

Address of Requesting Entity: Trine University, One University Avenue, Angola, IN, 46703

Description of Request: Trine University will play a key role in educating future biomechanical engineers creating and delivering a unique Masters of Biomedical Engineering applied research program that will be incubated over time to provide the foundation for a Biomechanics and Movement Sciences Center at Trine University. For the MBE program to become reality, Trine must renovate the existing Aero Building on the Trine University campus. The renovations will include a laboratory area that will enable students to engage in applied research in materials strengths, mechanical efficacy, and structures utilizing industry-standard full and desktop-scale universal testing equipment. An additional laboratory area will provide opportunities for students to investigate motion systems through the utilization of biomechanical simulation, EMG, MX and force plate technology.

IN RECOGNITION OF EMPRESS CASINO OF JOLIET, ILLINOIS

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mrs. HALVORSON. Madam Speaker, on June 25th, the Empress Casino opened its doors after a three month hiatus. In March, the casino suffered a nearly catastrophic fire. Being a major employer in Will County, the impact could have been devastating. However, thanks to the tenacity of the casino and its employees, the situation has had a very successful outcome.

Over the past three months, Empress Casino and its employees continued to contribute to their community. Empress Casino maintained their charitable support and paid employees their usual salaries during this time. Empress staff responded to this challenge by providing more than 6,000 volunteer hours to community organizations. Empress Casino and their employees have overcome adversity and despite the obstacles, they have continued to be a caring neighbor.

Empress Casino implemented an aggressive renovation plan, which has allowed gaming revenues to be reinstated and Empress employees to come back to work. Local businesses who provide services at the Empress have also returned. I extend my congratulations to the company and its employees for their extraordinary conduct during this difficult time. They offer a shining example of leadership and compassion.

IN RECOGNITION OF AERONAUTICAL ENGINEER JOHN C. HOUBOLT'S JOLIET AREA HISTORICAL MUSEUM PERMANENT EXHIBIT

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mrs. HALVORSON. Madam Speaker, today I rise to recognize Aeronautical Engineer John C. Houbolt, an unsung champion of space exploration and intelligence, who is going to be eternalized at the Joliet Area Historical Museum with a permanent exhibit entitled ''The Soaring Achievements of John C. Houbolt.''

Houbolt played a critical role in the infancy of space exploration when he discovered, adopted, and then championed the lunar flight path called ''Lunar Orbit Rendezvous.'' (LOB) In June 1961, LOR was chosen for the Apollo program and this critical decision was viewed as vital to ensuring that man reached the Moon in the 1960's, as President John F. Kennedy had proposed and, in the process, saved billions of dollars and time by efficiently using existing rocket technology.

Houbolt never lost faith in LOR even when his theories faced strong opposition from others in his field. His humble persistence and determination are a testament to his passion for knowledge and his own ideas. It is this fervor and intelligence that allowed him to not only be an inspiration for men and women all over the nation interested in space discovery, but also other important figures in space exploration, like Buzz Aldrin, who has expressed much admiration for Houbolt.

On May 15, 2005, Houbolt was granted an honorary doctorate from the University of Illinois Urbana-Champaign for his lifetime achievements, even after earning his Bachelor's degree in 1940 and his Master's degree in 1942 in Civil Engineering. Houbolt didn't stop there, however, obtaining a PhD in Technical Sciences in 1957 from the Swiss Federal Institute of Technology in Zurich, Switzerland.

Although no other human being contributed more in making the Apollo lunar landings possible, Houbolt's contributions to Apollo's mission do not define this man as his contributions will continue to reverberate into the future of aeronautical engineering. John C. Houbolt has left his influential mark on the field of space exploration and will continue to be an inspiration to those just entering the field or becoming interested in the universe around us. It is with great pride that I recognize all of his many accomplishments upon the event of this exhibit.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 16, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 17

10 a.m.
Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings to examine the elements of a national manufacturing strategy.
SD–538

JULY 21

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 561 and H.R. 1404, bills to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy.
SD–366

Environment and Public Works
Green Jobs and the New Economy Subcommittee
To hold hearings to examine state and local views on clean energy jobs, climate-related policies, and economic growth.
SD–406

Homeland Security and Governmental Affairs
To hold hearings to examine stimulus spending, transparency, and fraud prevention.
SD–342

1 p.m.
Joint Economic Committee
To hold hearings to examine the Federal Statistical System in the 21st century, focusing on the role of the Census Bureau.
2203, Rayburn Building

2 p.m.
Judiciary
Immigration, Refugees and Border Security Subcommittee
To hold hearings to examine the current employment verification system.
SD–226

Commission on Security and Cooperation in Europe
To hold hearings to examine Cyprus' religious cultural heritage.
B318, Rayburn Building

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

2:30 p.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the wheat market.
SD–342

Intelligence
To hold closed hearings to consider certain intelligence matters.
S–407, Capitol

JULY 22

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the semiannual monetary policy report to the Congress.
SD–106

Commerce, Science, and Transportation
Consumer Protection, Product Safety, and Insurance Subcommittee
To hold hearings to examine advertising trends and consumer protection.
SR–253

Judiciary
To hold hearings to examine job creation and foreign investment in the United States, focusing on assessing the EB–5 Regional Center Program.
SD–226

Veterans' Affairs
To hold hearings to examine the nominations of Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training, and Joan M. Evans, of Oregon, to be an Assistant Secretary of Veterans Affairs for Congressional and Legislative Affairs.
SR–418

1 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the role of agriculture and forestry in global warming legislation.
SR–325

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the Children's Television Act for a digital media age.
SR–253

Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine metal theft, focusing on law enforcement challenges.
SD–226

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 635, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, S. 715, to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses, S. 742, to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, S. 1270, to modify the boundary of the Oregon Caves National Monument, S. 1418 and H.R. 2330, bills to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System, and H.R. 2430, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.
SD–366

3 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nomination of Deborah Matz, of Virginia, to be a Member of the National Credit Union Administration Board.
SD–538

JULY 23

10:30 a.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine S. 845, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.
SD–226

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 637, to authorize the construction of the Dry-Redwater Regional Water Authority System in the State of Montana and a portion of McKenzie County, North Dakota, S. 789, to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, S. 1080, to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and S. 1453, 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.
SD–366

Intelligence
To hold closed hearings to consider certain intelligence matters.
S–407, Capitol

JULY 29

9:30 a.m.
Veterans' Affairs
To hold hearings to examine veteran's disability compensation.
SR–418

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7509–S7581

Measures Introduced: One bill and one resolution were introduced, as follows: S. 1457, and S. Res. 211. **Page S7555**

Measures Reported:

S. 475, to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency. (S. Rept. No. 111–46)

S. 1005, to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States, with an amendment in the nature of a substitute. (S. Rept. No. 111–47) **Page S7555**

Measures Passed:

Department of Veterans Affairs Medical Center, Walla Walla, Washington: Committee on Veterans' Affairs was discharged from further consideration of S. 509, to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and the bill was then passed. **Page S7573**

National Life Insurance Awareness Month: Senate agreed to S. Res. 211, supporting the goals and ideals of "National Life Insurance Awareness Month". **Pages S7573–74**

Measures Considered:

National Defense Authorization Act: Senate continued consideration of S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, taking action on the following amendments proposed thereto: **Pages S7509–50**

Withdrawn:

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. **Page S7509**

Pending:

Reid (for Leahy) Amendment No. 1511, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes. **Page S7509**

Reid (for Kennedy) Amendment No. 1539 (to Amendment No. 1511), to require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials. **Page S7510**

A motion was entered to close further debate on Reid (for Leahy) Amendment No. 1511 (listed above), and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, July 17, 2009. **Page S7510**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, July 16, 2009. **Page S7574**

Appointments:

HELP Committee Appointment: The Majority Leader, under the order of May 5, 2009, and under the auspices of S. Res. 18, made a temporary appointment of Senator Whitehouse to serve on the Committee on Health, Education, Labor, and Pensions, while retaining the authority to make a permanent appointment to the Committee on Health, Education, Labor, and Pensions. The Majority Leader, announced that as of Wednesday, July 15, 2009, Senator Franken be appointed to serve on a permanent basis to the slot that was occupied by Senator Whitehouse. **Page S7543**

Financial Crisis Inquiry Commission: The Chair, on behalf of the Majority Leader of the Senate and the Speaker of the House of Representatives, pursuant to Public Law 111–21, announced the joint appointment of Phil Angelides of California to serve as Chairman of the Financial Crisis Inquiry Commission. **Page S7574**

Financial Crisis Inquiry Commission: The Chair, on behalf of the Majority Leader, pursuant to

Public Law 111–21, appointed the following to serve as members of the Financial Crisis Inquiry Commission:

The Honorable Bob Graham of Florida, Heather Murren of Nevada, and Byron Georgiou of Nevada. **Page S7574**

Financial Crisis Inquiry Commission: The Chair, on behalf of the Republican Leader, pursuant to Public Law 111–21, appointed the following individuals to serve as members of the Financial Crisis Inquiry Commission:

Keith Hennessey of Virginia, and Douglas Holtz-Eakin of Virginia. **Page S7574**

Nominations Confirmed: Senate confirmed the following nominations:

Charles F. Bolden, Jr., of Texas, to be Administrator of the National Aeronautics and Space Administration. (Prior to this action, Committee on Commerce, Science, and Transportation was discharged from further consideration.)

Lori Garver, of Virginia, to be Deputy Administrator of the National Aeronautics and Space Administration. (Prior to this action, Committee on Commerce, Science, and Transportation was discharged from further consideration.) **Pages S7577–78, S7581**

Nominations Received: Senate received the following nominations:

Richard Serino, of Massachusetts, to be Deputy Administrator and Chief Operating Officer, Federal Emergency Management Agency, Department of Homeland Security.

Routine lists in the Air Force and Army. **Page S7579**

Messages from the House: **Page S7554**

Measures Referred: **Page S7554**

Executive Communications: **Pages S7554–55**

Executive Reports of Committees: **Page S7555**

Additional Cosponsors: **Pages S7555–59**

Statements on Introduced Bills/Resolutions: **Page S7559**

Additional Statements: **Pages S7553–54**

Amendments Submitted: **Pages S7559–72**

Notices of Hearings/Meetings: **Page S7572**

Authorities for Committees to Meet: **Pages S7572–73**

Privileges of the Floor: **Page S7573**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8 p.m., until 9:30 a.m. on Thursday, July 16, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7574.)

Committee Meetings

(Committees not listed did not meet)

REGULATING HEDGE FUNDS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine the regulation of hedge funds and other private investment pools, after receiving testimony from Andrew J. Donohue, Director, Division of Investment Management, United States Securities and Exchange Commission; Dinakar Singh, TPG-Axon Capital, on behalf of Managed Funds Association, James Chanos, Coalition of Private Investment Companies, and Richard Bookstaber, all of New York, New York; Trevor Loy, Flywheel Ventures, Santa Fe, New Mexico; Mark Tresnowski, Madison Dearborn Partners, LLC, Chicago, Illinois, on behalf of the Private Equity Council; and Joseph A. Dear, California Public Employees' Retirement System, Sacramento.

CELL PHONES IN CORRECTIONAL FACILITIES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the public safety impact of contraband cell phones in correctional facilities, including S. 251, to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities, after receiving testimony from former Representative Steve Largent, Washington, D.C., on behalf of CITA—The Wireless Association; Texas State Senator John Whitmire, Houston; Gary D. Maynard, Maryland Department of Public Safety and Correctional Services Secretary, Towson; John M. Moriarty, Texas Department of Criminal Justice Inspector General, Austin; and Richard A. Mirgon, Association of Public-Safety Communications Officials (APCO) International, Carson City, Nevada.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Mignon L. Clyburn, of South Carolina, who was introduced by Senators Graham and DeMint, and Meredith Attwell Baker, of Virginia, who was introduced by Senator Hutchison, both to be a Member of the Federal Communications Commission, after the nominees testified and answered questions in their own behalf.

LAND BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing 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, after receiving testimony from Senator Cardin; Katherine H. Stevenson, Acting Deputy Director, Support Services, National Park Service, Department of the Interior; Sharon F. Francis, Connecticut River Joint Commissions, Charlestown, New Hampshire; and Mara Farrell, Fishkill Historical Focus, Fishkill, New York.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported an original bill entitled, ''The Surface Transportation Extension Act of 2009''; 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.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Vilma S. Martinez, of California, to be Ambassador to Argentina, who was introduced by Senator Boxer and Representative Becerra, 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.

MARITIME DISPUTES AND SOVEREIGNTY ISSUES IN EAST ASIA

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine maritime disputes and sovereignty issues in East Asia, after receiving testimony from Scot Marciel, Deputy Assistant Secretary of State for East Asian and Pacific Affairs; Robert Scher, Deputy Assistant Secretary for Asian and Pacific Security Affairs, and Peter Dutton, Associate Professor of Strategic Studies, China Maritime Studies Institute, United States Naval War College, both of the Department of Defense; and Dan Blumenthal, American Enterprise Institute, and Richard P. Cronin, The Stimson Center, both of Washington, D.C.

REAL ID ACT

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the REAL ID Act, focusing on identification security, including S. 1261, to repeal title II of the REAL ID Act of 2005 and amend title II of the Homeland Security Act of 2002 to better protect the security, confidentiality, and integrity of personally identifiable information collected by States when issuing driver's licenses and identification documents, after receiving testimony from Janet Napolitano, Secretary, and Stewart Baker, former Assistant Secretary, both of the Department of Homeland Security; Vermont Governor Jim Douglas, Montpelier, and David Quam, Washington, D.C., both of the National Governors Association; Leroy D. Baca, Los Angeles County Sheriff, Los Angeles, California; and Ari Schwartz, Center for Democracy and Technology, Washington, D.C.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported an original bill entitled, ''Affordable Health Choices Act''.

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 Thursday, July, 16, 2009.

BUSINESS MEETING

Committee on Rules and Administration: Committee ordered favorably reported S. 1415, to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, with amendments.

BUSINESS MEETING

Select Committee on Intelligence: Committee began mark up of an original bill to authorize appropriations for

fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, but did not complete action thereon, and will meet again on Thursday, July 16, 2009.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 11 public bills, H.R. 3219–3229; 2 resolutions, H. Res. 649–650 were introduced. **Pages H8183–84**

Additional Cosponsors: **Pages H8184–85**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Altmire to act as Speaker Pro Tempore for today. **Page H8103**

Chaplain: The prayer was offered by the Guest Chaplain, Rev. Gary Hashley, Calvary Memorial Church, Gering, Nebraska. **Page H8103**

Motion to Adjourn: Rejected the Gingrey motion to adjourn by a yea-and-nay vote of 23 yeas to 361 nays, Roll No. 537. **Pages H8106–07**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, July 14th:

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, by a ⅔ yea-and-nay vote of 415 yeas to 3 nays, Roll No. 540; **Page H8115**

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, by a ⅔ yea-and-nay vote of 416 yeas with none voting "no", Roll No. 541; and **Pages H8115–16**

Validating final patent number 27–2005–0081: H.R. 762, to validate final patent number 27–2005–0081, by a ⅔ yea-and-nay vote of 413 yeas with none voting "nay", Roll No. 542. **Pages H8116–17**

Energy and Water Development and Related Agencies Appropriations Act, 2010: The House began consideration of H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010. Consideration is expected to resume tomorrow, July 16th. **Pages H8107–15, S8117–59**

Agreed to:

Wamp amendment (No. 3 printed in part A of H. Rept. 111–209) that transfers $14 million from Corps of Engineers Expenses to Corps of Engineers Construction; **Pages H8135–36**

Costa amendment (No. 5 printed in part A of H. Rept. 111–209) that increases funding for the California Bay-Delta Restoration Program by $10 million and decreases funding for the Bureau of Reclamation Office of the Commissioner by $10 million; **Page H8137**

Cardoza amendment (No. 6 printed in part A of H. Rept. 111–209) that facilitates water transfers within the Central Valley Project and also transfers from outside the Central Valley Project; **Pages H8137–38**

Pastor manager amendment (No. 1 printed in part A of H. Rept. 111–209) that reduces the appropriation for the Corps of Engineers Expenses by $9 million; adds $1.8 million to the Regulatory account for the Army Corps of Engineers to help address the chronic backlog of project applications, offset by cutting the Corps of Engineers Expenses; adds $45 million for the Hydrogen, Fuel Cells, and Infrastructure Technologies program. The increase is offset by a $30 million reduction for Departmental Administration in the Department of Energy and a $15 million reduction for Electricity Delivery and Energy Reliability. The amendment increases funding for the Northern Border Regional Commission by $2.5 million, offset by a $2.5 million reduction to Other Defense Activities. The amendment prohibits funds in the bill from being used to purchase light bulbs unless they have the "Energy Star" or "Federal Energy Management Program" designation. Finally, the amendment prohibits any funds in the bill from being used to purchase passenger motor vehicles unless they are purchased from Ford, GM, or Chrysler (by a recorded vote of 261 ayes to 172 noes, Roll No. 543); **Pages H8133–34, S8143–44**

Connolly amendment (No. 2 printed in part A of H. Rept. 111–209) that provides $7 million for the Chesapeake Bay Oyster Restoration program run by the U.S. Army Corps of Engineers to enhance water quality and fisheries productivity in the bay, offset

by a reduction in funding for Army Corps of Engineers Expenses (by a recorded vote of 362 ayes to 69 noes, Roll No. 544); **Pages H8134–35, S8144**

Hastings (WA) amendment (No. 4 printed in part A of H. Rept. 111–209) that makes available $5 million from the Bureau of Reclamation Water and Related Resources account to begin installing hydroelectric facilities identified in a report authorized under the Energy and Policy Act of 2005 at Bureau of Reclamation dams. The revision corrects a technical reference to ''Power Program Services'' within the Water and Related Resources account (by a recorded vote of 432 ayes with none voting ''no'', Roll No. 545); **Pages H8136–37, S8144–45**

Boren amendment (No. 7 printed in part A of H. Rept. 111–209) that increases by $5 million funding for the Energy Efficiency and Renewable Energy account to be utilized in the EERE Vehicles Technologies, Fuels Technology program for Natural Gas Vehicle Research Development and Demonstration, offset by a reduction in funds for the Department of Energy Departmental Administration account for general expenses (by a recorded vote of 429 ayes to 4 noes, Roll No. 546); and **Pages H8138–40, S8145–46**

Miller (MI) amendment (No. 8 printed in part A of H. Rept. 111–209) that increases the Water Power Program in Energy and Efficiency and Renewable Energy by $10 million, its FY2009 enacted level, offset by a reduction in funds to the D.O.E.'s departmental administration by the same amount (by a recorded vote of 431 ayes to 1 no, Roll No. 547). **Pages H8140–41, S8146–47**

Proceedings Postponed:

Heinrich amendment (No. 9 printed in part A of H. Rept. 111–209) that seeks to allow national security laboratories to dedicate an additional 1% (total of 7%) of each lab's annual budget to Laboratory Directed Research and Development (LDRD). LDRD allows laboratories to pursue high-risk, high-reward research and develop innovative technologies to support energy and homeland security priorities; **Pages H8141–42**

Cao amendment (No. 10 printed in part A of H. Rept. 111–209) that seeks to reduce the time between preparation of reports and submissions to Congress from 90 days to 60 days; **Page H8142**

Blackburn amendment (No. 11 printed in part A of H. Rept. 111–209) that seeks to make an across-the-board cut of 5% to all funding accounts in the bill; **Pages H8142–43**

Campbell amendment (No. 2 printed in part B of H. Rept. 111–209) that seeks to strike the $1,000,000 earmark for the Housatonic River Net-Zero Energy Building and reduce the overall cost of the bill by $1,000,000; **Pages H8147–48**

Flake amendment (No. 1 printed in part C of H. Rept. 111–209) that seeks to strike $1.5 million in funding for the ''Maret Center'' and reduce the overall cost of the bill; **Pages H8148–49**

Flake amendment (No. 3 printed in part C of H. Rept. 111–209) that seeks to strike $1 million in funding for the ''Consortium for Plant Biotechnology Research'' and reduce the overall cost of the bill by a commensurate amount; **Pages H8149–50**

Flake amendment (No. 4 printed in part C of H. Rept. 111–209) that seeks to strike $500,000 in funding for ''Ethanol from Agriculture'' and reduce the overall cost of the bill by a commensurate amount; **Pages H8151–52**

Flake amendment (No. 5 printed in part C of H. Rept. 111–209) that seeks to strike $2 million in funding for the ''Fort Mason Center Pier 2 Project'' and reduce the overall cost of the bill by a commensurate amount; **Pages H8152–53**

Flake amendment (No. 10 printed in part C of H. Rept. 111–209) that seeks to strike $300,000 in funding for ''Whitworth University Stem Equipment'' and reduce the overall cost of the bill by a commensurate amount; **Pages H8153–55**

Flake amendment (No. 11 printed in part C of H. Rept. 111–209) that seeks to strike $1.6 million in funding for ''The Boston Architectural College's Urban Sustainable Initiative'' and reduce the overall cost of the bill by a commensurate amount; **Pages H8155–56**

Hensarling amendment (No. 1 printed in part D of H. Rept. 111–209) that seeks to strike $500,000 for the Energy Conservation and Efficiency Upgrade of HVAC project in New York and reduce the overall cost of the bill; **Pages H8156–57**

Hensarling amendment (No. 2 printed in part D of H. Rept. 111–209) that seeks to strike $6.22 million for the Pier 36 removal project in California and reduce the overall cost of the bill by a commensurate amount; and **Pages H8157–58**

Hensarling amendment (No. 4 printed in part D of H. Rept. 111–209) that seeks to strike $500,000 for the Automated Remote Electric and Water Meters in South River project and reduce the overall cost of the bill by a commensurate amount. **Pages H8158–59**

H. Res. 645, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 238 yeas to 185 nays, Roll No. 539, after agreeing to order the previous question by a yea-and-nay vote of 237 yeas to 177 nays, Roll No. 538. **Pages H8114–15**

A point of order was raised against the consideration of H. Res. 645 and it was agreed to proceed with consideration of the resolution by voice vote. **Page H8107**

Discharge Petition: Representative Burton (IN) moved to discharge the Committee on Rules from the consideration of H. Res. 460, providing for consideration of the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran (Discharge Petition No. 4).

Board of Visitors to the United States Air Force Academy—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Representatives Polis, Loretta Sanchez (CA), and Lamborn. **Page H8160**

Quorum Calls—Votes: Six yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H8106–07, H8114, H8114–15, H8115, H8116, H8116–17, H8143–44, H8144, H8145, H8145–46 and H8146–47. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:20 p.m.

Committee Meetings

ADDRESSING WMD THREATS

Committee on Armed Services: Held a 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. Testimony was heard from Thomas P. D'Agostino, Under Secretary, Nuclear Security, Administrator, National Nuclear Security Administration, Department of Energy; and Michael L. Nacht, Assistant Secretary, Global Strategic Affairs, Office of the Secretary, Policy, Department of Defense.

JUNIOR OFFICER PREPAREDNESS

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Beyond Service Core Competency: Are Our Junior Officers Prepared for Today's Security Environment? Testimony was heard from the following officials of the Department of Defense: BG Dana H. Born, USAF, Dean of the Faculty, U.S. Air Force Academy; BG Patrick Finnegan, USA, Dean of the Academic Board, U.S. Military Academy; CPT Matthew L. Klunder, USN, Commandant of Midshipmen, U.S. Naval Academy; and COL Brian D. Beaudreault, USMC, Director, U.S. Marine Corps Expeditionary Warfare School.

AMERICA'S AFFORDABLE HEALTH CHOICES ACT OF 2009

Committee on Education and Labor: Began mark up of H.R. 3200, America's Affordable Health Choices Act of 2009.

Will continue tomorrow.

FINANCING REGULATION/ RESTRUCTURING

Committee on Financial Services: Held a hearing entitled "Banking Industry Perspectives on the Obama Administration's Financial Regulatory Reform Proposals." Testimony was heard from public witnesses.

FEDERAL/STATE ASSISTED AFFORDABLE HOUSING

Committee on Financial Services: Subcommittee Housing and Community Opportunity continued hearings entitled " Legislative Options for Preserving Federally- and State-Assisted Affordable Housing and Preventing Displacement of Low-Income, Elderly and Disabled Tenants." Testimony was heard from Tammye Trevino, Administrator, Rural Housing Service, USDA; and public witnesses.

GENERAL AVIATION SECURITY

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "General Aviation Security: Assessing Risks and the Road Ahead." Testimony was heard from the following officials of the Department of Homeland Security: Carlton Mann, Assistant Inspector General, Office of the Inspector General; John Sammon, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration; and Charles Gallaway, Acting Director, Domestic Nuclear Detection Office; and public witnesses.

ELECTION STANDARDS—EXAMINING UNIFORMITY

Committee on House Administration: Subcommittee on Elections held a hearing on Examining Uniformity in Election Standards. Testimony was heard from Mary Herrera, Secretary of State, New Mexico; Ron Thornburgh, Secretary of State, Kansas; and public witnesses.

YOUTH PRISON REDUCTION

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on H.R. 1064, Youth Prison Reduction Through Opportunities, Mentoring, Intervention, Support and Education Act. Testimony was heard from Leroy D. Baca, Sheriff, Los Angeles County, Monterey Park, California; and public witnesses.

TRIBAL MEASURES

Committee on Natural Resources: Held a 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, Chinook Nation Restoration Act; and H.R. 3120, Little Shell Tribe of Chippewa Indians Restoration Act of 2009. Testimony was heard from Representatives McDermott, Stupak, Baird and Rehberg; George Skibine, Deputy Assistant Secretary, Policy and Economic Development, Indian Affairs, Department of the Interior; and public witnesses.

SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT

Committee on Science and Technology: Subcommittee on Technology and Innovation approved for full Committee action, as amended, H.R. 2569, To authorize surface transportation research, development, and technology transfer activities.

SMALL BUSINESS TAX STIMULUS

Committee on Small Business: Held a hearing entitled "Economic Recovery: Tax Stimulus Items that Benefitted Small Business with a Look Ahead." Testimony was heard from public witnesses.

GSA'S NATIONAL BROKER CONTRACTS

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on Evaluating GSA's First Experience with National Broker Contracts. Testimony was heard from Mark Goldstein, Director, Physical Infrastructure, GAO; the following officials of the GSA: Regina O'Brien, Principal Deputy Assistant Inspector General; and Samuel Morris, III, Assistant Commissioner—Office of Real Estate Acquisition, Public Building Service; and public witnesses.

CLEAN WATER TRUST FUND

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Opportunities and Challenges in the Creation of a Clean Water Trust Fund. Testimony was heard from Representative Blumenauer; Anu Mittal, Director, Natural Resources and Environment, GAO; Robert M. Summers, Deputy Secretary, Department of the Environment, State of Maryland; and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 2770, amended, 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, amended, Caregiver Assistance and Resources Enhancement Act; and H.R. 3219, Veterans' Insurance and Health Care Improvements Act of 2009.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JULY 16, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to receive a closed briefing to examine the START Treaty follow-on agreement, 9 a.m., SVC–217.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine how to prevent home foreclosures, 9:30 a.m., SD–538.

Committee on the Budget: to hold hearings to examine the long-term budget outlook, 9 a.m., SD–608.

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Protection, Product Safety, and Insurance, to hold hearings to examine competition in the health care marketplace, 10 a.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine moving toward a clean energy economy, 9:30 a.m., SD–406.

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine instability, terrorism, and economic disruption in relation to oil, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Anne Elizabeth Derse, of Maryland, to be Ambassador to the Republic of Lithuania, Donald Sternoff Beyer, Jr., of Virginia, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein, Howard W. Gutman, of Maryland, to be Ambassador to Belgium, and David H. Thorne, of Massachusetts, to be Ambassador to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador to the Republic of San Marino, all of the Department of State, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment and Workplace Safety, to hold hearings to examine the Workforce Investment Act of 1998, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nominations of Christine

M. Griffin, of Massachusetts, to be Deputy Director, Office of Personnel Management, and Stuart Gordon Nash, to be an Associate Judge of the Superior Court of the District of Columbia, 10 a.m., SD–342.

Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine contracting for Alaska native corporations, 2:30 p.m., SD–342.

Committee on the Judiciary: to continue hearings to examine the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States, 9:30 p.m., SH–216.

Select Committee on Intelligence: closed business meeting to continue mark-up of an original bill authorizing funds for fiscal year 2010 for the intelligence community, 2:30 p.m., SVC–217.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine the impact of the Iran crisis on its OSCE neighbors, 2 p.m., B318, Rayburn Building.

House

Committee on Agriculture, hearing to review current issues in food safety, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Defense, executive, to mark up fiscal year 2010 appropriations, 9 a.m., H–140 Capitol.

Committee on Armed Services, hearing on Prosecuting Law of War Violations: Reforming the Military Commissions Act of 2006, 2 p.m., 2118 Rayburn.

Subcommittee on Defense Acquisition Reform Panel, hearing on Managing Serviced Contracts: What Works and What Doesn't? 8 a.m., 2212 Rayburn.

Subcommittee on Seapower and Expeditionary Forces, oversight hearing for the Electromagnetic Aircraft Launch Systems (EMALS), 10 a.m., 2212 Rayburn.

Committee on the Budget, hearing on Budgeting for Nuclear Waste Management, 10 a.m., 210 Cannon.

Committee on Education and Labor, to continue to mark up H.R. 3200, America's Affordable Health Choices Act of 2009, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up H.R. 3200, America's Affordable Health Care Choices Act of 2009, 2 p.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled ''Community and Consumer Advocates' Perspectives on the Obama Administration's Financial Regulatory Reform Proposals,'' 10 a.m., 2128 Rayburn.

Subcommittee on Domestic Monetary Policy and Technology, hearing entitled ''Regulatory Restructuring: Safeguarding Consumer Protection and the Role of the Federal Reserve,'' 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights and Oversight, hearing on Chinese Interrogation vs. Congressional Oversight: The Uighurs at Guantanamo, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime and Global Counterterrorism, hearing entitled ''Combating Border Violence: The Role of Interagency Coordination in Investigations,'' 10 a.m., 311 Cannon.

Committee on Oversight and Government Reform, and the Subcommittee on Domestic Policy, to continue joint hearings entitled '' Bank of America and Merrill Lynch: How Did a Private Deal Turn Into a Federal Bailout? Part III,'' 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Investigations and Oversight, hearing on Providing Aviation Weather Services to the FAA, 2 p.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Enhancing the Relevance of Space to Address National Needs, 2 p.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Investigations and Oversight, hearing entitled ''The Upcoming Highway Bill and Ensuring It Meets the Needs of Small Businesses,'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on Green Buildings Offer Multiple Benefits: Cost Savings, Clean Environment and Jobs, 2 p.m., 2167 Rayburn.

Subcommittee on Highways and Transit, hearing on The Importance of a Long-Term Surface Transportation Authorization in Sustaining Economic Recovery, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and the Subcommittee on Memorial Affairs and Health, joint hearing on Eliminating the Gaps: Examining Women Veterans' Issues, 10 a.m., 334 Cannon.

Subcommittee on Economic Opportunity, hearing on State Approving Agencies, 1 p.m., 340 Cannon.

Committee on Ways and Means, to mark up H.R. 3200, America's Affordable Health Choices Act of 2009, 9 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 16

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 1390, National Defense Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 16

House Chamber

Program for Thursday: Complete consideration of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Extensions of Remarks, as inserted in this issue

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